



Legal aid,
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Legal brief*

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Claire and Michael Own a Home and Have Money in Their Bank Account — Are They Financially Eligible for Legal Aid?

Claire and Michael have been living together for over a year. Michael works at the village hotel as a waiter. Claire occasionally looks after children. Their combined annual income is \$43,100. They have no children. They own a family home valued at \$140,000, which is fully paid up. They have \$6,000 in their joint bank account. Claire and Michael receive a notice from the Ministère du Travail, de l'Emploi et de la Solidarité sociale claiming a reimbursement on the ground that they were cohabiting while Claire was receiving social assistance program benefits two years ago.

It is important to remember that there are two ways to qualify for legal aid: at no cost or in return for the payment of a maximum contribution of \$800.

To obtain **free** legal aid, Claire and Michael must satisfy the following **three** conditions:

1- Annual (gross) income scale:

Gross income must not exceed the following amount: **\$40,782**

(Maximum amount for eligibility for services at no cost for a family of two spouses without children)

2- Property owned scale:

The value of property owned must not exceed

\$90,000, if the residence is owned

\$47,500, if the residence is not owned

3- Liquidities scale:

The value of liquidities must not exceed

\$5,000 for a family

\$2,500 for a single person

Even though the financial situation of Claire and Michael exceeds the three scales mentioned above (income, property and liquidities), they can nevertheless be eligible for legal aid in return for the payment of a contribution.

The following is the calculation method that applies. First, we must determine which class of applicant Claire and Michael fall into. The *Regulation respecting legal aid* states that there are six classes of applicants. Claire and Michael fall into the class of a family composed of spouses without children.

The following amounts must then be added to the annual income:

100% of the excess income

10% of the excess property

100% of the excess liquidities

The total amount represents the **deemed income** used to determine whether Claire and Michael are eligible for legal aid in return for the payment of a maximum contribution.

Text prepared by
the Commission des services
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* The information set out in this document is not a legal interpretation.

The masculine gender is used to designate persons solely in order to simplify the text.



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Claire and Michael Own a Home and Have Money in Their Bank Account — Are They Financially Eligible for Legal Aid? (Continued)

Here are the detailed calculations:

| | |
|---|-----------------|
| Annual income | \$43,100 |
| Scale (free legal aid) Spouses without children | \$40,782 |
| 100% of the excess income (\$43,100 - \$40,782) | \$2,318 |
| 10% of the excess property (\$140,000 - \$90,000) | \$5,000 |
| 100% of the excess liquidities (\$6,000 - \$5,000) | \$1,000 |
| Income for financial eligibility purposes | \$49,100 |

The legal aid scale below (which is also found on the Web site of the Commission des services juridiques) indicates that Claire and Michael are eligible for legal aid in return for a maximum contribution of **\$500**.*

| Family composed of spouses without children | Income | Contribution level |
|--|----------------------|--------------------|
| | \$40,783 to \$42,804 | \$100 |
| | \$42,805 to \$44,827 | \$200 |
| | \$44,828 to \$46,849 | \$300 |
| | \$46,850 to \$48,872 | \$400 |
| | \$48,873 to \$50,894 | \$500 |
| | \$50,895 to \$52,916 | \$600 |
| | \$52,917 to \$54,939 | \$700 |
| | \$54,940 to \$56,962 | \$800 |

Don't hesitate to have your eligibility for legal aid evaluated by making an appointment at a legal aid office near you. You can also check your eligibility online [here](http://www.csj.qc.ca).

To find the contact information for your legal aid office, please click on the following link:
www.csj.qc.ca/.

* The director general can, under certain conditions, agree that the contribution will be paid in several instalments. The total period for such instalments cannot exceed six months.

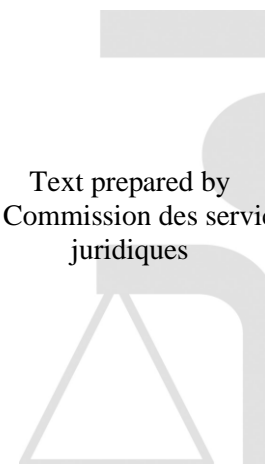
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