

FINANCIAL ELIGIBILITY AND CONTRIBUTIONS

Leaflet No. 13



LEGAL AID BOARD

1890 615200
info@legalaidboard.ie
www.legalaidboard.ie

Updated September 2013

This leaflet is not an interpretation of the law.

This leaflet provides general information on:

- financial eligibility for legal services, and
- the financial contribution that must be paid.

How do I know if I am eligible for legal services?

If you are applying for legal advice and/or for legal aid you must undergo a **means test** of both your **income** and your **capital resources**.

The law centre staff will:

- assess your means;
- determine if you are financially eligible for legal services and, if so;
- calculate the amount of the contribution you will have to pay.

Financial Eligibility Limits

What are the financial eligibility limits?

In order to be financially eligible for legal services your **disposable income** cannot be over €18,000 and your **disposable capital** cannot be over €100,000.

Disposable income is the income remaining after certain deductions have been made.

Income

How is my income assessed?

The first step is for you to complete a **statement of means** on the application for legal services form. You will be asked to give the following information on this form:

- Income - this is your total income, for example wages, salary, social welfare payments, (though some social welfare payments, such as Child Benefit and Carer's Allowance, are not included) pension; and
- Certain personal circumstances and also certain items of expenditure in order to decide what allowances may be offset against your income for the purpose of calculating your disposable income.

The allowances are as follows:

Allowances	Maximum amount
Spouse/Partner	€3,500
Adult and child dependants	€1,600 per dependant
Accommodation costs	€8,000
Child care	€6,000 per child
Income tax	Full amount
PRSI	Full amount
Universal social charge	Full amount
Public service pension related deduction (aka Pension levy)	Full amount
Ex-gratia payments received	Deduction of €20 from each payment received each week

The Board's staff will calculate your **disposable income** and advise you of the **contribution** that you must pay.

You may complete the statement of means form on your own, or staff in the law centre will help you to complete the form if you are unable to do so.

The Board's website has an on-line indicator which will assist you in finding out if you are likely to be financially eligible. The indicator does not guarantee financial eligibility for legal services. It only acts as a guide.

How do I confirm my main source of income and allowances?

You may be required to provide confirmation of your main sources of income and allowances by providing, for example:

- a copy of your latest payslip;
- a copy of your social welfare payment slip; and
- a rent book/mortgage statement.

The Board may request the Department of Social Protection to investigate the means of any person applying for, or in receipt of, legal services.

How are my capital resources calculated?

The value of your **home** is **excluded** for the assessment of your capital resources.

If your capital resources are more than €4,000 you must complete the **statement of capital** on the application form. The following information is required:

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

Contribution

As mentioned above, if you receive **legal advice and/or legal aid** you must pay a **contribution** unless you're seeking legal aid in relation to an application by the Health Service Executive to place your children under their supervision or into care.

Legal Advice

The **minimum** income contribution you will have to pay is €30 for legal advice, while the **maximum** is €150. **The actual amount will depend on your disposable income.**

Legal Aid

If you receive **legal aid** you must pay a contribution based on your disposable income and disposable capital, if any. The contribution will be at least €130, but may be greater. The actual amount you will have to pay will depend on:

- your disposable income, and
- your disposable capital, if any.

The cost to the Board of providing you with legal services may also be taken into account.

A separate contribution is payable for each application.

What happens if I am awarded costs?

The Board is entitled, subject to certain exceptions, to deduct the costs it has incurred in providing you with legal services from any monies/property you recover or that is preserved on your behalf 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.

What should I do if there is a change in my financial circumstances?

If you are in receipt of legal services you must notify the Board of any change in your financial circumstances. In practice, you should tell your solicitor, or any other staff member if there has been a change in your income or capital resources.

The purpose of this is to enable the Board to ensure that you continue to be eligible for legal services. The fact that your financial circumstances might have improved does not necessarily mean that the legal services being provided to you will be terminated.

What will happen if I fail to notify the law centre of a change in circumstances?

Failure to notify the law centre of a change in your circumstances may result in a situation where the Board withdraws legal services. You may then be liable for all of the costs incurred by the Board.

Please note that that the financial eligibility limits, allowances, and contribution figures given above may be subject to change.

Further information will be provided by law centre staff if required.

Head Office: Legal Aid Board, Quay Street, Cahirciveen, Co. Kerry.

Tel: (066) 947 1000

Fax: (066) 947 1035

Locall: 1890 615 200

Website: www.legalaidboard.ie