

CAN I GET LEGAL AID FOR MY FAMILY CASE?

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If you are on a low income, you may be eligible for free or subsidised advice or representation from a solicitor. However, since 2012 Legal Aid is only available in very limited circumstances. It will depend on three things:

- **Scope** – what your case is about, AND
- **Means test** – whether you can afford your own legal costs, AND
- **Merits test** – the likelihood of success (whether a reasonable person would use their own money to pay for the case).

What is Legal Aid available for?

If you meet the Means Test, Legal Aid is available for the following areas of family law:

- **Social services involvement** - if social services are applying for a care order, supervision order or emergency protection order for your children
- **Family injunctions** - including non-molestation orders and occupation orders following domestic abuse
- **Family mediation** - to resolve disputes about children and/or finances after a relationship breakdown
- **International and domestic child abduction** - to prevent a child being removed illegally from the UK or to make sure they are returned
- **Private children disputes** – ONLY if you have evidence of domestic abuse or child abuse
- **Divorce and finance matters** – ONLY if you have evidence of domestic abuse

If you or your child have been victims of domestic abuse/ violence or financial control, you will need to produce evidence, such as a letter from the police, a social worker, doctor, or domestic abuse worker. A full list of what counts as evidence can be found on the government website:

<https://www.gov.uk/legal-aid/domestic-abuse-or-violence>

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Means Test

You will have to show the Legal Aid Agency that you cannot afford to pay legal costs. They need documentary evidence of your income, benefits, savings, property and investments. You will also have to show your expenditure. On the Legal Aid Agency website you can enter your financial details to see whether you would be eligible for funding:
<http://civil-eligibility-calculator.justice.gov.uk/>

What next?

If you think you may be entitled to Legal Aid, you need to contact a solicitor who does legal aid work.

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BHSUPPORT

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