

## Application for Family Legal Aid

### IMPORTANT INFORMATION FOR YOU TO KEEP

# What you need to know about Family legal aid

Legal aid is the government programme which pays for a lawyer to represent you if you cannot afford to. If you get legal aid, you may have to pay back some or all of it.

Family legal aid is available for private disputes and non-criminal problems.

#### **Your Application**

#### What happens when you apply?

When you answer the questions and sign the form, you are confirming that the information you have given is accurate and complete. It is illegal to sign the form when you know something is not true or you have left out something important on purpose.

If you are not sure of the information needed to answer a question, give your best estimate, note on the form that it is an estimate, and provide the detail later.

You have to provide this information so we can make a fair decision about whether you can get legal aid, how much you may need to repay, and how you will make the repayments.

Your application is confidential. The personal information you provide to us is only used to process your application. This means we may check the information with others like Work and Income or your employer.

#### How will you know if you get legal aid?

You will be sent a letter telling you about our decision. If you do get legal aid, the letter will outline conditions you must meet, including repayments and a charge over property, which are explained below.

A decision is usually made within 15 working days of receiving a Family legal aid application.

#### **Your obligations**

The information you provide must be accurate and honest. Legal aid can be withdrawn if incorrect information is provided. You may have to repay some or all of your legal aid. Signing the application form means you agree to this. You must keep up your repayments or legal aid may be withdrawn. The user charge applies to family legal aid applications which meet the criteria for a user charge. The user charge will not apply to applications that are declined or refused as it is payable only on approved grants. The user charge is payable once per grant.

#### Repayments

How much you have to repay depends on your income and assets, the cost of your case, and whether you receive any settlement from your case.

You may have to start repaying right away. A repayment plan will be worked out based on the information you have provided us. If you do not keep up with the repayment plan, interest may be charged on what you owe and we can take further action to recover your debt.

If you have a problem paying your legal aid debt, tell the Debt Management Group on 0800 600 090. They can rearrange your repayment plan before any action is taken.

In some circumstances, your legal aid debt can be written off if you can't repay it.

You can ask for your legal aid to be stopped, but you may still have to repay some or all of the aid spent so far.

If you need financial advice about making your repayments, contact a Budgeting Service person — see the Yellow Pages.

#### Charge over property

If you have to repay some or all of your legal aid and the cost is more than \$300, the Legal Services Commissioner may take a charge over property you own, which may include a house, land, or a vehicle. This can include property owned by your partner. A charge over property means that when the property is sold, your legal aid will be repaid before you receive money from the sale.

#### **Change of situation**

You must tell us if your contact details, financial details, employment status, or family circumstances change.

#### **Costs and settlements**

If you win your case and you are awarded ownership of property or payment towards the cost of your case, those awards may be used to repay your legal aid. If costs are awarded against you, we can meet the costs but you may have to pay us back. A repayment plan will be set up for you.

#### **Your rights**

#### Reconsideration

If you disagree with the decision made you may apply for a reconsideration using the reconsideration form on our website. For information about the grounds for reconsideration, the process and who to contact, go to www.justice.govt.nz.

Your application for reconsideration must be made within 20 working days from the date of notice of the decision. If you do not ask for a reconsideration, the decision is final.

#### Review

If you believe that the reconsideration decision is manifestly unreasonable, wrong in law or both, you can apply to the Legal Aid Tribunal (Tribunal) for a review. For information about the grounds for review, the review process, and how to obtain the Tribunal's Application for Review form, go to www.justice.govt.nz/tribunals/legal-aid-tribunal.

You must lodge your Application for Review with the Tribunal within 20 working days from the date of notice of the reconsideration decision. If you do not seek a review, the reconsideration decision is final. The reconsideration decision stands pending the outcome of any Tribunal review.

#### Money paid to your lawyer

Legal aid is paid directly to your lawyer for your case. You can ask us to examine the cost of your case if you think your lawyer has claimed for more time than they actually spent on the case, or claimed more expenses (disbursements) than they actually used. For a reconsideration or query about how much your lawyer is paid, write to the person who sent you the letter. The address is on the bottom of the letter.

