

## **Chapter 2: Guidance on answering the self-test questions**

### **Question 1: Which type of funding is most commonly used for undefended divorce?**

Since 2013, there has been no public funding for divorce for most clients (there are exceptions for domestic violence). Most clients will have to fund a divorce themselves with remission of fees where clients have a low income.

### **Question 2: Which welfare benefits make a client automatically financially eligible for public funding?**

Benefits which enable a client to automatically be financially eligible are:

- Income support;
- Income-based Jobseeker's Allowance;
- Guarantee State Pension Credit;
- NASS support (for asylum seekers);
- Universal Credit.

### **Question 3: Explain the statutory charge in a way that a client will understand it.**

It is always useful to have an accessible method of explaining the statutory charge. As well as advising the client orally about the statutory charge, it is wise to remind the client in writing about the statutory charge at regular intervals during the case.

The approach the author most commonly took with clients was to explain the statutory charge in terms of a loan. The client is loaned their funding for their case by the LAA, and at the end of the case it will expect to recover this loan.

At the end of the case, the costs will be agreed by the parties or made the subject of an order by the court. Should the client not have their costs paid fully by the other party, then the LAA will recover any outstanding money through any money or property recovered or preserved by the client as a result of proceedings. This means that the client may have to pay some money to the LAA. Clients frequently forget this as the case progresses and a series of reminders throughout the case is recommended.