

FAMILY LAW

A Guide to Legal Aid in Family Law Proceedings



What is Legal Aid?

Legal Aid is the use of public funds to help cover the costs for legal advice and representation. In England and Wales, the Legal Aid Agency is the governing body who assess' a persons eligibility for legal aid.

The Legal Aid Agency apply rules about who can get legal aid. The rules around legal aid in Family Law cases are complicated. There are various requirements which must be met in order to be eligible for legal aid funding. These requirements differ depending on your type of case.

In certain areas of Family Law, eligibility for legal aid is assessed simply on "merit" - meaning the Legal Aid Agency will look at the strengths and weaknesses of your case to determine whether funding should be granted or not. Other areas of Family Law are tested on "means" - meaning the Legal Aid Agency will consider your financial circumstances in addition to the facts of the case.

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Availability of Legal Aid

At Haygarth Jones Solicitors, we will discuss with you whether you are eligible for legal aid funding and whether the circumstances of your particular case are subject to the "means and merits" test.

If you are not eligible for legal aid, we will explain the reasons why and can provide you with a quote to undertake your case on a private paying basis.

The following areas of Family Law still benefit from legal aid funding, if you are eligible:-

- Social Services involvement - in cases where the Local Authority are applying for a Care Order, Supervision Order or Emergency Protection Order in respect of your children, legal aid is automatically available regardless of your financial circumstances and provided you are the parent.
- Injunction Orders - such as Non-Molestation Orders and Occupation Orders. Legal Aid for Injunction Orders is means and merits tested.
- Child Arrangements - legal aid is available for this type of matter, however, it is subject to your financial circumstances and whether you can prove that you or the child/children have been the victim of domestic violence at the hands of the other party.
- Divorce, Separation and Finances - to obtain funding in respect of these matters, you would need to provide evidence that you are the victim of domestic violence.



Our team of solicitors have substantial experience in dealing with all areas of Family Law. They will provide you with legal advice, representation and support in helping resolve your situation whether it be in relation to children matters, divorce and finance or even obtaining an order due to domestic violence. Our solicitors are enthusiastic about fighting for their clients and understand how difficult and emotional family issues can be. For further information regarding Family Law, visit our website [here](#).

Evidence of Domestic Violence

Although you may be the victim of domestic violence, the Legal Aid Agency will only accept evidence of this if it is in a format that has been approved by the Government. You can download sample letters on the Government website [here](#).

For more information on what evidence you may need in respect of your particular case, please contact our Family Department on 01744 757877.

Evidence of domestic violence will need to show that you or your child were at risk of harm from the other party. To obtain this evidence, you can ask the following people:-

- The Courts
- The Police
- A Health Professional (i.e. Doctor, Nurse, Health Visitor, Psychologist etc.)
- A Refuge Manager
- Domestic Violence Support Worker
- Your Employer
- a Multi-Agency Risk Assessment Conference (MARAC)



Exceptional Funding

If you are not eligible for legal aid funding then you may be able to apply for legal aid if you have an exceptional case. You would need to show that refusing legal aid would be a breach of human rights (by meaning of the Human Rights Act 1998) or that you have a particular vulnerability that would make it very difficult for you to represent yourself.



This guide has been designed to provide general information in relation to legal aid within Family Law proceedings in England and Wales only. We will try to keep this guide as up-to-date as possible and as soon as we are available to do so but please note that the law is complex and may have changed since this guide was produced. This guide is not a legal document and you should seek independent legal advice by contacting us on 01744 757877.

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The right people - the right outcome

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