



2017 CASE ACCEPTANCE PRIORITIES

Legal Aid's priorities consist of four core areas: Access to Safe and Affordable Housing; Protection from Domestic Violence; Economic Justice; and Consumer Rights. These core areas reflect Legal Aid's strategic focus to support families; preserve homes; maintain economic stability; ensure safety, stability and health; and to identify and address the needs of vulnerable populations.

CASE ACCEPTANCE DECISIONS

Workgroups shall make decisions according to case acceptance priorities. Staff may provide advice, limited services, and referrals to any eligible applicant, including case types not considered for extended representation. Referrals to pro se resources will be made only after considering the circumstances and the likelihood of the applicant being successful proceeding pro se. Extended representation may involve negotiation; document preparation; administrative or court representation; appellate practice; systemic advocacy; transactional work; community economic development; or legislative and administrative rulemaking, as permissible.

When evaluating a case for extended representation, workgroups will consider:

1. The likelihood of **legal success**;
2. The amount of **program resources required** to address the legal problem;
3. The **availability of program resources** for effective representation;
4. Any particular **vulnerability of the applicant**;
5. **Alternative community and pro bono resources**;
6. The **seriousness** of the legal matter, including its impact on the applicant and whether the matter is common or systemic in nature; and
7. The long-term **benefit of representation** to the client and/or client community.

PRO BONO RESOURCES

To maximize the use of volunteer resources, Legal Aid may accept cases outside of case acceptance priorities when volunteer resources are available. In these cases, Legal Aid will notify clients that if no volunteer resource is available, only advice, limited services, or referral will be provided.

TARGETED PROJECTS AND POPULATIONS

Legal Aid may provide specialized services to address the needs of certain populations. Priorities and financial guidelines may be modified for specific geographic areas; projects; or targeted

underserved or vulnerable populations or areas experiencing disasters. For special projects without separate funding, financial guidelines may be modified up to 200% of the national eligibility level. Expanded priorities may be specified by an addendum to these priorities.

When specialized grant funding exists, Legal Aid may also expand income eligibility or case priorities to meet funding obligations. For example, AmeriCorps, Equal Justice Works, Title III, LITC, MLP, IOLTA Housing, VOCA, and donation funding may exceed 200% when/if allowed by those specific grants or funding sources. All expansions will comply with LSC regulations.

For 2017, targeted projects include medical-legal partnerships, low-income taxpayer clinic, targeted veterans services, housing issues, and employment opportunity.

EMERGENCY CASES

Emergency situations may arise where Legal Aid is compelled to undertake legal representation on a case outside case acceptance priorities. Subject to the executive director's or designee's approval, emergency representation is allowable under the following conditions:

- Client is eligible for legal services; and
- Legal assistance is immediately necessary to:
 - (a) Secure or preserve the necessities of life;
 - (b) Protect against or eliminate a significant risk to health and safety;
 - (c) Address significant legal issues that arise because of new or unforeseen circumstances; or
 - (d) To prevent an extreme miscarriage of justice.

In emergency cases, the staff member shall document the emergency condition in the case management system and send the information to his/her work group leader, Regional Manager, and the executive director. Subsequent reports shall be made to the Board regarding the case.

COMMUNITY EDUCATION AND OUTREACH

Legal Aid will develop a separate Community Education and Outreach plan annually, as a stand-alone document or part of each Substantive Groups work plan. The plan reflects an intentional emphasis on increasing Legal Aid's visibility and participation in eligible-client communities and increasing community awareness of legal rights and responsibilities.

REVIEW OF PRIORITIES

The Board of Directors and program staff shall review priorities annually with input from justice community members, including the private bar, the judiciary, court staff, Access to Justice Commission, the Center for Arkansas Legal Services, and client-eligible community members and service organizations. Statistical data, progress reports, anecdotal information, client satisfaction surveys results, emerging legal issues, legal needs study results, needs surveys completed by clients and community members, and other appropriate information will be considered in determining critical legal needs.

SUSPENSION OF CASE ACCEPTANCE

The Executive Director or designee may declare a temporary moratorium on non-emergency case acceptance during resource shortages, human or financial, to allow staff members to retain their strategic focus and meet their professional responsibility to current clients.

CASE HANDLER AGREEMENT (45 CFR 1620.6)

All staff attorneys, paralegals, and all other staff providing direct legal assistance to clients shall sign an Agreement to review and abide by Case Acceptance Priorities.

CONSUMER PRIORITIES

Our mission: To assure due process by championing equal justice for low income consumers.

Our vision: Protecting income and assets for those with no access to justice.

General Aspirations

- Protect wages, housing, employment, Social Security, or to otherwise stabilize a client.
- Defend debtors in collection actions filed by debt buyers.
- Enforce debtors' rights under state and federal law.
- Coordinate with ongoing Legal Aid projects to prioritize clients from certain groups, i.e. clients introduced through employment opportunity projects, veteran's hospital, MLP, LEP community outreach, etc., and considering minority populations and those with no other resources.
- Identify and address systemic issues that perpetuate poverty.
- Work with outside organizations such as the Attorney General's Office to combat abuse and exploitation of low-income Arkansans.
- Partner with other workgroups to provide comprehensive services.

LITC Clinic Representation Priorities

Priorities specific to taxes are separate but related to the Consumer substantive work group.

Income Taxes

- Assisting with responses to collection activities, including liens and levies.
- Innocent Spouse Relief cases.
- Audit reconsiderations for examinations, including Earned Income Tax Credit, exemptions, filing status, and self-employment income, among others.
- Assisting with IRS examinations.
- Offer in Compromise.
- Identify theft.
- Audit and Tax Court Representation, including *Pro se* petitioners referred by U.S. Tax Court (will usually involve one of the priority issues).
- Worker misclassification (1099 –MISC instead of W-2).
- Tax liens.
- Responding to IRS notices.
- Tax debts and Installment Agreements.
- Non-filers coming into voluntary compliance.
- State Income Tax issues.
- Other meritorious tax claims.

Tax Court assistance will be provided on both small and regular case dockets, and will be made available to unrepresented clients who otherwise meet Legal Aid LITC case acceptance guidelines. Assistance may be provided by Legal Aid staff members or attorneys and enrolled agents who volunteer for Legal Aid's Pro Bono Panel.

The level of assistance provided to each individual client may range from counsel and advice or brief services to full representation. Determination regarding the level of assistance will be made

by the Tax Clinic Director, after a review and assessment regarding the merits of the case and a factual evaluation based on clinic priorities.

Reentry

- Criminal Record Sealing – Felony- Where a felony Petition to Seal falls within a petition to seal statute and the applicant is seeking housing and employment and the felony would be a hindrance, extended services. For multiple felonies priority is given to cases where we can seal all of the felony records but exceptions can be made where one conviction is causing particular harm. Where no petition to seal statute allows for the sealing of the criminal record, advice and pardon application.
- Criminal Record Sealing- Misdemeanors, Arrests, Nol Prosequi- Where a Petition to Seal is likely to be approved by a Court, advice on how to proceed pro se to successfully seal the record. If a misdemeanor record is particularly detrimental to housing or employment (recent thefts, possession, assault as examples), extended services as resources allow. Extended services will be considered when the client does not appear to have the capability of proceeding pro se.
- Housing – where background check is wrongfully being used to deny housing to reentry client or where client is being evicted because of background check, extended services with input from Housing workgroup.
- Employment – where background check is wrongfully being used to deny employment to reentry client or where licenses need to be reinstated (and is not part of an ongoing sentence), extended services.
- License suspension and license reinstatement related to criminal record, advice.
- Other- where legal services will increase the likelihood of successful integration into society or decrease the likelihood of recidivism and those legal services are meritorious. Two community outreach events during 2017 addressed to eligible pro se filers in counties to be determined by AmeriCorps Reentry attorney, Ryan Hill and the Consumer Work Group. Reentry work plan of Ryan Hill incorporated by reference.

