



LOS ANGELES COUNTY
COMMISSION ON HIV



LEGAL SERVICES STANDARDS OF CARE

Approved by the Commission 7/12/18

INTRODUCTION

Service standards outline the elements and expectations a Ryan White service provider follows when implementing a specific service category. The purpose of the service standards are to ensure that all Ryan White service providers offer the same fundamental components of the given service category. The standards establish the minimal level of care that a Ryan White funded agency or provider may offer in Los Angeles County.

The Los Angeles County Commission on HIV has developed the Legal Services Standards of Care to ensure people living with HIV (PLWH) receive accessible, quality care, as well as services and benefits to which they are entitled, regardless of where services are received in the County. The development of the Standards includes review of and alignment with recent Legal Services Request for Proposals from the Los Angeles County Department of Public Health - Division of HIV and STD Program and HOPWA, Health Resources and Services Administration (HRSA) guidelines, Housing Opportunities for Persons with AIDS (HOPWA) RFP, as well as Los Angeles County Commission on HIV – Standards & Best Practices Committee feedback and discussions, and content experts in the legal services arena.

LEGAL SERVICES OVERVIEW

Legal assistance is designed to help mitigate the impact of restrictive social and economic conditions for PLWH by providing relevant legal information, advice, and services. An individual's HIV-positive status may be directly related to a given legal issue. Even where HIV-positive status may not appear to be related, the stress and disruption caused by an unmet legal need may necessitate legal intervention. In a study conducted by The Williams Institute, data has shown that 90% of respondents living with HIV reported they had a legal need. Each individual had an average of 6 distinct legal needs in 4 issue areas.¹

Increasing access to justice for low-income and low-resources individuals is the purpose of providing HIV legal services. The services are intended to ensure access to and continuity of benefits and services that maintain optimal health and a higher quality of life for PLWH.

Services include consultation, referral, and representation in multiple areas of civil law, such as:

- Public and private benefits
- Advanced planning
- Credit and bankruptcy
- Health and disability insurance
- Housing and eviction prevention
- Discrimination and confidentiality
- Employment
- Gender rights
- Immigration
- Permanency planning for dependent children

Improved health outcomes and increased lifespans resulting from more effective treatment, and evidence based research verifying PLWH with an undetectable viral load have effectively little to no risk

of transmitting HIV, underscores the importance of legal assistance due to increased likelihood of legal issues related to the complex effects of behavioral, psychosocial, and medical implications of HIV. In addition, clients accessing services in Ryan White funded programs, the payer of last resort, often face multiple challenges with regard to the social determinants of health such as housing instability, and poverty.

SERVICE COMPONENTS

All services provided must be in accordance with procedures formulated and adopted by the State Bar of California and in compliance with all applicable federal, State, County, and local laws and regulations and all applicable rules of professional conduct governing the provision of legal services as they currently exist or shall exist at any future time.

All service components shall be delivered in a culturally and linguistically sensitive manner by culturally competent staff.

1. Legal Checkup

According to the CDC, individuals who test positive for HIV should be referred to legal services as soon as possible for counseling on how to prevent discrimination.² Clients living with HIV that are new to legal services shall be offered a legal checkup which includes a comprehensive one on one legal evaluation of all significant civil legal issues that may be helped by talking to an attorney. After a legal checkup, the client shall receive education and information on how to access needed legal assistance.

The legal checkup counseling session should review the following:³

- Public and private benefits (application and appeals for income and other safety net supports)
- Advanced planning (healthcare directives, financial power of attorney, simple wills)
- Consumer (debtor/creditor, bankruptcy)
- Health coverage and access to healthcare (appealing denials of care/service, disability insurance)
- Housing (eviction, poor conditions, service/support animal rights, requests for reasonable accommodations)
- Discrimination (occurring in healthcare, housing, and employment settings; gender rights)
- Confidentiality (disclosing status, healthcare privacy for minors and those under 26 years of age)
- Immigration (adjustment of status, naturalization)
- Criminal (traffic citations, criminal records expungement)
- Domestic violence (restraining orders, family law)

If a legal need is identified during the legal checkup that cannot be met by the current provider, legal services referral(s) must be provided to the client. Legal service providers will refer to the full compendium of Ryan White service providers to ensure access to and increase utilization of support services for clients.