#### Can you change your lawyer?

If you are not satisfied with your legal aid lawyer, try to talk to them about why you are not satisfied.

If that does not help, contact the legal aid office looking after your legal aid. If you have good reasons, and we agree, you can change your legal aid lawyer. It doesn't happen very often.

If you have a complaint about your lawyer, write to the Complaints Officer at the address on the bottom of a letter to you, or see the New Zealand Law Society complaints information at www.lawsociety.org.nz.

#### Where can you get more information?

You can get more information on legal aid at www.justice.govt.nz, or from a legal aid office, or from your lawyer. If you need to know more about the law in your case, ask your lawyer or a community law centre.



#### **Legal Aid**

09/13 form 6

Legal aid file No.
Lead provider's matter/file No.

# Application for Family Legal Aid

What is legal aid for? List all proceedings and matters to be covered by legal aid. Please use separate application forms for fixed fee and non-fixed fee proceedings. Personal details 1. What title do you wish to be known by? of applicant Mrs Miss Dr Please PRINT clearly 2. What are your first names? 3. What is your surname or family name? List other names you use now or 4. Do you use or have you used other names? in the past, eg maiden name Yes --- Write other names below 5. Are you: Male Female 6. What is your date of birth? day month year Addresses 7. What is your usual home address? Please include: suburb Postcode: town, city postcode (if known) 8. What is your mailing address? (if different from above) Postcode: 9. Where are you currently living? Address shown in question 7 Address shown in question 8 Other --- Write temporary address below Postcode: Phone & email 10. What are your contact telephone and email details? Home phone Work phone ) ( Mobile phone ( ) If you do not have a phone, give Other contact phone Whose phone number is this? (write name) the number of a friend we can call if we need to contact you Email address(es)

Ethnic group					
Question 11 provides statistics for research and development. You do not have to answer if you do not want to.	11. Which ethnic group do y  NZ European or Pakeha  Samoan  Indian	Other European Tongan	NZ Maori Niuean specify: (such as F	Chine	k Island Maori ese
Children  Also include children not living with you but who you support financially	12. Do you have any financi No Yes How many cl Give details of the second secon	nildren? of each child below	Relatic Age (eg child, fost	onship to you ter child, grandchild)	Is the child living with you? No Yes
Partner  A partner is:  a wife or husband  a civil union partner  a de facto partner (someone with whom you have a relationship in the nature of marriage)	13. Do you have a partner?  No → Go to question  Yes → Give details to  14. Name of partner?  15. Partner's date of birth				
Work and Income  IMPORTANT INFORMATION 'Extra help' payments from Work and Income are not counted as income for working out legal aid eligibility, eg:  Accommodation Supplement Emergency Benefit Disability Allowance Special Benefit Child Disability Allowance and other special assistance payments  You will need to attach	Single, 18- Single, and or Widows Sole Parent Suppo	on 18 more below  rt  of the following applie  19, at home received the Domes Benefit woman alone  ort	For how many months in the last year ges to you	Tick if you are still getting this payment	Benefit stopped month year
proof of your benefit, eg statement from WINZ	Supported Living Youth Payment NZ Superannuation Veteran's Pension  17. Do you have a current Wo	on			

