

Information about
**Civil/Family
Legal Aid**



What is civil/family legal aid?

It is help with legal costs for private disputes and non-criminal problems that may go to court. If you have a problem and can't afford a lawyer, you may be able to get one through legal aid. You may have to repay some or all of the cost of the aid.

Will I qualify for legal aid?

The Legal Services Agency makes a decision based on:

- your financial situation
- how much your case is likely to cost
- what sort of legal problem you have
- whether it is fair and reasonable for your case to proceed.

What information has to go on the legal aid application form?

- Your address and phone number at work and home.
- Your date of birth.
- Your income for the last 12 months.
- Any savings you have.
- The value of any major assets you own, like a house or car.
- Any money you owe.
- How many dependent children you have.
- If you have a partner (de facto/married/civil union) you need to give the same kind of information about their finances.

Why does the Agency need to know these things?

So it can make a fair decision about whether you can get legal aid, how much you may need to repay and how you will make repayments.

Who can help me apply for legal aid?

The application form has to be completed by a lawyer who does legal aid work. The Agency calls these lawyers "listed providers". If you already have a lawyer, ask if they are a listed provider. If not, you can find a legal aid lawyer on the Agency website at www.lsa.govt.nz. You can also talk to your nearest Legal Services Agency office, Community Law Centre or Citizens Advice Bureau about who might be able to represent you – phone numbers and addresses are in the phone book.

Do I have to pay anything?

You may have to pay some money (a "repayment") towards your legal aid. How much you repay will depend on your financial situation and the cost and outcome of your case. The Legal Services Agency will tell you the maximum amount you may have to repay when it tells you if you have been granted legal aid. You may need to start repayments straight away.

The Agency can ask you to make your repayment in different ways, for example in instalments, as a lump sum, or when you sell your house or other property. You might have to pay in more than one way.

If you own a house or other property, the Agency may take a "charge" over your property as security for repayment. A charge is like a loan agreement. You will have to make your repayment when you sell your property.

Legal aid does not have to be repaid if it is for:

- domestic violence protection orders
- "proposed patients" in proceedings under the Mental Health (Compulsory Assessment and Treatment) Act 1992
- "proposed care recipients" in proceedings under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.

What do I take when I go to see my lawyer?

- Any letters or documents about your case.
- Proof of your financial situation e.g. payslips, rates notice (if you own a house).

How will I know if I get legal aid?

You will be sent a letter telling you whether or not you have been granted legal aid. If you have, the letter will also tell you the maximum amount you may have to repay.

Why do I have to sign the form?

You sign to say that the information you give on the form is true and that you haven't left out anything important. It is illegal to sign when you know that something in the form is not true or that you have left out something important. Your signature also means that you know you must tell the Agency if your financial or personal situation changes (e.g. you earn more money or you move house).

What will happen to the information about me?

The personal information you give on the forms is used by Agency staff to process your application for legal aid.

What happens if I'm not happy with the decision about my application?

You can ask the Agency to reconsider its decision or you can ask for a review by the Legal Aid Review Panel. Ask the person who helped you apply for legal aid to help you with this.

For more information, go to www.lsa.govt.nz