

WHAT IS LEGAL AID AND DO I QUALIFY FOR IT?

Family Law

If you find yourself in a position where you need legal representation to appear in court, but you cannot afford it, this article is for you. Here we talk about Legal Aid and how you qualify for it.

What is Legal Aid?

Legal Aid is a legal fund provided by the government that goes towards your legal expenses. It covers legal advice and representation for people who may not be able to afford it on their own. The Legal Aid Office provides this service to those who qualify for it so you can get legal representation when you need it.

The focus of this article is Family Court matters, including:

- disputes over relationship property, child support or maintenance, and care of children
- protection orders
- care and protection orders for children and young persons (Oranga Tamariki)
- adoption
- paternity
- mental health (compulsory treatment orders).

Legal aid is not available for legal fees or representation in matters that don't go to court (such as drawing up a will), or for divorce proceedings. Also, whilst there are situations where legal aid does not have to be paid back (either when your income is below a threshold or you are the Applicant in Family Violence proceedings), generally speaking, legal aid is seen as a loan that needs to be repaid.

If you receive a government benefit/pension/student allowance, it is highly likely you will be able to receive legal aid. There are some requirements that need to be met and certain eligibility limitations.

Legal aid is both income and asset tested. This means you need to show that you don't have the financial means to provide your own representation in court or before other steps in the process.

The amount you earn before tax is one of the main considerations and this will vary depending on how many dependents you have (children in your care and/or non-working partner). If you have a partner, their finances will be taken into account too.

The maximum levels of income and disposable capital used for determining whether you are eligible for family or civil legal aid are in the [Legal Services Regulations 2011](#). Examples of maximum income levels are:

- A single person with no dependents: \$23,820
- A single person with one dependent: \$37,722.

Legal aid will also consider the value of your assets, such as how much property you own and any vehicles. Even if you own your own home, you will still likely be entitled to legal aid if your income is below the threshold.

Other factors that are taken into account

The Legal Aid office will also look at:

- whether you have reasonable grounds for being involved in the case
- your prospects of success
- whether the cost of your case is likely to outweigh the benefit you could get from winning
- whether for any reason it is unreasonable or undesirable for you to get legal aid for the case
- whether you are up to date with your repayments from a previous legal aid debt.

How do I get Legal Aid?

The process of applying for Legal Aid involves filling out an application form which will then be assessed prior to being returned with payment options. We can help you with the paperwork. Once your application is approved, the other side would be informed that you are legally represented.

Engage an experienced legal professional

Legal jargon can be confusing and intimidating for those who don't know anything about the law. It is important to make sure that you have an experienced and qualified lawyer on your side when going through a legal situation.

Legal Aid lawyers are experienced professionals who have been considered for employment by the Legal Aid Office due to their excellent legal skills and knowledge.

Legal Aid is there to ensure that those without financial means are able to access services and support when they need it, so take advantage of this service if you qualify for it. You can find more information on the Ministry of Justice website at www.justice.govt.nz/legal-aid.

If you have any questions about your eligibility for Legal Aid or the application process, contact [Sara](#) at Carlile Dowling direct on 06 835-9251.