

## IMPORTANT INFORMATION FOR YOU TO KEEP

### What you need to know about Family legal aid

Legal aid is the government programme which pays for a lawyer to represent you if you cannot afford to. If you get legal aid, you may have to pay back some or all of it. This is a debt to the Legal Services Agency.

Family legal aid is available for private disputes and non-criminal problems.

### Your application

#### What happens when you apply?

When you answer the questions and sign the form, you are confirming that the information you have given is accurate and complete. It is illegal to sign the form when you know something is not true or you have left out something important on purpose.

If you are not sure of the information needed to answer a question, give your best estimate, note on the form that it is an estimate, and provide the detail later.

You have to provide this information so the Agency can make a fair decision about whether you can get legal aid, how much you may need to repay, and how you will make the repayments.

Your application is confidential. The personal information you provide to the Legal Services Agency is only used to process your application. This means the Agency may check the information with others like Work and Income or your employer.

How will you know if you get legal aid?

You will be sent a letter telling you about the Agency's decision. If you do get legal aid, the letter will outline conditions you must meet, including repayments and a charge over property, which are explained below.

The Agency usually makes a decision within 15 days of receiving a Family legal aid application.

### Your obligations

The information you provide must be accurate and honest. Legal aid can be withdrawn if incorrect information is given to the Legal Services Agency. You may have to repay some or all of your legal aid. Signing the application form means you agree to this. You must keep up your repayments or legal aid may be withdrawn.

#### Repayments

How much you have to repay is worked out by the Agency and depends on your income and assets, the cost of your case, and whether you receive any settlement from your case.

You may have to start repaying right away. A repayment plan will be worked out based on the information you have provided the Agency. If you do not keep up with the repayment plan, legal aid may be withdrawn and you may be charged interest on what you owe. Further action can be taken to recover your debt.

If you have a problem paying for your legal aid, tell the Agency's Debt Management Group on 0800 600 090. They can rearrange your repayment plan before any action is taken.

In some circumstances, the Agency can write-off your legal aid debt if you cannot repay it.

You can ask for your legal aid to be stopped, but you may still have to repay some or all of the aid spent so far.

If you need financial advice about making your repayments, contact a Budgeting Service person – see the Yellow Pages.

#### Charge over property

If you have to repay some or all of your legal aid and the cost is more than \$750, the Agency will take a charge over property you own, which may include a house, land, or a vehicle. This can include property owned by your partner. A charge over property means that when the property is sold, your legal aid will be repaid before you receive money from the sale.

#### Change of situation

You must tell the Agency if your contact details, financial details, employment status, or family circumstances change.

#### Costs and settlements

If you win your case and you are awarded ownership of property or payment towards the cost of your case, those awards may be used to repay your legal aid. If costs are awarded against you, the Legal Services Agency can meet the costs but you may have to pay back the Agency. A repayment plan will be set up for you.

### Your rights

#### Reconsideration

If you are not satisfied with a decision made by the Legal Services Agency about your legal aid, you can ask the Agency to reconsider the decision, saying why you would like it reconsidered. The person who helped you apply for legal aid can help you with this.

The reconsideration can take up to 15 working days to complete.

#### Review

If you are not satisfied with the reconsideration or any other decision of the Agency, you can ask the Legal Aid Review Panel (LARP) to review the decisions. LARP is independent of the Agency. The person who helped you apply for legal aid can help you with this. You can get a form to apply for a review from the Listed Provider section of [www.lsa.govt.nz](http://www.lsa.govt.nz), or by e-mailing LARP:

[administrator@larp.govt.nz](mailto:administrator@larp.govt.nz), or by writing and asking for the form to Legal Aid Review Panel, PO Box 33-837 Takapuna, North Shore 0740. LARP's telephone number is (09) 489-1300.

The review can take about nine weeks to complete.

#### Money paid to your lawyer

The Agency will use the legal aid to pay your lawyer. You can ask the Agency to examine the cost of your case if you think your lawyer has claimed for more time than they actually spent on the case, or claimed more expenses (disbursements) than they actually used. For a reconsideration or query about how much your lawyer is paid, write to the person who sent you the letter. The address is on the bottom of the letter.

