

**Evidence required for Domestic Violence proceedings  
after the introduction of the  
Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO)**

Civil legal services will be provided to an adult in relation to a matter arising out of a family relationship between an individual (A) and another individual (B) where:-

- (a) The opponent (B) has a relevant unspent conviction for a domestic violence offence;
- (b) The opponent has a relevant police caution for a domestic violence offence given within the 24-month period immediately preceding the date of the application for civil legal services;
- (c) There is evidence of relevant criminal proceedings against the opponent for a domestic violence offence which have not concluded;
- (d) A relevant protective injunction against the opponent is in force or was granted within the 24-month period immediately preceding the date of the application for civil legal services;
- (e) An undertaking given in England and Wales under ss46 or 63E of the Family Law Act 1996(a) (or given in Scotland or Northern Ireland in place of a protective injunction):-
  - (i) By the individual (B) with whom the Applicant for civil legal services (A) was in a family relationship giving rise to the need for the civil legal services which are the subject of the application; and
  - (ii) Within the 24-month period immediately preceding the date of the application for civil legal services, provided that a cross-undertaking was not given by (A);
- (f) A letter from the period appointed to chair a multi-agency risk assessment conference confirming that:-
  - (i) (A) was referred to the conference as a high-risk victim of domestic violence; and
  - (ii) The conference has, within the 24-month period immediately preceding the date of the application for civil legal services, put in place a plan to protect (A) from a risk of harm by (B);
- (g) A copy of a finding of fact, made in proceedings in the UK within the 24-month period immediately preceding the date of the application for civil legal services, that there has been domestic violence by (B) giving rise to a risk of harm to (A);
- (h) A letter or report from a health professional confirming that the professional:-
  - (1) Has examined (A) within the 24-month period immediately preceding the date of the application for civil legal services;
  - (2) Was satisfied following that examination that (A) had injuries or a condition consistent with those of a victim of domestic violence; and
  - (3) Has no reason to believe that (A)'s injuries or condition were not caused by domestic violence;

- (i) A letter from a social services department in England or Wales (or its equivalent in Scotland or Northern Ireland) confirming that, within the 24-month period and immediately preceding the date of the application, (A) was assessed as being, or at risk of being, a victim of domestic violence by (B) (or a copy of that assessment);
- (j) A letter or report from a domestic violence support organisation in the UK confirming:-
  - (1) That (A) was, within the 24-month period immediately preceding the date of the application for civil legal services, admitted for a period of 24 hours or more to a refuge established for the purpose of providing accommodation for victims of, or those at risk of, domestic violence;
  - (2) The dates on which (A) was admitted to and, where relevant, left the refuge; and
  - (3) That (A) was admitted to the refuge because of allegations by (A) of domestic violence.



**Evidence required for Private Law Children proceedings  
after the introduction of the  
Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO)**

Evidence that the child who is the subject of the application is at risk of abuse from (B) includes:-

- (a) A relevant unspent conviction for a child abuse offence;
- (b) A relevant police caution for a child abuse offence given within the 24-month period immediately preceding the date of the application for civil legal services;
- (c) Evidence of relevant criminal proceedings for a child abuse offence which have not concluded;
- (d) A relevant protective injunction which is in force or which was granted within the 24-month period immediately preceding the date of the application for civil legal services;
- (e) A copy of a finding of fact, made in proceedings in the UK within the 24-month period immediately preceding the date of the application for civil legal services, of abuse of a child by (B);
- (f) A letter from a social services department in England or Wales (or its equivalent in Scotland or Northern Ireland) confirming that, within the 24-month period immediately preceding the date of the application, the child was assessed as being, or at risk of being, a victim of child abuse by (B) (or a copy of that assessment);
- (g) A letter from a social services department in England or Wales (or its equivalent in Scotland or Northern Ireland) confirming that, within the 24-month period immediately preceding the date of the application, a child protection plan was put in place to protect the child from abuse, or at risk of abuse, by (B) (or a copy of that plan);
- (h) An application for an injunction described in paragraph (2)(d) made with an application for a prohibited steps order against (B) under s8 of the Children Act 1989(a) which has not, at the date of the application for civil legal services, been decided by the Court.

**Spent Convictions**

When a conviction becomes spent depends on the sentence. A custodial sentence of over 2.5 years is never spent. For other sentences it also depends on whether the offender was over 18 when convicted. The Rehabilitation of Offenders Act provides that a conviction becomes spent after the following periods:-

<u>Sentence</u>	<u>Over 18</u>	<u>Under 18</u>
Prison sentence (including suspended sentences) 6 months to 2.5 years	10 years	5 years
Prison sentence (including suspended sentences) 6 months or less	7 years	3.5 years
Fines, probation, compensation, community service, reparation orders, curfew orders	5 years	2.5 years
Absolute discharge	6 months	6 months