

# Who can get it?

## Determination of asset and income level

For services and lawyers

Co-ordination of secondary legal aid in criminal matters

### **If your assets and annual income do not exceed the asset and income level set by the Government of the Republic of Lithuania and:**

- you are a citizen of the Republic of Lithuania or
- you are a citizen of the member state of the European Union or
- you reside lawfully in Lithuania or other member state of the European Union you qualify for secondary legal aid.

### **The Service, however, may refuse satisfying your application, if:**

- you disagree to pay the set portion of the secondary legal aid costs;
- the Service, having examined the claim in essence, determines that the secondary legal aid costs would exceed the amount of your property claims (financial interests);
- you were provided with secondary legal aid in another cases; however, you did not pay the set costs for secondary legal aid or a portion thereof by the set deadline;
- the Service determines that you can individually exercise or defend your rights or interests protected by the state without the lawyer's assistance;
- secondary legal aid is provided in more than 3 cases;
- you failed to submit the documents required to receive secondary legal aid by the deadline set by the Service;

### **Irrespective of personal assets and income, secondary legal aid is available to citizens of the Republic of Lithuania, citizens of the Member States of the European Union, other natural persons who reside lawfully in Lithuania or another Member State of the European Union.**

#### 1. In criminal proceedings:

- regarding offences when the suspect or the accused is a minor;
- the blind, the deaf, the mute and other persons who are unable to exercise their rights to defence due to physical or mental disabilities;
- the persons who do not know the language of the proceedings;
- when there is a conflict between the interests of the suspects or the accused, if at least one of them has a defence counsel;

- regarding the offences for which imprisonment lifelong may be imposed;
  - when a case hearing takes place *in absentia* of the accused;
  - when the suspect or the accused is in custody;
  - when a decision is taken on the person's surrender (extradition) or transfer to the International Criminal Tribunal or under a European Arrest Warrant;
  - in accelerated judicial proceedings;
  - in other cases when the participation of a defence counsel is considered obligatory by a reasoned decision of the pre-trial investigation official/prosecutor or by a reasoned ruling of the court.
2. victims in proceedings for compensation of damage incurred through criminal offences, including the cases when the issue of compensation for damage is heard as part of a criminal case;
  3. persons receiving a social allowance under the Republic of Lithuania Law on Cash Social Assistance for Poor Families and Single Residents;
  4. persons maintained in stationary care institutions;
  5. persons recognised as incapable for work or severely disabled or of pensionable age with the established level of high special needs, also guardians/caretakers of these persons when state-guaranteed legal aid is required to represent and defend the rights and interests of the person under guardianship/caretaking;
  6. persons suffering from severe mental diseases, when issues of their forced hospitalisation and treatment are being considered according to the Republic of Lithuania Law on Mental Health Care, as well as their guardians/caretakers when state-guaranteed legal aid is required to represent and defend the rights and interests of the person under guardianship/caretaking;
  7. persons who have presented proof that they may dispose freely only of part of their assets and income due to objective reasons and this part does not exceed the asset and income levels set by the Government of the Republic of Lithuania entitling to legal aid;
  8. debtors in enforcement proceedings, when a recovery is levied against the last housing where they reside;
  9. minor children, when the issue of their eviction is being considered, parents or other legal representatives;
  10. minor children, when they independently apply to a court for the defence of their rights or interests protected under law in the cases specified by laws, with the exception of those minors who are married or declared by the court as fully capable (emancipated);
  11. persons requested to be declared as legally incapable in the matters concerning recognition of a natural person as legally incapable;
  12. persons in the matters concerning registration of birth;
  13. to persons in cases on the return of a child who has been illegally removed or retained in accordance with the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction.

**\*Note.** Having recognised a person guilty of an offence, the court, having evaluated the financial situation of the defendant, shall be entitled to order the defendant to pay and recover the costs of state-guaranteed legal aid.