



CAN I BE FINANCIALLY ELIGIBLE FOR LEGAL AID IF MY SPOUSE IS NOT?

The *Act respecting legal aid and the provision of certain other legal services* will consider you and another person to be spouses in the following three cases:

- 1- You and the other person are married and you are living together;
- 2- You and the other person are living together and you have a child together;
- 3- You and the other person are living together and, at one time, you lived together for a period of at least a year.

In these cases, legal aid will have to consider your income, property and liquid assets as well as those of your spouse in order to determine your financial eligibility for legal aid.

Section 6.1 of the *Regulation respecting legal aid* provides an exception when the legal aid application is made by or for the benefit of a child. In such a case, your current spouse's financial situation will not be taken into account if your spouse is not the child's parent. Moreover, your child must be living with you. For example, if you have custody of your child from a former union and you want to modify a judgment that awarded you support for your child, legal aid will take into account your child's income and liquid assets as well as your income, property and liquid assets, but not those of your current spouse.

Section 7 of the *Regulation respecting legal aid* provides another exception in situations where you and your spouse, with whom you are still living together, have opposing interests in a case. In such a situation, only your income, property and liquid assets will be taken into consideration for purposes of determining your financial eligibility for legal aid.

As you can see, financial eligibility for legal aid depends on many factors and each person's specific situation has to be considered. If you have any doubts about your eligibility, don't hesitate to make an appointment at the legal aid office nearest your home. There, you will be met by a lawyer who will be happy to check whether you are eligible for legal aid, so that you don't have to deprive yourself of the exercise of your rights because you don't have the means to do so!

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this document is not a legal
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to designate persons solely in order
to simplify the text.