Bankruptcy Priorities for Consumer Group

Chapter 7 bankruptcy petitions

- Where the wages of the client are being garnished or subject to garnishment.
- Where the primary transportation of the client is subject to repossession, to stop repossession of the car, or to recover the car for the client.
- Where loss of the home is threatened through foreclosure see Housing group priorities below.
- Pro bono referral in priority areas.
- It is estimated that the Consumer Work Group will accept ten cases for bankruptcy in NW Arkansas and possibly Boone and Baxter counties and ten cases in the Delta where pro bono resources are not available.
- In NW Arkansas, referrals for Chapter 7 Bankruptcy are made to the Law School's Bankruptcy Clinic at the beginning of the fall and spring semester.
- Higher priority for non-English speaker applicants in the Springdale office.
- Where the debt has accrued due to circumstances beyond the client's control extended services can be considered.

Bankruptcy Priorities for Housing Group (see Housing Priorities)

Debt Collection

- Fair Debt Collection Practices Act, Fair Credit Reporting Act- where client has a cause of action and likelihood of prevailing.
- Creditor Harassment – where a creditor is violating federal laws through harassment or some other means, brief services in the form of demand letters to creditor. In particularly egregious harassment cases, extended services see above.
- Where bad service affects the validity of the judgment, advice on how to set the judgment aside. Acceptance for extended services when attorney resources are available on a case by case basis or when the client does not appear to have the capability to be successful pro se. Referral to pro bono volunteers as resources allow.
- Deficiency Judgments – when there is a defense that will allow the client to prevail, advice. Extended services when defenses are present and staff or pro bono resources are present.
- Other Debt Collection – where original creditor sues, provide brief services in the form of answer and advice on how to proceed in the case. If meritorious defense exists consider extended services to client.
- Medical Services – where a client receives Medicaid and is sued for the provider’s failure to submit the claim to Medicaid; where the client is insured and is sued when the provider has failed to submit the claim to the insurer. Referral to the Office of Civil Rights for discrimination against immigrant clients who suffer disparate impact by medical providers. All other cases advice with brief services as resources are available for limited English populations.
- Coordinate with the Consumer Federal Protection Bureau consent decrees regarding actions filed suing debt buyers.

Auto Fraud

- Violations – where a used car dealer has violated state or federal laws, rules or regulations, whether the violations be of the UDTPA (Unconscionable and Deceptive Trade Practices Act), the UCC (Uniform Commercial Code), or any other, extended services to help clients be justly compensated for dealer’s wrongdoings.
- Buyer’s Guide – Where no Buyer’s Guide is posted at the time of sale, help for the client in revoking the sale or enforcement of requirement for the dealer to make necessary repairs since sale was not AS IS. With continuing help from FTC office in Dallas, be mindful of any dealership not abiding by Used Car Buyer’s Guide rule.
- Deficiency Judgments – see “Deficiency Judgments” in “**Debt Collection**”

Financial Exploitation of the Elderly

For clients over 60

- Where caretakers coerce clients into signing financial documents that are against their interest.
- Where an elderly client has been or is being exploited by a car dealer or debt buyer.
- We will refer these elder abuse cases to Valerie Morato, Equal Justice Works Fellow Attorney in Harrison, or Brooke Thompson, AmeriCorps Fellow Attorney in Jonesboro.

Other Claims with an Adverse Party

- Public Utilities – Advice to prevent shut off of public utility, and referral to Public Service Commission. Advice for non-regulated public utilities such as water.
- Contracts – Where there is a meritorious claim for breach of contract advice on how to proceed *pro se*. Where the breach cannot be adequately litigated at small claims level, advice on the cause of action, the time to pursue the claim and referral to a private attorney. Where circumstances merit, referral to pro bono program for representation.

Other Matters

- Student Loan matters and cases – Advice and Brief Services
- Fair Credit Reporting Act - Help client dispute and clear reports. Violations see “**Debt Collection.**”
- Identity Theft – Advice or brief services to victims in collecting reports and helping clients navigate the credit reporting system. Assistance to those who need to utilize the Fair Credit Reporting Act to block the erroneous item from their report to qualify for a home or car loan.
- Incorporation for Nonprofits–referral to University of Arkansas School of Law Transaction Clinic where a nonprofit has legitimate basis for incorporation and for application for tax-exempt status.

Advice and Limited Services

All cases receive some minimal advice regarding the cause of action, the time to pursue the claim and to contact a private attorney if Legal Aid cannot give advice or provide brief services. Cases not within priorities may be screened or referred to the private bar as a mechanism to strengthen response times and work product on priority cases by work group members or if the group is at capacity handling priority cases.

A focus on community education and outreach through fact sheets, advice letters, and blog posts is contemplated for 2017.

A focus on veterans’ issues is contemplated with regularly scheduled outreach to the VA Clinic in Fayetteville and the Seven Hills Homeless Shelter Day Center in Fayetteville. The work plan of the Veterans’ AmeriCorps Attorney is incorporated by reference. Advice and brief services are contemplated for the veterans’ project, with cases for extended services at the discretion of the Veteran’s AmeriCorps attorney in consultation with work group leaders.

PROTECTION FROM DOMESTIC VIOLENCE PRIORITIES

ADOPTIONS

- Adoption defenses if there is a meritorious defense.
- Adoption petitions only if:
 1. pro bono resources are available; and
 2. the opposing party's consent is not required by law; and
 3. the adoption would provide a financial benefit to the child/ren; and
 4. the adoption would be in the best interest of the child/ren.
- Step-parent adoptions will only be considered if the parties have been married for at least two years and the biological parent has not been involved in the child's life.

BIRTH CERTIFICATES

- Pro se forms provided to clients for the correction, amendment, or procurement when the birth certificate or lack of birth certificate prohibits client from receiving benefits, services, or impacts employment. Acceptance for representation in situations where the client does not appear to be able to navigate the system pro se.

CENTRAL ABUSE REGISTRY

- Assistance in appeals or removal when the facts are meritorious and the finding of neglect/abuse will materially impact the client.

CHILD CUSTODY AND VISITATION

- Extended services if there is an ongoing or immediate risk of violence to the client or child/ren, including cases of founded abuse by the Department of Human Services or the State Police.
- Meritorious jurisdictional disputes where the children have been abducted and are in imminent danger with the abductor, including international child abduction cases.

CHILD SUPPORT

1. Assistance in child support defense cases in which child support is based solely on funds exempt from child support.
2. For all other child support cases involving modification of child support, pro se forms shall be made available to applicants. Cases involving those recently released from prison, or participating in a prison diversion program, will be evaluated on a case by case basis with consideration being given to factors such as veteran status and the availability of special funding.

CIVIL GIDEON

- Factual situations where LAA may advocate at the trial court level or on appeal for a right to counsel in civil cases in a narrow set of issues, such as termination of parental

rights in an adoption, defenses to adult guardianships, or incarceration in a child support contempt action without representation.