2. Client Intake

A client intake is required for all PLWH who request or are referred to legal assistance services and should occur at the first meeting with the potential client. The intake records demographic data that includes personally identifiable information such as name, address, and date of birth. Client records for individuals receiving services must be maintained and client confidentiality shall be strictly enforced complying with all relevant legal practice standards of the State Bar of California.

The client intake file should, at minimum, include:

- Contact information
 - Name, home address, mailing address, phone number
- Eligibility Documentation
 - Verification of HIV diagnoses
 - Verification of income
 - Verification of residence in Los Angeles County
- Emergency and/or next of kin contact information
 - Name, home address, phone number
- Release of Information Form
 - Must be updated annually and include what type of information may be released
- Client Rights and Responsibilities Form
- Client Grievance Procedure Form & Limits of Confidentiality

3. Legal Assistance and Representation

Legal service providers will conduct appropriate action on behalf of clients to meet their legal needs. Such action includes offering relevant legal advice and counseling, advocating and negotiating on the client's behalf, providing legal services referrals to other providers/programs, as well as to pro bono attorneys, and representing clients in court and administrative proceedings where appropriate. After a referral is received, a legal services staff member or volunteer will respond within 3 business days to schedule the first legal checkup and client intake with the potential client.

HIV legal assistance service providers will fully inform clients about the nature of services offered, including their rights to engage in the generation and review of any legal goals and/or strategies, confidentiality, and their ability to terminate services at any time. It is the responsibility of the client to inform the legal service representative of any communication with other agencies and adverse parties relevant to the case. Documentation of legal representation efforts shall be maintained in the client record.

4. Referrals

Programs providing HIV legal assistance will provide legal services referrals and information regarding available resources and social services to clients. Documentation of referrals and linkages will be made in the client record.

5. Client Feedback

Legal service providers must allow for a formalized client feedback process to evaluate program effectiveness, customer service, and ensure quality improvement.

6. Case Closures

Legal service providers shall develop client-centered case closure criteria and procedures that ensure clients who have identified legal needs have access to addressing these needs. All attempts to contact the client and notifications regarding missed appointments and/or case closure will be documented in the client file, along with the justification for case closure. Cases will be closed in accordance with the State Bar of California's Rules of Professional Conduct.

Cases may be closed when the client:

- Has become ineligible for the service
- Has had no direct program contact in the past six months
- Is deceased
- No longer needs the service
- Decides to discontinue the service
- Is improperly utilizing the service
- Has not complied with the retainer contract

7. Outreach/Education

Legal service providers will promote, educate, and conduct outreach to HIV service providers, other supportive service organizations, and potential clients regarding the availability of legal assistance for PLWH.

An outreach plan will be developed that demonstrates collaboration with HIV medical outpatient providers and other service providers throughout the 26 Health Districts across Los Angeles County. The plan shall include proactive efforts, via educational forums, to educate and inform HIV service providers on how to access legal services with a specific focus on underserved communities based on socioeconomic status, gender identity, race, sexual orientation and/or nation of origin.

