Text consolidated by Valsts valodas centrs (State Language Centre) with amending regulation of:

5 December 2023 [shall come into force on 1 January 2024].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 165

Adopted 21 March 2017

**Regulations Regarding the Procedures for Requesting and Disbursing Financial Support**

*Issued pursuant to*

*Section 14.6, Paragraph three and Section 14.7, Paragraph two of the State Ensured Legal Aid Law*

1. The Regulation prescribes:

1.1. a sample form of the submission for requesting financial support for the advice of a legal aid provider in a foreign country (hereinafter – the legal aid provider) for the protection of the infringed or contested rights of a person or his or her interests protected by the law which are related to the suspension or deprivation of custody rights to a child in a foreign country (Annex 1);

1.2. a sample form of the submission for requesting financial support for the representation by the legal aid provider in the review of the decision taken by a foreign institution on the suspension or deprivation of custody rights to a child or for the representation by the legal aid provider in court proceedings regarding the suspension or deprivation of custody rights to a child in a foreign country (Annex 2);

1.3. the procedures for submitting the submission;

1.4. the amount of financial support;

1.5. the conditions and procedures for the disbursement of financial support.

2. The submission and the documents appended thereto may be submitted:

2.1. electronically in accordance with the procedures laid down in the laws and regulations regarding the drawing up of electronic documents;

2.2. by post;

2.3. in person at the Court Administration;

2.4. in person at the diplomatic and consular missions of the Republic of Latvia in foreign countries.

[*5 December 2023*]

3. The amount of financial support, including the expenditures which are related to the transfer of a payment:

3.1. for the legal advice of the legal aid provider – in the actual amount of expenditures but not more than EUR 200;

3.2. for the representation by the legal aid provider in the review of the decision taken by an institution – in the actual amount of expenditures but not more than EUR 1300;

3.3. for the representation by the legal aid provider in court proceedings – in the actual amount of expenditures but not more than EUR 1300 at each judicial body.

4. In order to receive financial support for the provision of the legal aid referred to in Paragraph 3 of this Regulation, a person shall submit to the Court Administration a certification of the legal aid provider on the legal aid provided.

[*5 December 2023*]

5. The certificate shall indicate the following information on the legal aid provided:

5.1. the person to whom legal aid has been provided;

5.2. the legal aid provider (given name, surname or name of the legal person), the address of the place of practice, contact details, the name, code, and account of the settlement agent;

5.3. the date on which an agreement for the provision of legal aid has been concluded and the number of the agreement or the date and number of the issued invoice, and also the type of legal aid provided in accordance with Sub-paragraph 3.1, 3.2, or 3.3 of this Regulation and the amount of the payment;

5.4. the substance of the case, its procedural stage and directing institution or court;

5.5. an opinion on the effectiveness of and need for further legal aid (this information shall be indicated after provision of the legal advice referred to in Sub-paragraph 3.1 of this Regulation).

6. The certification shall be submitted within 10 working days after provision of the legal advice referred to in Sub-paragraph 3.1 of this Regulation and within two months after implementation of the representation referred to in Sub-paragraph 3.2 or 3.3 of this Regulation.

7. The certification on the provision of the legal aid referred to in Sub-paragraph 3.1 of this Regulation shall be approved by the person, meanwhile the certification on the implementation of the representation referred to in Sub-paragraph 3.2 or 3.3 of this Regulation shall be approved by a representative of the directing institution or court accordingly.

8. If the Court Administration establishes that additional information is necessary for deciding on the issue of the disbursement of the financial support referred to in Paragraph 3 of this Regulation, it shall, within 10 working days from the day of receipt of the certification or the day of receipt of the translation of documents, request it from the person and determine a deadline for the submission of additional information which may not be less than 10 working days from the day of receipt of the request. Requesting of additional information shall suspend the term referred to in Paragraph 9 of this Regulation for the disbursement of financial support.

[*5 December 2023*]

9. The Court Administration shall, within a month after a complete and correctly prepared certification on the provision of legal aid has been received, transfer the funds intended for financial support to the account of the legal aid provider indicated in the certification.

[*5 December 2023*]

10. If the person has informed the Court Administration of the change of the legal aid provider in cases when the legal aid provider is unable to commence or continue the provision of legal aid due to objective reasons, the person shall submit to the Court Administration the information indicated in Annex 1 or 2 to this Regulation accordingly on the new legal aid provider for the preparation of a new letter of guarantee. The Court Administration shall transfer payment to the initial legal aid provider for the legal aid actually provided and shall, in the letter of guarantee, inform the new legal aid provider of the financial support referred to in Paragraph 3 of this Regulation or its balance. The financial support shall be disbursed, regardless of the change of legal aid providers, without exceeding the amount provided for in Paragraph 3 of this Regulation in total.

