



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

Isabelle, a victim of abuse who has one child, is accused of murdering her former spouse. Isabelle works as a nurse's aide in a hospital at an annual salary of \$27,000. She does not own any real estate and has no savings. However, she has to pay \$1,250 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 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- Scale of annual (gross) income:
Gross income must not exceed the following amount for
One adult and one child: \$25,050

- 2- Scale of property owned:
The value of property owned must not exceed
\$90,000, if the residence is owned
\$47,500, if the residence is not owned

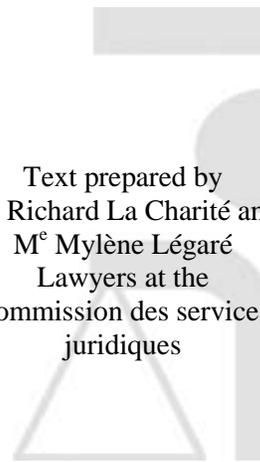
- 3- Scale of liquidities:
The value of liquidities must not exceed
\$5,000 for a family
\$2,500 for a single person

Even though Isabelle's financial situation exceeds the annual income 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 then be added to the amounts provided for in the scales mentioned above:

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



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* The information provided in
this document is not a legal
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The masculine gender has been used
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to simplify the text.



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The total amount represents the **deemed income** used to determine whether Isabelle is eligible for legal aid in return for the payment of a maximum contribution. 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:

Income considered (\$27,000 - \$1,250)	\$25,750
Scale (free legal aid) One adult and one child	\$25,050
100% of the excess income (\$25,750 - \$25,050)	\$700
10% of the excess property (\$0 - \$47,500)	\$0
100% of the excess liquidities (\$0 - \$5,000)	\$0
Deemed income	\$25,750

The legal aid scale below (which is also found on the Web site of the Commission des services juridiques) indicates that Isabelle is eligible for legal aid in return for a maximum contribution of **\$100**.*

Family composed one adult and one child	Income		Contribution level
		from \$25,051 to	\$26,292
	from \$26,293 to	\$27,533	\$200
	from \$27,534 to	\$28,775	\$300
	from \$28,776 to	\$30,017	\$400
	from \$30,018 to	\$31,258	\$500
	from \$31,259 to	\$32,500	\$600
	from \$32,501 to	\$33,741	\$700
	from \$33,742 to	\$34,984	\$800

* 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 6 months.

Don't hesitate to have your eligibility for legal aid evaluated by making an appointment at a legal aid office near you.

To find the contact information for your legal aid office, please visit our Web site at www.csj.qc.ca.

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