Wages & salary					you get any	wag	ges or salaı	ry?					_
This includes income from full-time, temporary, casual, seasonal or part-time work over the last year		rate	Go to quadive deta Hours normally worked in a week	ails b			Months worked in the last year	Tick if still employed	or	Er mor	mployment e	nded <i>year</i>	
Current main employer (also complete main job details in 18a below)	\$			or	\$				or				
2	\$			or	\$				or				
3	\$			or	\$				or				
4	\$			or	\$				or				
You will need to attach proof of income, eg pay slip	18a. For y Name of Employe	emplo r Addre	yer		ob, complete	det		onunue d	on se	parate s	sheet if ne	ecessary	
					M/s - Isla					l	0-11-	41-	l
	How ofte	-					Fortnightly	/4 \	veek	ıy	Calenda	r montn	ıly
	When is	your ne	ext pay o	Jale	day mon	nth	year						
	<b>Benefi</b> No	r in a b or of a c have ciary?	any inte	y <b>erest</b> Yes	-	You (go	will need to to www.jus	complete tice.govt.	Settle and nz to Lega	lor, Trus attach t downlo	the Trust fo ad the for	et of rm	
Other income  WORKING FOR FAMILIES TAX CREDIT If you have received or could receive a lump sum payment instead of instalments, state the amount that relates to the last 12 months.	No	Amo			you get any of Give deta  How often do get paymen' (eg weekly, fortr monthly, yea	you ts?	pelow Is the a	imount of p		It: mon yea	How many ths in the lase or did you ge is payment?	t still g	if you jet this ment
Working for Families Tax Credit (see note above)		\$					<b>/</b>					1110	
Child Support or maintenance		\$					1						
Paid parental leave		\$											
ACC weekly compensation		\$											
Student allowance		\$											
Redundancy or termination paymen	t	\$											
Insurance or super scheme paymen	t	\$											
Rental income from other property		\$											
Income from 3 or more boarders		\$											
Interest and Dividends		\$											
Value of goods/services received reinstead of income, eg free accommodation		\$											
Other please state below													

\$

No income					
	22. If you have not last 12 months?	received any income, how have you been financially s	upported	d over	r the
	last 12 months?				
Change of income					
For example, you will be:	23. Is your income	likely to change in the next 12 months?			
<ul> <li>retiring from work</li> </ul>	No				
<ul><li>going on parental leave</li><li>going on study leave</li></ul>	Yes — Why	would it change?			
changing or starting a job					
	S 1100				
	Hov \$	w much do you think your income will be over the next 12 to before tax after tax	nontns?		
	Ψ	boloic tax and tax			
Home ownership					
	24. Do you own, pa	rt own or have an interest in a home?			
Relationship to you eg:  current partner	No	Yes —► Give details below	Dataila	1.2 1 .	
former partner		Who is named as the legal owner(s)?		nship to er perso	
<ul><li>trust</li><li>company</li></ul>					
If you own this home with					
someone else, please show the total property value.		Address of home			
Market value is what this		Address of notife			
home could sell for today.					
You will need to attach a		What is the estimated market value?	\$		
copy of the rates notice		What is the amount of any remaining mortgage(s)?	\$		
		What is your share of ownership in this home? (eg 50%)			%
		Is the home registered under the Joint Family Homes Act?	No		Yes
		Is the home situated on Maori land?	No		Yes
		is the nome situated on Maori land?	110		165
Other property					
or land		rt own or have an interest in other property or land?			
Relationship to you eg:  current partner	No	Yes → Give details below	Relation		
<ul><li>former partner</li><li>trust</li></ul>		Who is named as the legal owner(s)?	(IT OTHE	er perso	ns)
• company					
If you own this property or land		Address of property or land			
with someone else, please show the total property value.					
Market value is what this home					
could sell for today.		What is the estimated market value?	\$		
You will need to attach a		What is the amount of any remaining mortgage(s)?	\$		
copy of the rates notice		What is your share of ownership in this home? (eg 50%)			%
		Is the home registered under the Joint Family Homes Act?	No		Yes
		Is the home situated on Maori land?	No		Yes
					,