The outreach plan will include (at minimum):

- Written strategy for the provision of legal assistance that links with HIV medical outpatient services and other HIV support services
- Memoranda of Understanding (MOUs) to demonstrate formalized linkages
- Assessment of other available legal and social resources and services
- Required number of educational forums and potential dates and locations
- Timeline for implementing services
- Evaluation plan

8. Staffing Requirements

HIV legal assistance staff and attorneys will have the skills and ability to specialize in the areas of most critical need to PLWH. Staff, attorneys and volunteers will be trained and remain knowledgeable of relevant legal and non-legal HIV/AIDS issues. Staff attorneys, licensed by the state of California and members in good standing with the State Bar of California, will coordinate, supervise and/or provide all services. Note that immigration attorneys practice under the Federal system and do not need to be licensed by the State of California. Licensed volunteer attorneys, law students, law school graduates and other legal professionals, all under the supervision of a qualified staff attorney, may be used to expand program capacity. All legal assistance staff and volunteers onsite will complete an agency-based orientation before providing services.

All HIV legal services attorneys and volunteer attorneys will practice according to the American Bar Association’s Model Rules for Professional Conduct (http://www.abanet.org/cpr/mrpc/mrpc_home.html) and the State Bar of California’s Rules of Professional Conduct (http://www.calbar.ca.gov/state/calbar/calbar_extend.jsp?cid=10158)

TABLE 1. LEGAL SERVICES STANDARDS

SERVICE COMPONENT	STANDARD	DOCUMENTATION
1. Legal Checkup	Legal service provider will partner with HIV testing agencies and medical providers to recruit potential clients.	MOU outlining referral processes on file at provider agency.
	Comprehensive legal checkup will review the following (at minimum): <ul style="list-style-type: none"> a. Public and private benefits b. Advanced planning c. Credit and bankruptcy d. Health and disability insurance e. Housing and eviction prevention f. Discrimination and confidentiality g. Employment h. Gender rights i. Immigration j. Permanency planning for dependent children 	Client file will include the following (at minimum): <ul style="list-style-type: none"> a. Intake form (see Standard below) b. Completed legal assessment c. Referrals, interventions, results d. Documentation of all legal assistance and results Referrals to appropriate services as needed.
	Required forms are discussed and completed as appropriate. <ul style="list-style-type: none"> a. Release of Information b. Client Rights and Responsibility c. Client Grievance Procedure d. Limits of Confidentiality 	Forms are signed, dated, and kept in client file. <ul style="list-style-type: none"> a. Release of Information Form must be updated annually.

SERVICE COMPONENT	STANDARD	DOCUMENTATION
2. Intake	Intake occurs during first contact with client and will collect (at minimum): <ul style="list-style-type: none"> a. Contact info b. Eligibility documentation c. Emergency and/or next of kin contact info d. Required forms 	Completed intake form is included in client file.
3. Legal Assistance and Representation	Legal service provider will respond to potential clients (referrals or outreach efforts) within 3 business days to set up appointment.	Program policy and procedures included in a written document. Provided to staff at orientation.
	Legal service provider will fully inform clients about: <ul style="list-style-type: none"> a. Nature of services offered b. Right to engage in generation and review of any legal goals/strategies c. Confidentiality d. Ability to terminate services at any time 	Program policy and procedures included in a written document. Provided to staff at orientation. Documentation included in client file.
4. Referrals	Programs will provide referrals and information on the full array of Ryan White service providers.	Referral list on file at provider agency. Documentation of referrals in client file.
5. Client Feedback	Legal service provider will seek feedback from clients, at minimum, annually. <ul style="list-style-type: none"> a. Provider takes necessary steps to address and incorporate feedback into program. 	Tool utilized to seek feedback on file (e.g. online survey, evaluation form, client customer service form) <ul style="list-style-type: none"> a. Documentation of how feedback was addressed and implemented.
6. Case Closure	Legal service provider will follow up with clients who have missed appointments and may be pending case closure.	Number of attempts to contact and mode of communication documented in client file.
	Cases may be closed when the client: <ul style="list-style-type: none"> a. Has become ineligible for the service b. Has had no direct program contact in the past 6 months c. Is deceased d. No longer needs the service e. Is improperly utilizing the service 	Justification for case closure documented in client file.

