

What Problems Are Covered By Legal Aid?

The Legal Services Society will appoint a lawyer for you if you are financially eligible and your legal problem is covered under legal aid rules. Problems that may be covered include:

Criminal charges

Legal aid will cover your criminal case if you will, if convicted:

- go to jail,
- face a conditional sentence that would severely limit your liberty,
- lose your way of earning a living, or
- face an immigration proceeding that could lead to your deportation from Canada.

You also get legal aid if you:

- have a mental or emotional illness that makes it impossible for you to represent yourself, or
- are Aboriginal and the case affects your ability to follow a traditional livelihood of hunting and fishing.

Note: If you are a young person charged with a federal offense, you are entitled to legal aid.

Mental health and prison issues

You may get legal aid if you:

- face a Mental Health Review Panel or a BC Review Board Hearing, or
- face prison issues for which the Charter of Rights and Freedoms provides the right to a lawyer.

Serious family problems

Legal aid will cover your case if:

- you need a restraining order or a change to your current custody or access order because you or your children are at risk of physical violence;
- you need a supervised access order because your children are at risk,
- the other parent is threatening to take your child out of the province permanently, or
- the Ministry of Children and Family Development has taken, or threatens to take, your child away from you.

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You may also be eligible for legal aid for a serious family problem if one of the following circumstances applies to you:

- You cannot represent yourself due to a serious condition or disability and your family matter must be resolved to avoid further harm.
 - There are references in your court documents to past sexual, physical, or emotional abuse and the offending parent or partner is back in the community.
 - The parent with access has kidnapped your child and there is an existing custody order or separation agreement.
 - You are the respondent in a maintenance enforcement committal proceeding and will be sent to jail as a result of your failure to pay maintenance.
 - There has been complete denial of access for three months or more in breach of a court order or separation agreement.
 - Other unusual or extenuating circumstances have arisen.
- AND**
- Your case is approved by an LSS field operations manager.

Immigration problems

Legal aid may cover your case if:

- you are facing an immigration proceeding that may result in your removal from Canada, or
- you wish to claim refugee status.

How to apply for legal aid

To apply for legal aid, phone your local legal aid office. To find the office phone number, see Where to apply. If the person on the phone tells you to come to the legal aid office, you'll need to bring proof of your income with you. Ask the person on the phone what documents you need to bring.

This proof of income can include one or more of the following:

- two recent pay stubs
- a recent welfare stub
- a recent income tax return or bank records (if you're self-employed or seasonally employed)

You'll also need to bring the following:

- proof of the value of your assets — like your car, boat, or RRSPs
- any papers you have about your case — like court orders or papers related to your criminal charge

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A staff person at the office will ask you questions and complete a legal aid application with you. You will have to answer questions about your legal problem, your income, and the value of your assets.

If your area doesn't have a legal aid office or if you can't get to the office, you can apply for legal aid over the phone by calling the Legal Services Society Call Centre at (604) 408-2172 (Lower Mainland) or toll free at 1-866-577-2525 (outside the Lower Mainland).

When you call, you'll need to have with you all of the information about your income, assets, and legal problem listed above.

What else do I need to know?

You must give the legal aid office or call centre complete and true information about your income, savings, and assets. If you get legal aid, you must let the legal aid office know if your income changes. If your financial situation improves and you're no longer eligible for legal aid, you'll be responsible for paying your lawyer. Ask your lawyer how much you'd need to pay if you were taken off legal aid. If you get money from your case, you may have to refund the Legal Services Society for part or all of the money it has paid to your lawyer.

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