

## 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.