



FAMILY LAW SECTION NEW ZEALAND LAW SOCIETY

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Proposed new legal aid application form

As you may be aware, the Legal Services Commissioner is proposing to combine the following forms into one:

- civil general application – form 5
- family general application – form 6
- mental health proceedings application – form 7
- statement of financial position – form 17
- trust form.

Thank you to the many lawyers who provided feedback on the proposed new family and civil legal aid application form. Consultation closed on 11 October and we have provided your [feedback](#) to Legal Aid Services (LAS).

Over the next few weeks, LAS will be assessing the feedback received and hopes to finalise the new form for use early to mid-November. There will be free training available and a series of FAQs developed to assist legal aid providers to transition to the new form.

The new form is a tangible example of streamlining the application process making it easier and quicker for grants to be assessed. This will benefit clients, providers and LAS staff.

We are working closely with LAS on a fresh relationship of high trust between providers and LAS. This new family form is one step in that direction where the quantity of information and documentation such as copies of judgments, minutes, and pleadings

previously required will no longer be necessary in most cases. If LAS does require that information to make a granting decision, it will request this from the provider. In the likely few cases where a request for additional documentation is made, a recent High Court judgment has provided useful clarification around what Family Court documents can be provided (unless the court states otherwise):

- judgments, minutes or orders;
- pleadings, statements of evidence (including all affidavits and witness statements) and transcripts of evidence; and
- reports from lawyer for the child or young person.

The full judgment is available [here](#).

Important to the success of the new approach is the quality of information that providers include in the new application form. LAS will be relying on providers to assist it to carry out its duties and enable fast access to justice for those who need legal assistance.

Next steps

Once the new civil and family legal aid form is in production, LAS will be considering other forms and processes such as the amendment to grant form for family law.

The Legal Services Commissioner is also very focused on increasing the pace of invoice processing so we will bring you more news on that front as things develop.

Kirsty Swadling

FLS Chair