DIVORCE

- Extended services if:
 1. there is an ongoing or immediate risk of violence to the client or child/ren based on a risk assessment, considering the totality of the circumstances, regardless of the length of time since the last incident of physical abuse; and
 2. the divorce would help ensure that client would permanently escape abuse, such as providing an economic benefit to client.

OR

1. client's only source of income is Supplemental Security Income from the Social Security Administration; and
 2. there are clear grounds for divorce; and
 3. pro bono counsel or other resources are available; and
 4. client has no other resources are available to secure private counsel.
- Extended services for post-judgment enforcement actions meeting divorce criteria.
 - Provided that the program may deny extended services to any divorce applicant where it is apparent that representation will involve significant expenditure of time and resources, the applicant is not in danger of bodily harm, and
 1. obtaining the client's objectives will not materially improve the safety or welfare of the children of the parties, and
 2. resolution of the case will not be of precedential value to others in the client community.

EMANCIPATIONS/REMOVAL OF DISABILITIES

- For homeless minors, pregnant minors, or minors attempting to avoid violence or abuse, when the facts are meritorious.

GUARDIANSHIPS, ADULT

- Legal Aid will attempt to support the health and welfare of incapacitated persons who are unable to provide for their own medical or financial needs. Cases involving an immediate danger to the health, welfare, or residence of an incapacitated adult, i.e., where there is an urgent medical or financial issue and no alternative to guardianship exists, will be a high priority.
- Cases where there is not an immediate danger, but an incapacitated adult is unable to provide for his or her own health, welfare, or residence will be accepted if pro bono or other resources are available, if they fall within MLP priorities, or if they can be prosecuted under a contract with an Area Agency on Aging.

- Defenses to Adult Guardianships will be provided if the facts of the case are meritorious.

GUARDIANSHIPS. MINOR

- Extended services if:
 1. there is an ongoing or immediate risk of violence to the child/ren; or
 2. the parent/s or primary physical custodian/s have abandoned the child/ren; and
 3. the child is being denied access to education, health care, or other basic necessities, if other, noncustodial alternatives, are insufficient; and
 4. there is clear indication that the guardianship is in the best interests of the child/ren;

or

 5. where a guardianship is required to administer the estate of a minor, and the resources of the estate are too small to pay for a private attorney.

IMMIGRATION

- Assist clients with meritorious U-Visa applications, with a preference for making referrals to other service organizations, if practicable.

NAME CHANGE

- Referral to pro se materials absent extreme hardship resulting if the name change is not done and an indication that the client will not be able to navigate the system pro se.

OTHER

- Work with the other workgroups to provide extended services to victims of domestic violence where those services would help make the client more independent, and therefore less likely to return to her/his abuser.

ORDERS OF PROTECTION

- Extended services for victims of domestic violence and/or sexual assault or abuse.
- Advice to victims of domestic violence and/or sexual assault if filed on behalf of the children and there is a pending or recent child custody case open indicating that the Order of Protection is being used to harass and/or take custody away from the opposing party.
- Advice to Respondents only if client was referred by a domestic violence shelter or was previously a client in a family law case involving the same opposing party.
- Extended services to Respondents if client meets the criteria for advice and also appears to be a victim of domestic violence committed by the Petitioner.

Economic Justice Workgroup Priorities

Disability Rights

- Enforce and protect the rights of the mentally ill and disabled in situations not covered by other priorities.

Education

- Denials of access to free and appropriate public education as required by law, including civil rights laws;
- Special education services: initial and/or continuing eligibility, inappropriate placement, manifestation determination review issues, and due process hearing complaints; and
- Truancies, suspensions, and/or expulsions.

Employment

- Discrimination claims (Title VII, ADEA, ADA, PDA, etc.);
- Fair Labor Standards Act, Arkansas Minimum Wage claims, and Family and Medical Leave Act claims will be reviewed to determine whether immediate acceptance, referral to the private bar, or referral to the appropriate department is more appropriate:
 - FLSA and FMLA claims may be referred to the U. S. Department of Labor;
 - Wage theft claims of \$2,000 or less may be directed to the Arkansas Department of Labor.
- Trafficking cases, subject to available workgroup expertise;
- Unemployment claims: denials, terminations, and/or overpayments;
 - Unemployment denials in which Legal Aid did not represent the claimant at the hearing level will be considered if the denial implicates an issue that could significantly affect our wider client population (e.g. transportation, pregnancy, employers absent from hearings, etc.).
- Violations of the NLRA will be referred to NLRB, with assistance in preparing the affidavit to be determined according to merit and, if the NLRB decides to file suit, subsequent assistance at trial to be determined according to merit.
- Defense of CNA registry license cases

Healthcare

- Denials of access to health services required by law, including civil rights laws;
- Community-based services and supports: denial of services and supports including mental health, long-term care, assistive technology, independent living and home and community-based services; and
- Issues with health care access under the Affordable Care Act.

Public Benefits

- Medicaid/Medicare: denials, terminations, or reductions of coverage, services, equipment, and/or medications; overpayments;
- Social Security retirement and dependent (survivor, spousal, child, widow) benefits cases will not receive extended services unless (1) there is clear evidence of a wrongful denial,

reduction, or determination of benefit amount; (2) the amount in question is significant; (3) the case is otherwise meritorious; and (4) brief services would not adequately address the issue.

- Social Security (SSI/SSDI) overpayments will not receive extended services unless (1) there is clear evidence of a wrongful determination of an overpayment or of a meritorious basis for waiver; (2) the amount in question is significant; (3) the case is otherwise meritorious; and (4) brief services would not adequately address the issue.
- Social Security cessations and child-to-adult redetermination cases.
 - As a threshold requirement for merit evaluation, which involve lengthy CD, reviews, applicants will be required to (1) be receiving ongoing medical treatment; (2) be compliant with all treatment or have defensible reason for non-compliance; and (3) on the basis of the intake interview, appear to have a meritorious case.
- SSI/SSDI Cases to Establish Initial Eligibility (adults):
 - Adult initial eligibility applications awaiting hearing before an Administrative Law Judge will be referred to the private bar unless:
 - a. the applicant is (1) homeless, (2) a veteran (with adequate AmeriCorps resources available to assist the applicant); (3) a patient of an MLP partner clinic; or (4) so obviously disabled with cognition or mental health (in screening or interview) that the private bar is unlikely to adequately serve her; and
 - b. the case is meritorious.

***All callers with SSI/SSDI eligibility cases will be screened at the eligibility phase, and callers not meeting the criteria will not speak with an advocate.

 - Adult initial eligibility applications at the initial or reconsideration stages will not be accepted unless:
 - a. the applicant is a patient of an MLP partner clinic with a supportive provider; AND
 - b. the case is meritorious.
- SSI Child Cases:
 - Child initial eligibility applications awaiting hearing before an Administrative Law Judge will be accepted if the case is meritorious. Child initial eligibility applications at the initial and reconsideration stage will not be accepted. Extensive advocate experience has shown that cases based on ADHD, unspecified learning disabilities, and/or asthma generally lack merit, and such cases will be evaluated with this previous experience in mind.
 - a. As a threshold requirement for merit evaluation, which involve lengthy CD, reviews, applicants will be required to (1) be in treatment (in mental health clinic or in school services); (2) taking any

medications prescribed; and (3) on the basis of the intake interview, appear to have a meritorious case.

