

## **Legal Services Standards of Care**

### **Definition:**

Legal Services is provided to for an HIV-infected person to address legal matters directly necessitated by the individual's HIV status.

### **Limitations:**

Any legal services that arrange for guardianship or adoption of children after the death of their normal caregiver is not included.

Excludes criminal defense and representation for class-action suits unless related to access to services eligible for funding under the Ryan White/State Services HIV/AIDS Program.

### **Services:**

Services include but are not limited to:

- Preparation of Powers of Attorney and Living Wills
- Do not resuscitate orders or other end of life testamentary documentation
- Interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation as it relates to services eligible for funding under Ryan White/State Services
- Permanency planning for an individual or family where the responsible adult is expected to pre-decease a dependent (usually a minor child) due to HIV/AIDS
- Provision of social service counseling or legal counsel regarding but limited to:
  - Drafting of wills or delegating powers of attorney
  - Preparation for custody options for legal dependents including standby guardianship, joint custody, or adoption
  - Employment
  - Housing
  - Supplemental Security Income (SSI) and Social Security Disability (SSD)
  - Public or private health insurance coverage
  - Access to and maintenance of public benefits and entitlements.

## Agency/Personnel /Staff Training

Staff Qualification	Expected Practice
<p><b>Qualifications</b>            Staff and volunteer attorneys will be licensed in the State of Texas and members in good standing of the State Bar of Texas and have a minimum educational level of a doctorate in Jurisprudence.</p>	<p>All licensed agency professional staff, contractors, and consultants who provide legal services shall be currently licensed by the State Bar of Texas.</p> <p>Law students, law school graduates and other legal professionals will be supervised by a qualified licensed attorney.</p>
<p><b>Staff Education</b>            Staff members are trained, knowledgeable and remain current in legal issues in accordance with the rules of the State Bar of Texas.</p> <p>Staff providing services funded by Ryan White/State Services shall maintain knowledge of legal issues that may impact the legal assistance needs of persons living with HIV/AIDS</p>	<p>Staff will attend and has continued access to training activities :</p> <ul style="list-style-type: none"> <li>-Agency paid legal staff and contractors must complete two (2) hours of HIV-specific training annually.</li> <li>-New agency paid legal staff and contractors must complete two (2) hours of HIV-specific training within 90 days of start date.</li> <li>-Volunteer legal staffs are encouraged to complete HIV-specific legal training</li> <li>-Documentation of training on current applicable laws related to HIV infection located in personnel file.</li> </ul> <p>Agency maintains system for dissemination of HIV/AIDS information relevant to the legal assistance needs of PLWHA to staff and volunteers</p> <ul style="list-style-type: none"> <li>-Agency will document provision of in-service education to staff regarding current treatment methodologies and promising practices.</li> </ul>
<p><b>Agency Policies and Procedures</b></p>	<p>The agency shall have policies/procedures for each of the following:</p> <ul style="list-style-type: none"> <li>-Patient rights and responsibilities, including confidentiality guidelines</li> <li>-Patient grievance policies and procedures</li> <li>-Patient eligibility requirements</li> <li>-Data collection procedures and forms, including data reporting</li> <li>-Guidelines for language accessibility</li> </ul>

## Standards of Care

Standard	Measure
<p><b>Intake and Service Eligibility</b> According to the HRSA HIV National Monitoring Standards, eligibility for services must be determined.</p>	<p>Agency will receive referrals from a broad range of HIV/AIDS service providers.</p> <p>Eligibility information will be obtain from the referral source and will include:</p> <ul style="list-style-type: none"> <li>-Contact and identifying information (name, address, phone, birth date, etc.)</li> <li>-Language(s) spoken</li> <li>-Literacy level (client self-report)</li> <li>-Demographics</li> <li>-Emergency contact</li> <li>-Household members</li> <li>-Pertinent releases of information</li> <li>-Documentation of insurance status</li> <li>-Documentation of income (including a “zero income” statement)</li> <li>-Documentation of state residency</li> <li>-Documentation of proof of HIV positivity</li> <li>-Photo ID or two other forms of identification</li> <li>-Acknowledgement of client’s rights</li> </ul> <p>The client's eligibility must be recertified for the program every six (6) months.</p> <p>Before assistance is provided there should be written documentation in the client’s file that Ryan White/State Services funding is being used as the payor of last resort.</p>
<p><b>Provision of Services</b> Services are provided in accordance with National Monitoring Standards to conduct appropriate action on behalf of clients to meet their legal needs.</p>	<p>Service Agreements will be developed and signed by both the attorney and the client.</p> <ul style="list-style-type: none"> <li>-Clients will be kept informed and work together with staff to determine the objective(s) of the representation .</li> </ul> <p>Agency may provide but not limited to the following types of legal representation, assistance, and education:</p> <ul style="list-style-type: none"> <li>-HIV discrimination in insurance, housing, employment, etc.</li> <li>-Assistance to immigrants with accessing and maintaining primary health care and other support services</li> <li>-Access to and maintenance of public benefits and entitlements</li> <li>-Preparation of powers of attorney</li> </ul>

	<ul style="list-style-type: none"> <li>-Preparation of Do Not Resuscitate (DNR) Orders</li> <li>-Representing clients in court and administrative proceedings where appropriate.</li> <li>-Eviction prevention</li> <li>-Employment rights counseling</li> <li>-Assistance with bankruptcy proceedings</li> <li>-Social Security benefits</li> <li>-Health insurance coverage</li> <li>-Other relevant legal advice and counseling</li> <li>-Referrals to other providers/programs</li> <li>-Referrals to pro bono attorneys</li> </ul> <p>Attorneys will document the following in the client's record:</p> <ul style="list-style-type: none"> <li>-A description of how the legal service is necessitated by the individual's HIV status</li> <li>-Types of services provided</li> <li>-Hours spent in the provision of such services</li> </ul>
<p><b>Case Closure</b> Agency will develop case closure criteria and procedures.</p>	<p>Case may be closed when:</p> <ul style="list-style-type: none"> <li>- Legal or benefit issue has been resolved</li> <li>- Client has not had direct program contact for three (3)-six (6) months after at least three (3) attempts to contact over a three (3) month period.</li> <li>-Client is deceased</li> <li>-Client voluntarily discontinues the service</li> <li>-Client improperly uses the service</li> <li>-Client has not complied with the client Services Agreement</li> </ul> <p>If case is closed for a reason other than objectives met, agency will notify clients about case closure in writing.</p>
<p><b>Documentation in Clients Chart</b></p>	<p>The following will be documented in the agency's client record.</p> <ul style="list-style-type: none"> <li>-All intake and eligibility documentation will include: <ul style="list-style-type: none"> <li>• Proof of HIV positivity</li> <li>• Proof of residency</li> <li>• Verification of financial eligibility</li> <li>• Client demographics</li> <li>• Intake and assessment information</li> </ul> </li> <li>-Documentation of identified need</li> <li>-Service Agreement</li> <li>-Documentation of progress in case notes</li> <li>-Documentation of referrals and results</li> <li>-Documentation of all legal services and results</li> <li>-Documentation of reason for case closure</li> </ul>

## References

HRSA/HAB Division of Metropolitan HIV/AIDS Programs Program Monitoring Standards – Part A  
April 2013. p. 36-37.

HRSA/HAB Division of State HIV/AIDS Programs National Monitoring Standards – Program Part B  
April, 2013. p. 35-37.