

LEGAL AID AND FAMILY LAW

What is “Legal Aid”?

Legal Aid can help you pay for legal advice, mediation, or representation in court if you can't afford it. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 has recently made major changes to the assistance we can provide to you.

Will Legal Aid be available to me?

You can check if you are able to obtain legal aid for your problem by completing the online eligibility calculator: <http://legal-aid-checker.justice.gov.uk/>

Generally speaking Legal Aid will still be available for you to receive advice and assistance for*:

- Proceedings brought by the Local Authority (Care Proceedings)
- Domestic Violence Injunctions
- Family Law Proceedings where there is **evidence of domestic violence**
- Children Law Proceedings where there is **evidence of child abuse**
- Child Abduction
- Forced Marriage Protection Order

Legal Aid is automatically available for care proceedings< you do not have to pass merits or financial tests.

*Please speak to our family law team for more details

Legal Aid is available for family and children law matters if you can provide evidence that meets one of the “routes” into Legal Aid and pass the merits and financial tests.

What are the “routes” to Legal Aid?

If Legal Aid is not automatically available for your case there are two “routes” that may allow you to access Legal Aid. One allows access to legal aid if you can show evidence of domestic violence and the other allows access if you can show evidence that your child is at risk of abuse.

Once you provide the evidence for Legal Aid and it is granted to you we can give you advice on ending a marriage or civil partnership, helping achieve with the best financial settlement following a relationship breakdown and resolving the arrangements for your children.

What must I prove for the domestic violence route?

Domestic violence is “any incident of threatening behaviour, violence or abuse (whether psychological, physical, sexual, financial or emotional) between individuals who are associated with each other”.

The list of evidence you can provide to show that you have been the victim of domestic violence is complicated and we suggest you speak to one of our specialist family law solicitors to discuss your circumstances.

However, generally speaking, you must be able to provide evidence showing **one** of the following:

1. Your former partner has a criminal **conviction** for domestic violence offence against you
2. Your former partner has received a **police caution**
3. There are **ongoing proceedings** against your former partner for a domestic violence offence against you.
4. A Court has granted an **injunction** to protect you from your former partner.
5. Your former partner gave an **undertaking** (promise) to the court not to harass or threaten you
6. You have been subject to **MARAC** plan

7. A judge has made a “**finding of fact**”

8. A **health professional** has seen injuries or knows you have a condition caused by your former partner subjecting you to domestic violence

9. **Social services** have **assessed** you as being at risk of domestic violence.

10. You have spent at least 24 hours in a **domestic violence refuge** or you have been **refused admission** to a refuge due to a **lack of accommodation**

11. You have been referred to a **domestic violence support organisation** by a health professional.

12. A **Domestic Violence Protection Notice / Order** has been given/obtained by the police against your former partner in relation to a domestic violence offence against you

13. A criminal court has issued a “**bind over**” against your former partner in relation to a domestic violence offence against you

Most of the above criteria must have happened within the last 24 months. This list is only intended as a guide, please speak to one of our family law solicitors for more details.

What must I prove for the child abuse route?

Child abuse is “physical or mental abuse including sexual abuse and abuse in the form of violence, neglect, maltreatment and exploitation”.

The Legal Aid Agency requires you to be able to provide evidence showing one of the following:

1. The person you want to protect the children from has a criminal conviction for a child abuse offence.

2. The person you want to protect your children from has received a police caution for a child abuse offence.

3. There are ongoing proceedings against the other person for a child abuse offence

4. A Court has granted an injunction to protect you and your children from the other person
5. A judge has made a “finding of fact” that the children have been victims of abuse from the other person.
6. Social services have assessed the children as being, or at risk of being, victims of abuse from the other person.
7. The children have been placed on a child protection plan.
8. You have applied to court for a domestic violence injunction and a prohibited steps order and the proceedings ongoing.

We will help you as much as possible to get the evidence need to support your legal aid application.

What help can I get?

The initial stage is called “**Legal Help**” and this allows us to give you advice about the problems you are facing and enter into negotiations on your behalf. We also offer “**Help with Mediation**” for financial matters and can assist you once you have been through the mediation process and successfully reached an agreement.

We also offer “**Legal Representation**” which will allow you to receive advice, assistance and support in making and application to court for a court order. We will also be able to help you progress your case and ensure you are represented at hearings.

What if I cannot get Legal Aid?

If you are not eligible for Legal Aid we can still help you. We understand that dealing with these types of issues can be extremely stressful. We also understand that the additional pressure or paying legal advice can be daunting. We offer fixed fees or hourly rates and always agree costs in advance. We have easy to understand payment options.

Asylum, Welfare Benefits and Homelessness

We have specialist lawyers who can help sort out your housing and benefits problems (maximising income) as well as helping resolve asylum claims.