

FREE LEGAL AID

The rules for free legal aid are complex. In this document, JURK (Legal counselling 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 contacting the County Governor (Statsforvalteren) in your county, a lawyer or JURK. You can visit the website www.advokatenhjelperdeg.no to find a lawyer close to where you live.

What is free legal aid?

In some cases, you may be eligible for economic support from the State for legal aid. This is called free legal aid (fri rettshjelp). Free legal aid is help and guidance with the laws regarding your case. 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 (rettshjelpsloven) distinguishes between cases where free legal aid is granted regardless of income and savings, and where the right to free legal aid depends on your income and savings.

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 savings

In some cases, you may be granted free legal aid regardless of your income and savings.

You can get legal aid outside of court in cases such as:

- In some cases regarding residence permit, citizenship or expulsion decisions of immigrants
- Cases regarding compensation for unlawful criminal prosecution
- Cases where a victim of violence demands compensation from the perpetrator
- To consider reporting to the police and possible assistance making such a report regarding:
 - o Rape
 - o Domestic violence
 - o Other types of violence that has caused considerable damage to body or health

- Incest
- Sexual act with a child under the age of 16
- Abuse of a position of power or of employment to obtain sexual relations
- Human trafficking
- Breach of restraining order
- Female genital mutilation
- Cases regarding forced marriage

You can get legal aid in court in cases such as:

- Cases where the Parliamentary Ombud (Sivilombudet) has recommended a private party to go to court
- Cases under the Guardianship Act (vergemålsloven) regarding guardianship
- Cases regulated by the Children Act (barnelova) for when a child is exposed to violence, and a lawyer is appointed by the court to look after the interests of the child

You can get legal aid both outside of and in court in cases such as:

- In some cases in the Child Welfare Service (barnevernet)
- In some cases before the County Governor (Statsforvalteren) regarding psychiatric healthcare without consent

Free legal aid dependent on income and savings

In some cases there is an upper limit to income and savings to be granted free legal aid.

You must meet the following two requirements:

1. If you are single, you must have an income below NOK 350 000 pre-tax. If you are married, or live together with someone you share economy with, you must have an income below NOK 540 000 pre-tax all together.
2. Your savings cannot be more than NOK 150 000 after tax. It does not matter if you are single, married or live together with someone you share economy with, your savings combined must not exceed NOK 150 000 after tax.

If your income and savings are within the limits, you can get free legal aid in some cases:

Outside of court, you can get free legal aid in cases such as:

- In some cases regarding division of the estate after separation and divorce
- In some cases regarding division of the cohabitants' values and items
- Complaint regarding social security/welfare benefits (trygdesaker)

You can get legal aid both outside of and in court in cases such as:

- Cases regarding parental responsibility, custody and the right of access to the child
- Cases regarding compensation for personal injury and loss of provider
- Some cases regarding dismissal/eviction from housing where the tenant lives
- Cases regarding termination of employment

Free legal aid in other cases

In some cases you may be granted free legal aid even though your case is not covered by the legal areas mentioned above. This only applies if the case affects you in an especially pressing way ("særlig sterk grad"), your income is below NOK 350 000/540 000 a year and your savings are less than NOK 150 000.

If your income exceeds the mentioned income and savings 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 your case.

Cases where you are not eligible for free legal aid

If a public office is obliged to give 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.

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

If you are granted free legal aid outside of court, the co-payment equals the *offentlig salærsats*, NOK 1 215 (01.01.2024). 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*, that will in total be NOK 9 720.