[*5 December 2023*]

11. Such requests for financial support shall be considered as valid for deciding on the issue of granting financial support which have been prepared using the sample forms of the submission for financial support in the wording of this Regulation of 21 March 2017 and submitted before 1 January 2024 but have not been examined by the Legal Aid Administration until the abovementioned date.

[*5 December 2023*]

Prime Minister Māris Kučinskis

Minister for Justice Dzintars Rasnačs

**Annex 1**

Cabinet Regulation No. 165

21 March 2017

[*5 December 2023*]

**Submission for Requesting Financial Support for the Advice of a Legal Aid Provider in a Foreign Country on the Suspension or Deprivation of Custody Rights to a Child in a Foreign Country**

(*Submission shall be filled in electronically or in block capitals*)

To the Court Administration

**1. Information on the Person who wants to Receive Financial Support**

|  |  |
| --- | --- |
| Given name |  |
| Surname |  |

Personal identity number  **-**

Address of the declared place of residence and address of the actual place of residence if different from the declared one

|  |  |
| --- | --- |
|  | |
|  | |
|  | |
| Contact details |  |
|  | (telephone, electronic mail address) |

**Mark whether you are:**

 citizen of Latvia

 non-citizen of Latvia

**Information on the personal identification document**

|  |  |
| --- | --- |
| Series, number |  |
| Date of issue |  |
| Issuing authority |  |

**2. Information on the Child who is Related to the Proceedings for the Suspension or Deprivation of Custody Rights**

|  |  |
| --- | --- |
| Given name |  |
| Surname |  |

Personal identity number  **-**

|  |  |
| --- | --- |
| If the person does not have a personal identity number, the date of birth shall be indicated |  |
|  | (dd.mm.yyyy) |

Address of the declared place of residence and address of the actual place of residence if different from the declared one

|  |
| --- |
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|  |

**3. Information on the Proceedings for the Suspension or Deprivation of the Custody Rights to the Child**

**3.1. Substance of the case**

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**3.2. Name of the directing institution or court**

|  |
| --- |
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**3.3. Special circumstances to be taken into account**

3.3.1. the deadline for contesting or appealing the ruling of the institution or court has been determined

|  |
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|  |
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|  |

3.3.2. the date for the examination of the case has been determined

|  |
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|  |

3.3.3. other circumstance

|  |
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**4. Grounds for the Receipt of Financial Support**

**Mark the grounds for the receipt of financial support**

 I do not fall within the range of subjects who have the right to receive legal aid in the relevant foreign country (except for non-conformity to the criteria of financial situation)

 there is no legal aid system or legal aid is not provided for the relevant category of cases in the foreign country

 I fall within the range of subjects who have the right to receive legal aid in the relevant foreign country, however the foreign legal aid provider has acknowledged that legal aid is ineffective in the case or the provision of legal aid cannot be commenced or continued due to reasons beyond the control of the Latvian national; the competent authority (name) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the legal aid provider in the foreign country (given name, surname or name of the legal person) who gave the opinion \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**5. Information on the Legal Aid Provider in the Foreign Country and the Agreement Concluded for the Provision of Legal Aid**

**5.1. Information on the legal aid provider in the foreign country**

|  |  |  |
| --- | --- | --- |
| Given name, surname (or name of the legal person) | |  |
|  | |  |
| Address of the place of practice |  | |

Information on the right to provide legal aid in the relevant foreign country (date and number of the issued document)

|  |  |  |
| --- | --- | --- |
|  | | |
|  | | |
| Contact details |  | |
|  |  | |
| Account number of the legal aid provider, name and code of the settlement agent | |  |
|  | | |

**5.2. Information on the agreement concluded for the provision of legal aid**

|  |  |  |  |
| --- | --- | --- | --- |
| Conclusion date of the agreement | |  | |
|  | |  | |
| Number of the agreement |  | | |
|  |  | | |
| Date and number of the invoice (if an agreement has not been concluded) | | |  |

**6. Information on the Appended Documents**

**Mark the documents the original copies or certified copies of which have been appended in the Annex**1

 a document certifying that the foreign competent authority has warned or has initiated proceedings for the suspension or deprivation of the custody rights to the child

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|  |

 a refusal to ensure legal aid of the foreign competent authority or a certification thereby that there is no legal aid system or legal aid is not provided for the relevant category of cases in the foreign country

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|  |

 an opinion has been received from the foreign legal aid provider on the ineffectiveness of legal aid

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| --- |
|  |

 documents certifying that the provision of legal aid cannot be commenced or continued due to reasons beyond the control of the Latvian national

|  |
| --- |
|  |

 an agreement on the provision of legal aid in which the type of or invoice for legal aid is indicated if an agreement has not been concluded

|  |
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|  |

 a document certifying the right of the legal aid provider to provide legal aid

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| --- |
|  |

**7. Information on the Manner of Receipt of the Decision**

 send the decision in the form of an electronic document to the electronic mail address indicated in the submission or the official electronic address (the decision has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents and signed with a secure electronic signature)

|  |  |
| --- | --- |
|  | |
|  | |
| send the decision by post to the following address |  |
|  | |

 issue the decision in person at the Court Administration

I certify that the information provided is true and complete, and I also undertake to notify the Court Administration of changes in the information indicated in the submission in a timely manner but not later than within five working days after I have become aware of such changes.