Vehicles	26. Do you own	or part own a	ny vehicl	es?		
Vehicles could include car, truck, motorcycle, boat,	No	Yes —	➤ Give de	tails below		
caravan, motor home	Make a	nd Model	Year	Registration Number	Market value	Money owing
Main vehicle for personal use					\$	\$
Other vehicle					\$	\$
Other vehicle					\$	\$
Money & investments	27. Do you have			ents?		
DO NOT include equity in a business or trust – we will work	No	tes —	Give de	etalis below		Current value
out this amount for you based on	Cash, savings	s, term deposit	S			\$
the set of accounts you give us.	Shares, bond	s, debentures				\$
	Money owed	to you				\$
	Retirement or information)	superannuation	on scheme	e (please do not ent	er your Kiwi Saver	\$
	Other investm	nents (eg artworks	s, antiques)			\$
Household items  Household and personal possessions could include:  clothing	28. Do you own	Yes —	➤ Give de	sehold items wetails below		or more than \$1000?  Estimated resale value
• furniture						\$
• appliances						\$
						\$
	29. Do you own				total resale value?	\$
Loans & debts	30. Do you have	anv other loa	ıns or dek	ots?		
DO NOT include amounts that you have declared as owing	No			tails below		Amount currently owing
under property and vehicle	Bank overdra	ft and/or perso	nal loan			\$
questions	Credit cards/s	store cards				\$
	Hire purchase	)				\$
<i>C.</i>	Money owed	to government	agencies	(eg fines, IRD, Work	and Income, Student Loan)	\$
When requested you will need to supply	Money owed	to other people	e			\$
proof of these debts	Other debts (e	eg medical, school fe	ees, phone, p	ower)		\$
Other financial information	31. During the la	rty worth mo	re than \$3		rred ownership or g	iven away any
	32. Are there otl your application	1?			Legal Aid to consid	er when we assess
	No	Yes —	➤ Give de	tails below		

## Partner income details

#### IMPORTANT INFORMATION

The income and assets of your partner (or your parents/guardian, if you are a minor) are treated as your resources in order to determine financial eligibility and repayment of legal aid.

However their resources may not be counted if the proceedings are against your partner.

Your partner may be required to provide further information and evidence to assess your application.

33. What income did your partner get over the last 12 month	s? Tick one or more
No Income	
Benefit income Please state type of benefit	
Tick if still getting this payment	OR ended
	day month year
Wages, salary, other income source separate to you	
34. Does your partner own any assets and/or have any money or investments separate from you?	Your partner will need to complete a 'Statement
No Yes	of Financial Position' (form 17 – part B)
35. Does your partner have any other loans or debts separate from you?	V
No Yes	

#### **Privacy statement**

- The Legal Services Commissioner ("the Commissioner") will collect or disclose personal information about you to meet its responsibilities under the Legal Services Act 2011, associated regulations and/or any other relevant statute or court order.
- This information may be used for statistical and/or research purposes and in this context will not individually identify you.
- Under the Privacy Act 1993 you have the right to have access to all information held about yourself, and to request correction of that information.
- It is not compulsory for you to provide the Commissioner with information, but if you do not provide all the information requested, your application may not be able to be assessed, or may be declined.

#### I acknowledge that:

- I may be required to provide evidence to support the information I have supplied in this application.
- The Commissioner will assess my financial means for a repayment and as a result I may be required to repay some or all of my legal aid.
- Interest will be charged on all outstanding legal aid debt incurred by me when my case has finished.
- If I fail to meet my repayment obligations the Commissioner may:
- send my debt to a third party debt collection agency and add the collection costs to the amount I have to repay; and
- □ a deduction notice may be used to automatically deduct payments from my benefit, employment income or bank account.
- Legal aid may be refused if I have any debt from a previous legal aid grant that is in arrears.
- If I fail to meet my repayment obligations the Commissioner may send my debt to a collection agency and add the third party collection to the amount I have to repay.
- Any assets and property that I own may be the subject of a charge in favour of the Commissioner to cover some or all of my required repayment amount. This includes any interest charged on my debt.
- Any assets and property including money or property that I receive or retain as a result of the proceedings are the subject of a charge in favour of the Commissioner to cover all or some of my legal aid.
- I must notify the Commissioner immediately of any change to my address, or if my income or assets (disposable capital) increase while I am receiving legal aid or have a debt to the Commissioner.
- I understand that I must provide up-to-date information in any enquiry into my financial means while I am receiving legal aid or have a debt to the Commissioner.
- It is an offence, for which I am liable on conviction to a fine, to:
  - ☐ fail without reasonable excuse to furnish information, or answer questions, or produce any document or thing, when I am required to do so under the provisions of the Legal Services Act 2011 or associated regulations;
  - knowingly provide false and misleading information, or answer any question in a false and misleading way; and
  - ☐ intentionally avoid payment to the Commissioner of any proceeds of proceedings.

