



# Application for funding **CLS APP3** in Family Proceedings

## Family Help (Higher) and Legal Representation in Family Proceedings

Use CLS APP5 for Special Children Act Proceedings where applicant is a child, parent or person with parental responsibility in those proceedings (as defined in the Funding Code)

Please complete in block capitals

Emergency Application? Yes  No

### Your client's details

Title: \_\_\_\_\_ Initials: \_\_\_\_\_  
 Surname: \_\_\_\_\_  
 First name: \_\_\_\_\_  
 Surname at birth: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ Postcode: \_\_\_\_\_  
 Date of birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ NI Number \_\_\_\_\_  
 Sex:  Male  Female  
 Marital status:  Single  Married  Divorced  Widowed  
 Separated  Civil Partner  Cohabiting

### Equal Opportunities Monitoring

*P Completion of this section is voluntary. This will be treated in the strictest confidence and will be used purely for statistical monitoring and research.*

Please tick the boxes which your client would describe themselves as being:

#### Ethnic Monitoring

##### White

- (a) British  
 (b) Irish  
 (c) White Other

##### Black or Black British

- (a) Black Caribbean  
 (b) Black African  
 (c) Black Other

##### Mixed

- (a) White and Black Caribbean  
 (b) White and Black African  
 (c) White and Asian  
 (d) Mixed Other

##### Chinese

##### Asian or Asian British

- (a) Indian  
 (b) Pakistani  
 (c) Bangladeshi  
 (d) Asian Other

##### Other

#### Disability Monitoring

The Disability Discrimination Act defines disability as: a physical or mental impairment which has a substantial and long-term adverse effect on a persons ability to carry out normal day-to-day activities.

Does your client consider himself or herself to have a disability?  Yes  No

## Your details (instructed solicitor)

Supplier number:

Name of organisation: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E Mail: \_\_\_\_\_

Name of solicitor or Fellow of the Institute of Legal Executives instructed: \_\_\_\_\_

*u The solicitor or Fellow instructed must have a valid practising certificate. The LSC will not pay for any work done during the period in which the acting solicitor does not have a practising certificate.*

Your case reference: \_\_\_\_\_

Contact name for enquiries: \_\_\_\_\_

## Type of case

*u* Tick all boxes relevant to this case. This will assist us in sorting applications on receipt.

*u* Please ensure that you answer all relevant questions for each case type on the pages indicated. These questions are based on the Funding Code Criteria for each type of case and you should refer to the relevant sections in the Code when answering each question.

Divorce, Judicial Separation,  
Dissolution of Civil Partnership,  
Nullity

Financial and property

Actions involving children  
including child abduction

Injunction and committal

Merits tested S31 proceedings

Merits tested other public law  
proceedings

## Level of help applied for:

Family Help (Higher)

Legal Representation

Emergency  
Representation:

granted using devolved powers

## Previous Legal Help or Family Help and any other funding

If you have already provided Legal Help or Family Help to this client on the same matter, please supply the following information:

Costs and disbursements to date: £ \_\_\_\_\_ : \_\_\_\_\_

Description of work done:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you have not provided Legal Help please state why your client is applying for funding for Family Help (Higher)/Legal Representation at this stage:

\_\_\_\_\_  
\_\_\_\_\_

## Previous Legal Help or Family Help and any other funding continued

Give full details of other current or previous public funding (other than Legal Help) for issues involving the same relationship (a client can normally only hold one current certificate relating to private law family proceedings). We need any LSC reference and details of the issues and outcome.

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## Scope of certificate applied for

Scope of certificate applied for (please use standard wordings for certificates where known, referring to types of proceedings and court venue as required). If the application is for a freestanding section 8 Children Act or adoption case we will normally grant CLS funding to start the case in the family proceedings court only. If you do not agree please tell us why.

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## Your client's involvement

Is your client:  bringing the case?  defending the case?  involved in another way?

If involved in another way, say how: \_\_\_\_\_

Date your client first visited your firm about this case:        /        /

## Costs Estimate

Estimate of CLS costs of doing the work under the certificate applied for (including disbursements/counsel, at LSC rates, excluding VAT) £ \_\_\_\_\_ : \_\_\_\_\_

## Prospects of Success

*You do not need to complete this section in child abduction cases or applications to register foreign orders or judgments as defined in the Funding Code at criterion 11.14 i.e. applications under the Maintenance Orders (Reciprocal Enforcement) Act 1972 or the Civil Jurisdiction and Judgments Act 1982.*

Which of the following best describes the prospects of achieving a successful outcome for your client? (see the family decision making guidance in Volume 3 Legal Services Commission Manual for guidance on this).