- b. Receiving services through IDEA or Section 504 will also be considered for the threshold issue, though the workgroup acknowledges that lack of services may be understandable, either due to a recently-developed issue, lack of parent request, or wrongful school district practice.
- o Child cessation cases will be accepted if the case is meritorious. Extensive advocate experience has shown that cases based on ADHD, unspecified learning disabilities, and/or asthma generally lack merit, and such cases will be evaluated with this previous experience in mind.
 - a. As a threshold requirement for merit evaluation, which involve lengthy CD, reviews, applicants will be required to (1) be in treatment (in mental health clinic or in school services) and (2) taking any medications prescribed.
 - b. Receiving services through IDEA or Section 504 will also be considered, though the workgroup acknowledges that lack of services may be understandable, either due to a recently-developed issue, lack of parent request, or wrongful school district practice.
- State benefits (TEA, SNAP, childcare, and Work Pays): denials, terminations, reductions, and/or overpayments;
 - Veterans' benefits: denials, terminations, reductions, and/or overpayments, subject to the availability of AmeriCorps veteran resources;
 - Benefits available to kinship families, including foster care board payments, subsidized guardianships, and adoption subsidies.

2017 Goals

To guide acceptance decisions within the priorities above, the Economic Justice workgroup will focus on the following goals for 2017:

1. Health Access. Continue and deepen Medicaid advocacy, including (1) opposing widespread denial of Medicaid-funded in-home care services by the Arkansas Department of Human Services through affirmative litigation (if feasible pre-litigation negotiation fails), administrative advocacy, client education, and, if applicable, commenting on proposed regulations; (2) facilitating access to Affordable Care Act coverage for eligible clients with legal issues (as opposed to issues within an assister's purview) with initial applications, renewals, or terminations through advice or brief services at the enrollment stage, full representation in the event of application processing delays, and case-specific determinations about level of involvement where application delays have led to billing issues or collection efforts; and (3) investigating service-related issues under both traditional Medicaid and Private Option, including benefits available to children through ArKids A and ArKids B (with special attention to Early and Periodic Screening, Diagnosis, and Treatment).

2. Continue Existing SNAP and Education Advocacy. We will continue two of 2016's focus areas of (1) SNAP cases involving ABAWD (Able Bodied Adults Without Dependents) and fraud issues and (2) school advocacy for districts suspected of extensive issues with excessive use of suspensions and/or expulsions and improper denial of special education services. With respect to education, we note widespread district resistance to recognizing and accommodating autism spectrum disorders.

3. Evaluate Opportunities for Meaningful Employment Law Advocacy. Prior experience has shown a dearth of private bar resources available for discrimination, wage theft, and NLRA claims below \$30,000. The workgroup has had some significant successes filling this gap and has settled multiple employment cases, though such success often requires significant investment of staff time. Outside of NLRA claims, however, settlements are likely to be confidential, meaning that the casework may not benefit other clients. Also, all employment case types require extensive time to properly vet, and we have found proper vetting often reveals facts that undermine merit. The workgroup must continue to navigate these competing factors to determine whether and when to accept employment cases. We are mindful of the need for advocacy while noting the limited workgroup capacity. Brief services to draft EEOC complaints and/or extended representation in initial negotiations may be worthwhile.

4. Build advocates' skills and ability to identify/undertake higher-impact projects. This will involve training on (1) litigation skills and best practices (including discovery, subpoenas, preservation, due process concepts, etc.); (2) affirmative litigation concepts (standing, mootness, exhaustion, preclusion, etc.); and (3) discussion of recurring substantive issues. The goal is to attune advocates to cases that present opportunities to effect systemic change on problematic issues and then to undertake such cases as appropriate, preferably with opportunity to work on impact cases spread among workgroup advocates. In line with this, the workgroup will ensure that new and longstanding group members have ample opportunity for training, mentorship, feedback, and professional development.

5. Regulation Review and Commenting. State-based regulations relating to the Medicaid and SNAP programs impact client lives, yet the interests of clients are generally unrepresented in the promulgation process. The workgroup will endeavor to monitor such regulations, offer comments as appropriate, and evaluate whether such comments make any meaningful difference.

6. Other (time permitting). Other issues or activities of interest to the workgroup include expanded outreach and education, language access, general low-wage worker support, and integration of law school and pro bono resources. However, the workgroup acknowledges that these goals will be secondary to the goals outlined above.

Note: In 2016, each workgroup member reduced her caseload to roughly 40 cases to allow time for more in-depth advocacy. The group aims to maintain this reduced caseload, provided that the reduction enables more impactful work.

Housing Case Acceptance Priorities

Civil Rights

1) Discrimination

Policy: Legal Aid will place a high priority on protecting the civil rights and liberties of low-income Arkansans.

Case Acceptance Priorities:

- 1) Fighting housing discrimination based on an individual's disability, color, national origin, religion, sex, or familial status through vigorous enforcement of violations of the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*
- 2) Ensuring language access in housing through enforcement of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*
- 3) Protecting survivors of domestic abuse through enforcement of the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), 42 U.S.C. § 14043e-11(d) and Ark. Code Ann. § 18-16-112.
- 4) Violations of other federal, state, or local laws, regulations, or ordinances that protect civil rights and ensure equal treatment in housing.

2) Constitutional Rights

Policy: Legal Aid will protect and defend our Constitution. We will make sure low income tenants and homeowners are afforded the protections to which we are all entitled.

Case Acceptance Priorities:

- 1) Ensuring that tenants and homeowners receive all constitutionally required protections through enforcement of constitutional tort claims under 42 U.S.C. § 1983 and the Arkansas Civil Rights Act.
- 2) Assure that courts operate fairly and lawfully to protect the rights of participants in the justice system, including but not limited assuring they follow legal standards regarding fines and fees, and address situations where civil disputes are criminalized.
- 3) Affirmative or defensive litigation challenging any discriminatory, illegal, or arbitrary law, ordinance, regulation, or policy.

Eviction Defense

1) Criminal Eviction

Policy: Legal Aid believes that eviction is a civil matter. Arkansas's criminal eviction procedure uses the threat of criminal prosecution. It denies tenants due process and chills their right to a trial. It also imposes criminal sanctions, including imprisonment, for the breach of a private

contract. Criminal eviction is incompatible with the United States Constitution and the Arkansas Constitution.

Case Acceptance Priorities:

- 1) Affirmative or defensive litigation as necessary to undermine the use of A.C.A. § 18-16-101.

2) Civil Eviction Defense

Policy: Forced moves creates housing instability and causes disruption in the lives of families. Housing instability leads to food insecurity, poor health, job loss, children being pulled from school, and a general loss of hope. Legal Aid recognizes that eviction is proper in certain circumstances and when done through adequate legal process. However, meritless or illegal evictions will be vigorously defended.

Case Acceptance Priorities:

- 1) Meritorious civil eviction defense.
- 2) Enforcement of the statutory right to cure under A.C.A. § 18-17-701.
- 3) Attacking illegal and abusive eviction practices through affirmative litigation and counterclaims. Legal Aid will help tenants seek judgments that will adequately compensate them for their loss and adequately deter future transgressors.

2) Federally Subsidized Housing

Policy: Legal Aid recognizes the vast shortage of assisted housing units in Arkansas. Housing subsidies allow low-income families to thrive by reducing rent burdens. Legal Aid will defend meritless evictions and subsidy terminations. We will also seek to protect and expand the stock of affordable housing.

Case Acceptance Priorities:

- 1) Meritorious federally subsidized housing cases, including eviction defense and subsidy terminations. Representation at administrative grievance hearings is permitted.
- 2) Affirmative or defensive cases challenging illegal or arbitrary policies of housing authorities or other government funded housing providers.

