
Financial Eligibility Test For Duty Counsel Services

Version 1.2



LEGAL AID ONTARIO

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Contents

1. Policy 3

2. Income Test 3

3. Asset Test 4

4. Definition of Family Unit..... 5

Appendix A..... 6

Appendix B..... 8

1. Policy

The financial eligibility test for legal aid duty counsel services is based on an income and asset test. If the individual tested has income above the cut-off levels and/or assets, which exceed the exemption level, duty counsel services may not be provided.

Financial eligibility for an individual looks at three components: the family unit; the income of the family unit; and, the assets of the family unit.

LAO may provide duty counsel services to an applicant or class of applicants where LAO is satisfied that the provision of services is justified in accordance with LAO's statutory mandate and with the policies and priorities established by LAO under the *Legal Aid Services Act, 1998*.

2. Income Test

The total gross income from all sources (annual or monthly) is recorded in the financial eligibility form by selecting the applicable income range. Those with income above the cut-offs, do not qualify financially for duty counsel assistance.

Sources of Income Include:

- Employment income and self-employment income, including salaries, wages, commissions and bonuses
- Canada Pension, Old Age Security, other pensions and annuity income;
- Social assistance, employment insurance benefits, other government and private assistance ;
- Workers compensation; short term and long term disability, and other insurance benefits;
- Rental and boarder income;
- Support, including spousal and child support received;
- Investment income or income from trusts and income funds;
- Gross income from a business
- Any income belonging to a spouse or same-sex partner

LAO excludes certain sources of income:

- Harmonized Sales Tax (HST) credit
- Earnings of a dependent child
- Criminal injuries compensation
- Student loans including Ontario Student Assistance Program (OSAP), Canada Student Loans (CSL), Employment Insurance (EI) Second Career, grants, bursaries and scholarships

- Payments received under federal and provincial benefits for families with children
- Payments received from the Government of Canada made pursuant to Thalidomide support package
- Payments made pursuant to an Aboriginal Land Claim Settlement

Income values

See appendix A

3. Asset Test

Where the total value of liquid assets exceeds the standard exemption level, the applicant does not qualify financially for duty counsel assistance. Liquid assets are defined as all assets owned by the applicant and/or the spouse or same-sex partner that can be readily converted to cash.

Liquid assets do not include vehicles, household furnishings, and tools or equipment necessary for employment.

For a person who owns an incorporated business, assets and property owned by the corporation are included.

Assets Include:

- Cash and funds in bank accounts
- Canada Savings Bonds
- Bonds, stocks and debentures
- Registered Retirement Savings Plans (RRSP's) (not locked in) and other savings plans
- Guaranteed Investment Certificates (GIC's)
- Mutual Funds
- Any interest in any real property in Ontario or elsewhere
- Any interest in assets held in trust
- Any asset belonging to the spouse or same-sex partner

LAO excludes certain assets,

- Employment pensions and annuities locked-in until retirement or under the Pension Benefits Act
- Registered Disability Savings Plans
- Residential School settlement payments

- Assets of a dependent child, including Registered Education Savings Plans
- Funds received from the Government of Canada as part of the Thalidomide support package
- Funds received pursuant to an Aboriginal Land Claim Settlement

Asset table

See appendix B

4. Definition of Family Unit

The family unit can consist of any combination of the following:

- Family Size 1 - Living alone
- Family Size 2 - Living with a partner
- Family Size 2 – Family Size 5+ - Living with _____ child(ren)
- Family Size 2 – Family Size 5+ - Have a joint custody arrangement for _____ child(ren)
- Have children not residing with me due to matters under the Child and Family Services Act , but trying to have them returned to my care

Appendix A

Income values

Annual Gross Income

Family Size	November 1, 2014	April 1, 2015	April 1, 2016
1	\$ 19,080	\$ 20,225	\$ 21,438
2	\$ 28,620	\$ 30,337	\$ 32,131
3	\$ 32,860	\$ 34,832	\$ 36,921
4	\$ 39,220	\$ 41,573	\$ 44,068
5 +	\$ 45,580	\$ 48,315	\$ 50,803

Family Size	April 1, 2017	April 1, 2018	April 1, 2019	April 1, 2020
1	\$ 22,720	\$ 22,720	\$ 22,720	\$ 22,720
2	\$ 32,131	\$ 32,131	\$ 32,131	\$ 32,131
3	\$ 39,137	\$ 39,352	\$ 39,352	\$ 39,352
4	\$ 45,440	\$ 45,440	\$ 45,440	\$ 45,440
5 +	\$ 50,803	\$ 50,803	\$ 50,803	\$ 50,803

Monthly Gross Income

Family Size	November 1, 2014	April 1, 2015	April 1, 2016
1	\$ 1,590	\$ 1,685	\$ 1,787
2	\$ 2,385	\$ 2,528	\$ 2,678
3	\$ 2,738	\$ 2,903	\$ 3,077
4	\$ 3,268	\$ 3,464	\$ 3,672
5 +	\$ 3,798	\$ 4,026	\$ 4,234

Family Size	April 1, 2017	April 1, 2018	April 1, 2019	April 1, 2020
1	\$ 1,893	\$ 1,893	\$ 1,893	\$ 1,893
2	\$ 2,678	\$ 2,678	\$ 2,678	\$ 2,678
3	\$ 3,261	\$ 3,279	\$ 3,279	\$ 3,279
4	\$ 3,787	\$ 3,787	\$ 3,787	\$ 3,787
5 +	\$ 4,234	\$ 4,234	\$ 4,234	\$ 4,234

Appendix B

Asset table

November 1, 2014	April 1, 2015	April 1, 2016
\$ 1,590	\$ 1,685	\$ 1,787

April 1, 2017	April 1, 2018	April 1, 2019	April 1, 2020
\$ 1,894	\$ 2,007	\$ 2,128	\$ 2,255