

Orders for court costs in relation to support



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Section 116 of the Legal Aid Services Rules provides that a court costs order in a family law proceeding must apportion costs as between issues of support versus other issues. In family law matters where child or spousal support was an issue and court costs are awarded, service providers shall ask that the judge apportion the order for court costs between the issues of support and all other issues.

Rationale

Orders for court costs that are apportioned to support will survive the bankruptcy of the judgment debtor. A significant number of judgment debtors go bankrupt within days of a final court costs award, and ensuring that a portion of a costs award survives bankruptcy is appropriate where public funds are at issue.