

Case study: *access to legal aid*

Children have a particular need for legal assistance to enable them to navigate complex laws and legal systems that are generally designed for adults. Children's needs are often overlooked and a focus on adults can leave them without the legal support they require. Lack of legal assistance can leave children in a position of being unable to claim essential rights or services, seek redress for rights violations, or ensure that their rights are protected in criminal justice or other judicial or administrative processes.

A girl of 13 met with a solicitor as she was worried about a court action that had been raised by her Gran to obtain contact with her. She lived with her Dad but visited her Gran when she could, usually every week or two. Her Gran and her Dad did not get on, however her Dad never stopped her going to see her Gran and left the decision of when she visited up to her. She was clear that she did not want the Court to make any order for contact, especially not at the frequency her Gran had asked for.

The court action was raised against her Dad as he had parental rights and responsibilities for her. Her Dad had chosen not to defend the court action or seek legal advice himself as he claimed that he would not qualify for legal assistance and did not want to pay for a solicitor. The girl was incredibly worried that an order would be made by the court against her wishes as her Dad had done nothing to oppose the court action.

Her Dad would not pay for any legal advice for the girl, and so her solicitor applied for Advice and Assistance from the Scottish Legal Aid Board in order to, at the very least, offer her advice about the court action and ensure her views were made known to the court. As it was believed that her Dad did not qualify for legal assistance himself, the girl would only be able to obtain legal assistance if her Dad's resources were not taken into account when assessing her own financial position. For this to happen, the Legal Aid Board would have to be convinced that it would be 'unjust and inequitable' to take account of her Dad's resources.

Unfortunately, as the girl's father was refusing to support her purely due to financial reasons, no legal assistance was made available to the girl to obtain her own advice. This left the girl with no means by which to obtain legal advice or have her own solicitor challenge the court action despite the decision of the court having a direct impact on her.