

## SAN FRANCISCO EMA RYAN WHITE HIV 2024 STANDARDS OF CARE UPDATE PROJECT

### LEGAL SERVICES STANDARDS OF CARE

**NOTE:** The draft standards below describe only service elements specific to Ryan White-funded legal services. Overarching standards common to all programs - such as standards related to client eligibility, insurance and benefits screening, facility standards, staff qualifications, evaluation, and use of Ryan White funds as the payor of last resort - will be included in a separate Common Standards document. This document will also be fully formatted in a future version.

#### OVERVIEW AND PURPOSE OF LEGAL SERVICES STANDARDS:

The purpose of the San Francisco Eligible Metropolitan Area (EMA) Legal Services Standards of Care is to ensure consistency among the Ryan White-funded legal services provided as part of the San Francisco EMA's continuum of care for persons living with HIV. The goal of Ryan-White funded legal services is to ensure access to justice for low-income and marginalized persons living with HIV and to ensure access to and continuity of benefits and services that maintain optimal health and a higher quality of life for these individuals.

#### DESCRIPTION OF LEGAL SERVICES:

Ryan White-funded Legal Services are designed to help mitigate the impact of restrictive social and economic conditions for people living with HIV by providing professional, relevant, and culturally appropriate legal information, advice, and services. Legal services include consultation, referral, and representation in multiple areas of civil law, including:

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

Legal services may **not** be used to provide criminal defense for clients or to initial or participate in class action lawsuits.

#### UNITS OF SERVICE:

- A Legal Unit of Service is defined as:

- ✓ A 15 minutes of face-to-face, web-based, or telephone contact between a client and a legal services provider.

### **LEGAL SERVICES REQUIREMENTS:**

#### ▪ **Intake:**

An initial client intake is required for all persons with HIV who request or are referred to legal assistance services and should occur at the first meeting with the potential client. In general, a legal services staff member or volunteer should respond within 3 business days to schedule the initial intake with a 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:

- Client contact information, including name, home address, mailing address, phone number, and e-mail address;
- Eligibility Documentation, including verification of HIV diagnosis; verification of income; and verification of residence in the San Francisco EMA;
- Emergency and/or next of kin contact information, including name, home address, phone number, and e-mail addresses;
- Release of Information Form that must be updated annually and that specifies what type of information may be released;
- Client Rights and Responsibilities Form; and
- Client Grievance Procedure Form and Limits of Confidentiality.

#### ▪ **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 and programs, as well as to pro bono attorneys; and representing clients in court and administrative proceedings where appropriate. 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 issues, and the client's 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 a given case. Documentation of legal representation efforts shall be maintained in the client record.

- **Case Closures:**

Legal service providers will 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; and/or
- Has not complied with the retainer contract.

- **Outreach and 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 people living with HIV. Legal service providers will respond to legal questions from HIV providers and will conducting pro-active legal service outreach and education activities 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 national origin. All HIV-specific legal outreach and education activities will be recorded and reported by the legal service provider.