

Public Funding

From the 1st April 2013, public funding for family matters is not as common place as it used to be. Legal Aid is only available for divorces, and in Financial or Children issues when certain criteria has been met.

Legal Aid for Injunction measures is available as it was previously – please call us immediately in this regard.

Help with Mediation

Legal Aid does continue to be available for mediation. Once mediation has commenced and you have attended your first joint meeting, we are able to offer Help with Mediation funding.

This assists you with legal advice during the mediation process and in financial cases, it allows you to obtain a Consent Order through solicitors.

Legal Aid Funding

In order to obtain legal aid funding to take matters to Court, there must be evidence of domestic violence or child protection issues.

There are specific criteria in relation to what the evidence can be, if there are domestic violence issues, it must be one of the following:

- The Opponent has a relevant unspent conviction for a domestic violence offence against yourself
- The Opponent has a relevant police caution for a domestic violence offence against yourself within the 24 month period immediately preceding you contacting us
- There is evidence of relevant criminal proceedings against the Opponent for a domestic violence offence which have not concluded
- A relevant protective injunction against the opponent is in force or was granted within the 24 month period immediately preceding the date of the application for civil legal services
- An Undertaking given in England and Wales by the Opponent in the preceding 24 month period
- A letter from the person appointed to chair a MARAC meeting confirming that there has been a conference in the preceding 24 month period and that you are a high-risk victim of domestic violence
- A copy of a Finding of Fact made in proceedings within the 24 month period preceding that there has been domestic violence by the Opponent upon you
- A letter from a health professional confirming that you have had injuries consistent with domestic violence within the past 24 months
- A letter from a Social Services department confirming that in the preceding 24 month period that you were assessed as being at risk or a victim of domestic violence
- A letter or report from a domestic violence support organisation confirming that in the past 24 month period that you have been in a Refuge for more than a period of consecutive 24 hours due to allegations of domestic violence

In relation to children issues, the evidence must be the following:

- A relevant unspent conviction for a child abuse offence
- A relevant police caution for a child abuse offence within the past 24 months
- Evidence of relevant criminal proceedings for child abuse offence which have not concluded
- A relevant protective injunction granted in the previous 24 month period
- A copy of a finding of fact, made in proceedings in the previous 24 month period, showing abuse of the child
- A letter from a social services department confirming that within the previous 24 month period the child was assessed as being or at risk of being a victim of child abuse by the Opponent
- A letter from a social services department confirming that within the previous 24 month period the child had a child protection plan in place to protect the child from abuse or risk of abuse by the Opponent.
- An application for an injunction made with an application for a prohibited steps order that has not yet been determined by the Court.

What do I do now?

Oxley & Coward can offer you further information and assess your eligibility for Public Funding. Call us now on 01709 510999 or email family@oxcow.co.uk for a free half hour consultation.