

## Your Legal Questions

Roberta Ferrari  
Partner & Solicitor



**Q** I need some advice regarding my relationship and children. Is legal aid still available?

**A** As of the 1st April 2013 Legal Aid is only available in cases if you are or have been a victim of domestic abuse you or a child, forced marriage, where a child may have been unlawfully removed from or within the UK.

Domestic Abuse is defined as “any incident, pattern of incidents, controlling behaviour, coercive or threatening behaviour, violence or abuse (whether psychological, physical, sexual, financial or emotional) between individuals who are associated with each other”.

In order to qualify for legal aid a solicitor will need certain evidence from you.

These could be documents relating to a police prosecution or caution of your partner or injunction within the last 24 months or any documents relating to ongoing criminal proceedings.

If these are not available then you can provide evidence from any domestic abuse organisation you have been involved with or GP or health professional and they can confirm that the condition or injury could only have been caused by domestic abuse.

If the case relates to an allegation that a child may be at risk of abuse then again the evidence required will be proof of conviction or caution against a child or ongoing case of abuse of a child which can involve neglect, maltreatment and exploitation of a child under the age of 18. Again if there have been injunctions to protect the child taken out in the last 24 months then this can also serve as proof.

The Legal Aid Agency will also accept any findings made by a court within the last 24 months that the child has been abused by the person you are seeking advice about or a letter from the social services department again stating that a child has been assessed as being, or at risk of being a victim of child abuse.

These documents should be produced at the first meeting as without them the solicitor cannot act.

*Roberta (Bobby) Ferrari is a Partner and Solicitor in the Family Department.*

*Direct dial 01934 637 905 / [ferrari@powellslaw.com](mailto:ferrari@powellslaw.com)*