

**Legal Aid is still available in cases where Social Workers are considering removal of children (Care Proceedings)**

**In other Family cases from April 2013 Legal aid is only available in family cases for : victims of domestic violence; International child abduction; your child is at risk of abuse by another person.**

To get legal aid in these circumstances, you **MUST** produce evidence. We cannot get this for you.

**Domestic Violence** In cases of domestic violence, *at least one* of the following

- Written evidence that your violent partner has an unspent conviction for a domestic violence offence
- Written evidence that your violent partner has been given a police caution for domestic violence within the last five years
- Written evidence of ongoing criminal proceedings for domestic violence
- A copy of an injunction order against your violent partner that you obtained within the last five years
- A copy of a written undertaking given by your violent partner to the court, provided that you did not give a cross-undertaking
- A letter from the chair of a multi-agency risk assessment conference confirming that you were referred as a high risk victim of domestic violence within the last five years
- Evidence that a judge has ruled (in a 'finding of fact') in the last five years that you have been a victim of domestic violence. You **MUST** bring a copy of this ruling to your interview.
- A letter from a doctor or nurse stating that they have examined you in the last five years and you had injuries or a condition consistent with those of a victim of domestic violence **AND** they have no reason to believe they were not caused by domestic violence \* (see downloads below)
- A letter from a council social services department confirming that you were assessed within the last five years as being - or at risk of being - a victim of domestic violence by your partner. Alternatively, you may provide a copy of that letter.
- Written evidence that you have been admitted to a women's refuge (or a similar domestic violence support organisation) within the last five years
- If you are going to get a letter from your surgery, you may be charged for this service. We cannot cover the costs of this letter. If you are unable to cover the costs yourself, please use the attached letter and take it with you to the doctor or nurse.

## **Children**

In cases where children are involved, you must provide at least one of the following

- Written evidence of a relevant unspent conviction for a child abuse offence
- Written evidence of a relevant police caution for a child abuse offence within the last five years
- Written evidence of ongoing criminal proceedings for a relevant child abuse offence
- A copy of a relative protective injunction order obtained within the last five years
- Evidence that a judge has ruled (in a 'finding of fact') in the last five years that your child has been abused by someone else in the last five year. You MUST bring a copy of this ruling to your interview.
- A letter from a council social services department confirming that your child was assessed within the last five years as being - or at risk of being - a victim of child abuse.
- A letter from a council social services department confirming that, within the last five years, a child protection plan was put in place to protect your child from abuse or risk of abuse by someone else. Alternatively, you may provide a copy of the plan.
- An application for an order for an injunction made with an application for a prohibited steps order which has not yet been dealt with by the court.

## **Financial Eligibility**

Legal aid is still subject to a means test. To check eligibility we will need you to bring to your first appointment:-

1. If you are working, your payslips for the whole month preceding the date of your appointment e.g. If your appointment is in March you must bring all of your payslips for February.
2. If you are self-employed, other documentary evidence of your income for the last month, for instance, business accounts, book-keeping records, and self assessment tax return or tax calculation sheet.
3. If you are unemployed or on benefits you will need an up-to-date letter (within the last month) confirming that you are either on Income Support or Income based Jobseekers Allowance.
4. If you are on tax credits, you will need proof of this in the form of an up-to-date letter from the tax credit office.
5. If you are living with someone who is not your opponent, for instance a new partner, then you will need proof of their income/capital from all sources as well. They will have to attend the appointment as well to countersign any Legal Aid forms.
6. Bank statements\* for all accounts for the whole of the month preceding the date of the appointment.
7. If you have any capital or savings, up to date documentary evidence of this will also be required.
8. If you are renting a property or paying a mortgage, documentary evidence in the form of bank statements showing the amounts or letters from relevant institutions will also be required. i.e. Statement\*, share certificate or passbook.