A Average or above       B Poor       C Borderline or uncertain

If you have ticked boxes B or C above, please say what factors lead you to make this assessment and why CLS funding should nevertheless be granted:

*Where box C is ticked for applications for "financial provision and other proceedings" as defined in the Funding Code, please describe how the case meets the criteria of overwhelming importance to the client or a significant wider public interest.*

## Other people/organisations/parties

Who else is involved in this case (e.g. children's guardian, spouse or cohabitant, local authority)? Include parties to the proceedings as well as those who are not parties but have an interest in the issue(s). This may include a local authority which could fund adoption proceedings.

Please provide as much information as you can for each person/organisation:

1. Title: \_\_\_\_\_ Initials: \_\_\_\_\_ Surname/organisation name: \_\_\_\_\_

First name: \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_

Involvement in the proceedings \_\_\_\_\_

2. Title: \_\_\_\_\_ Initials: \_\_\_\_\_ Surname/organisation name: \_\_\_\_\_

First name: \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_

Involvement in the proceedings \_\_\_\_\_

3. Title: \_\_\_\_\_ Initials: \_\_\_\_\_ Surname/organisation name: \_\_\_\_\_

First name: \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_

Involvement in the proceedings \_\_\_\_\_

Why does your client need separate representation?

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Have any of the other parties applied for Public Finding?

Yes  No  Don't know

If yes, please state the name(s) and if known the LSC reference number

Name: \_\_\_\_\_ LSC ref number: \_\_\_\_\_

Name: \_\_\_\_\_ LSC ref number: \_\_\_\_\_

## Attempts at settlement

*u Do not complete this section in child abduction cases or applications to register foreign orders or judgments as defined in the Funding Code.*

Please state what attempts have been made so far to settle the matter through negotiation, mediation or otherwise and the outcome of these. Attach copies of any relevant correspondence.

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Please state exactly what has been offered by the other party to settle the matter and what your client is seeking:

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## Court details

Has any court action started or is any about to start?  Yes  No

If started, please answer the following:

Name of court  state whether family proceedings court, County Court, High Court, or Court of Appeal

Date divorce or judicial separation petition or petition for dissolution of civil partnership issued \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Date any other court action/application started \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Date of next hearing \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Purpose of next hearing:

Court Case Number \_\_\_\_\_

Has your client attended court on any family matter in the last 12 months?  Yes  No

If yes, please give details.

## Injunction and Committal

What is the application for funding for?

- |  |   |
|--|---|
| <input type="checkbox"/> Non-molestation order | <input type="checkbox"/> Non-molestation and occupation orders                        |
| <input type="checkbox"/> Occupation order      | <input type="checkbox"/> Representation on exercise of power of arrest                |
| <input type="checkbox"/> Warrant of arrest     | <input type="checkbox"/> Committal order, if so what type of order has been breached: |
| <input type="checkbox"/> Other Injunction      | _____   |

Is the injunction or committal part of any of the following action?

- |  |  |  |                                  |
|--|--|--|----------------------------------|
| <input type="checkbox"/> Divorce                                     | <input type="checkbox"/> Judicial Separation                               | <input type="checkbox"/> Civil Partnership | <input type="checkbox"/> Nullity |
| <input type="checkbox"/> Part IV Family Law Act 1996                 | <input type="checkbox"/> Protection from Harassment Act 1997 (family case) |  |                                  |
| <input type="checkbox"/> Other <input type="checkbox"/> give details | _____  |  |                                  |

Are the proceedings "family proceedings" as defined in the Funding Code?

Yes  No

If there is an existing order, tell us the date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (attach a copy)

## Injunction and Committal continued

Details of most recent incident \_\_\_\_\_

Has a warning letter been sent?  Yes  No

If not, why not? \_\_\_\_\_

Have the police been notified?  Yes  No

If not, why not? \_\_\_\_\_

Are there any criminal charges?  Yes  No

If yes, please give details \_\_\_\_\_

Have bail conditions been set?  Yes  No

If yes, please give details including date conditions are likely to end, if known: \_\_\_\_\_

## Financial and property

What is the application for funding for?

- An order to freeze assets
- Periodical payments order for your client
- Periodical payments order for the child(ren)
- Variation of an existing periodical payments order
- Order for a lump sum payment for your client
- Order for a lump sum payment for the child(ren)
- Order transferring property or changing your client's rights to the property
- Order transferring a tenancy
- Proceedings under Section 14 Trusts of Land & Appointment of Trustees Act 1996
- Proceedings under Schedule 1 Children Act 1989
- Enforcing an order
- Other *give details:*

If the application to the court is in matrimonial proceedings are they for:

divorce  judicial separation  Civil Partnership  nullity

u Do not complete this section if the application is to register a foreign order or judgment as defined in the Funding Code - go to page 9.