Tenant's Rights

1) Safe and Habitable Homes

Policy: All tenants are entitled to a home that is fit for living. Legal Aid will pursue all available avenues to ensure tenants can seek redress when the conditions of their homes are intolerable.

Case Acceptance Priorities:

- 1) Unsanitary/unhealthy housing conditions: cases where housing conditions are causing poor tenant health. Affirmative or defensive cases challenging any laws or policies leading to a tenant's inability to seek redress for poor housing conditions.
- 2) Assistance in enforcing lease provisions; federally subsidized housing quality standards; and, local housing codes.
- 3) Pursuing landlords that have demonstrated a pattern and practice of providing substandard housing.
- 4) Using Fair Housing protections to improve housing quality for disabled individuals.

2) Fair Lease Terms

Policy: Leases should be freely negotiated and only contain fair and legal terms. Legal Aid will challenge landlords and management companies that use unconscionable terms or illegal fees.

Case Acceptance Priorities:

- 1) Cases involving unconscionable or illegal lease terms.
- 2) Cases involving excessive or illegal fees or charges.

Foreclosure Defense

Policy: Home ownership is important to the stability and advancement of low-income families and communities. Legal Aid will assist with foreclosure defense consistent with priorities set out herein.

Case Acceptance Priorities:

- 1) Foreclosure defense cases may be accepted for extended representation if:
 - a. The property in issue is the homeowner's primary residence; and
 - b. Homeowner has equity in property; or
 - c. Homeowner has a means to pay indebtedness.
 - d. In all cases, a legal defense must exist, i.e., predatory loans and lending practices, inability to show standing, substantial failure to comply with relevant statutes, failure to comply with federal regulations, etc.
- 2) Any applicant who may benefit from housing or debt counseling will be referred to a HUD approved housing counseling agency.
- 3) Bankruptcy: Legal Aid may initiate a bankruptcy to stop a foreclosure in the following circumstances:

The property at risk is the applicant's principal residence; AND

 - 1) The applicant can afford the indebtedness or will be able to afford the indebtedness through and after the successful completion of a Chapter 13 plan or a Chapter 7 liquidation, OR

- 2) The intervention of the automatic stay will enable the applicant to successfully complete a mortgage modification, after which the applicant will be able to afford the indebtedness, or will be able to afford the indebtedness through and after the successful completion of a Chapter 13 plan or a Chapter 7 liquidation.
- 3) The intervention of the right to cure under 11 U.S.C. 1322(b)(2) would enable an applicant, who has otherwise waived or extinguished their equitable and statutory rights of redemption, to reinstate a mortgage that the applicant will be able to afford, or will be able to afford after and through the successful completion of a Chapter 13 plan or a Chapter 7 liquidation.
- 4) Meritorious defenses to foreclosure chain of title/promissory note, where the federal court might be a more favorable forum or the additional debts the applicant has makes a resolution through bankruptcy more favorable.

Land Loss and Asset Protection

Policy: When resources permit, Legal Aid will seek to help low income Arkansans protect and preserve assets through prevention of land loss and estate planning.

Case Acceptance Priorities:

LAND LOSS

All land loss cases will be evaluated on a case-by-case basis and will be accepted for extended services after consideration of the resources necessary and available, the value of the benefit to the client, and the impact value of the case.

- 1) Deed preparation to assure property ownership and preservation.
- 2) Assisting homeowners with pursuing disaster relief or other emergency housing or assistance.
- 3) Land/sale contracts: Enforcing the buyer's rights if the buyer has a substantial interest in the property, the buyer has a meritorious legal claim, and the property is the buyer's primary residence.
- 4) Bankruptcy: Lien stripping of secondary loans if the equity in the home is too low to protect the lien and the relief from the second payment would enable them to afford the indebtedness on the home.
- 5) Bankruptcy: Creditor Representation
 - a) Protection of an applicant's property interest in their principal residence when a co-owner has filed bankruptcy.
 - b) Protection and enforcement of property divisions pursuant to divorce decrees that pertain to an applicant's principal residence.

WILLS, ESTATES, AND POWER OF ATTORNEY

All non-emergency wills, estates, and power of attorney cases will be priority only to the extent that pro bono resources are available, absent special funding and/or special project priorities.

Emergency wills or power of attorney cases may be considered for limited and/or extended services if resources permit.

- 1) Wills and end of life planning if the client is 60 years of age or older or has a terminal illness.
- 2) Preparation of simple wills for clients under the age of 60 if there is a family homestead distribution at issue.
- 3) Powers of Attorney for the elderly, disabled or chronically ill, or to secure healthcare, education or other necessities for children.

Arkansas Children's Hospital Medical Legal Partnership Priorities

The following cases will be considered for services through the ACH MLP if the client is an active patient or family member of an active patient at the Arkansas Children's Hospital or one of its partner clinics. In all other cases, the individual will be directed to the statewide legal Helpline at (800) 952-9243.

Advanced Planning

- Last wills and testaments, trusts, powers of attorneys and advanced directives
- Assist parents of patients with special health care needs, as well as help minor patients with their advanced planning needs to plan for their transition to adulthood. Cases will be reviewed to determine whether immediate acceptance or referral to a pro bono partner is more appropriate.
- **Powers of attorneys for minors:** individuals will be directed to the self-help forms on the statewide legal website. Case will only be accepted for brief services if exigent circumstances exist.

Education

- **Special education services:** initial and/or continuing eligibility, inappropriate placement or services, Manifestation Determination Review (MDR) issues, Functional Behavior Assessment (FBA) issues, due process hearing complaints, and school discipline issues when connected to a child's disability or health condition;
- **Disability discrimination:** initial and/or continuing eligibility for 504 protection, denial of medical services and truancy when connected to a child's disability or health condition; and
- **Bullying issues** when connected to a child's disability or health condition.

Employment

- **Discrimination claims** when connected to a patient's disability or health condition. Discrimination cases will be reviewed to determine whether immediate acceptance, referral to a pro bono partner or a referral to the Equal Employment Opportunity Commission (EEOC) is more appropriate;
- **Family Medical Leave Act (FMLA) claims** will be reviewed to determine whether immediate acceptance, referral to a pro bono partner or a referral to the U.S. Department of Labor is more appropriate; and
- **Unemployment Insurance claims:** denials, terminations and/or overpayments when connected to a patient's health condition. Unemployment denials in which the MLP did not represent the claimant at the hearing level will be considered if the denial implicates an issue that could significantly affect the wider client population (i.e. transportation, pregnancy, employers absent from hearings, etc).

