

involved in your case like social work and family members.

If we think that a child or young person is in danger and in need of protection, we have to share that information with others to ensure that a child is kept safe. We would always try to speak with the child or young person first to explain what needs to be done and why such action is necessary.

## MORE INFORMATION

If you need more information about this you can contact Clan Childlaw on our Freephone number 0808 129 0522. You can send us a text message to 075 275 66682 (texts will be charged at your normal network rate). You can also send us an email to [info@clanchildlaw.org](mailto:info@clanchildlaw.org), or send us a question through our website.

This leaflet is intended as a guide to the law in Scotland as at December 2016 and not as an authoritative statement and interpretation of the law.

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# Getting a Lawyer

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LAWYERS FOR CHILDREN  
& YOUNG PEOPLE



## Checklist



# Getting a Lawyer 06

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| What is a Lawyer/Solicitor?       | ✓ |
| What solicitors can help with     | ✓ |
| Can I get a solicitor?            | ✓ |
| Do I need to pay for a solicitor? | ✓ |
| How to get a solicitor            | ✓ |
| Confidentiality                   | ✓ |

## CONTACT US

FREE



0808 129 0522



075 275 66682



[info@clanchildlaw.org](mailto:info@clanchildlaw.org)



Aberdeen CHARITABLE FOUNDATION

[CLANCHILDLAW.ORG](http://CLANCHILDLAW.ORG)

## WHAT IS A LAWYER?

Lawyers, otherwise known as solicitors, are people who have studied and had specialist training about the law and who work with people to help solve their legal problems. It is their job to explain to you what the law says and what your rights are, and to use the law to help you solve problems. They can tell the courts and hearings what you think, what your rights are and what you want.

A solicitor can write letters, go to meetings and go to court and to Children's Hearings to tell people what you think, argue for what you want to happen and make sure everyone follows the laws that protect you. If you have to start a court case to resolve your problem a solicitor can do that for you. They can give you advice about what to expect, what the next steps are, what decisions might be made and about what things you should and shouldn't ask for or agree to. They can challenge things that are said that you don't agree with or that don't respect your rights. They can tell you what to do if you disagree with a decision.

### ✓ I'm not sure if I need a solicitor to help me

It's sometimes hard to know if a problem you have is a legal problem. If something has happened to you which you feel is unfair, or which is making your life difficult, this may be something a lawyer can help with.

### What sort of things can a solicitor help with?

Clan Childlaw only work with children and young people. We are experts in dealing with the sort of legal problems that children and young people have.

#### We help with things like:

If you have been referred to the Children's Reporter and have to go to a children's hearing.

If you stay with a foster carer or in a children's unit and you are wondering about your future and what rights you have.

If your parents don't live together and can't agree where you should live or how often you should see your other parent.

If you have brothers and sisters that you are not having contact with.

If you are worried that your baby or child might be removed from your care.

If you want to have contact with your baby or child.

If you want a solicitor to represent you at a children's hearings or in court.

If you don't think there is a reason for having a Children's Hearing about you.

If there is a case in court about you, or you are supposed to tell the court your views about a decision the court is making.

If you want to ask for the decision of a children's hearing to be changed or looked at again.

### ✓ What age do I have to be to get a solicitor?

Getting a solicitor to take on your case is sometimes called "instructing a solicitor" or a solicitor "taking your instructions". If you are 12 or over you will usually be able to instruct a solicitor as long as the solicitor thinks that you understand what a solicitor does and you understand the problem you need help with. This is called "having capacity to instruct a solicitor". If you are under 12 and the solicitor thinks you can understand these things then you might still be able to instruct a solicitor. It will be up to the solicitor to decide whether or not you have capacity to instruct them.

When you instruct a solicitor you have to give them full details of what has been happening and what you want them to do to sort things out. They will give you information and advice so that you can decide what you want them to

do to solve the problem. The solicitor will not tell you what to do or decide what to do in your case. It's important that you stay in contact with your solicitor and keep them up to date with what is happening and what you are thinking.

### ✓ Do I have to pay for advice from a solicitor?

At Clan Childlaw we can give you free legal advice which means that you will not have to pay to get advice and help from our solicitors. We can sometimes provide free representation in court or hearings where legal aid is not available.

Most solicitors who work with children and young people can apply on your behalf for Legal Aid. Legal Aid can pay for a solicitor to do work on your behalf. Your solicitor will tell you about this. You may have to provide details and proof of what money you have to assess if you can get Legal Aid. You sometimes have to pay a contribution towards the cost of your case.

### ✓ How do I get to a meeting with a solicitor?

Most solicitors work in offices and you would have to go to an appointment there or meet them before court or a hearing.

Clan Childlaw's solicitors will come out to meet you at a place you choose, where you feel comfortable. We meet young people at school, residential units, social work offices, youth clubs or even cafés. We also have meeting space at our offices in Edinburgh and Glasgow. We try to meet with young people well before hearings so that things are more relaxed and we have time to talk things through properly.

### ✓ Confidentiality

Any discussions between you and a solicitor are confidential, which means that we will not contact anyone about what is discussed without your permission. This includes other people