

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.