



## G. Legal Services

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### Service Definition

#### Legal Services

Legal Services involve the delivery of professional and consultant services, provided by members of professions licensed or qualified to offer such services in the state in which they practice, and with the intent of removing barriers to care.

Recipients providing Legal Services are expected to comply with the [Life Care and Early Intervention Services \(LCEIS\) Universal Standards of Care](#), as well as these additional standards:

#### **Standard 1: Legal and other professional service providers ensure services are delivered in accordance with the Wisconsin Life Care and Early Intervention Services Eligibility and Recertification Policy and Procedures.**

Providers are responsible to determine eligibility at enrollment and to confirm eligibility annually.

#### Documentation

Client records must document that the client is living with HIV and resides in Wisconsin at initial enrollment in accordance with the [Wisconsin LCEIS Eligibility Policy](#).

If legal and other professional services are offered within a larger organization that serves individuals living with HIV, proof documents or documentation of client eligibility may be available to legal practitioners via other departments within the same organization. A procedure may be developed and approved by the Wisconsin HIV Care Unit that is documented within the client's legal record and may be used in lieu of placing specific proof documents in the client's legal record in an effort to reduce duplication of effort, preserve resources, and ensure that clients' legal needs are addressed as quickly and efficiently as possible.

#### **Standard 2: Legal and professional services that clients receive must be allowable under this service category.**

Services offered through this category must include:

- Legal services provided to or on behalf of people living with HIV (PLWH) and involving legal matters related to or arising from their HIV status or that serve as barriers to accessing and remaining in care, including but not limited to:
  - Assistance with public benefits.

- Housing and eviction prevention.
  - Interventions necessary to ensure access to eligible benefits (including discrimination or breach of confidentiality litigation as it relates to services eligible for funding under LCEIS).
  - Preparation of healthcare power of attorney, durable powers of attorney, and living wills.
  - Expungement.
  - Name change navigation and fees associated with legal name change.
- Permanency planning to help clients and their families make decisions about the placement and care of minor children after their parents or caregivers are deceased or are no longer able to care for them, including but not limited to:
    - Social service counseling or legal counsel regarding drafting of wills or delegating powers of attorney.
    - Preparation for custody options for legal dependents including standby guardianship, joint custody, or adoption.
  - Simple estate planning and advance directives to ensure that clients' wishes regarding end-of-life care and plans are appropriately memorialized should the client become incapacitated or pass away.
  - Income tax preparation services to assist clients in filing federal tax returns that are required by the Affordable Care Act for all individuals receiving premium tax credits.

Legal services exclude criminal defense and class-action suits unless related to access to services eligible for funding under LCEIS from the Wisconsin HIV Care Unit.

### Documentation

Documentation must include a summary of the services provided to the client, including the number of hours spent providing services to the client.

## **Standard 3: Legal Services providers must communicate with clients on an ongoing basis.**

Legal services providers must reasonably communicate with clients on what to expect in terms of the service provided, including but not limited to the nature and scope of services provided, an understanding of the factors favoring or not favoring the desired outcome, and the relevant timeframes for completing the service.

Clients must have a relevant understanding of the status of their case.

### Documentation

The client record must document communications made to client related to the nature and scope of services provided, the client's understanding of the factors favoring or not favoring the desired outcome, and relevant timeframes for completing the service.

## **Standard 4: If clients do not achieve their desired outcome, they are counseled on further actions that are possible.**

Clients must be given a realistic understanding of the options available to them, and legal practitioners must work with clients to develop realistic goals. Clients must be fully counseled on the parameters of the legal assistance that will be provided.

### **Documentation**

Communications on potential further actions should be noted in the client record. Limited Scope Retainer Agreements, full Retainer Agreements, and Investigation Agreements should clearly define the scope of legal services to be provided and must be part of the client's file.

## **Standard 5: Upon termination of Legal Services, the client's record is closed.**

Termination of Legal Services can be for any of the following reasons:

- Client completed Legal Services goals.
- Client is no longer eligible for services.
- Client chooses to terminate or is no longer in need of service.
- Client does not follow-up or does not engage in service.
- Client is referred to another legal services program.
- Client is incarcerated for greater than six months.
- Client relocates outside of service area.
- Agency initiated termination due to behavioral violations.
- Client death.

### **Documentation**

The client record must include documentation of the outcome of services received and the reason for closing the client record.