#### Can you change your lawyer?

If you are not satisfied with your legal aid lawyer, try to talk to them about why you are not satisfied.

If that does not help, contact the Agency office looking after your legal aid. If you have good reasons, and the Agency agrees, you can change your legal aid lawyer. It doesn't happen very often.

If you have a complaint about your lawyer, write to the Agency at the address on the bottom of a letter to you, or see the New Zealand Law Society complaints information at [www.lawyers.org.nz/hmcomplaints.asp](http://www.lawyers.org.nz/hmcomplaints.asp).

#### Complaints about the Agency

If you are not satisfied with the service from the Agency, try and talk to the person concerned. If that does not help, ask for their supervisor.

#### Where can you get more information?

You can get more information on legal aid at [www.lsa.govt.nz](http://www.lsa.govt.nz), or from an office of the Agency in the blue Government section of the White Pages, or from your lawyer. If you need to know more about the law in your case, ask your lawyer or a community law centre.





# Application for Family Legal Aid

9/08 form 6

Legal aid file No.

Lead provider's matter/file No.

List all proceedings and matters to be covered by legal aid

## What is legal aid for?

### Personal details of applicant

Please PRINT clearly

List other names you use now or in the past. eg maiden name

#### 1. What title do you wish to be known by?

Mr  Mrs  Miss  Ms  Dr

#### 2. What are your first names?

#### 3. What is your surname or family name?

#### 4. Do you use or have you used other names?

No  Yes → Write other names here

#### 5. Are you: Male Female

#### 6. What is your date of birth?

### Addresses

Please include:  
• suburb  
• town, city  
• postcode (if known)

#### 7. What is your usual home address?

  
 postcode:

#### 8. What is your mailing address? (if different from above)

  
 postcode:

#### 9. Where are you currently living?

Address shown in Question 7  Address shown in Question 8  
 Other → Write temporary address here

  
 postcode:

### Phone & email

If you do not have a phone, give the number of a friend or relative we can call if we need to contact you

#### 10. What are your contact telephone and email details?

Home phone ( )  Work Phone ( )

Mobile phone

Other contact phone ( )  Whose phone number is this? (write name)

email address(es)

**Ethnic group**

Question 11 provides statistics for research and development. You do not have to answer if you do not want to.

**11. Which ethnic group do you belong to? Tick one**

- NZ European or Pakeha   
  Other European   
  NZ Maori   
  Cook Is. Maori  
 Samoan   
  Tongan   
  Niuean   
  Chinese  
 Indian   
  Other → Please specify: (such as Fijian, Korean)

**Children**

Also include children not living with you but who you support financially

**12. Do you have any financially dependent children?**

- No  
 Yes → How many children?   
 → Give details of each child below

Name of child	Age	Relationship to you (eg child, foster child, grand child)	Is child living with you?	
			No	Yes
1				
2				
3				
4				
5				
6				

continue on a separate sheet if necessary...

**Partner**

A partner is:  
 • a wife or husband  
 • a civil union partner  
 • a de facto partner (someone with whom you have a relationship in the nature of marriage)

**13. Do you have a partner?**

- No → Go to Question 16  
 Yes → Give details below

**14. Name of partner**

**15. Partner's date of birth**

**Work and Income**

**IMPORTANT INFORMATION**  
 'Extra help' payments from Work and Income are not counted as income for working out legal aid eligibility. eg:

- Accommodation Supplement
- Emergency Benefit
- Disability Allowance
- Special Benefit
- Child Disability Allowance and other special assistance payments

**16. In the last 12 months did you get any of the following benefits?**

- No → Go to Question 18  
 Yes → Tick one or more below

	For how many months in the last year?	Tick if you are still getting this payment	Benefit stopped Month / Year	
<input type="checkbox"/>	Unemployment Benefit			
<input type="checkbox"/>	Domestic Purposes Benefit			
<input type="checkbox"/>	Sickness Benefit			
<input type="checkbox"/>	Invalids Benefit			
<input type="checkbox"/>	New Zealand Superannuation			
<input type="checkbox"/>	Independent Youth Benefit			
<input type="checkbox"/>	Widows Benefit			
<input type="checkbox"/>	War and Veterans Pension			

