

LEGAL AID IN CROSS-BORDER CIVIL DISPUTES

Cross-border dispute is a dispute of legal nature, where the permanent place of residence of a person requesting for legal aid is not in the country of the court sitting taking place or execution of the court judgement:

- cross-border dispute takes place in Latvia;
- cross-border dispute takes place abroad of Latvia.

The state shall ensure the legal aid in cross-border civil disputes, out-of court and in-the-court, as long the court judgement or public deed is executed.

A special submission form is to be filled in for receipt of the state ensured legal aid in cross-border disputes.

Information on the legal aid for cross-border disputes may be received at LAA, as well as European e-justice portal at – https://e-justice.europa.eu/content_legal_aid-55-en.do

The Administration of the Maintenance Guarantee Fund shall provide for legal aid in the cross-border maintenance recovery matters.

LEGAL AID IN OTHER ADMINISTRATIVE MATTERS

- A person shall turn with a request to provide with the legal aid to the administrative court, which shall take a decision regarding granting of legal aid, taking into account the complexity of the administrative matter and financial circumstances of a person.

On the basis of a court decision, LAA shall assign a legal assistance provider and notify a person about decision regarding granting of legal aid.

- LAA shall ensure the legal aid to an asylum seeker and a foreigner to be forcibly returned in accordance with the Asylum Law and the Immigration Law.

LEGAL AID IN CRIMINAL PROCEEDINGS**

- A person shall turn with a request to provide with the legal aid to the person directing the proceeding (investigator, prosecutor or judge).
- A person directing the proceeding shall make a decision regarding appointment of an advocate for providing legal aid and shall notify that to the person, who has requested for legal aid, and the senior of the sworn advocates of the territory of the relevant court process.
- The senior of the sworn advocates shall appoint a particular advocate, who shall provide the legal aid to the person during the criminal proceeding.

**** Regulated by the Criminal Procedure Law**

IMPORTANT!

- It is significant to request for legal aid in a timely manner and to inform the LAA on changes in the provided information.
- A person shall submit to the LAA documents on the compliance with the criteria for receipt of the state ensured legal aid during the whole period of receipt of the legal aid.
- The party, receiving the state ensured legal aid in the matter, shall be exempted from payment of court costs to the state budget. The state shall not cover expenditures related to adjudication of the matter, except for expenditures for legal aid and expenditures with regard to that.
- The court, upon rendering a judgement, shall recover expenditures for the state ensured legal aid from the losing party, except for persons receiving the state ensured legal aid.
- The functions of LAA do not include provision of legal consultations regarding the nature of the matter or settlement of particular disputes; it shall be provided by the legal assistance provider in case of granting legal aid.
- A person receiving legal aid shall have an obligation to cooperate with the LAA and legal assistance provider, including providing general information with regard to the dispute to be settled, to inform on the independently performed activities and difficulties in receipt of legal aid in a timely manner.
- Procedure, according to which the submission is submitted and reviewed and a decision is made regarding granting the legal aid or refusal to grant it, shall not refer to providing of defence and representation in the criminal proceeding.
- LAA shall make a payment to the legal assistance provider regarding the state ensured legal aid provided to the person. These expenses shall be covered from the State budget resources provided for such purpose.

CONTACT INFORMATION

LEGAL AID ADMINISTRATION
Pils laukums 4, Rīga, LV-1050
Free informative phone: 80001801
jpa@jpa.gov.lv
www.jpa.gov.lv



Juridiskās palīdzības administrācija

STATE ENSURED LEGAL AID

Legal Aid Administration



Legal Aid Administration (LAA)
is the institution responsible for
providing with legal aid in cases
and in accordance with the procedure
prescribed by State Ensured Legal Aid Law

WHO IS ENTITLED TO RECEIVE THE STATE ENSURED LEGAL AID BY TURNING TO LAA?