Family Law

- **Orders of Protection:** extended services for victims of domestic violence and/or sexual assault or abuse when a direct health impact is or may be present for the ACH patient or family member;
- **Divorce:** case accepted for extended services if there is an ongoing or immediate risk of violence to the ACH patient or patient's family member and a direct health impact is or may be present. Cases that do not meet these criteria will be directed to a pro bono resource, if available, or to the appropriate legal aid agency.
- **Custody and visitation modification:** only accepted if a direct health impact is identified;
- **Minor guardianships:** extended services if there is an ongoing or immediate risk of harm to the ACH patient, or the patient's parent(s) or primary physical custodian(s) have abandoned the patient, or the parent(s) are incarcerated for a significant period of time and the patient is being denied access to education, health care or other basic needs that may impact the patient's health. Also, there must be clear indication that the guardianship is in the best interest of the patient. If the minor guardianship is uncontested by the patient's parent(s), then the client will be referred to the forms on the statewide legal website.
- **Adult guardianships:** case will be referred to the Walmart pro bono team if medical evidence supports incapacitation, the ACH provider is willing to provide supporting affidavit, and no one in the household has worked for Walmart in the last 7 years. If someone in the household has worked for Walmart in the last 7 years, the case will be accepted for in-house extended representation or referred to another pro bono partner, if the resource is available, there is medical evidence to support incapacitation and the ACH provider is willing to provide a supporting affidavit.
- **Adoptions:** referred to a pro bono resource, if available. If no pro bono resource is available, case will be accepted if a direct health impact is or may be present;
- **Name change:** extended services if a direct health impact is identified. All other cases will be referred to the pro se forms on the statewide legal website;
- **Emancipations:** extended services if a direct health impact is identified;
- **Birth Certificates:** extended representation will be provided for the correction, amendment or procurement when the birth certificate or lack of birth certificate has a direct health impact on the patient. All other cases will be referred to pro se forms; and
- **Child support:** Case involving first time procurement of child support will be referred to the Office of Child Support Enforcement. Services shall be rendered to applicants on all other child support issues if a direct health impact is or may be present.

Immigration

- Assist client with meritorious **U-Visa applications** with a preference for referring the case to a pro bono partner or other service organization.
- **Other immigration issues** will be reviewed and referred to a pro bono partner, if resource is available.

Public Benefits

- **Medicaid/Medicare:** timeliness issues, denials, terminations, or reductions of coverage, services, equipment, and/or medications; overpayments. **Medicaid service denial issues** will be referred to the Walmart pro bono team;

- **Social Security (SSI/SSDI) overpayments** will not receive extended services unless (1) there is clear evidence of a wrongful determination of an overpayment or of a meritorious basis for waiver; (2) the amount in question is significant; (3) the case is otherwise meritorious; and (4) brief services would not adequately address the issue.
- **Child cessations and child-to-adult redetermination cases:**
 - As a threshold requirement for merit evaluation, which involve lengthy CD, reviews, applicants will be required to (1) be receiving ongoing medical treatment; (2) be compliant with all treatment or have defensible reason for non-compliance; (3) on the basis of the intake interview, appear to have a meritorious case; and (4) ACH provider is willing to support the disability claim.
- **SSI Child Cases:**
 - Only child initial eligibility applications awaiting hearing before an Administrative Law Judge (ALJ) will be accepted if the case is meritorious. Child initial eligibility applications at the initial and reconsideration stage will not be accepted, unless there is an exigent circumstance (i.e. parent/guardian is limited in their advocacy efforts, language barriers). Extensive advocate experience has shown that cases based on ADHD, unspecified learning disabilities, and/or asthma generally lack merit, and such cases will be evaluated with this previous experience in mind.
 - a. As a threshold requirement for merit evaluation, which involve lengthy CD, reviews, applicants will be required to (1) be in treatment (in mental health clinic or in school services); (2) taking any medications prescribed; (3) on the basis of the intake interview, appear to have a meritorious case; and (4) ACH provider is willing to support this disability claim.
 - b. Receiving services through IDEA or Section 504 will also be considered for the threshold issue, though the MLP acknowledges that lack of services may be understandable, either due to a recently-developed issue, lack of parent request, or wrongful school district practice.
- **State benefits (TEA, SNAP, childcare, and Work Pays):** denials, terminations, reductions, fraud investigations and/or overpayments;
- **Veterans' benefits:** denials, terminations, reductions, and/or overpayments, subject to the availability of resources, including pro bono partners;

Insurance

- **Private health insurance:** denials, terminations or reduction of coverage, services, equipment and/or medications;
- **Life insurance:** denial of coverage for ACH patients

Housing

- In addition to local program housing priorities (evictions, foreclosures, federal housing issues, and discrimination), the MLP will consider the following cases for extended representation:

- **Unsanitary/unhealthy housing conditions:** defense of evictions or termination of lease cases in cases where housing conditions are causing poor health outcomes, assistance in enforcing local housing codes and lease provisions;
- **Eviction or foreclosure defense cases** where eviction or foreclosure is arising out of a loss of income due to the patient's health condition;
- **Fair housing cases;** and
- **Other housing related issues** deemed to have a direct impact on health.

Consumer

- **Bankruptcy:** cases will be referred to a pro bono partner if resource is available, or vetted in house consistent with Legal Aid priorities, if within the Legal Aid service area;
- **Criminal record sealing:** accepted for services when sealing the record will impact the ACH patient's life for the better that could affect health (i.e. access to better housing);
- **Termination of utilities:** when terminating the patient's utility service will impact the child's health and the ACH provider is willing to sign medical letter in support.

Other Cases

- other cases may be accepted for services through the MLP if ACH providers identify an unmet basic need with a significant health nexus and an appropriate legal resource or intervention exists.

MLP Income Eligibility

- At least 90% of MLP clients must be at 200% of the federal poverty level or below.
- In cases of extreme hardship or other exigent circumstances, cases that are otherwise within MLP priorities with applicants who are above 200% of the federal poverty level may be accepted with approval of the executive director.

2017 Goals

To guide acceptance decisions within the priorities above, the Medical Legal Partnership will focus on the following goals for 2017:

1. Health Access. Continue and deepen Medicaid advocacy, including investigating service-related issues under both traditional Medicaid and Private Option, including benefits available to children through ARKids A and ARKids B (with special attention to Early and Periodic Screening, Diagnosis, and Treatment).

2. Continue Existing SNAP and Education Advocacy. We will continue to focus on areas of (1) SNAP cases involving ABAWD (Able Bodied Adults Without Dependents) and fraud issues and (2) school advocacy for districts suspected of extensive issues with excessive use of suspensions and/or expulsions for children with disabilities and improper denial of special education services.

3. General Outreach. Continue Parents Know Your Rights sessions and community outreach on areas of law that impact ACH patients and their families.

Delta Medical Legal Partnerships Priorities

PRIORITIES FOR DELTA MLPs

For clients who are not patients of our clinic partners but come to us through them, case acceptance decisions will be based strictly according to the general Legal Aid of Arkansas Case Acceptance Priorities. For clients who are patients of our clinic partners, we will apply the following considerations to guide decisions about extended representation.

General Factors

- Priority will be given to cases referred by physicians, nurses, therapists, social workers, and others acting in the capacity of health care provider and/or legal screener, especially where acceptance will augment the MLP's credibility.
- Priority will be given to cases involving a significant nexus with health, which, among other things, may include cases in which the patient's health status, access to healthcare, ability to thrive in a work or school-related environment due to health-related issues, or ability to pay healthcare-related costs are impacted by legal intervention. To guide this determination, Legal Aid staff will consult with appropriate health providers.
- Priority will be given to cases involving issues identified as potential systemic concerns in the areas served by ARcare, Mid-Delta Health Systems, Lee County Cooperative Clinic, and Mid-South Health Systems. For the year 2017, such concerns include access to Medicaid and related services (including home and community based "waiver" services) and education issues, including school discipline and special education issues (especially in areas served by Mid-Delta Health Systems).
- In settings where an MLP has been implemented for less than a year, some consideration may be given to a case's ability to demonstrate MLP impact or utility to our health partner's staff.
- Cases that do not meet Delta MLP or general Legal Aid priorities may be accepted by pro bono assets participating in the MLPs.