I undertake to participate in the process for the receipt of financial support in a timely manner and to the requisite extent, submitting the necessary information and documents to the Court Administration.

I am informed that the Court Administration will not ensure financial support or will discontinue the provision of financial support if I fail to submit a certification that the foreign legal aid provider has provided legal advice.

|  |  |  |  |
| --- | --- | --- | --- |
| Date2 |  | Signature2 |  |

Notes.

1. Documents can be appended in a foreign language. The Court Administration shall translate documents in accordance with Section 14.7, Paragraph four of the State Ensured Legal Aid Law.

2. Details of the document “date” and “signature” shall not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents.

**Annex 2**

Cabinet Regulation No. 165

21 March 2017

[*5 December 2023*]

**Submission for Requesting Financial Support for Ensuring Further Representation in a Foreign Country**

(*Submission shall be filled in electronically or in block capitals*)

To the Court Administration

**1. Information on the Person who wants to Receive Financial Support**

|  |  |
| --- | --- |
| Given name |  |
| Surname |  |

Personal identity number  **-**

Address of the declared place of residence and address of the actual place of residence if different from the declared one

|  |  |
| --- | --- |
|  | |
|  | |
|  | |
| Contact details |  |
|  | (telephone, electronic mail address) |

**Mark whether you are:**

 citizen of Latvia

 non-citizen of Latvia

**Information on the personal identification document**

|  |  |
| --- | --- |
| Series, number |  |
| Date of issue |  |
| Issuing authority |  |

**2. Information on the Child who is Related to the Proceedings for the Suspension or Deprivation of Custody Rights**

|  |  |
| --- | --- |
| Given name |  |
| Surname |  |

Personal identity number  **-**

|  |  |
| --- | --- |
| If the person does not have a personal identity number, the date of birth shall be indicated |  |
|  | (dd.mm.yyyy) |

Address of the declared place of residence and address of the actual place of residence if different from the declared one

|  |
| --- |
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|  |

**3. Information on the Proceedings for the Suspension or Deprivation of the Custody Rights to the Child**

**3.1. Substance of the case**

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**3.2. Name of the directing institution or court**

|  |
| --- |
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**3.3. Special circumstances to be taken into account**

3.3.1. the deadline for contesting or appealing the ruling of the institution or court has been determined

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3.3.2. the date for the examination of the case has been determined

|  |
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3.3.3. other circumstance

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**4. Grounds for the Receipt of Financial Support**1

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|  |

**5. Information on the Opinion of the Legal Aid Provider and the Agreement on Further Legal Aid – Representation**

|  |  |
| --- | --- |
| Date and number of the opinion |  |
| Date and number of the agreement |  |

**6. Information on the Legal Aid Provider in the Foreign Country**

|  |  |  |
| --- | --- | --- |
| Given name, surname (or name of the legal person) | |  |
|  | |  |
| Address of the place of practice |  | |

Information on the right to provide legal aid in the relevant foreign country (date and number of the issued document)

|  |  |  |
| --- | --- | --- |
|  | | |
|  | | |
| Contact details |  | |
|  |  | |
| Account number of the legal aid provider, name and code of the settlement agent | |  |

**7. Information on the Appended Documents**2

|  |
| --- |
|  |
|  |
|  |
|  |

**8. Information on the Manner of Receipt of the Decision**

 send the decision in the form of an electronic document to the electronic mail address indicated in the submission or the official electronic address (the decision has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents and signed with a secure electronic signature)

|  |  |
| --- | --- |
|  | |
|  | |
| send the decision by post to the following address |  |
|  | |
|  | |

 issue the decision in person at the Court Administration

I certify that the information provided is true and complete, and I also undertake to notify the Court Administration of changes in the information indicated in the submission in a timely manner but not later than within five working days after I have become aware of such changes.

I undertake to participate in the process for the receipt of financial support in a timely manner and to the requisite extent, submitting the necessary information and documents to the Court Administration.

I am informed that the Court Administration will not ensure financial support or will discontinue the provision of financial support if I fail to submit a certification that the foreign legal aid provider has provided legal advice.

|  |  |  |  |
| --- | --- | --- | --- |
| Date3 |  | Signature3 |  |

Notes.

1. Information need to be indicated if circumstances have changed since the submission of the first request for the financial support.

2. If additional documents which were not appended to the first request for the receipt of the financial support have been appended.

3. Details of the document “date” and “signature” shall not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents.