

# 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 Legal aid can be withdrawn if incorrect information is provided.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 You must keep up your repayments or legal aid may be withdrawn.

#### 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](http://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](http://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](http://www.lawsociety.org.nz).

#### Where can you get more information?

You can get more information on legal aid at [www.justice.govt.nz](http://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.



# Application for Family Legal Aid

List all proceedings and matters to be covered by legal aid

What is legal aid for?


## Personal details of applicant

Please PRINT clearly

1. What title do you wish to be known by?

 Mr    Mrs    Miss    Ms    Dr

2. What are your first names?

3. What is your surname or family name?

List other names you use now or in the past, eg maiden name

4. Do you use or have you used other names?

 No  
 Yes → Write other names below

5. Are you:  Male  Female

6. What is your date of birth?

day	month	year	year

## Addresses

Please include:

- suburb
- town, city
- postcode (if known)

7. What is your usual home address?

  
 Postcode:

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

If you do not have a phone, give the number of a friend we can call if we need to contact you

10. What are your contact telephone and email details?

Home phone ( )	Work phone ( )
-------------------	-------------------

Mobile phone ( )
---------------------

Other contact phone ( )	Whose phone number is this? (write name)
----------------------------	------------------------------------------

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 you belong to? Tick one

- NZ European or Pakeha   
  Other European   
  NZ Maori   
  Cook Island Maori  
 Samoan   
  Tongan   
  Niuean   
  Chinese  
 Indian   
  Other → Please specify: (such as Fijian, Korean)

## Children

Also include children not living with you but who you support financially

### 12. Do you have any financially dependent children?

- No  
 Yes → How many children?

Give details of each child below

	Name of child	Age	Relationship to you (eg child, foster child, grandchild)	Is the child living with you?	
				No	Yes
1					
2					
3					
4					
5					
6					

continue on a separate sheet if necessary...

## 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 16  
 Yes → Give details below

### 14. Name of partner?

### 15. Partner's date of birth


day	month	year	

## 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 proof of your benefit, eg statement from WINZ

### 16. In the last 12 months did you get any of the following benefits?

- No → Go to question 18  
 Yes → Tick one or more below
- |                                                     | For how many months in the last year | Tick if you are still getting this payment | Benefit stopped month year |
|-----------------------------------------------------|--------------------------------------|--------------------------------------------|----------------------------|
| <input type="checkbox"/> Unemployment Benefit       | <input type="text"/>                 | <input type="checkbox"/>                   | <input type="text"/>       |
| <input type="checkbox"/> Domestic Purposes Benefit  | <input type="text"/>                 | <input type="checkbox"/>                   | <input type="text"/>       |
| <input type="checkbox"/> Sickness Benefit           | <input type="text"/>                 | <input type="checkbox"/>                   | <input type="text"/>       |
| <input type="checkbox"/> Invalid's Benefit          | <input type="text"/>                 | <input type="checkbox"/>                   | <input type="text"/>       |
| <input type="checkbox"/> New Zealand Superannuation | <input type="text"/>                 | <input type="checkbox"/>                   | <input type="text"/>       |
| <input type="checkbox"/> Independent Youth Benefit  | <input type="text"/>                 | <input type="checkbox"/>                   | <input type="text"/>       |
| <input type="checkbox"/> Widow's Benefit            | <input type="text"/>                 | <input type="checkbox"/>                   | <input type="text"/>       |
| <input type="checkbox"/> War or Veteran's Pension   | <input type="text"/>                 | <input type="checkbox"/>                   | <input type="text"/>       |

### 17. Do you have a current Work and Income client number?

- No   
  Yes → Write your number below
-

## Wages & salary

This includes income from full-time, temporary, casual, seasonal or part-time work over the last year

### 18. In the last 12 months did you get any wages or salary?

- No → Go to question 19  
 Yes → Give details below

	Hourly rate before tax	Hours normally worked in a week	or	Gross annual income before tax and other deductions	Months worked in the last year	Tick if still employed	or	Employment ended month year
Current main employer <i>(also complete main job details in 18a below)</i>	\$		or	\$		<input type="checkbox"/>	or	
2	\$		or	\$		<input type="checkbox"/>	or	
3	\$		or	\$		<input type="checkbox"/>	or	
4	\$		or	\$		<input type="checkbox"/>	or	

continue on separate sheet if necessary...

You will need to attach proof of income, eg pay slip

### 18a. For your current main job, complete details below

Name of employer

Employer Address

Your work email address

How often do you get paid?  Weekly  Fortnightly  4 weekly  Calendar monthly

When is your next pay date?

day month year

## Business & trusts

### 19. In the last 12 months did you get any income from being

- Self-employed  No  Yes →
- A partner in a business  No  Yes →
- A director of a company  No  Yes →

You will need to include a copy of your latest set of annual accounts

### 20. Do you get, or are you entitled to, or able to receive any money or benefits from a trust?

- No  Yes →

You will need to complete and attach the Trust form (go to [www.justice.govt.nz](http://www.justice.govt.nz) to download the form or contact Legal Aid)

## Other income

### 21. In the last 12 months did you get any other income or one off payments?

- No  Yes → Give details below

**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.

	Amount of each payment	How often do you get payments? <i>(eg weekly, fortnightly, monthly, yearly)</i>	Is the amount of payment: before tax? after tax?	How many months in the last year did you get this payment?	Tick if you still get this payment
Working for Families Tax Credit <i>(see note above)</i>	\$		<input checked="" type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Child Support or maintenance	\$		<input checked="" type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Paid parental leave	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
ACC weekly compensation	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Student allowance	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Redundancy or termination payment	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Insurance or super scheme payment	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Rental income from other property	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Income from 3 or more boarders	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Interest and Dividends	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Value of goods/services received regularly instead of income, eg free accommodation	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Other <i>please state below</i>					
	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>

## No income

22. If you have not received any income, how have you been financially supported over the last 12 months?


## Change of income

For example, you will be:

- retiring from work
- going on parental leave
- going on study leave
- changing or starting a job

23. Is your income likely to change in the next 12 months?

No

Yes

Why would it change?


How much do you think your income will be over the next 12 months?

\$   before tax  after tax

## Home ownership

Relationship to you eg:

- current partner
- former partner
- trust
- company

If you own this home with someone else, please show the total property value. Market value is what this home could sell for today.

24. Do you own, part own or have an interest in a home?

No

Yes → Give details below

Who is named as the legal owner(s)?

Relationship to you  
(if other persons)


Address of home


What is the estimated market value?

\$

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

 You will need to attach a copy of the rates notice

## Other property or land

Relationship to you eg:

- current partner
- former partner
- trust
- company

If you own this property or land with someone else, please show the total property value. Market value is what this home could sell for today.

25. Do you own, part own or have an interest in other property or land?

No

Yes → Give details below

Who is named as the legal owner(s)?

Relationship to you  
(if other persons)


Address of property or land


What is the estimated market value?

\$

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

 You will need to attach a copy of the rates notice

## Vehicles

Vehicles could include car, truck, motorcycle, boat, caravan, motor home

### 26. Do you own or part own any vehicles?

No  Yes → Give details below

	Make and Model	Year	Registration Number	Market value	Money owing
Main vehicle for personal use				\$	\$
Other vehicle				\$	\$
Other vehicle				\$	\$

## Money & investments

DO NOT include equity in a business or trust – we will work out this amount for you based on the set of accounts you give us.