Specific Cases Involving Deviation from General LAA Case Acceptance Priorities

Although any case not falling within general Legal Aid priorities may be accepted in accordance with the general factors listed above, MLP experience has shown us that the following case types merit special consideration in accordance with the accompanying criteria:

- **Guardianship of Minors:** Where (1) there is an ongoing or immediate risk of violence to the child OR the parent/s OR primary physical custodian/s have left the care of the child to a relative; (2) there is clear indication that the guardianship is in the best interests of the child; and (3) proactively seeking guardianship would prevent possible foster care placement or likely denial of education, health care, or other basic necessities (including various types of government benefits).
 - Where possible, clients will be directed to use the pro se forms available on our website with ongoing assistance from Legal Aid staff. Extended representation is more compelling in cases where the potential guardian experiences barriers to

using the pro se forms, which may include limited literacy, recent domestic violence, caring for other minors, or difficulty meeting the law's notice requirements.

- **Denials of Foster Care Board Payments, Guardianship Subsidies, or Adoption Subsidies:** Where (1) benefits may have been available and (2) the potential recipients were either denied benefits or not told about them.
- **Guardianship of Adults (psychiatric reasons):** In cases where there is no immediate danger to the health, welfare, or residence of an incapacitated adult, where (1) a potential ward is homeless, is in danger of being homeless, has been voluntarily or involuntarily hospitalized for psychiatric reasons within the 12 months prior to the date of intake; (2) medical evidence supports a finding that the potential ward is incapacitated; (3) a professional with expertise appropriate for the potential ward's incapacity is willing to support the petition for guardianship; and (4) the potential guardian is likely to act in the best interests of the potential ward.
- **Guardianship of Adults (severely disabled minor reaching adulthood):** In cases where there is no immediate danger to the health, welfare, or residence of an incapacitated adult, where (1) either the potential ward or the potential guardian is a patient of one of our MLP partners; (2) medical evidence supports a finding that the potential ward is incapacitated; (3) a professional with expertise appropriate for the potential ward's incapacity is willing to support the petition for guardianship; (4) the potential guardian is likely to act in the best interests of the potential ward; and (5) there is a likelihood that the potential ward's health status will be negatively affected if a guardianship is not in place in a timely manner.
- **Education:** Where the case (1) has been referred by a health care provider OR presents an opportunity to further explore a potential systemic concern; and (2) involves access to special education services (whether initial eligibility, placement, or discipline), bullying, discipline, retention, or disability-related matters.
 - The UALR Bowen School of Law Special Education Mediation Project and Disability Rights Center will be used as resources where possible.

Augmented Pro Bono Participation

In light of increased knowledge of and interest in the MLPs, Legal Aid of Arkansas and the Friday Firm have received more requests to participate in the Delta MLPs. However, because of limited clinic days, there is not always the opportunity for interested individuals to come and participate meaningfully. A major goal of the Delta MLPs is to develop ways to integrate interested individuals into the work of the MLPs and Legal Aid. Initial ideas include:

- **Saturation Events.** For the past several years, the MLPs have coordinated saturation events involving Southern Bancorp in Helena and Lee County Cooperative Clinic in Marianna. At these events, attorneys assist attendees with the preparation of wills,

powers of attorney, and living wills. The events provide an opportunity for one-time, limited scope participation by volunteer attorney.

- **Research and Briefing.** In the past year, pro bono attorneys agreed to take an unemployment case to the Court of Appeals. The resulting brief was excellent and could augur increased collaboration between Legal Aid and private attorneys on issues of particular interest to them.
- **Co-Counseling.** In the Court of Appeals case mentioned above, the record had already been developed by the time the case was taken by the volunteer attorney. However, there may be cases, particularly those involving Medicaid, where the volunteer attorney and Legal Aid staff can co-counsel from the start of the case.
- **Expanded Clinic Participation.** No volunteer attorneys currently come to ARcare, Lee County Cooperative Clinic or Mid South Health Systems. The barriers to their participation are both scheduling instability and long driving times. If scheduling at these clinics stabilizes, a volunteer attorney may be able to meaningfully participate.
- **Regulation Monitoring.** Pro bono attorneys could choose an area of interest to the MLPs and Legal Aid, learn the regulatory scheme, and then monitor proposed regulations and help develop comments that reflect the proposed regulations' impact on our client community.

St. Vincent Case Acceptance Guidelines

Introduction

Legal Aid will provide certain legal services to Eligible Individuals who become Engaged Individuals of Legal Aid. Legal services will be provided by Legal Aid, in its sole, reasonable discretion, will determine the type of legal cases it will provide.

After a brief consultation, the Legal Aid attorney will decide whether to provide advice or information to the patient or to investigate the case further. Many matters require additional legal or factual research before the Legal Aid attorney can make a final representation decision. For matters accepted beyond an initial consultation, the Legal Aid attorney may provide personalized advice; limited representation service such as negotiation with a third party or document preparation; or administrative or court representation.

General Considerations:

Priority will be given to cases referred by physicians, nurses, therapists, social workers, and others acting in the capacity of health care provider and/or legal screener.

Priority will be given to cases involving a significant nexus with health, which, among other things, may include cases in which the patient's health status, access to healthcare, ability to thrive in a work or school-related environment due to health-related issues, or ability to pay healthcare-related costs are impacted by legal intervention. To guide this determination, Legal Aid staff may consult with appropriate health providers, pursuant to receipt of appropriate authorization from the Engaged Individual.

For clients who are not patients of St. Vincent or St. Vincent-affiliated providers, case acceptance decisions will be consistent with the general Center for Arkansas Legal Services or Legal Aid of Arkansas Case Acceptance Priorities.

Legal Aid will not Provide Legal Services in the Following Matters:

Legal Aid cannot provide representation or legal services for matters that could potentially or will in fact violate state or federal laws, rules, or regulations. Legal Aid attorneys will also decline representation when there is the actual or perceived potential for a conflict of interest between the Eligible Individual and St. Vincent. For example, as part of this project, Legal Aid will not handle any cases against St. Vincent or any individual St. Vincent medical providers, or St. Vincent affiliates.

Legal Services Offered Under the Program to Eligible Individuals:

The following list of services may be offered by Legal Aid under the terms of the Agreement, with certain restrictions outlined below:

- **Advance Planning-** Legal Aid representatives may provide assistance in preparing:
 - Simple wills, where there is no extensive property. Representation on wills and estates where extensive property is present will be determined on a case by case basis.
 - Healthcare proxy/power of attorney/advance directives

- **Child Custody:** Legal Aid representatives will only become involved in a child custody matter where
 - The patient, either parent or child, is experiencing a health impact that legal intervention could help ameliorate or there is an ongoing or immediate risk of violence to the child and/or parent;
 - St. Vincent's providers are willing to support the referred party in the litigation. For purposes of this section, support means providing documentation and/or appearing as a witness when applicable; AND
 - If the client is the father of a child born out of wedlock he must show that he has assumed his responsibilities toward the child/ren by providing care, supervision, protection, and financial support.

- **Child Support:**
 - Custodial parents seeking to begin or enforce child support should contact the Office of Child Support Enforcement at 501-682-8398.
 - Non-custodial parents who need assistance with:
 1. Child support defense cases in which child support is based solely on funds exempt from child support (SSI or Veteran's benefits) may be provided with legal representation.
 2. For other child support cases involving recent release from prison, contempt, and/or modification of child support, pro se forms, or direct representation as appropriate, shall be made available to applicants.

