

Eligibility for family law services



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Merit assessment

Certificate services for family law matters for financially eligible individuals are subject to an initial and ongoing merit assessment, which includes consideration of:

- whether a reasonable client of modest means would pursue the matter having regard to legal fees and likely outcome of the case
- the cost of proposed litigation against any amount(s) in dispute
- whether a paying client would be likely to spend their own funds on legal fees required to pursue the matter at issue
- the likelihood of success in a litigation setting
- the availability and relevance of any evidence put forward by the parties
- any judicial opinion provided to the parties in the context of litigation
- whether the client self-identifies as having experienced intimate partner violence
- how long any existing court order or the status quo has been in place
- whether there has been a material change in circumstances from a prior order
- any statute of limitations
- whether a referral has been provided by LAO staff for certificate services
- the age of any children who are the subject of the dispute

Where trial authorization has been granted and a trial has not occurred within one year, a merit reassessment may be required by LAO.

Where merit is established, certificate services will be provided for the following contested issues:

- decision making responsibility
- parenting or contact time
- mobility / relocation
- *Hague Convention on the Civil Aspects of International Child Abduction* matters
- child support
- spousal support
- restraining orders
- real property, including matrimonial property on reserve, where this is not the only contested issue
- division of family assets, where this is not the only contested issue
- Family Responsibility Office default proceedings
- divorces where the client self-identifies as having experienced intimate partner violence
- motions to change where the client self-identifies as having experienced intimate partner violence

LAO will provide the following services subject to financial eligibility and merit assessments where available:

- legal advice
- in-court assistance
- document preparation services
- assistance with an alternative dispute resolution process

LAO will provide the following services without regard to eligibility where available:

- legal education
- legal information
- referral services