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**THE OFFICIAL SOLICITOR'S OFFICE
THE OFFICIAL SOLICITOR AND HIS DUTIES**

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THE OFFICIAL SOLICITOR

The Official Solicitor is a public officer whose specific duty is to look after the interests of persons under a disability. Persons under a disability are either persons under the age of 18 or persons who are mentally incapacitated.

HOW DOES THE OFFICIAL SOLICITOR BECOME INVOLVED?

The Official Solicitor usually becomes involved in court proceedings at the invitation of the court or at the request of a party to the proceedings. The Official Solicitor can also become involved in a case if it is brought to his attention that an identified person under a disability has a claim or a defence which cannot be pursued because of the absence of any person who is willing and able to act as next friend or guardian ad litem.

WHAT CASES DOES THE OFFICIAL SOLICITOR TAKE ON?

The Official Solicitor can only take on those cases as provided for by section 4 of the Official Solicitor Ordinance.

For example, the Official Solicitor can act as next friend or guardian ad litem for any person under a disability in civil proceedings before the Court. He can be appointed Judicial Trustee or he can act for any party involved in care and protection proceedings in the Juvenile Court. He can also be appointed to perform the duties of the Official Trustee.

WHAT DOES THE OFFICIAL SOLICITOR DO FOR MINORS?

The Official Solicitor may be asked to represent minors (persons under the age of 18) in any type of proceedings where the Court considers it necessary for the minor to be separately represented - this includes custody/access disputes, wardship proceedings, adoption proceedings, declaration of parentage proceedings etc.

In the absence of anyone who is willing or suitable to do so, the Official Solicitor can also act for a minor to ensure that financial claims, such as damages for injuries in an accident, compensation for criminal injuries, claims to share in the estate of someone who has died or defending claims for monies in dispute, etc., are made.

WHAT DOES THE OFFICIAL SOLICITOR DO FOR MENTALLY INCAPACITATED PERSONS?

Mentally incapacitated persons are persons suffering from mental illness or handicap.

The Official Solicitor may be asked to assist these persons in making similar financial claims as he does for minors. In addition, the Official Solicitor may be asked to represent these persons in divorce suits or to defend any money or other claims made against them if there is no one else willing and suitable to do so on their behalf.

The Official Solicitor can be appointed committee of the estate of these persons to look after their property and affairs if there is no one else willing and suitable to be so appointed. If directed by the Court, he can investigate the way such persons' money has been handled in the past and propose ways of handling their financial affairs in future.

WHAT OTHER SERVICES DOES THE OFFICIAL SOLICITOR PROVIDE?

When appointed by the Court, the Official Solicitor can:-

- (a) represent a deceased person's estate in claims made against it where no one else is willing to do so.
- (b) administer the estate of someone who has died leaving a child or mentally incapacitated person as the only person entitled to property and money and
- (c) act as trustee holding property or money where there is a dispute or where the beneficiaries cannot be traced.

DOES THE OFFICIAL SOLICITOR CHARGE FOR HIS SERVICES?

The Official Solicitor may charge for his services or services rendered on his behalf.

In some cases, the Official Solicitor will seek to make his appointment subject to his costs being met by the requesting party or seek an order for his costs, for example, where he is asked by a Petitioner in divorce proceedings to act as guardian ad litem of a mentally incapacitated Respondent.

Whether the Official Solicitor will charge for his services in a case will depend upon the circumstances of his appointment and the particular circumstances of the case itself

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8:45 am – 1:00 pm 2:00 pm – 5:45 pm	8:30 am – 1:00 pm 2:00 pm – 6:00 pm	Closed