

# **FINANCIAL ELIGIBILITY AND CONTRIBUTIONS**

**Leaflet No. 12**



## **LEGAL AID BOARD**

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## LEAFLET No. 12 - FINANCIAL ELIGIBILITY AND CONTRIBUTIONS

In order to get civil legal aid and advice, we must undertake a means test of your financial circumstances to see if you qualify for our services. Your disposable income must be below €18,000 and your disposable capital assets must be below €100,000.

Disposable means we will give you certain allowances. The allowances from your income are for spouse, children, accommodation, certain taxes on income, and child care. The allowances on your capital relate to loans and debts.

You usually have to pay a contribution of at least €30 for legal advice and €130 if you need to go to Court.

If your case is about Tusla is applying to take your children into care, you will not have to pay a contribution.

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

When you apply for legal aid, you must tell us (on the application form) full details of your income and assets. This is the **financial assessment**. We will look at your income and assets, give you certain allowances and decide whether or not you can get legal aid and advice.

If we decide that you can get civil legal aid and advice, we will also calculate what money (the **contribution**) you have to pay us before you can receive legal advice or aid.

If you need to go to Court, we will also look at the merits of your case. Your solicitor will explain what that involves. If we agree to represent you in Court, you must pay an **aid contribution**. The minimum aid contribution is €130. Depending on your income and assets you may have to pay more. The amount of aid contribution includes the advice contribution, so in the case where your contribution is calculated at €130, you would only need to pay a further €100.

### Financial Eligibility Limits

#### What are the financial eligibility limits?

Your income, after we take away certain allowances for certain expenses (**disposable income**) must be below €18,000. Your capital, after we allow for certain deductions for loans and debts (**disposable capital**) must be below €100,000.

We do not include your family home as a capital asset, but nor do we allow the mortgage taken out on it as an allowance.

## Do I always have to complete a statement of means and capital

No. If you can declare to us that your only source of income is social welfare and your assets are below €4,000, you do not have to complete a statement of means and capital.

## Where do I get an application form?

You can apply online at [www.legalaidboard.ie](http://www.legalaidboard.ie). Alternatively you can get a paper application from any Legal Aid Board office and return it to your nearest law centre.

## International Protection (Asylum)

If you're applying for legal aid to help you with a claim for international protection in Ireland, you'll only need to pay a contribution of €10.

## 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:-

<b>Allowances</b>	<b>Maximum amount</b>
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
Ex-gratia payments received	Deduction of €20 from each payment received each week.

We 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.

Our 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 source of income by providing, for example:

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

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

In some circumstances, we might ask you to provide further documentation in relation to the allowances you have claimed.

### **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**

If you receive **legal advice and/or legal aid** you must pay a **contribution**, unless you are seeking legal aid in relation to an application by the Child and Family Agency (Tusla) to place your children under their supervision or into

care, or for a domestic violence order in the District Court. A domestic violence order includes a barring order, interim barring order, safety order, or protection order.

### **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 of providing you with legal services may also be taken into account.

A separate contribution is payable for each application.

You do not need to pay a contribution if:

- Tusla is asking the Court to allow it to take your children into State care or to allow its staff to supervise your children in your own home.
- You are taking or defending proceedings in the District Court for a barring order, safety order, protection order, or interim barring order.

### **What happens if I am awarded costs?**

If you are awarded the costs of your case then these must be paid into the Legal Aid Fund and used to pay the costs we spent providing you with legal services. This does not usually happen in family law cases.

In non family law cases if you win your case you will usually be awarded your costs. If on the other hand you lose your case, the other party's costs might be awarded against you. If that happens we are not liable to pay the other party's costs.

### **What happens if I gain or keep money or other property as a result of my case?**

If you gain or keep money or real property as a result of your case, we are allowed - with some exceptions - to use that money or real property to pay for

your legal aid. You must pay into our Legal Aid Fund any money you gain or keep as a result of your case that is not exempt. We will deduct our costs and give you back what is left.

If it is real property (for example a house or land) that you gain or keep we are entitled to place what is known as a “charge” on the property, so that it cannot be sold until we are repaid. We do not always do this.

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

If you are in receipt of legal services you must tell us (through your solicitor) of any change in your income or capital – for example, if you have been given a pay rise, the value of your social welfare has changed, or if you have bought a new car or house.

The reason you need to do this is because you must stay eligible for legal services while you are receiving legal services, until your case is closed. Just because your financial circumstances have improved does not necessarily mean we will stop your legal aid – though we might ask you to pay a higher contribution.

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

If you do not tell us that your income or capital has changed, and we discover that it has, we might decide to stop your legal aid. Our leaflet **Withdrawal of Legal Services** describes this process. In some circumstances, where we “revoke” rather than “terminate” your legal aid certificate, you might have to repay all of the money we have spent providing you with legal aid.

**Disclaimer:**

The information in this leaflet is correct as of June 2024.

However, the limits, allowances, and contributions for legal aid are kept under review and can be changed by the Government at any time. You can always find the latest information on our website at **legalaiddboard.ie**

If you need further information, our staff will be happy to assist.

**The above is provided for information purposes only. It does not purport to be either a statement of the law or legal advice.**

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