



Legal Services  
Agency

*Pokapū Ratonga Ture*

*Information about*

# Legal Aid for Protection Orders



HELPING PEOPLE ACCESS JUSTICE

If you are affected by domestic violence, you can apply for a Protection Order. A Protection Order is issued by the Family Court to protect people from domestic violence.

There is no cost for applying for a Protection Order and you can do it yourself using the forms available at the Family Court.

However it is a good idea to get a lawyer to help you apply – you will have to pay the lawyer.

You may be able to get legal aid to cover the cost of a lawyer. Legal aid applications are handled by the Legal Services Agency (the Agency).

### ***When do I apply for legal aid?***

- You can apply for legal aid at the same time as you apply for a Protection Order.
- You must apply for legal aid before your Protection Order is finalised by the Court.
- If your application is complete you will get a decision within five days of it being received by the Agency.

### ***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.

## *Will I get legal aid?*

The decision to grant legal aid depends on your financial circumstances and the type of case.

### **Financial circumstances**

There are financial thresholds for income and capital for civil/family legal aid. You can check to see if you are financially eligible by asking at a community law centre, looking on the Agency website, [www.lsa.govt.nz](http://www.lsa.govt.nz), or checking the Legal Services Regulations 2006 at a library.

You will have to give details of your partner's income and assets, even if you are not able to use or sell them. Your partner's resources may not be counted if the proceedings are against them. Your partner's resources will not be counted if you are considered to be living apart.

If there are special financial circumstances, the Agency can grant aid even if you exceed the income or capital limits. An example of special circumstances is where an applicant for a Protection Order can't access savings that are controlled by their partner.

### **Type of case**

You must have a significant personal interest in your case – this is called 'reasonable grounds'. You will almost always have 'reasonable grounds' if your case involves domestic violence, children (day-to-day care or contact) or mental health.

If part of your case is about relationship property or maintenance, or if it's not a Family Court matter, the Agency will also look at your chances of winning that part of your case.

If you are financially eligible, it is highly unlikely that your application for legal aid for a Protection Order will be refused.

## *How do I find a lawyer?*

Not all lawyers do legal aid – always check before deciding if you want them to help you.

One of the best ways of finding a lawyer is by asking people who have been in similar situations. If you don't know anyone to ask,

try the following organisations for suggestions:

- Legal Services Agency – phone the nearest regional office or visit [www.lsa.govt.nz](http://www.lsa.govt.nz)
- Citizen Advice Bureaux
- community law centres
- Women’s Refuge
- Family Law Section of the New Zealand Law Society.

It is always a good idea to phone several lawyers before choosing one. Ask questions about their experience in the Family Court doing domestic violence work, and their fees.

### ***What should I take when I go to see a lawyer?***

Going to a lawyer can be stressful. Write a list of things you want to cover, this should include:

- what you want to know about the process
- what you would like the lawyer to do for you
- why you need a Protection Order
- what has happened
- what effect it has had on you and any children involved
- dates of any events you can remember.

You should also take along any relevant documents for your legal aid application.

- Proof of income (for wages or salary). If you are on a benefit, take your WINZ number.
- If you own a home or other property, take your latest rates notice.
- If you are self-employed or have an interest in a business, take the latest set of annual accounts.
- If you have an interest in a trust, take the trust form.

You may be more comfortable if you take an advocate or support person with you.

## ***Will I have to pay anything?***

You are unlikely to have to make legal aid repayments if:

- you are applying for a protection order, or
- you are a beneficiary with no assets.

If your case involves other Family Court proceedings at the same time, such as division of relationship property, you may have to make repayments for some or all of that part of the case.

If repayments are necessary they may be made in regular instalments, from the 'proceeds of proceedings', or the person may have to register a charge over property. This means the aid will be repaid when the property is sold.

The Legal Services Agency will talk to you about setting up a repayment schedule that you can keep up. If you can't keep up payments you can apply to have the debt written off.

**For more information on legal aid, go to [www.lsa.govt.nz](http://www.lsa.govt.nz) or contact your local Agency office (see the Blue Pages at the front of the phonebook).**

**For more information about Protection Orders and the Domestic Violence Act, see the booklet 'Applying for a Protection Order' produced by the Ministry of Justice.**

**Family Courts are within District Courts. Find the one nearest you by looking in the Blue Pages of the phonebook under 'Justice' or go to the Family Court website.**