SERVICE COMPONENT	STANDARD	DOCUMENTATION
	f. Has not complied with the retainer contract	
7. Outreach and Education	<p>Legal service provider will promote services and conduct outreach.</p> <p>Outreach plan will include:</p> <ul style="list-style-type: none"> a. Written strategy for the provision of legal assistance that links with HIV medical outpatient services and other HIV support services b. Memoranda of Understanding (MOUs) to demonstrate formalized linkages c. Assessment of other available resources and services d. Required number of educational forums and potential dates and locations e. Timeline for implementing services f. Evaluation plan 	<p>Outreach plan is kept on file.</p> <p>Site visit will be conducted to verify activities.</p>
	<p>Legal service provider will collaborate with HIV service providers to set up a bi-referral system. HIV service providers include, but are not limited to, primary healthcare, supportive services, etc.</p>	<p>MOUs are kept on file.</p>
8. Staffing Requirements	<p>Attorneys are licensed to practice law in the State of California and are members in good standing of the State Bar of California. Immigration attorneys practice under Federal law and do not need to be licensed by the State of California.</p>	<p>Attorney and staff resumes, and applicable licenses, to be kept on file.</p>
	<p>Attorneys and staff must have the knowledge, skills and ability to specialize in HIV related issues and concerns.</p> <ul style="list-style-type: none"> a. All staff and volunteers must attend an agency orientation before providing services. b. All staff and volunteers must attend a cultural sensitivity/humility training. 	<p>Sign-in sheets and/or certificate of completion for all trainings to be kept on file.</p> <p>Documentation included in staff and volunteer files.</p>

SERVICE COMPONENT	STANDARD	DOCUMENTATION
	c. Staff and volunteers will attend any additional trainings pertaining to HIV related issues and concerns (e.g. DHSP trainings, HIV/STD Prevention trainings)	
	Qualified staff attorneys will coordinate, supervise and/or provide legal services to clients.	Policy and procedures manual and chart review to confirm.
	Qualified staff attorneys will supervise volunteers who may include: <ul style="list-style-type: none"> a. Licensed volunteer attorneys b. Law students c. Law school graduates d. Other legal professionals 	Documentation of supervision on file at provider agency.

ACKNOWLEDGEMENTS

The Los Angeles County Commission on HIV would like to thank the following people for their contributions to the development of the Legal Services Standards.

Content Expert Reviewers

Sophia Kass
*Positively Trans Program Associate
 Transgender Law Center*

Ayako Miyashita Ochoa, JD
*Adjunct Professor, Luskin School of Public
 Affairs, Department of Social Welfare
 Associate Director, UCLA California HIV/AIDS
 Policy Research Center*

Tanya McGary, JD
*Supervising Staff Attorney
 Homelessness Prevention, Public Counsel*

Rebecca Watson, JD
*Directing Attorney
 Inner City Law Center*

Standards & Best Practices Committee Members

Ace Robinson, MPH *Co-Chair*
 Joseph Cadden, MD *Co-Chair*
 Bradley Land
 Erika Davies

Kevin Stalter
 Thomas Puckett, Jr.
 Wendy Garland, MPH

REFERENCES

1. Ayako Miyashita, Amira Hasenbush, Bianca D.M. Wilson, Ilan H Meyer, Sheila Nezhad & Brad Sears, The Williams Institute, University of California Los Angeles, School of Law. The Legal Needs of People Living with HIV: Evaluating Access to Justice in Los Angeles (2015).
<http://williamsinstitute.law.ucla.edu/wp-content/uploads/Legal-Needs-People-Living-with-HIV-Los-Angeles-County-April-2015>.
2. Technical Expert Panel Review of CDC HIV Counseling, Testing, and Referral Guidelines. Revised Guidelines for HIV Counseling, Testing, and Referral. February 1999. Retrieved from
<https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5019a1.htm>.
3. The Williams Institute, University of California Los Angeles, School of Law. Whole Person Care – Los Angeles: Expansion to Target People Living with HIV in Los Angeles County (2017).