



AM I ENTITLED TO LEGAL AID?

The changes in the law which came into force on the 1st April 2013 have changed the rules in relation to Legal Aid. The new rules are complex. We at CJHH want to help you if we can. You can speak to one of our Specialist Support Staff who will identify whether you may be entitled to Legal Aid. In some cases we will need you to obtain information and documents and bring them with you to your first appointment with your Solicitor.

INJUNCTION PROCEEDINGS

We can still help you and get Legal Aid to help you with injunction proceedings in appropriate circumstances. We will be able to see you and discuss this, and will be able to send a warning letter. In appropriate cases we will be able to grant ourselves representation certificates to apply to the Court for orders on your behalf. This will include forced marriage protection orders.

MEDIATION

Legal Aid continues to be available for family mediation, so if your means entitle you to Legal Aid then if you and your partner are happy to refer yourselves to a Mediator then it may well be that your case will be suitable for mediation and you can be assisted in this way.

Once you are taking part in mediation then we will be able to offer advice during the mediation process and will be able to help you obtain a consent order in financial matters if the mediation is successful and you and your partner are able to reach agreement. In order for us to assist, the Mediator will need to provide a special form called the CW5 to enable us to help you between mediation sessions as above. You need to bring this with you to your appointment.

OTHER PRIVATE FAMILY PROCEEDINGS

If your means entitle you to legal aid we are still only able to assist in these kinds of cases where you are able to provide evidence of domestic violence, or in the case of proceedings to protect a child, of child abuse.

Domestic violence does not necessarily mean physical violence. This can include coercive or controlling behaviour and can include psychological, sexual, financial or emotional abuse.

The Legal Aid Agency require us to provide very specific evidence of domestic violence or of the risk of abuse of a child. We have listed the evidence that will be acceptable and tried to give some guidance as to how you go about getting these letters.

For domestic violence you will need to produce evidence of one of the following:

- An unspent conviction for a domestic violence offence.
- A relevant Police Caution for a domestic violence offence given within a 24 month period preceding the application for Legal Aid.

- A written record of police bail pending charge for a domestic violence act against you in the UK where the bail is current.
- Evidence of relevant criminal proceedings for a domestic violence offence which have not yet concluded.
- A relevant protective injunction which has been granted within the 24 month period preceding the date of application for Legal Aid.
- An undertaking given in England and Wales instead of an injunction within a 24 month period preceding the application for Legal Aid.
- A letter from a member of a multi agency risk assessment conference confirming that the matter was referred and that a plan has been put in place to protect you from risk of harm from your Partner within a 24 month period.
- A finding of fact made in proceedings in the UK within a 24 month period immediately preceding the date of the application.
- A letter or report from a health professional confirming that you have been examined in person within a 24 month period preceding the Legal Aid application date, and that that person was satisfied following the examination that you had injuries or a condition consistent with those of a victim of domestic violence.
- If you are being referred by your GP or other health professional to a domestic violence specialist support service then this can be used as evidence. You can provide a copy of the referral document itself or if you do not have that you can provide a letter, either from

the domestic violence specialist service or the referring health professional, confirming that the referral was made.

- If a domestic violence protection notice or domestic notice protection order has been made against your ex partner within a 24 month period before the date of the application, then this will qualify for evidence for legal aid.
- If your ex partner has been given a bind over in relation to an alleged domestic violence offence against you in the UK, this will count as evidence for legal aid.
- A letter from a Social Services Department in England and Wales confirming that within a 24 month period immediately preceding the date of the application you were assessed of being or at risk of being a domestic violence victim.
- A letter or report from a domestic violence support organisation (such as Women's Aid) confirming that you have within a 24 month period preceding the date of the application been seen in a refuge for domestic violence victims, confirming the date on which you were admitted and left, and confirming that this was because of allegations of domestic violence.
- If you are unable to access accommodation you will need a letter from the refuge confirming the date when you were refused entry to the refuge and the reason for that refusal.

In private law children proceedings you need to produce the following evidence in order to obtain Legal Aid:

- A relevant unspent conviction for a child abuse offence.
- A relevant Police Caution for child abuse offence given within a 24 month period immediately preceding the application for Legal Aid.
- Evidence of relevant police bail for a child abuse offence.
- Evidence of relevant criminal proceedings for a child abuse offence which have not concluded.
- A relevant injunction which is in force or which was granted within a 24 month period immediately preceding the date of the application for legal aid.
- A copy finding of fact made in proceedings in the UK within a 24 month period preceding the date of application for Legal Aid for abuse of the child by the other party.
- A letter from a Social Services Department confirming that within the 24 month period preceding the date of application for Legal Aid the child was assessed as being or at risk of being a victim of child abuse by the other party (or a copy of that assessment)
- A letter from the Social Services Department confirming that within the 24 month period immediately preceding the date of the application, a child protection plan was put in place to protect the child from abuse or risk of abuse by the other party.
- An application for an injunction made with an application for a prohibited steps order preventing the other party from doing something in relation to

the child which has not yet been decided by the Court.

Speak to one of our staff as to how you can get the above evidence and they will point you in the right direction. Otherwise, the Ministry of Justice website has a web page dealing with Legal Aid for victims of domestic violence. This sets out the details and provides template letters. www.justice.gov.uk/legal-aid-for-private-family-matters/legal-aid-child-at-risk-of-abuse-from-partner

FIXED FEE INTERVIEW

We can offer a fixed fee interviews for £95 + VAT (£114 in total) payable on the day. This will cover up to an hours worth of advice, advice letters, and brochures relevant to your case. We can discuss at that meeting how we may be able to help further, and how much this will cost you. Visit our website www.cjhh.com for details of our fixed fee packages and charges

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