

Legal Help In Family Matters & Family Help (Lower)

This scheme is designed to enable us to provide legal assistance in appropriate cases. At the initial meeting we will assess if you are financially eligible for public funding. We are required to obtain evidence of your means and you will be asked to provide this before we can proceed.

Legal Help

The scope of this part of the scheme is limited to the giving of advice and assistance; it does not extend, for example, to the bringing or defending of court proceedings. So it will cover, for example, such things as initial advice and perhaps some letters on your behalf. However, if the matter concerns a standalone (non children or finance issue) divorce or separation it will also enable us to prepare divorce or separation petitions for you together with the other necessary court documents, provided that the matter is undefended.

The Fixed Fees we receive for the above are as follows:-

Stand alone Divorce (Petitioner) - £162

All other matters - £96

All necessary disbursements are also paid by the Legal Services Commission (LSC).

However, Court Fees are not necessarily included. It may be appropriate for you to pay all or some of the following Court fees – an assessment by the Court (or by us) will be required to indicate the amount you will be liable for:-

Divorce Petition Fee - £300

Decree Absolute Fee - £40

Consent Order Fee - £40

Family Help (Lower)

This part of the scheme will allow us, provided there are children and/or finance issues where there is a significant dispute to negotiate on your behalf and if appropriate, the completion of other legal aid application forms. You do not need to sign a further form or show new evidence of means for this level of assistance.

Under both parts of this scheme we will be paid fixed fees, including settlement fees, from LSC. However if, using the prescribed rates referred to below, the costs of your case (excluding settlement fees) are in excess of three times the standard fee that would normally be payable to us by the LSC for such matters we are entitled to claim for all work at the prescribed hourly rates. If your matter “settled” in part or in full under the scheme and the settlement breaks down within 6 months special rules apply regarding further work to achieve a lasting settlement. If this occurs please contact us as soon as possible to discuss. If at any stage we cannot justify further time (for example, because we have assessed that ongoing work will provide no benefit for you), we may regretfully have to advise you that we are unable to undertake further work

under the scheme in respect of the matter about which you have consulted us. As certain matters and proceedings are not covered under either part of this scheme we will discuss alternative Legal Services Commission funding with you if applicable.

Prescribed rates used to calculate the actual costs of the work carried out under the Legal Help / Family Help (Lower) Scheme have been set at £51.05 per hour for work other than travelling, which is paid at £28.60 per hour. Routine letters and telephone calls are paid at the rate of £4.05 per item.

The Fixed Fees we receive for the above (instead of or as well as the £96 stated above) are as follows:-

Children - £221

Children Settlement Fee - £132

Finances - £231

Finances Settlement Fee - £139

Any disbursements incurred on your behalf are in addition to the fixed fee or actual costs we receive. VAT at the standard rate will also be charged where applicable.

Statutory Charge

You may be called upon to pay us for part of the work we carry out for you under the Legal Help/Family Help (Lower) if, by virtue of it (or under a subsequent Public Funding Certificate), you recover or preserve money or property or have liabilities repaid against which you have made a claim.

The Statutory Charge applies if you recover or preserve property or if you receive a lump sum payment over £3,000. Pension sharing arrangements are exempt.

If there are connected Children Act proceedings then you may still be liable for costs if the above statement applies in relation to financial proceedings.

Should you preserve or recover property or receive a lump sum payment we will discuss this with you further.

Please note that we are required by the LSC to close your file if we do not hear from you for a period of time. Our policy is to take that step if we have been without instructions from you for 1 month. However, this time does not start to run if we have agreed with you that we will place your matter on hold for a specified period until the end of that period. In addition, in the event of you requiring assistance again at some later stage, you are of course free to contact us and, providing you are still eligible, we will be able to ask you to sign a further Legal Help/Family Help (Lower) form and re-open the matter.