

CLINIC FUNDING COMMITTEE
GUIDELINES ON FINANCIAL ELIGIBILITY

The Clinic Funding Committee has adopted the following policy guidelines with respect to the financial eligibility of person to receive clinic services:

INDIVIDUAL CLIENT GUIDELINES

- 1) The Board of Directors of a clinic shall maintain and apply standards determining the financial eligibility of persons requesting clinic services except when providing summary advice.
 - a) In establishing standards to determine financial eligibility the Board shall:
 - b) Not exceed income criteria set out in Schedule “A”; and
 - c) Not exceed assets criteria set out on Schedule “B”; and
 - d) Record in writing the application of the clinic’s financial eligibility standards to each client; and
 - e) Require its staff, where appropriate, to satisfy themselves concerning the accuracy of information provided under the clinic’s financial eligibility standards.

GROUP GUIDELINES

- 1) Except where the size of a group makes it impractical, the clinic shall apply the same financial eligibility standards to each member of a group as it does to an individual to ensure that:
 - a) Most of the Group’s members would qualify individually, and
 - b) The financial limitations of members of the group and the potential costs of the services prevent the group from sharing the cost of private legal services.

- 2) Where numbers render the use of individual standards impractical, the clinic shall maintain and apply group financial eligibility standards which demonstrate objectively that:
 - a) Most of the group's members would qualify individually, and
 - b) The financial limitations of members of the group and the potential costs of the services prevent the group from sharing the cost of private legal services.
- 3) The clinic shall also consider the availability of a group certificate for the Ontario Legal Aid Plan.
- 4) These requirements do not apply to a service application:
 - a) From a group of individuals seeking to incorporate a non-profit corporation or,
 - b) From a non-profit corporation requesting any services of the clinic.

However, the Board must require that each such application be considered in light of the following criteria, and file an Exemption Report:

- (i) where the application is made by a non-profit corporation, its financial resources which could reasonably be applied to all or part of the legal costs;
- (ii) availability of legal resources in the clinic and private Bar;
- (iii) merits of the corporation's objectives;
- (iv) the degree to which the corporate objectives aim for the betterment of the clinic's client community.

UNIVERSITY-BASED CLINICS

These guidelines apply equally to Deans of Faculties of Law of university-based clinics.

FINANCIAL ELIGIBILITY
SCHEDULE "A"
INCOME

1) The clinic may provide services without applying an eligibility test where the primary source of family income (including that of a cohabiting spouse) is income from one of the sources listed below, or where the service request involves a significant legal issue arising from one of the sources set out below:

- General Welfare
- Family Benefits
- Old Age Pension with guaranteed income supplement
- War Veterans Allowance
- Canada Pension Plan (this exemption is restricted to an application in which CPP is the primary source of family income)
- Worker's compensation Benefits which are temporary or threatened

2) Income * eligibility criteria:

Family Size	Automatic Fin. Elig. Under	Discretionary** Fin. Elig. Under
<u>One-Adult Family</u>		
1	15,800	21,650
2	18,300	25,550
3	21,400	29,250
4	23,150	31,600
5	25,550	34,600
6	27,400	37,750

Two-Adult Family

2	21,400	28,650
3	23,150	31,100
4	25,550	34,000
5	27,400	37,100
6	29,800	39,600

* Refers to Gross Income

** Discretion may be exercised by staff considering the overall financial situation of the client only on grounds approved by the Board of Directors, if desired:

- debt load;
- importance of legal issues to low-income interests;
- necessary transportation expenses;
- costs associated with a disability;
- excessive rental costs (relative to income);
- when the areas of law is income-related, based on the merits of the case and the nature of the services requested;
- availability of alternative services;
- excessive child care expenses (relative to income)

and such other grounds as are adopted by the Board and approved by the Clinic Funding Committee.

- 3) The clinic may also provide services to persons whose income exceeds the amounts set out in column 2, above, in exceptional circumstances, approved by the Board or Directors in each case.
- 4) The exercise of discretion to provide services as set out in paragraph 3 shall be reported to the Clinic Funding Committee, in a form approved by the Committee.

FINANCIAL ELIGIBILITY

SCHEDULE "B"

ASSETS

- 1) The clinic may provide services without applying an eligibility test where the primary source of family income (including that of a cohabiting spouse) is income from one of the sources listed below, or where the service request involves a significant legal issue arising from one of the sources set out below:
 - General Welfare
 - Family Benefits
 - Old Age Pension with guaranteed income supplement
 - War Veterans Allowance
 - Canada Pension Plan (this exemption is restricted to an application in which CPP is the primary source of family income)
 - Worker's compensation Benefits which are temporary or threatened
- 2) In all other circumstances, the Board of Directors shall maintain and apply financial eligibility standards which render ineligible persons with assets the net value of which exceed:

single persons - \$7,500; Family (including cohabiting spouse) - \$10,000
- 3) In arriving at the total value of assets, the clinic may exempt the following assets from consideration:
 - a) One vehicle necessary for transportation
 - b) Snowmobiles or specialized vehicles necessary for transportation in remote areas;
 - c) The primary family residence

- d) The furniture or household goods in a primary family residence;
 - e) Tools of the trade or business;
 - f) When the person is 60 years of age or over, or has a severe and prolonged disability so as to be unemployable or unlikely to return to work, any income producing assets up to a value of \$150,000; (however, the income produced by such assets must be taken into account under Schedule "A");
 - g) Proceeds from the sale of real property which are committed to the purchase of a principal residence;
 - h) Child tax credits; and
 - i) Student loans and bursaries.
- 4) The clinic may also provide services to a client owning assets in excess of the levels set out above in exceptional circumstances approved by the Board of Directors.
- 5) A Board exercising this discretion shall file an Exemption Report.

CLINIC NAME: _____

FINANCIAL ELIGIBILITY CRITERIA

EXEMPTION REPORT

To: Clinic Funding Committee
The Ontario Legal Aid Plan
Suite 200
481 University Avenue
Toronto, Ontario M5G 2G1

Report No: _____

Area of Law: _____

In this matter, although the client did not meet the financial eligibility guidelines, the Board of Directors approved the provision of services for the following reasons:

Chairperson