

June 2016

Legal Aid News is your official regular communication from Legal Aid Services on all matters related to legal aid. *Legal Aid News* is generally published in the last week of every month.

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Engaging an Expert – New form and disbursements

On Monday, 27 June 2016 a new form and disbursement was placed on our website for providers who need to engage an expert or expert witness. The form will enable Legal Aid Services staff to make timely decisions on requests and provide better access to information where a legal aid provider requests an expert or expert witness disbursement. Both the new form and disbursement will apply to all jurisdictions.

Form 50 - Expert information

Form 50 has been created to capture the information Legal Aid Services needs to know in order to consider and/or approve a request for an expert or expert witness. This form is intended to prevent requests for further information which can result in delays in decision-making.

Form 50 should be submitted alongside any amendment to grant form seeking prior approval for an expert or expert witness disbursement on a case.

Form 50 can be downloaded from the [PDF forms](#) page on our website (note: this form is not available in the Word forms installer).

Expert Consultancy Service disbursement

A new disbursement is now available to legal aid providers for use of an expert consultancy service to locate a suitable expert or expert witness for a legal aid case.

Providers may engage with an expert consultancy service and on receipt of the information and contact details of a suitable expert, seek the disbursement from Legal Aid Services to cover the cost of the service. However, providers can still choose to locate a suitably qualified expert themselves, without the assistance of a consultancy service.

The following disbursements are pre-approved where an expert consultancy service is used to locate a suitable expert for a legal aid case. Scenarios not covered by these two disbursements will be managed by amendment to grant.

- a. **\$250** - NZ based expert(s)
- b. **\$500** - Only overseas experts available due to uncommonly used skills or expertise required

You can find more information about this disbursement and what constitutes an expert consultancy service on page 96 of the [Legal Aid Services Grants Handbook](#).

Amendments to the Children, Young Persons and their Families Act

The Vulnerable Children Amendments to the Children, Young Persons and their Families Act 1989 comes into force on Friday 1 July 2016. The Legal Services Commissioner consulted on the related new legal aid activities and changes to fee schedules between 21 November to 19 December 2015.

New fees have been added to the Children & Young Persons fixed fee schedule to accommodate:

- a new type of guardianship order (special guardianship) for children leaving state funded care
- a new care and protection ground for where the child's parent has previously had a child or young person removed due to abuse or neglect (Subsequent Children)
- a new ability for the Chief Executive of the Ministry of Social Development to provide financial or other assistance to permanent caregivers, which can now be appealed if this is declined.

The updated fixed fee schedule is [here](#). If you have any questions, please contact your legal aid office.

Changes from 4 July 2016

Criminal legal aid fee changes

The Legal Services Commissioner has revised the fee schedules for criminal legal aid. New fixed fee schedules for A-F are introduced on Monday, 4 July 2016.

All new grants of legal aid approved by Legal Aid Services on or after 4 July 2016 will attract the new fee schedules. Existing grants under the 1 July 2013 fee schedules can move to the 4 July 2016 schedules if and when an amendment to grant is approved for any activity.

A short presentation has been prepared with practical advice on working with the first set of changes for 20 June 2017. We encourage you to watch the presentation which is available [on YouTube](#).

New PDF forms along with an updated installer package can be downloaded from the [Ministry of Justice website](#).

Mileage rate change

The mileage rate will be changing from \$0.77 to \$0.72 per kilometre to match the [IRD rate](#). The new rate will apply to all invoices received from 4 July 2016.

There will be a new installer to download for the Word template invoice forms, which will be available from 4 July 2016.

Increases to maximum levels of income for civil legal aid

Regulation 5 of the Legal Services Regulations 2011 will be amended to include increases to the maximum levels of gross annual income. The maximum levels will be increased as follows:

If the applicant....	Then the maximum level of gross annual income is
Is single	\$22,846
Has <ul style="list-style-type: none">• a spouse/partner or• 1 dependent child	\$36,180
Has <ul style="list-style-type: none">• a spouse/partner and 1 dependent child or• 2 dependent children	\$52,027
Has <ul style="list-style-type: none">• a spouse/partner and 2 dependent children or• 3 dependent children	\$59,122
Has <ul style="list-style-type: none">• a partner/spouse and 3 dependent children or• 4 dependent children	\$66,065
Has <ul style="list-style-type: none">• a spouse/partner and 4 dependent children or• 5 dependent children	\$73,853
Has <ul style="list-style-type: none">• a spouse/partner and more than 4 dependent children or• more than 5 dependent children	\$73,853 (as for 5 dependent children) PLUS \$6,832 for each additional child

The changes will apply to all financial assessments undertaken on or after 4 July 2016.

Queries?

If you have queries about any article in this newsletter, please contact legalaidsnews@justice.govt.nz.