

What if I want to complain about my lawyer?

To make a complaint you can:

- contact your local legal aid office
- email legalaidcomplaints@justice.govt.nz
- write to Legal Aid Complaints, Provider and Community Services, DX SX10125, Wellington.

Will I have to pay anything?

Legal aid for a protection order does not have to be repaid.

If your case involves other Family Court proceedings at the same time, such as division of relationship property, you may have to make repayments for some or all of that part of the case.

If repayments are necessary they may be made in regular instalments, or from the 'proceeds or proceedings', or you may have to register a charge over property. This means the aid will be repaid when the property is sold.

A repayment plan will be worked out with you based on the information that you have provided in your application.

Interest will be charged on your debt six months after your case has been finalised. If you pay off the debt within six months, interest will not apply.

If you have any problems meeting your arrangements, contact the Debt Management Group on 0800 600 090 as soon as possible. Your repayment plan may be changed, or in some cases the Commissioner may decide to write off some or all of your legal aid debt. If you do not repay or sort out your legal aid debt with the Debt Management Group, it may stop you getting legal aid in the future.

More information

For more information about legal aid, contact your local legal aid office or go to the Ministry of Justice website justice.govt.nz/legal-aid

Family Courts are within district courts. To find the nearest one look in the blue pages of the phonebook under 'Justice' or go to justice.govt.nz/family-court

For more information about protection orders and the Domestic Violence Act, see:

- 'Domestic Violence' infosheet (LawAccess).

For information about the law, including information on areas of law where people often experience problems eg family, housing, employment and money, go to LawAccess (lawaccess.govt.nz)

Your local legal aid office

Auckland

DX DX10660
North Shore City
T 09 488 5440
auckland.legalaid@justice.govt.nz

Waitakere

DX CX10351, Glendene
T 09 837 9860
waitakere.legalaid@justice.govt.nz

Manukau

DX EX10980, Manukau
T 09 262 7750
manukau.legalaid@justice.govt.nz

Rotorua

DX JX10551, Rotorua
T 07 350 1090
rotorua.legalaid@justice.govt.nz

New Plymouth

DX NX10010, New Plymouth
T 06 759 0451
newplymouth.legalaid@justice.govt.nz

Napier

DX MX10021, Napier
T 06 833 7750
napier.legalaid@justice.govt.nz

Wellington

DX SX10146, Wellington
T 04 472 9040
wellington.legalaid@justice.govt.nz

Christchurch

DX WX11123, Christchurch
T 03 339 4730
christchurch.legalaid@justice.govt.nz

Debt Management Group

DX SX11295, Wellington
T 0800 600 090
legalaiddebt@justice.govt.nz

Legal aid for protection orders

Information about applying for legal aid for protection orders



newzealand.govt.nz

MOJ0086_APR15

The Legal Services Commissioner is responsible for decisions regarding the granting of legal aid. This pamphlet outlines how legal aid works in the case of protection orders.

Legal aid for protection orders

If you are affected by domestic violence, you can apply for a protection order. A protection order is issued by the Family Court to protect people from domestic violence.

There is no cost for applying for a protection order and you can do it yourself using the forms available at the Family Court.

However it is a good idea to get a lawyer to help you apply – you will have to pay the lawyer. You may be able to get legal aid to cover the cost of a lawyer.

When do I apply for legal aid?

You can apply for legal aid at the same time as you apply for a protection order. You must apply for legal aid before your protection order is finalised by the Court. If your application is complete you will get a decision within five days of it being received.

What information goes on the legal aid application form?

The information you will need to give may include:

- any document describing your case
- documents showing your income details, such as payslips or bank statements (including ACC and any Work and Income benefits)

- details of any savings or debts you have (such as hire-purchase payments)
- the value of your property (such as a rates notice)
- details of any other major assets you own (such as a car).

If you have a partner you must give the same financial information about them. This applies to married and civil union couples and to de facto partners (including same-sex partners).

Will I get legal aid?

The Legal Services Commissioner will decide whether to grant legal aid depending on your financial circumstances and the type of case.

Financial circumstances

There are financial thresholds for income and capital for civil and family legal aid. You can check to see if you are financially eligible by asking at a Community Law Centre or checking the Legal Services Regulations 2011 at the library.

You will have to give details of your partner's income and assets, even if you are not able to use or sell them. Your partner's resources may not be counted if the proceedings are against them. Your partner's resources will not be counted if you are considered to be living apart.

If there are special financial circumstances, aid may be granted by the Commissioner even if you exceed the income or capital limits.

An example of a special circumstance is where an applicant for a protection order can't access savings that are controlled by their partner.

Type of case

You must have a significant personal interest in your case – this is called 'reasonable grounds'. You will almost always have reasonable grounds if your case involves children (day to day care or contact), domestic violence or mental health issues.

If you are financially eligible, your application for legal aid for a protection order will be accepted.

If part of your case is about relationship property or maintenance, or if it's not a Family Court matter, the Commissioner will look at your chances of winning that part of your case before deciding whether to grant legal aid.

How do I find a lawyer?

Not all lawyers do legal aid – always check before deciding if you want them to help you.

One of the best ways of finding a lawyer is by asking people who have been in similar situations. If you don't know anyone to ask – phone your local legal aid office, go to www2.justice.govt.nz/find-a-legal-aid-lawyer/ or try the following organisations for suggestions:

- Citizens Advice Bureau 0800 FOR CAB (367 222), www.cab.org.nz
- Community Law Centre (communitylaw.org.nz)
- Women's Refuge (womensrefuge.org.nz)
- the family law section of the New Zealand Law Society (familylaw.org.nz).

It is always a good idea to phone several lawyers before choosing one. Ask if they do legal aid and ask questions about their experience in the Family Court doing domestic violence work and their fees.

What should I take when I go to see a lawyer?

Going to a lawyer can be stressful. Write a list of things you want to cover, which should include:

- what you want to know about the process
- what you would like the lawyer to do for you
- why you need a protection order
- what has happened
- what effect it has had on you and any children involved
- the dates of any events you can remember.

You should also take along any relevant documents for your legal aid application, including:

- proof of income (for wages or salary), if you are on a benefit, take your Work and Income number
- your latest rates notice, if you own your own home or property
- your latest set of annual accounts, if you are self-employed or have an interest in a business
- your trust form, if you have an interest in a trust.

You may want to take an advocate or support person with you.