

Free legal aid

The rules for free legal aid are complex. In this document, JURK (Legal advice for women) will try to clarify the main rules. If you are wondering whether you have a right to be granted free legal aid, we recommend you contact the county governor (Statsforvalteren) in your county, or a lawyer. You can visit the website www.advokatenhjelperdeg.no to find a lawyer close to where you live.

In some cases, you may be eligible for economic support for legal aid. This is called free legal aid (fri rettshjelp). Free legal aid can be given both as legal aid outside of court (fritt rettsråd) and/or as legal aid in court (fri saksførsel).

When granting free legal aid, the Free Legal Aid Act (fri rettshjelpsloven) distinguishes between cases where free legal aid is granted regardless of income and fortune, and where the right to free legal aid depends on your income and fortune.

To be granted free legal aid, you must send an application to the county governor (Statsforvalteren). To apply, you can visit the website www.statsforvalteren.no, or a lawyer can help you send an application.

Free legal aid regardless of income and fortune

You may be granted free legal aid regardless of your income in the following cases:

- In some cases regarding residence permit, citizenship or expulsion decisions
- In some cases in the Child Welfare Service (barnevernet)
- Cases regarding compensation for unlawful criminal prosecution
- Cases where a victim of violence demands compensation from the perpetrator
- To consider criminal complaint and possible assistance in cases regarding:
 - o Rape
 - o Domestic violence
 - o Other types of violence which has caused prominent damage
 - o Incest
 - o Sexual actions with persons under the age of 16
 - o Misuse of position or position of power to gain sexual intercourse
 - o Human trafficking
 - o Breach of restraining order
- Cases regarding forced marriage
- Cases before the county governor (Statsforvalteren) regarding:

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- examination and treatment of patients without consent under the Mental Health Care Act (psykisk helsevernloven)
- cases before Kontrollkommisjonen regarding establishment and implementation of compulsory psychiatric healthcare
- trials regarding compulsory psychiatric healthcare (tvungent psykisk helsevern)
- Cases where Sivilombudsmannen has recommended a private party to go to court
- Cases under the Guardianship Act (vergemålsloven) where you are tried to be deprived of your legal capacity, or where you want to revoke a decision on deprivation of legal capacity
- Cases regulated by the Children Act (barneloven) when a child is exposed to violence, and a lawyer is appointed by the court to look after the interests of the child

Free legal aid dependent on income and fortune

To be granted free legal aid based on your income, you must meet the following two requirements:

1. If you are single, you must have an income below NOK 246 000 pre-tax. If you are married, have a cohabitant and/or live together with someone you share economy with, you must have an income below NOK 369 000 pre-tax all together.
2. If you are single, your fortune must not exceed NOK 100 000 net. If you are married, have a cohabitant and/or live together with someone you share economy with, your fortune combined must not exceed NOK 100 000 net.

Dependent on your income and fortune, you may be granted free legal aid in the following cases:

- In some cases regarding partition of personal belongings in case of separation and divorce
- Cases regarding parental responsibility, permanent residence and access to child
- Cases regarding the right to matrimonial home or household
- Cases regarding compensation for personal injury and loss of provider
- Cases regarding dismissal/eviction from housing
- Cases regarding resignation of employment
- Application or complaint regarding crime victim compensation (voldsoffererstatning)
- Complaint regarding social security/welfare benefits (trygdesaker)

Free legal aid in other cases

In some cases you may be granted free legal aid even though you do not meet the requirements mentioned above. This only applies if the case affects you particularly strong ("særlig sterk grad"), and your income is below NOK 246 000/369 000 a year and your fortune is less than NOK 100 000.

If your income exceeds the mentioned income and fortune limits, you may be granted free legal aid in a case where your expenses to legal aid are significant, considering your personal economy. You can contact a lawyer or the county governor (Statsforvalteren) to find out whether this applies to you or not.

If a public office offers you information and guidance, you will generally not be granted free legal aid. The same applies if you are a member of a union, or have an insurance that covers your expenses for legal aid.

Co-payment (egenandel)

JURK wishes to inform you that in some cases you have to pay a co-payment (egenandel) in order to be granted free legal aid.

The main rule is that you have to pay a co-payment if you are granted free legal aid based on your income and fortune. If you are granted free legal aid regardless of your income, you shall not pay a co-payment. If you have an annual income below NOK 100 000 pre-tax you shall not pay a co-payment.

If you are granted free legal aid outside of court, the co-payment equals the offentlig salærsats, NOK 1085 (January 2021). If you are granted free legal aid in court you must pay a co-payment equivalent to 25 % of the expenses, but never exceeding eight times the offentlig salærsats, NOK 8 680.