

# FINANCIAL ELIGIBILITY

Leaflet No. 13.



## LEGAL AID BOARD

This leaflet is not an interpretation of the law.

# LEAFLET No. 13 - FINANCIAL ELIGIBILITY

## Introduction

This leaflet provides general information on financial eligibility for legal services and the contribution that must be paid. Further information will be provided by law centre staff if required.

## General

A person applying for legal advice and/or for legal aid must undergo a means test in respect of both their income and their capital resources. The law centre staff will assess a person's means, advise on financial eligibility to determine if the person is eligible for legal services and, if so, calculate the amount of the contribution.

## Financial Eligibility Limits

In order to be financially eligible for legal services, a person's **disposable income** cannot exceed €18,000 and their disposable capital cannot exceed €320,000.

## Income

The first step is for a person to complete the statement of means on the application for legal services form. This requires the following information:

Income - this is the person's total income whether in the form of wages/salary/social welfare/pension or any other income that the person may have; and

Allowances - these are the amounts that may be offset against income for the purpose of calculating a person's disposable income.

The allowances are as follows:-

Allowances	Maximum amount
- Spouse / Partner	€3,500
- Adult and child dependants	€1,600
- Accommodation cost	€8,000
- Child care per child	€6,000
- Income tax	full amount
- P.R.S.I.	full amount
- Ex gratia	€1,040

The Board's staff will calculate a person's disposable income and advise on the level of contribution that a person must pay.

A person may complete the statement of means form on their own or they may obtain assistance in the completion of the form from the law centre staff.

The Board's staff will require a person to provide confirmation of their main sources of income and allowances, for example:

- copy of latest payslip, receipts for child care;
- copy of social welfare payment slip; and
- rent book/mortgage statement.

The Board may request the Department of Social and Family Affairs, to investigate the means of any person applying for, or in receipt of, legal services, including random spot checks.

### **Capital**

The value of a person's home is excluded for the assessment of a person's capital resources.

If a person's capital resources exceeds €4,000, the person must complete the statement of capital on the application form. This requires the following information:-

- Capital - the person's total capital of every nature, whether in the form of property; car; cash in hand, in the bank; investments, or other resources; and
- Debts - an allowance may be given for certain debts that may be offset against capital for the purposes of arriving at disposable capital, e.g. credit union loans.

### **Contribution**

All persons who obtain **legal advice** must pay a contribution. **The actual amount will depend on a person's disposable income.** The minimum income contribution is €10 for legal advice, while the maximum is €150.

Persons who obtain **legal aid** must pay a contribution based on their disposable income and disposable capital, if any. The actual amount will depend on a person's disposable income, their disposable capital, and may also depend on the cost to the Board of providing legal services.

A separate contribution is payable for each separate application.

### **Costs**

The Board is entitled, subject to certain exceptions, to deduct the costs it has incurred in providing legal services from any monies/property a person recovers as a result of the legal services provided. Monies recovered by a person in receipt of legal advice and/or legal aid must be paid in the first instance to the Board.

### **Change in financial circumstances**

Persons in receipt of legal services are required to notify the Board of any change in their financial circumstances. In practice, persons should tell their solicitor, or any other staff member, that there has been a change in their income or capital resources. The purpose of this is to enable the Board to ensure that persons continue to be eligible for legal services.

Failure to notify the law centre of a change in circumstances may result in a situation where the Board withdraws legal services because a person has failed to disclose a change in their circumstances. A person may then be liable for all of the costs incurred by the Board.

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#### *Legal Aid Board Information leaflets*

Leaflet No. 1. Civil legal aid	Leaflet No. 9. Wills and inheritance
Leaflet No. 2. Family law - general	Leaflet No. 10. Customer care and complaints procedure
Leaflet No. 3. Separation	Leaflet No. 11. Applying for legal services
Leaflet No. 4. Divorce	Leaflet No. 12. Withdrawal of legal services
Leaflet No. 5. Nullity	Leaflet No. 13. Financial eligibility
Leaflet No. 6. Maintenance	Leaflet No. 14. Civil legal aid for complainants in rape and certain sexual assault cases
Leaflet No. 7. Domestic violence	Leaflet No. 15. Collaborative Practice
Leaflet No. 8. Children and family law	