



Legal and Other Professional Services

Service Definition

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

Such services may include:

- Legal services provided to and/or on behalf of people living with HIV (PLWH) and involving legal matters related to and/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 RWHAP).
 - Preparation of healthcare power of attorney, durable powers of attorney, and living wills.
- 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 Ryan White Part B Services from the Wisconsin Communicable Disease and Harm Reduction (CDHR) Section.

Subrecipients providing legal and other professional services are expected to comply with the 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 Ryan White Part B 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, resides in Wisconsin, and has household income under 500 percent FPL at initial enrollment in accordance with the Wisconsin Ryan White Part B Eligibility Policy.

If legal and other professional services are offered within a larger organization that serves individuals living with HIV, proof documents and/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 CDHR Section 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 and/or on behalf of PLWH and involving legal matters related to and/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 RWHAP).
 - Preparation of healthcare power of attorney, durable powers of attorney, and living wills.
- Permanency planning to help clients and/or families make decisions about the placement and care of minor children after their parents and/or caregivers are deceased or are no longer able to care for them, including but not limited to:
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Legal services exclude criminal defense and class-action suits unless related to access to services eligible for funding under Ryan White Part B Services from the Wisconsin Communicable Disease and Harm Reduction (CDHR) Section.

Documentation

Documentation must include a summary of the services provided to the client, including the number of hours spent providing services to the client and a description of how the services are related to or arising from the client's HIV status or preventing them from accessing and remaining in care.

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 and Other Professional Services, the client's record is closed.

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

- Client completed Legal Services goals
- Client is no longer eligible for services
- Client 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 incarceration is greater than six months
- Client relocates outside of service area

- Agency initiated termination due to behavioral violations
- Client chooses to terminate service
- Client dies

Documentation

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

Did you know?

Over 115 unique clients accessed legal services through the RW Part B program in Wisconsin.

Source: 2020 RSR

Working class Black, Brown, Indigenous and people of color (BBIPOC) often have years of negative experiences attempting to access public benefit programs like Temporary Assistance for Needy Families (TANF), Special Supplemental Nutrition Program for Women, Infants and Children (WIC), Emergency Food Assistance Program (TEFAP), and FoodShare.

Even when staff of these assistance programs are fair, respectful, and compassionate, the underlying program guidelines are rooted in a history of classism, racism, and exclusion that is nearly impossible to avoid.

From the beginning, America's public welfare programs have been shaped by certain factors or principles:

- Public assistance was primarily designed for women and children. However, work done in the home, mostly by women—such as childrearing—does not equate to wages earned outside the home.
- Because public assistance is not considered “earned,” it often comes with provisions to prevent people from becoming “dependent” on it and to “reform” them in some way (such as maintain a suitable home or engage in work).
- The overall system rewards the exclusion of people from benefits for which they do not qualify versus facilitating access to benefits they are not currently receiving.
- Overtly or implicitly, there have been extra barriers placed on Black and Latinx populations. For example, domestic workers and agricultural workers were originally excluded from Social Security because this would effectively exclude many Black people.

Source: Roberts, D. Welfare and the Problem of Black Citizenship. 105 Yale Law Journal 1563 -1602, 1584-1587 (April, 1996). Accessed at www.academic.udayton.edu/race/04needs/welfare01e.htm

Working class BBIPOC and lesbian, gay, bisexual, transgender and queer+ (LGBTQ+) individuals have experienced decades of discrimination and abuse in America's child welfare system. This creates an understandable level of mistrust when discussing permanency planning and the placement and care of minor children.

Until very recently, being openly LGBTQ+ was immediate justification for losing custody of minor children. Studies have repeatedly shown that Black families are more likely to have children removed from their household, even though Black families tend to have lower assessed risk as compared to white families.

Black or African American and Indigenous or Native people have been overrepresented in the child welfare system. Racial disparities exist at multiple decision points in this system, from removal from the home to termination of parental rights.

Well into the 1970s, the child welfare system explicitly supported removal of Indigenous or Native children from their biological families and placement in white families. Despite federal and state legislation, Indigenous or Native children continue to be the most disproportionately represented group in foster care.

Source: Child Welfare Information Gateway. "Racial Disproportionality and Disparity in Child Welfare." 2016. www.childwelfare.gov/pubs/issue-briefs/racial-disproportionality