**17. Do you have a current Work and Income client number?**

- No     Yes → Write your number here

## Wages & salary


### 18. In the last 12 months did you get any wages or salary?

No → Go to Question 19       Yes → Give details below

This includes income from full-time, temporary, casual, seasonal or part-time work over the last year

Current main employer (also complete main job details in 18a below)	Hourly rate before tax	Hours normally worked in a week	or	Gross annual income (before tax and other deductions)	Months worked in the last year	Tick if still employed	or	Employment ended month year
2	\$		or	\$		<input type="checkbox"/>	or	
3	\$		or	\$		<input type="checkbox"/>	or	
4	\$		or	\$		<input type="checkbox"/>	or	

continue on separate sheet if necessary . . .

 You will need to attach proof of income eg pay slip

### 18a. For your current main job, complete details below:

Name of employer

Employer address

Your work email address

How often do you get paid?  Weekly  Fortnightly  4 weekly  Calendar monthly

When is your next pay date?


## Business & trusts

### 19. In the last 12 months did you get any income from being:

Self-employed?  No  Yes →


A partner in a business?  No  Yes →

A director of a company?  No  Yes →

 You will need to include a copy of your latest set of annual accounts.

### 20. Do you get, or are you entitled to, or able to receive any money or benefits from a trust?

No  Yes →

 You will need to complete and attach the Agency 'trust' form (go to [www.lsa.govt.nz](http://www.lsa.govt.nz) to download the form or contact the Agency)

## Other income

### 21. In the last 12 months did you get any income or one off payments?

No  Yes → Give details below

#### Working for Families Tax Credit.

If you have received or could receive a lump sum payment instead of instalments, state the amount that relates to the last 12 months.

	Amount of each payment	How often do you get payments? (eg weekly, fortnightly, monthly, yearly)	Is the amount of payment: before tax?    after tax?		How many months in the last year did you get this payment?	Tick if you still get this payment
Working for Families Tax Credit (see note above)	\$		<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Child Support or maintenance	\$		<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Paid parental leave	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
ACC weekly compensation	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Student allowance	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Redundancy or termination payment	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Insurance or super scheme payment	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Rental income from other property	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Income from 3 or more boarders	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Interest and Dividends	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Value of goods/services received regularly instead of income. eg free accommodation	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Other - please state	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

**No income**

**22. If you have not received any income, how have you been financially supported over the last 12 months?**

**Change of income**

For example, you will be:

- retiring from work
- going on parental leave
- going on study leave

**23. Is your income likely to change in the next 12 months?**

No

Yes

Why would it change?

How much do you think your income will be over the next 12 months?

\$   before tax  after tax

**Home ownership**

Relationship to you eg:

- current partner
- former partner
- trust
- company

**24. Do you own, part own or have an interest in a home?**

No

Yes

→ Give details below

Who is named as the legal owner(s)?

Relationship to you  
(if other persons)

Who is named as the legal owner(s)?	Relationship to you (if other persons)

Address of home

If you own this home with someone else, please show the total property value. Market value is what this home could sell for today.

What is the estimated market value? \$

What is the amount of any remaining mortgage(s)? \$

What is your share of ownership in this home? (eg 50%)  %

Is the home registered under the Joint Family Homes Act?  No  Yes

Is the home situated on Maori land?  No  Yes

You will need to attach a copy of the rates notice

**Other property or land**

Relationship to you eg:

- current partner
- former partner
- trust
- company

**25. Do you own, part own or have an interest in other property or land?**

No

Yes

→ Give details below

Who is named as the legal owner(s)?

Relationship to you  
(if other persons)

Who is named as the legal owner(s)?	Relationship to you (if other persons)

Address of property or land

If you own this property or land with someone else, please show the total property value. Market value is what this property or land could sell for today.

What is the estimated market value? \$

What is the amount of any remaining mortgage(s)? \$

What is your share of ownership in this home? (eg 50%)  %

Is the home registered under the Joint Family Homes Act?  No  Yes

Is the home situated on Maori land?  No  Yes

You will need to attach a copy of the rates notice

## Vehicles

### 26. Do you own or part own any vehicles?

No  Yes → Give details below

Vehicles could include car, truck, motorcycle, boat, caravan, motor home.

