



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, controlling or threatening 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:

- Evidence of an arrest of the respondent for a relevant domestic violence offence. This could be in relation to you or another person that the respondent is or has been in a family relationship with.

- A relevant Police Caution for a domestic violence offence. This could be in relation to you or another person that the respondent is/has been in a family relationship with.
- Evidence of relevant criminal proceedings for a domestic violence offence which have not yet concluded. This could be in relation to you or another person that the respondent is/has been in a family relationship with.
- A relevant conviction for a domestic violence offence. This could be in relation to you or another person that the respondent is/has been in a family relationship with.
- Domestic violence protection notice issued against the respondent. This could be in relation to you or another person that the respondent is/has been in a family relationship with.
- A relevant protective injunction. This could be in relation to you or another person that the respondent is/has been in a family relationship with.
- An undertaking given in England and Wales instead of an injunction. This must be given by the respondent and may be in relation to you or another person that the respondent is/has been in in a family relationship with.
- A finding of fact made in proceedings in the UK that there has been domestic violence by the respondent. This could be in relation to you or another person that the respondent is/has been in a family relationship with.
- An expert report produced as evidence in proceedings in the UK confirming that a person with whom the respondent is or was

in a family relationship, was assessed as being, or at risk of being, a victim of domestic violence by the respondent

- A letter or report from an appropriate health professional confirming that you have been examined in person 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 appropriate 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.
- A letter from a member of a multi-agency risk assessment conference confirming that you or a person whom you are in a family relationship, is or has been at risk of harm from domestic violence by the respondent.
- A letter from an independent domestic violence advisor confirming that they are providing you with support.
- A letter from an independent sexual violence advisor confirming that they are providing you with support in relation to sexual violence by the respondent.
- A letter from a Local Authority or Housing Association for the purpose of supporting tenants that contains a statement that in their reasonable professional judgment, a

person with whom the respondent is or has been in a family relationship is, or is at risk of being, a victim of domestic violence by the respondent, a description of the specific matters relied upon to support that judgment and a description of the support they provided to the victim or person at risk of the domestic violence by the respondent.

- A letter from a domestic violence support organisation (such as Women's Aid) in England or Wales, confirming that you or another person who is or has been in a family relationship with the respondent have been provided with support in relation to your needs as a victim or being at risk of domestic violence.
- If you or another person who is or has been in a family relationship with the respondent 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 that the admission to the refuge was sought because of allegations of domestic violence by the respondent.
- A letter or a copy of an assessment from a public authority confirming that a person with whom the respondent was in a family relationship, was assessed as being, or at risk of being a victim of domestic violence by the respondent.
- A letter from the Secretary of State for the Home Department confirming that you have been granted leave to remain in the UK under paragraph 289B of the Immigration Rules.
- Evidence that the Director of Legal Aid Casework is satisfied/demonstrates that you have been or are at risk of being the victim of

domestic violence by the respondent in the form of abuse which relates to financial matters.

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

- Evidence of an arrest of the respondent for a child abuse offence. This can be in respect of any child, not just in respect of the child for whom protection is sought
- A relevant Police Caution for child abuse offence. This can be in respect of any child, not just in respect of the child for whom protection is sought.
- Evidence of relevant criminal proceedings for a child abuse offence which have not concluded. This can be in respect of any child, not just in respect of the child for whom protection is sought.
- A relevant conviction for a child abuse offence. This can be in respect of any child not just in respect of the child whom protection is sought.
- A relevant protective injunction which is in force. This must be for the protection of the child who is or would be the subject of the order to which the application relates.
- A copy finding of fact made in proceedings in the UK for abuse of the child by the other party.
- A letter from a Social Services Department confirming that 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 Social Services Department confirming that a child protection plan was put in place to protect the child from abuse or risk of abuse by the other party (or a copy of that assessment).
- 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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