I consent to:	<ul> <li>Paying my lawyer the legal aid user charge</li> <li>The Commissioner contacting Work and Income or any other third party to obtain verification of my financial means, bank account, employer or address and phone number. That is, I give my permission for:         <ul> <li>the Commissioner to verify my benefit income statement with Work and Income, and for Work and Income to provide information about my benefit income to the Commissioner; and</li> <li>other third parties (including my employer, bank or other income source) to provide the information they are asked for to the Commissioner.</li> </ul> </li> <li>The Commissioner contacting me by post, telephone, text message, facsimile, email or any other verbal, written or electronic form unless I advise the Commissioner otherwise.</li> <li>My lawyer providing any file, record, document or statement, or giving any information for the purposes of an audit or an investigation by the performance review committee or any other investigation of my lawyer under the Legal Services Act 2011, and I waive legal professional privilege for this purpose.</li> <li>Legal Aid Services will provide the contact details of my assigned counsel to the Police Prosecution Service and for my assigned counsel to receive disclosure and for their offices to be the address for service of any documents on my behalf to progress my case.</li> <li>I have no insurance or indemnification available to cover some or all of my legal costs.</li> <li>The information I have given in this application is true and not misleading, and this application is completed to the best of my knowledge.</li> <li>I have read and understood the Privacy statement, and my acknowledgement, consent and confirmation statements set out above.</li> </ul>
Applicant's signature	Signature Date
Has this application been com	day month year  spleted by someone else on behalf of the applicant?  No Yes
• parent	Name of person
Legal matters section	This legal matters section to be completed by your lawyer (IMPORTANT: If completing by hand please ensure handwriting is legible)
Lead provider	Name of land provider
	Name of lead provider
	Name of law firm
	Provider number
	Level of experience 1 2 3 A B
	Forum Category 1 2 3 4
	Name of instructing solicitor (if applicable)
Dates	36. What date were instructions received?
	37. Have any of the matters been disposed of by a court, tribunal or any other means?  No  Yes  Date of final disposition  day  month year  Give reasons for the delay in submitting this application (refer to section 14 of the Legal Services Act 2011)

continue on a separate sheet if necessary...

Payments made	38. Has any lawyer received payment (other than through legal aid) or entered into a page fee arrangement for work completed on these matters?	oriva
	No	
	Yes Name of lawyer paid/with whom a private fee arrangement has been entered	ed
	Total amount paid to date	
	What work did this cover (refer to fixed fee schedules or proceedings steps	s as
	applicable)?	
upporting documents	39. Are the proceedings filed, intended or contemplated?	
upporting documents	No You must attach a brief summary of the	
	dispute and the grounds to justify legal aid	
	Yes You must attach EITHER:  • a copy of the filed or draft proceedings and affidavits	
	OR if proceeding not drafted	
	<ul> <li>a brief summary of the dispute, details of reasonable ground to justify legal aid and grounds for taking or defending the proceeding</li> </ul>	
Other party	40. Who is the other party in this dispute?  Full name of other party	
ach details of other parties separate sheet		
	Relationship to applicant (eg spouse, partner, employer)	
	Address of other party (if known)	
	radicas of outer party (in known)	
	Name of other party's lawyer (if known)	
	41. Are there any assets and/or liabilities in dispute with the other party(s)?	
	No	
	AND/OR	
	All liabilities listed in the 'Financial Details' section	
	OR Please list details and total values \$	
	\$	
	\$	
	\$	
	\$	