If the case is about financial arrangements tell us about the existing and proposed arrangements:

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# Financial and property continued

Is your client or the other party making a claim for property or other items in this action?

*Other items could include money in bank/building society accounts, a business, shares, pensions or insurance policies.*

YES

NO

Address of Property: \_\_\_\_\_

Town: \_\_\_\_\_

County: \_\_\_\_\_ Post Code: \_\_\_\_\_

Unless the property is rented, who owns it?

Your client

The other party

Your client and the other party

Others (tell us who they are) \_\_\_\_\_

The value of the property: £ \_\_\_\_\_

The amount outstanding on any mortgage or secured loans: £ \_\_\_\_\_

Give an estimate in value of the other assets and describe them e.g. shares, bank account.

Asset	Value
_____	_____
_____	_____
_____	_____
_____	_____

*u Please complete this section only if you are applying for Legal Representation.*

Please give details of any savings or other assets to which the client has access (whether or not in issue in the proceedings). Set out any reasons why these could not be used to fund legal costs.

What attempt has your client made to seek private funding to cover the remaining costs of the case? If such funding is not available or affordable for your client, please give details:

# Actions involving children

The application for funding is for:

- |  |   |
|--|---|
| <input type="checkbox"/> A contact order   | <input type="checkbox"/> A residence order              |
| <input type="checkbox"/> A specific issue order                                  | <input type="checkbox"/> A prohibited steps order       |
| <input type="checkbox"/> A parental responsibility order                         | <input type="checkbox"/> Changing a section 8 order     |
| <input type="checkbox"/> An adoption order                                       | <input type="checkbox"/> Wardship/Inherent jurisdiction |
| <input type="checkbox"/> An order under the Child Abduction and Custody Act 1985 |   |
| <input type="checkbox"/> Other _____   |   |

The case will be dealt with under:

- |  |  |   |
|--|--|---|
| Matrimonial proceedings:   | <input type="checkbox"/> Divorce             | <input type="checkbox"/> Children Act 1989              |
|  | <input type="checkbox"/> Judicial Separation | <input type="checkbox"/> Adoption and Children Act 2002 |
|  | Civil Partnership <input type="checkbox"/>   |   |
| <input type="checkbox"/> Other including public law Children Act proceedings (but not Special Children Act proceedings as defined) - please provide details: (including local authority number (if known)) |  |   |

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*u It is not necessary to complete the section below in child abduction cases as defined in the Funding Code but it should be completed in any other case where the existence of children is relevant, including in relation to financial issues and property.*

### Children's details

Name:	Date of birth:	Who they live with:
_____	/ /	_____
_____	/ /	_____
_____	/ /	_____
_____	/ /	_____

Your client's relationship to the children: \_\_\_\_\_

The other party's relationship to the children: \_\_\_\_\_

If your client is a child applying to be joined give full details why this is justified in the statement on page 9.

If there is an existing order, tell us the date: \_\_\_\_\_  
 (attach a copy of the order and any relevant previous orders)

How will any existing order be affected e.g. changed, enforced, or extended?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Statement of case

u *Where there have been previous private law family proceedings (including injunction proceedings) involving the same relationship or child(ren) provide the date and nature of the previous proceedings, their outcome and, if known, costs allowed. Also explain why the current proceedings are necessary and what they will achieve.*

u *It is not necessary to complete this section in full in child abduction cases or applications to register foreign orders or judgments as defined in the Funding Code as referred to on page 6 but you must attach the confirmation from the child abduction unit or REMO section at the office of Official Solicitor and Public Trustee and, in maintenance / enforcement cases, confirm that your client satisfies Funding Code 11.14.2.*

### Background information and history

You will need to include what has happened so far, personal information including the parties involved, their relationship and any key dates e.g. marriage, when parties last lived together and dates of any relevant orders (attach copies).

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### The current situation and the future

What is the client's position, what they are seeking and why? You must provide sufficient information to satisfy the Funding Code criteria applicable to the case including the benefit likely to be obtained.

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### Any additional information

Include any additional information which will help the caseworker apply the Funding Code in this case.

## Emergency details

Have you submitted a full application?

Yes

No

*u If yes, you should only complete the sections of this form where the information will be different from the full application.*

Why is this case considered to satisfy the emergency criteria in Section 12 of the Funding Code?

