

## 9 Divorce & Costs

Divorce costs consist of any costs for the involvement of a lawyer or mediator as well as court fees.

### 9.1 Court costs

Court costs (court fees) occur when proceedings are initiated in court. A distinction is made between filing fees (for the initiation of proceedings in the form of motions or complaints) protocol fees (for the hours of hearings) and decision fees (for the issue of judgments or orders). Like the representation costs (for the involvement of lawyers), the court costs are also based on the respective amount in dispute. Since the amount in dispute in amicable divorces is low, the fees also remain low (for an amount in dispute of CHF 3,000 in non-contentious proceedings, fees of approximately CHF 150 are sustained). In the case of contested divorces, the fees are significantly higher, due to the fact that the amount in dispute is often many times higher.

### 9.2 Lawyer's fees

The costs for a lawyer are divided into advice (before initiating court proceedings) and representation in court. The costs of representation in court are based on the amount in question, i.e. the extent to which maintenance or property claims are demanded. The expected costs are usually difficult to estimate, as neither side knows in advance how many submissions (pleadings) and hours of court hearings will be required.

As far as pre-litigation advice is concerned, a lawyer usually charges a time fee. The time fee itself, is freely agreeable, but at least CHF 300 per hour should be expected. Especially if you make a habit of calling your lawyer several times a week to tell him about every exchange of words, every unpaid bill or every difference in the treatment of the children immediately, you must expect to bear the costs of this yourself.

In litigation involving maintenance and property, costs of over CHF 10,000 can easily be incurred on one side. If one wins the case, one's own legal costs must be reimbursed by the other side. If the other side cannot recover the legal costs, you will be left with your own costs despite the claim for compensation.

In any case, a divorce on joint request is more favorable, in which all or the most important points of conflict have already been clarified before the initiation of the proceedings. Ideally, both sides agree on a reasonable settlement and then save themselves high lawyer's fees. The court fees incurred in a divorce by mutual consent are comparatively modest.

### 9.3 Mediation costs

In phases of separation and divorce, which are usually emotionally very stressful for all concerned, mediation can promote a lasting conflict resolution and contribute to a better culture of discussion overall.

#### Voluntarily preceding mediation

For voluntary mediation, the spouses must pay about CHF 120 per hour. In cooperation with the Association for Men's Issues (VFM), qualified specialists can be arranged on request at a lower hourly rate.

#### Court-ordered mediation

If mediation is ordered by the court, the costs of up to ten hours of mediation are covered by the state.

## 9.4 Legal aid

If a person is unable to pay for a lawyer, the court may grant legal aid upon application (disclosing the person's income and financial circumstances). A lawyer can be freely chosen as a procedural aid. Legal aid cannot be granted for consultations prior to the initiation of proceedings.

It should be noted that legal aid only covers the costs of the proceedings (= court fees, representation costs of the legal aid lawyer). Due to an unfavorable outcome of the proceedings, it may happen that one also has to pay for the costs incurred by the opposing party for legal representation in whole or in part.