### 27. Do you have any money or investments?

No  Yes → Give details below

	Current value
Cash, savings, term deposits	\$
Shares, bonds, debentures	\$
Money owed to you	\$
Retirement or superannuation scheme	\$
Other investments (eg artworks, antiques)	\$

## Household items

Household and personal possessions could include:

- clothing
- furniture
- appliances

### 28. Do you own any personal and household items which could be sold for more than \$1000?

No  Yes → Give details below

List items which could be sold for more than \$1000 each	Estimated resale value
	\$
	\$
	\$

## Tools of trade

### 29. Do you own any equipment and tools you use for work?

No  Yes → What is the estimated total resale value?

\$

## Loans & debts

DO NOT include amounts that you have declared as owing under property and vehicle questions

### 30. Do you have any other loans or debts?

No  Yes → Give details below

	Amount currently owing
Bank overdraft and/or personal loan	\$
Credit cards/store cards	\$
Hire purchase	\$
Money owed to government agencies (eg fines, IRD, Work and Income, Student Loan)	\$
Money owed to other people	\$
Other debts (eg medical, school fees, phone, power)	\$

## Other financial information

### 31. During the last 12 months, have you sold, transferred ownership or given away any money or property worth more than \$3500?

No  Yes → Give details below


### 32. Are there other financial circumstances you want Legal Aid to consider when we assess your application?

No  Yes → Give details below


continue on a separate sheet if necessary...

**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 months? 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?**

No  Yes →

**35. Does your partner have any other loans or debts separate from you?**

No  Yes →

Your partner will need to complete a 'Statement of Financial Position' (form 17 – part B)

**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.
- 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.
- 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 summary 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; and
  - knowingly provide false and misleading information, or answer any question in a false and misleading way.
  - intentionally avoid payment to Legal Aid of any proceeds of proceedings.

**I consent to:**

- The Commissioner contacting Work and Income or any other third party to obtain verification of my financial means. That is, I give my permission for:
  - 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
  - other third parties to provide the information they are asked for to the Commissioner.
- 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.
- 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.

**I confirm that:**

- I have no insurance or indemnification available to cover some or all of my legal costs.
- The information I have given in this application is true and not misleading, and this application is completed to the best of my knowledge.
- I have read and understood the Privacy statement, and my acknowledgement, consent and confirmation statements set out above.

**Applicant's signature**

Signature

Date  day  month  year

Has this application been completed by someone else on behalf of the applicant?  No  Yes →

- For example:
- parent
  - guardian
  - trustee

Name of person

Relationship to applicant

**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 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?

day month year

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 private fee arrangement for work completed on these matters?

No

Yes

→ Name of lawyer paid/with whom a private fee arrangement has been entered

→ Total amount paid to date


\$

→ What work did this cover (refer to proceedings steps)?



**Supporting documents**

39. Are the proceedings filed, intended or contemplated?

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*
- a brief summary of the dispute, details of reasonable ground to justify legal aid and grounds for taking or defending the proceeding*

## Other party

If more than one 'other party', attach details of other parties on separate sheet

### 40. Who is the other party in this dispute?

Full name of other party

Relationship to applicant (eg spouse, partner, employer)

Address of other party (if 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

Yes

All assets listed in the 'Financial Details' section

AND/OR

All liabilities listed in the 'Financial Details' section

OR Please list details and total values

	\$
	\$
	\$
	\$
	\$

## Justification for 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
- interests or welfare of another person who may be affected by the outcome of the proceedings
- 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...



**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.

The applicant has been advised about:

- The matters referred to in the applicant's "Acknowledgement, consent and confirmation" section of this application.
- My obligations to notify Legal Aid:
  - 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 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.

Signature of lead provider

day	month	year	

**Checklist**

**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](http://www.justice.govt.nz) for address details)**

**LA office use only**

**Approved**

Maximum grant

**PRA**

\$

**IR**

\$

AP  Lump sum  Security  DVA exempt  PoP

Name

Signature

Date

day	month	year	

**Comments**


**Refused**

Name

Signature

Date

day	month	year	

**Comments**


**Further information required**

Name

Signature

Date

day	month	year	

**Comments**