The right to legal aid shall have the persons, who:

- have obtained the status of a low-income or needy person – the municipal social service shall issue a relevant statement;
- find themselves suddenly in a situation and material condition which prevents them from ensuring the protection of their rights (due to a natural disaster or force majeure or other circumstances beyond their control) – only the person him or herself may submit information and proof of that;
- are on full support of the State or local government – information shall be provided by the relevant state or municipal authority pursuant to the request of the person or LAA.

IN WHAT MATTERS LAA SHALL GRANT THE STATE ENSURED LEGAL AID?

- civil disputes – out-of-court legal aid (except for cases provided for by Section 6 of the State Ensured Legal Aid Law);
- civil matters – legal aid in the court (except for cases provided for by Section 6 of the State Ensured Legal Aid Law);
- administrative matters within the framework of appeal of the decision taken by the Orphan's Court regarding protection of rights and legal interests of a child.

In the above mentioned categories of matters the legal aid may be requested until the day of the final judgement coming into force.

WHAT LEGAL AID IS POSSIBLE TO RECEIVE?

- legal consultations;
- preparation of procedural documents;
- representation in the court.

WHAT IS NECESSARY FOR RECEIPT OF LEGAL AID IN CIVIL MATTERS AND ADMINISTRATIVE MATTERS IN ORDER TO APPEAL THE DECISION OF THE ORPHAN'S COURT?

A person shall submit to LAA a completed request for legal aid (submission form), which shall be enclosed with copies of documents, certifying the information set forth in the submission:

- a statement regarding compliance with the status of a low-income or needy person (or any other document, confirming the right for the state ensured legal aid);
- documents regarding the nature of the civil dispute, decision taken by the Orphan's Court and the course (such as agreement, court summons, decision of the Orphan's Court);

A person shall submit a completed submission form with the enclosed documents to LAA in person, send to LAA via mail or send to the e-mail jpa@jpa.gov.lv, by using a safe electronic signature with a time seal.

WHERE TO RECEIVE SUBMISSION FORMS AND INFORMATION ON FILLING IN THEREOF?

- on the portal – www.latvija.lv;
- on LAA website – www.jpa.gov.lv in the section "Services";
- in LAA at Pils laukums 4, Riga, or local government, in the administrative territory of which the declared place of residence of the person is located or where the person legally stays;
- via free informative phone 80001801.

REVIEW OF THE SUBMISSION

LAA shall review the form and take a decision regarding granting of legal aid or refusal to grant it within 21 days, but in matters with regards to the rights of a child – within 14 days from the day of receipt of the submission.

Requesting for additional information shall sustain the term for taking of the decision until the day, when necessary information is received or the term for submission thereof has expired.

When taking a decision regarding granting of legal aid, LAA shall assign a legal assistance provider, who has entered into the legal aid agreement with the LAA, in order to provide legal aid.

NOTIFICATION OF THE DECISION

A decision regarding granting of the legal aid or refusal to grant shall be notified to the applicant in a written form by sending via mail to the address specified in the request of the person or issuing it personally at LAA.

PROCEDURE FOR RECEIPT OF LEGAL AID, WHEN TURNING TO LAA*

Civil dispute/appeal of the Orphan's Court



- Status of a low-income or needy person;
- or full support of the State or local government;
- or sudden situation and material condition, which prevents from ensuring the protection of their rights.

SUBMISSION OF THE REQUEST

- Completed form of request for legal aid;
- enclosed with a copy of statement of the local government regarding compliance with the status of a low-income or needy person (or other documents, confirming the right for the state ensured legal aid);
- copies of documents enclosed, describing the nature of the dispute.

DECISION MAKING

LAA shall assess the submission and make a decision within 21 days or 14 days (in the matters of rights of a child).



NOTIFICATION ON THE DECISION

The legal assistance provider, place and time of receipt of the legal aid shall be specified in the decision regarding granting of the state ensured legal aid.

RECEIPT OF THE STATE ENSURED LEGAL AID



Decision taken by the LAA may be the subject to appeal to the Ministry of Justice.

Decision taken by the Ministry of Justice may be the subject to appeal to administrative court.

* The scheme has an informative nature