## Justification for legal aid

legal aid **Family matters** 42. For a dispute involving Family matters (excluding Relationship Property), please consider the following section 10(6) criteria Indicate which of the following apply and provide details below: previous proceedings in the matter personal issues such as any orders relating to domestic violence, protection of personal property rights, compulsory treatment or compulsory care there are complex factual, legal, or evidential matters that require the determination of a court it is in the public interest that legal aid be granted Comment on why aid should be granted continue on a separate sheet if necessary... **Relationship Property** 43. For a dispute involving Relationship Property matters, please provide a reasoned explanation as to why aid is justified in terms of the applicant's prospects of success continue on a separate sheet if necessary... **Cost of services** 44. Complete this table only if aid in excess of the guideline hours is required or a fixed fee is to be replaced Step Number/Stage Activity Total Fee (excl. GST) \$ \$ \$ \$ Prior-approval Disbursements - complete this section only if the special disbursements require prior approval DNA testing other party \$ \$ Drug testing Photocopying (specify number of pages) \$ pages Report - Psychiatric/Psychological \$ Travel - Accommodation and meals days Travel - Personal car (@ specified rate per km) kms \$

Travel - Plane, bus, train, taxi, parking

Travel Time (specify from and to)

hours \$

Total GST\*

Total disbursements (excl. GST)\*

<sup>\*</sup>If you are not registered for GST, you will be paid the GST exclusive amount

	45. Provide reasons for exceeding guideline hours or replacing fixed fee (including details of the applicable amendment criteria and reasons why the fixed fee is inadequate) or seeking funding for prior approval disbursements.
	continue on a separate sheet if necessary
Additional information	46. Write any additional information to support the application for legal aid
	continue on a separate sheet if necessary
Lead provider's	
confirmation	I acknowledge and confirm my obligation to take all reasonable steps to protect the interests of the Legal Services Commissioner in relation to charges and proceeds of proceedings.
	I confirm that the instructing lawyer is in agreement that I will be the lead provider and receive payments from Legal Aid.
	I confirm that I will advise the Legal Services Commissioner if circumstances arise that would affect the prospects of success of the proceedings.
	■ The matters referred to in the applicant's "Acknowledgment, consent and confirmation" section of this application.
	■ My obligations to notify Legal Services Commissioner:
	of any change to their address, or any increase in their income or assets (disposable capital)
	where I am aware that they avoided/are avoiding/are attempting to avoid making payments to the Legal Aid from proceeds of proceedings.
	■ The fact that they have waived legal professional privilege for the purpose of an audit or an investigation by the performance review committee or any other investigation of me under the Legal Services Act 2011 and the effects and implications of that waiver.
	■ The potential cost of services for the proceedings for which aid is sought.
	■ The condition that a repayment may be required.
	Interest will be charged on all outstanding debt incurred by the applicant and if they fail to meet repayment obligations, a deduction notice may be used to deduct debt repayments from the applicant's income or bank account.
	If an applicant is in arrears from a previous grant of legal aid, then aid may be refused.
	Signature of lead provider
	day month year
	cay month year

# To avoid delays in considering this application, check you have attached the following documents: Proof of income (for wages and salary) Latest set of annual accounts (if self-employed or an interest in a business) Trust form (if an interest in a trust) Copy of rates notice (if own a home or other property) Copy of the judgment being appealed (in the case of an appeal or review) EITHER: Copy of filed or drafted proceedings and any affidavits OR: A summary of the dispute and the applicant's grounds for taking or defending this action Forward this application to the appropriate Legal Aid Office (refer to www.justice.govt.nz for address details)

LA office use only		
Approved		Con
Maximum grant		
PRA IR		
\$ Security	DVA exempt PoP	
Name		
Signature	Date	
	day month year	
Refused		Comments
Name		
Signature	Date	
	day month year	
Further information required		Comments
Further information required Name		Comments
		Comments
Name	Date	Comments