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**Legal  
Brief\***

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## **ARE CHILDCARE EXPENSES TAKEN INTO CONSIDERATION IN DETERMINING FINANCIAL ELIGIBILITY FOR LEGAL AID?**

Isabelle, who is the mother of one child, is about to separate. She works in housekeeping in a hospital at an annual salary of \$39,000. She does not own any real estate and has \$6,000 in savings in a bank account. However, she has to pay \$1,750 in annual childcare expenses for her six-year-old son. Isabelle wants to be represented by a lawyer. She wonders whether she is financially eligible for legal aid.

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

To obtain **free** legal aid, Isabelle must satisfy the following **three** conditions:

1- Annual (gross) income scale:

Her gross income must not exceed

**\$35,074 (maximum amount for eligibility for services at no cost for a family of one adult and one child)**

2- Property owned scale:

The value of the property she owns must not exceed

**\$47,500, since she does not own her own home**  
(the maximum would have been \$90,000 had she owned her own home)

3- Liquidities scale:

The value of her liquidities must not exceed

**\$5,000 (maximum amount for a family)**  
(the maximum amount is \$2,500 for a single person)

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Based on her financial situation, Isabelle meets the conditions of the property owned scale.

Isabelle's annual salary exceeds the annual income scale, and the amount she holds in her bank account exceeds the liquidities scale. She 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 Isabelle falls into. The *Regulation respecting legal aid* states that there are six classes of applicants. Isabelle falls into the class of a family composed one adult and one child.

The following amounts must be added to Isabelle's annual income:

- 10% of the excess property
- 100% of the excess liquidities

Text prepared by the  
Commission des  
services juridiques



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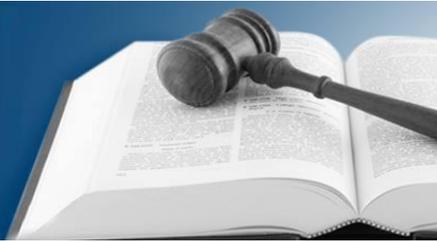
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\* The information set out in this document is not a legal interpretation.

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



**ARE CHILDCARE EXPENSES TAKEN INTO CONSIDERATION IN  
DETERMINING FINANCIAL ELIGIBILITY FOR  
LEGAL AID?  
(CONTINUED)**

In computing income, the law authorizes the deduction of certain amounts, including the amount of the childcare expenses paid, up to the amount eligible for the provincial tax credit.

Here are the detailed calculations for Isabelle:

Annual income	\$39,000
Deduction for childcare expenses	- \$1,750
10% of the excess property (\$0 - \$47,500)	\$0
100% of the excess liquidities (\$6,000 - \$5,000)	+ \$1,000
<b>Income for financial eligibility purposes</b>	<b>\$38,250</b>

The legal aid scale below (which is also found on the website of the Commission des services juridiques) indicates that Isabelle is therefore eligible in return for a contribution of \$200\*.

Family composed one adult and one child	Income	Contribution level
	<b>\$35,074</b>	<b>Free</b>
\$35,075 to \$36,812	\$100	
<b>\$36,813 to \$38,550</b>	<b>\$200</b>	
\$38,551 to \$40,288	\$300	
\$40,289 to \$42,027	\$400	
\$42,028 to \$43,765	\$500	
\$43,766 to \$45,503	\$600	
\$45,504 to \$47,241	\$700	
\$47,242 to \$48,980	\$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](http://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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