

## TERMS AND CONDITIONS AND PROCEDURE FOR PROVISION OF FINANCIAL SUPPORT

### A Latvian national who has agreed on carrying out proceedings with a foreign legal aid provider

shall be entitled to financial support, if:

- He or she does not belong to the range of subjects entitled to receive legal aid in the respective foreign country, except for not meeting the financial situation criterion;
- He or she belongs to the range of subjects who are entitled to receive legal aid in the respective foreign country, however, the foreign legal aid provider has recognised that legal aid in the matter is not useful;
- There is no legal aid system in the foreign country;
- In the foreign country in the particular category of matters there is no legal aid envisaged.

### Application submission and review

- ❖ A application is submitted (application form samples are approved by the Cabinet of Ministers).
- ❖ To attach to the application:
  - Documents certifying that the foreign competent authority has warned the person or **initiated proceedings regarding suspension or withdrawal of child custody rights**;
  - Refusal of the foreign country to provide legal aid or confirmation that in the foreign country there is no legal aid system or no legal aid in the category of matters is envisaged;
  - Information on the provider of legal aid, indicating name, surname or business name, address and contact information of practice, agreement on provision of legal aid, stating the type of legal aid, and certified copies of the document certifying the right of the legal aid provider to receive legal aid.

### Decision taking

The Legal Aid Administration reviews the application within **14 days** from receipt of the application, and if needed translation, then from day when translation has been received, and decides provision of financial support.

### Letter of guarantee

- ❖ Within 14 days from taking of the decision, the Legal Aid Administration drafts and issues to the person a letter of guarantee on provision of financial support to pay for legal aid services provided by the foreign legal aid provider.
- ❖ The letter of guarantee shall:
  - Indicate the person receiving financial support and the category of the matter under which the financial support is provided;
  - Inform about the financial support amount, terms and conditions and procedure of payment, and the need to submit to the Legal Aid Administration documents certifying that the foreign legal aid provider has provided to the Latvian national legal consultation or ensured legal representation.

### Provision of financial support

The foreign legal aid provider is to be paid for (payment amount, terms and conditions and procedure are stipulated by the Cabinet of Ministers):

- **Legal consultation;**
  - **Representation in legal proceedings or before** authority for review of its decision unless foreign legislation provide for legal proceedings in these processes.
- Representation is to be paid for, if after consultation of the foreign aid provider a decision his or her opinion on usefulness and need for the representation is received.

- ❖ **The Legal Aid Administration takes a decision on refusal to provide financial support,** if the person:
  - Does not meet requirements for the recipient of financial support;
  - Has not initially addressed the foreign competent authority to request provision of legal aid, except for the case when in the foreign country there is no legal aid system or no provision of legal aid in the particular category of matters is envisaged;
  - Requests financial support in a matter, not related to suspension or withdrawal of child custody rights in a foreign country;
  - Requests financial support in a matter where the competent foreign authority has not given a warning and initiated proceedings regarding suspension or withdrawal of child custody rights;
  - Within the term specified by the Legal Aid Administration has not submitted requested information or documents
- ❖ **The Legal Aid Administration stops providing financial support** and informs about this the Latvian national, if he or she has failed to submit to the Legal Aid Administration documents, confirming provision of legal aid.

### IMPORTANT

- ❖ To submit the application for financial support **timely**.
- ❖ Application for financial support may **be submitted**:
  - In person at the administration;
  - By mail;
  - Electronically in the procedure, provided for in legislation on electronic document processing;
  - In person at diplomatic and consular representations of the Republic of Latvia.

### LINKS

- ❖ **Authorities:**
  - Legal Aid Administration: <http://www.jpa.gov.lv/>
  - State Inspectorate for Protection of Children's Rights: <http://www.bti.gov.lv/>
  - Ministry of Foreign Affairs of the Republic of Latvia: <http://www.mfa.gov.lv/>
- ❖ **European Judicial Atlas in Civil Matters:** [https://e-justice.europa.eu/content\\_legal\\_aid-390-lv.do](https://e-justice.europa.eu/content_legal_aid-390-lv.do)
- ❖ **'Find a lawyer' search interface:**  
[https://e-justice.europa.eu/content\\_find\\_a\\_lawyer-334-lv.do](https://e-justice.europa.eu/content_find_a_lawyer-334-lv.do)