- **Consumer Debt:** Legal Aid may offer assistance in the following consumer finance areas:
 - Bankruptcies may be accepted when staff or partner pro bono resources exist, the debt affects the wages and housing of the client or there is substantial debt that was obtained outside the control of the client and the debt affects the livelihood of the client and his/her family.
 - Debt Collection matters where the debt is arising out of a loss of income due to the patient's health conditions or the debt or debt collection are causing a health impact.
 - Car Repossessions when the underlying contract or repossession are illegal or transportation is required to facilitate medical treatment.

- **Divorce:** Representation may be offered if:

- (1) there is an ongoing or immediate risk of violence to the client or child/ren based on a risk assessment, considering the totality of the circumstances, regardless of the time since the last incident of physical abuse; AND
 - (2) the divorce would help ensure that client would escape abuse, such as providing an economic benefit to client;
- OR
- (1) Engaged Individual's only source of income is Supplemental Security Income from the Social Security Administration; AND
 - (2) there are clear grounds for divorce; AND
 - (3) the divorce would help ensure that the client would access certain benefits or would otherwise improve the patient's health, AND
 - (4) Engaged Individual has no other resources available to secure private counsel.

- **Domestic Violence:**

- Legal Aid Attorneys may represent victims of domestic violence and/or sexual assault or abuse in obtaining an order of protection or other relief.
- Advice only will be given if it appears that the order of protection is filed on behalf of children and there is a pending or recent child custody case open indicating that the Order of Protection is being used to harass and/or take custody away from the opposing party.
- Order of Protection respondents will be represented only if the individual was referred by the healthcare provider and also appears to be a victim of domestic violence committed by the Petitioner.

- **Education:** Where the case

- (1) has been referred by a health care provider OR presents an opportunity to further explore a potential systemic concern; AND
- (2) involves access to special education services (whether initial eligibility, placement, or discipline); bullying or discipline when connected to the child's disability or health condition; retention, or disability-related matters.

- **Employment:**

- **Discrimination** (Title VII, ADEA, ADA, PDA, etc.), including denials of requests for reasonable accommodations, when connected to Client's health condition.
- **Family Medical Leave Act**– In cases where patients or patient family members are being denied FMLA, Legal Aid staff may provide legal advice, negotiate with employer, assist employee in filing a complaint and refer employee to the U.S. Department of Labor, or represent the patient in the administrative process.
- **Unemployment Insurance:** when connected to patient's health condition. Unemployment claims: denials, terminations, and/or overpayments; o Unemployment denials in which LAA did not represent the claimant at the hearing level will be

- considered if the denial implicates an issue that could significantly affect our wider client population (e.g. transportation, pregnancy, employers absent from hearings, etc.).
- These services are not available for St Vincent employees or contractors.
 - **Expungements/Criminal Record Sealing:** Legal Aid may assist patients or employees in preparing Petitions to Seal when the conviction falls within a petition to seal statute.
 - **Guardianships (minor):** Where
 - (3) there is an ongoing or immediate risk of violence to the child OR the parent/s OR primary physical custodian/s have left the care of the child to a relative;
 - (4) there is clear indication that the guardianship is in the best interests of the child; AND
 - (5) proactively seeking guardianship would prevent possible foster care placement or likely denial of education, health care, or other basic necessities (including various types of government benefits).
 - Where possible, clients will be directed to use the pro se forms available on our website with ongoing assistance from the Legal Aid staff. Extended representation is more compelling in cases where the potential guardian experiences barriers to using the pro se forms, which may include limited literacy, recent domestic violence, caring for other minors, or difficulty meeting the law's notice requirements.
 - **Guardianships (adult)-** Representation of a potential guardian obtaining guardianships where:
 - (1) the potential ward is a disabled minor reaching adulthood OR a potential ward is homeless, is in danger of being homeless, has been voluntarily or involuntarily hospitalized for psychiatric reasons within the 12 months prior to the date of intake;
 - (2) Legal Aid will attempt to support the health and welfare of incapacitated persons who are unable to provide for their own medical or financial needs. Cases involving an immediate danger to the health, welfare, or residence of an incapacitated adult, i.e., where there is an urgent medical or financial issue and no alternative to guardianship exists, will be a high priority.
 - (3) Cases where there is not an immediate danger, but an incapacitated adult is unable to provide for his or her own health, welfare, or residence will be accepted if pro bono or other resources are available, or if they can be prosecuted under a contract with an Area Agency on Aging.
 - (4) Defenses to Adult Guardianships will be provided if the facts of the case are meritorious.
 - **Health Insurance** (private health insurance, Medicaid, Medicare): Legal Aid may provide extended representation services in the following cases:
 - Denials, terminations, delays in approving, or reductions of coverage;

- Denials or delays in approving of services, equipment, and/or medications, when prescribed by or deemed medically necessary;
 - Community-based services and supports: denial of services and supports including mental health, long-term care, assistive technology, independent living and home and community-based services;
 - Medicaid/Medicare: denials, terminations, or reductions of coverage or eligibility.,
- **Housing:**
 - Eviction & foreclosure prevention
 - Denial, termination, or issues with federal housing assistance
 - Unsanitary/unhealthy housing conditions: defense of evictions or termination of lease cases in cases where housing conditions are causing poor health outcomes, assistance in enforcing local housing codes and lease provisions.
 - Eviction or foreclosure defense cases where eviction or foreclosure is arising out of a loss of income due to the Engaged Individual's health conditions/health impact
 - Fair housing cases, including requests and denials of requests for reasonable accommodations in housing.
 - Utility shut-offs when related to the Engaged Individual's health condition.
- **Immigration Questions:** Legal Aid may provide:
 - Assistance with meritorious U-Visa / T-visa applications, with a preference for making referrals to other service organizations, if practicable
 - Information & referrals to social service agencies for non-eligible immigrant populations.
- **Life Insurance:** Legal Aid may assist in improper denials of life insurance payments for Engaged Individuals.
- **Name changes** Legal Aid may assist in preparing name change petitions only when there is a barrier to accessing health care or other benefits and services.
- **Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI):**
 - At the ALJ hearing stage and during initial or reconsideration phases where
 - (1) the case has merit based on available evidence and
 - (2) a health care provider with a longitudinal view of the client's condition is willing to support the application by writing a letter, completing an evaluation, or offering testimony detailing the client's conditions and limitations.
 When a *pro bono* attorney provides assistance, that attorney may enter into a contingency fee agreement with the client.
 - Where a case is at initial or reconsideration and no health care provider with a longitudinal view of the client's condition is willing to support the application, Legal

- Aid will offer brief services to support clients' applications by orienting them to the process, helping them complete adult function and work history reports, and helping them articulate their limitations for purposes of Consultative Evaluations.
- Assistance with SSA overpayments and reductions may be provided, depending on the amount in controversy and merit of the claim.
 - **State benefits** (TEA, SNAP, childcare, and Work Pays): Legal Aid may assist with denials, terminations, improper calculations, reductions, and/or overpayments.
 - **Tax Controversies:** Legal Aid may be able to provide assistance or referrals to individuals who have outstanding tax controversies or meritorious tax claims.
 - **Veterans' Benefits:** Legal Aid will refer individuals with veterans' benefits issues to the appropriate *pro bono* attorney representative.
 - **Vital records:** *Pro se* forms or direct representation, as appropriate, provided to clients for the correction, amendment, or procurement when the birth certificate or lack of birth certificate prohibits client from receiving benefits, services, or impacts employment.
 - **Other cases:** may be accepted for extended representation through Legal Aid if Eligible Individuals have an identified unmet basic legal need with a significant health nexus and an appropriate legal resource or intervention exists. To guide this determination, Legal Aid will consult appropriate social work and health care providers.