### Devolved powers:

Tell us the date you granted a certificate for emergency representation to your client:

\_\_\_/\_\_\_/\_\_\_

Give a brief description of the proceedings and the wording code(s) you used for them:

Give us a brief description of the limitations/condition(s) and tell us the wording code(s) you used for them. *The standard cost limitation will apply unless a higher figure is provided and can be justified.*

Costs (£1500) or  costs non standard - insert figure £ \_\_\_\_\_ } *Mandatory*

Time limitation (4 weeks or earlier grant of full certificate)

Part IV Family Law Act - applicant - including representation on the return date (AA010)

Part IV Family Law Act - limited to all steps up to and including representation at a specific hearing (AA007) - give the date \_\_\_/\_\_\_/\_\_\_

Other (give details and code(s))

*Note: an emergency certificate must not be granted where there is an existing certificate capable of amendment to cover the additional work required.*

*If a full application has already been submitted **date of completion of this page:***

\_\_\_/\_\_\_/\_\_\_

## Declaration to be signed by the applicant

My solicitors have given me to keep:

- u* the Legal Services Commission's leaflet about CLS funding (either the CLS leaflet or 'A Step by Step Guide to Legal Aid. Help with paying for civil cases');
- u* the Legal Services Commission's leaflet explaining the statutory charge.

My solicitors have explained the LSC statutory charge to me. **In particular, my solicitors have advised whether there is a risk that, at the end of my case, I will have to accept an interest - bearing charge on my home.**

As far as I know, all the information I have given is true and I have not withheld any relevant information. I understand that if I knowingly give false information or withhold relevant information my CLS funding may be stopped and criminal proceedings may be taken against me.

Signed: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

This declaration must be signed by the applicant

## Client Security Password:

It will not be possible for the Legal Services Commission to discuss this matter over the telephone with you or your solicitor unless your identity can be verified. A password should be provided by the applicant which will be requested at the start of any telephone conversation:

Password (in Block Capitals)

Prompt (a word that will help you remember your password)

\_\_\_\_\_

\_\_\_\_\_

## Data Protection Act - access to personal data

The information you provide in this form and any subsequent information we may receive will be used to process your application for Legal Aid. It will be kept in accordance with the Principles of the Data Protection Act 1998 and any relevant confidentiality provisions.

If necessary, we may verify or share the information you provide with other organisations, such as: the Department for Work and Pensions, HM Revenue and Customs Land Registry, Companies House and on occasion Credit Reference Agencies. We will only share the information if it is necessary to protect public funds or where we are lawfully required to do so.

The Legal Services Commission may also process your information to produce management or research information. The results of our research will only be published in a statistical or anonymised form.

The information will be kept for as long as is necessary in order for the Legal Services Commission to fulfill its functions under the Access to Justice Act 1999. You have the right to make a formal request in writing for access to personal data held about you, to inspect it, and have it corrected if it is wrong.

## Certification

I certify that:

- I have explained to the client their obligations and the meaning of their declaration.
- Unless instructed by a minor, I have given to the client to keep the LSC's leaflets referred to in their declaration and have explained the statutory charge to them.
- I have provided as accurately as possible the information requested on this form.
- My office's Unified Contract Schedule authorises licensed work in the Family Category.

Signed: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

*(A Solicitor or a Fellow of the Institute of Legal Executives)*

Name: \_\_\_\_\_

## Enclosures

Any enclosures should not be the originals, except the means assessment and L17 forms.

The enclosures sent in support of this application are:

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> relevant<br>correspondence  | <input type="checkbox"/> expert's opinion | <input type="checkbox"/> agreements or<br>memoranda of<br>understanding | <input type="checkbox"/> notice of application |
| <input type="checkbox"/> court order(s)  | <input type="checkbox"/> CLSMEANS1        | <input type="checkbox"/> CLSMEANS1A                                     | <input type="checkbox"/> CLSMEANS1B            |
| <input type="checkbox"/> CLSMEANS1C  | <input type="checkbox"/> CLSMEANS2        | <input type="checkbox"/> CLSMEANS3                                      | <input type="checkbox"/> CLSMEANS4             |
| <input type="checkbox"/> CLSMEANS5   | <input type="checkbox"/> CLSMEANS6        | <input type="checkbox"/> client's L17                                   | <input type="checkbox"/> partner's L17         |
| <input type="checkbox"/> Central Authority Letter - Child Abduction and Custody Act 1985, registration of foreign orders/judgments, European convention or Brussels II A only. |   |   |  |
| <input type="checkbox"/> CLSAPP7 - if not attached, why not in a private law case. _____<br>_____  |   |   |  |
| <input type="checkbox"/> other (give details) _____  |   |   |  |