	Make and Model	Year	Registration Number	Market value	Money owing
Main vehicle for personal use				\$	\$
Other vehicle				\$	\$
Other vehicle				\$	\$

## Money & investments

### 27. Do you have any money or investments?

No  Yes → Give details

DO NOT include equity in a business or trust - we will work out this amount for you based on the set of accounts you give us.

Current value

Cash, savings, term deposits	\$
Shares, bonds, debentures	\$
Money owed to you	\$
Retirement or superannuation scheme	\$
Other investments (eg artworks, antiques)	\$

## Household items

### 28. Do you own any individual personal and household items which could be sold for more than \$1,000 each?

No  Yes → Give details

Household and personal possessions could include

- clothing
- furniture
- appliances

List items which could be sold for more than \$1000 each	Estimated resale value
	\$
	\$
	\$

## Tools of trade

### 29. Do you own any equipment and tools you use for work?

No  Yes → What is the total estimated resale value?

\$

## Loans & debts

### 30. Do you have any other loans or debts?

No  Yes → Give details

DO NOT include amounts that you have declared as owing under property and vehicle questions.

Amount currently owing

Bank overdraft and/or personal loan	\$
Credit cards/store cards	\$
Hire purchase	\$
Money owed to government agencies (eg fines, IRD, Work and Income, Student loan)	\$
Money owed to other people	\$
Other debts (eg medical, school fees, phone, power)	\$

## Other financial information

### 31. During the last 12 months, have you sold, transferred ownership or given away any money or property worth more than \$3,500?

No  Yes → Give details

### 32. Are there other financial circumstances you want the Agency to consider when we assess your application?

No  Yes → Give details

If you have a partner, please complete questions 33, 34 & 35

**Partner income details**

**IMPORTANT INFORMATION**

The income and assets of your partner (or your parents/guardian, if you are a minor) are treated as your resources in order to determine financial eligibility and repayment of legal aid.

However their resources may not be counted if the proceedings are against your partner.

Your partner may be required to provide further information and evidence to assess your application.

**33. What income did your partner get over the last 12 months? Tick one or more**

No Income

Benefit income → Please state type of benefit

→ Tick if still getting this payment  OR ended

Wages, salary, other income source separate to you →

**34. Does your partner own any assets and/or have any money or investments separate from you?**

No  Yes →

**35. Does your partner have loans or debts separate from you?**

No  Yes →

*Your partner will need to complete a 'Statement of Financial Position' (form 17 - part B)*

**Privacy statement:**

- The Legal Services Agency ("the Agency") will collect or disclose personal information about you to meet its responsibilities under the Legal Services Act 2000, associated regulations and/or any other relevant statute or court order.
- This information may be used for statistical and/or research purposes and in this context will not individually identify you.
- Under the Privacy Act 1993 you have the right to request access to all information held about yourself, and to request corrections to that information.
- It is not compulsory to provide the Agency with information, but if you do not provide all the information requested, your application may not be able to be assessed, or may be declined.

**I acknowledge that:**

- I may be required to provide evidence to support the information I have supplied in this application.
- The Agency will assess my financial means for a repayment and as a result I may be required to repay some or all of my legal aid.
- Any assets and property that I own may be the subject of a charge in favour of the Agency to cover some or all of my required repayment amount.
- Any assets and property including money or property that I receive or retain as a result of the proceedings are the subject of a charge in favour of the Agency to cover all or some of my legal aid.
- I must notify the Agency immediately of any change to my address, or if my income or assets (disposable capital) increase while I am an aided person or have a debt to the Agency.
- I understand that I must provide up-to-date information in any enquiry into my financial means while I am an aided person or have a debt to the Agency.

**I consent to:**

- It is an offence, for which I am liable on summary conviction to a fine, to:
  - fail without reasonable excuse to provide information or documents, or answer questions, when I am required to do so under the provisions of the Legal Services Act 2000 or associated regulations
  - knowingly provide false and misleading information, or answer any question in a false and misleading way
  - intentionally avoid payment to the Agency of any proceeds of proceedings.
- The Agency contacting Work and Income or any other third party to obtain verification of my financial means. That is, I give my permission for:
  - The Agency to verify my benefit income statement with Work and Income, and for Work and Income to provide information about my benefit income to the Agency; and
  - other third parties to provide the information they are asked for to the Agency.
- The Agency contacting me by post, telephone, text messaging, facsimile, email or any other verbal, written or electronic form unless I advise the Agency otherwise.

