



Font Size **AX** **AX**  
**AX**



משרד המשפטים

About

Responsibility areas

Contact Us

משרד המשפטים > Ministry Of Justice > Units > Legal Aid > Responsibility areas > Genral > FAMILY LAW AND PERSONAL STATUS MATTERS

## Genral

NATIONAL INSURANCE

CIVIL

**FAMILY LAW AND  
PERSONAL STATUS  
MATTERS**

## FAMILY LAW AND PERSONAL STATUS MATTERS

**The field of personal status is one of the main and central fields dealt with by the Legal Aid Department. The significant increase occurring in recent years in the divorce percentages and the multiplicity of single parent families has also led to an increase in the applicants for legal aid in this field.**

**Family law is a broad and complex field and therefore knowledge, experience and specific professional specialization are required from the lawyer dealing with it. Its complexity arises from its being a legal field accompanied, inter alia, by emotions, mental, economic crises, etc., experienced by the parties during the dispute and that occasionally, consciously or unconsciously, influence how they make decisions. Likewise, in many cases the legal proceedings are prolonged and long drawn out, and sometimes even spring to life after the parties were sure that they had been concluded.**

**The main subject dealt with by the field of family laws is divorce and everything involved therein and accompanying it, such as:**

- **Minors custody and visiting arrangements matters**
- **Maintenance**
- **Alimony**
- **Paternity/maternity**
- **Property division between the spouses**
- **Domestic violence**
- **Ketuba**

With the development of the modern world, we are witness to different and varied kinds of family cells, mixed (religion/sex) couples, single parent families, etc. This leads to different forms of marriage and cohabitation that are also covered by the field of family law:

- Civil marriage
- Private marriage
- Common law spouses
- Joint children out of wedlock and cohabitation

In view of the complexity of the field, as aforesaid, and the fact that it extends over a broad variety of subjects, it was decided in 1995 to establish the Family Affairs Court in Israel and authorize it to hear all proceedings arising from disputes within the family. The objective was that the spouses would litigate under one roof, before a single judge specializing in this field.

However, occasionally the law in the State of Israel also authorizes the various religious tribunals (Rabbinical, Sha'aria, Christian, etc.) to hear matters of marriage and divorce and auxiliary matters. Therefore, there is a "jurisdictions race" which must be considered when instituting legal proceedings.

In addition to the divorce proceeding and everything this involves, the field of personal status covers many more subjects, such as:

- The Legal Capacity and Guardianship Law
- Changing name and age
- Adoption
- Wills and succession
- Various disputes between siblings and parents and their children
- The Hague Convention
- Foreign child support

#### **HOW TO OBTAIN LEGAL AID IN THE FIELD OF PERSONAL STATUS AND THE SERVICE IT INCLUDES**

Regulation 5 (1) of the Legal Aid Regulations, 5733 – 1973 (hereinafter: "the Legal Aid Regulations"), authorizes the Legal Aid Department, via the legal aid districts all over the country, to provide legal aid in family matters as these are defined in the Family Affairs Court Law, 5755 – 1995. Pursuant to the above-mentioned law, "family affairs" include the variety of matters specified above.

Eligibility for legal aid in the field of family laws is conditional upon compliance with three accumulative conditions:

1. The legal matter – the legal aid is required in one or more matters out of the matters enumerated

in Regulation 5 (1) of the Legal Aid Regulations.

**2. Eligibility on economic grounds – the applicant for aid is entitled to receive it from an economic aspect (income and property test). In the field of family law, as distinguished from other fields, the income of the applicant for aid only is examined and not that of other family members living with him, even when the applicant is a minor.**

**3. Legal chance – it is found that there is a legal chance for the proceeding requested as prescribed in Section 4 of the Legal Aid Law 5732 – 1972.**

#### FOR CONDITIONS FOR RECEIVING LEGAL AID

An applicant who is found to be eligible for legal aid shall receive as part of the service inter alia: legal advice, legal representation in the relevant proceedings, drafting reconciliation / divorce agreements and their approval by the Court, as well as drafting wills and registrations with the Succession Affairs Registrar.