**I confirm that:**

- I have no insurance or indemnification available to cover some or all of my legal costs.
- The information I have given in this application is true and not misleading, and is complete to the best of my knowledge.
- I have read and understood the Privacy statement, and my acknowledgment, consent and confirmation statements set out above.

**Applicant's signature**

Signature of Applicant/Representative

Date

day month year

**Is someone other than the applicant making this application?**

No  Yes →

→ Name of person

→ Relationship to applicant

- For example:
- parent
  - guardian
  - trustee

Legal matters section

**This legal matters section to be completed by your lawyer**

(IMPORTANT: If completing by hand please ensure handwriting is legible)

Lead provider

Name of lead provider

Name of law firm

Provider number

Level of experience  1  2  3  A  B

Forum Category  1  2  3  4

Telephone number ( )

email

Name of instructing solicitor (if applicable)

Dates

36. What date were instructions received?

37. Have any of the matters been disposed of by a court, tribunal or any other means?

No

Yes

→ Date of final disposition

→ Give reasons for the delay in submitting this application (refer to section 12 of the Legal Services Act 2000)

Payments made

38. Has any lawyer received payment other than through legal aid or entered into a private fee arrangement for work completed on these matters?

No

Yes

→ Name of lawyer paid /with whom a private fee arrangement has been entered

→ Total amount paid to date


\$

→ What work did this cover (refer to Agency steps)


Supporting documents

39. Are proceedings filed, intended or contemplated?

No

 You must attach a brief summary of the dispute and the grounds to justify legal aid

Yes

 You must attach EITHER:  
• a copy of the filed or draft proceedings and affidavits  
OR if proceeding not drafted  
• a brief summary of the dispute, details of reasonable ground to justify legal aid and grounds for taking or defending the proceeding

## Dates

If more than one 'other party', attach details of other parties on separate sheet

### 40. Who is the other party in this dispute?

Full name of other party

Relationship to applicant (eg spouse, partner, employer)

Address of other party (if known)

Name of other party's lawyer (if known)

### 41. Are there any assets and/or liabilities in dispute with the other party(s)?

No

Yes

All assets listed in the 'Financial Details' section  
AND/OR

All liabilities listed in the 'Financial Details' section  
OR Please list details and total values

	\$
	\$
	\$
	\$
	\$

## Justification for legal aid

### Family matters

### 42. For a dispute involving Family matters (excluding Relationship Property), please consider the following section 9(6) criteria

Indicate which of the following apply and provide details below:

- previous proceedings in the matter
- personal issues such as any orders relating to domestic violence, protection of personal property rights, compulsory treatment or compulsory care
- interests or welfare of another person who may be affected by the outcome of the proceedings
- there are complex factual, legal, or evidential matters that require the determination of a court
- it is in the public interest that legal aid be granted

Comment on why aid should be granted

continue on a separate sheet if necessary . . .

### Relationship Property

### 43. For a dispute involving Relationship Property matters, please provide a reasoned explanation as to why aid is justified in terms of the applicant's prospects of success

continue on a separate sheet if necessary . . .

**Cost of services**

**44. Complete this table only if aid in excess of the Agency's guideline hours is required.**

Step number	Activity (e.g. mediation, hearing time)	Reasons for exceeding guideline hours	Hours	Total Fee
				\$
				\$
				\$
				\$
				\$
				\$
				\$
				\$
				\$
				\$
				\$
				\$
				\$
				\$
			Totals	\$

**Disbursements – complete this section only if the special disbursements require prior approval**

		\$
		\$
		\$
		\$
		\$
		\$
		\$
	<b>Total disbursements (incl. GST)</b>	\$
	<b>Total amount sought (incl. GST)</b>	\$

**Additional information**

**45. Write any additional information to support the application for legal aid**

*continue on a separate sheet if necessary . .*

