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Indiana Legal Services Case Acceptance Guidelines

Introduction

Indiana Legal Services' mission is to provide access to justice, empower clients and fight poverty. Case acceptance decisions will align with this mission and with ILS's priorities for legal work. To most efficiently use its resources, ILS also will consider:

- whether the potential client's position has legal merit,
- whether help from the private sector or other agencies is likely to be available, and
- whether the applicant is likely to be able to advocate adequately for him or herself.

Particularly vulnerable applicants, or those with special circumstances such as language barriers, may receive special consideration, and supervisors may approve higher levels of representation for such clients than set by these guidelines. Likewise, applicants whose cases are funded by non-LSC grants may receive representation beyond that allowed by these guidelines. Finally, regardless of case type or assistance level, ILS may assist persons in obtaining representation if it appears courts are required to appoint counsel and are not doing so or are otherwise impeding a person's legitimate access to the court.

Regardless of assistance level, clients must cooperate with ILS staff. ILS may decline to provide services to a person or group who causes or threatens to cause ILS staff or property harm. ILS also may decline to provide services to persons who have filed complaints adverse to ILS or ILS staff with the disciplinary commission, the Better Business Bureau, or with other entities or in court.

ILS adopts the following levels of assistance:

1. Extended representation, including litigation: ILS will try to provide extended representation, either by ILS staff or by PAI attorneys and, when that is not possible, will provide advice or brief service.



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2. Potential extended representation, if caseload and other factors allow: ILS staff may offer extended representation when caseloads and resources permit or may refer to sources of PAI and, when that is not possible, will provide advice or brief service.
3. Advice or Brief Service: ILS will provide only advice or brief service.
4. Rejection or Referral: ILS will only refer to other entities. No advice or pro se assistance will be given and intake may be curtailed as well.

Consumer/Finance

Bankruptcy

Problem Code 01

Potential extended representation cases:

1. Bankruptcy to preserve garnishable income and clear debt which cannot be managed or otherwise resolved (e.g. by debt defense)
2. Bankruptcy debt clearance to qualify client for housing or other programs or benefits, such as Driver's Licenses or utilities
3. Bankruptcy for married couples, where one spouse is in poor health, and bankruptcy will enable the survivor to keep the marital home

Advice and brief service cases:

1. Collection-proof clients, unless #2 or #3 above apply
2. Bankruptcies that may be advisable in the future, but not available or advisable at the present time.

Rejection or referral:

1. Cases in which Chapter 13 is the best option for the client



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Collection (Repossession / Deficiency / Garnishment) And Creditor Harassment

Problem Codes 02 and 04

Extended representation cases:

1. Cases involving fraud, scams or willful conduct by creditors or by other persons, e.g. abusive family members or perpetrators of identity theft, who caused the debt
2. Cases involving abusive or misleading debt collection methods
3. Cases involving abusive court practices, such as repeated proceedings supplemental, threats of incarceration, unlawful judgment collection, or venue abuse

Potential extended representation cases:

1. Setting aside a default judgment, where there is a meritorious defense
2. Collection defense, if meritorious defense exists
3. Petitions for garnishment reduction or legal/constitutional challenge to garnishment amounts when merit and significant harm exists

Advice and brief service cases:

1. Cases with no significant defenses, and no fraud or abusive conduct is involved
2. Client is collection proof but will benefit from advice, debt counseling or limited service (e.g. preparation of affidavits of exemption)
3. Client is facing medical debt and would benefit from advice, debt counseling, or limited service

Rejection and referral cases:

1. Cases in which the client has received advice or assistance on the same matter from ILS within the past year, and nothing substantial has changed.
Cases involving *de minimus* debt or legal issues



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Federal Tax

Problem Code 025

Potential extended representation cases:

1. Cases in which the client is proceeding pro-se in U.S. Tax Court, U.S. District Court, or any other U.S. Federal Court.
2. Cases in which client owes a Federal tax debt which will not expire within the next two years
3. Cases in which the client is currently involved in an administrative proceeding with the Internal Revenue Service
4. Cases in which the client's income stream or bank account is currently being levied.
5. Cases where the client has not filed tax returns and has a filing obligation
6. Client is a victim of identity theft

Advice and brief service cases:

1. Client's income stream or assets are protected from levy because of financial hardship status or payment plan
2. Client's Federal tax debt will expire within the next two years

Rejection or referral:

1. Client is a chronic non-filer of tax returns unless #1 or #3 in Section "Potential extended representation cases" above applies
2. Client's tax refund has been intercepted by the Bureau of Fiscal Services
3. Client is currently in a financially acceptable payment plan

State Tax

Problem Code 026

Potential extended representation cases:

1. Cases in which the client is currently involved in an administrative proceeding with the Indiana Department of Revenue



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2. Cases in which the client's income stream or bank account is currently being levied.
3. Cases where the client has not filed tax returns and has a filing obligation
4. Client is a victim of identity theft

Advice and brief service cases:

1. Client's income stream or assets is protected from levy because of financial hardship status or payment plan
2. Client's only income is Social Security or Veteran's benefits

Rejection or referral:

1. Client is a chronic non-filer of tax returns unless above #1, #2 or #4 in Section "Potential extended representation cases" above applies
2. Client's tax refund has been intercepted by the Bureau of Fiscal Services
3. Client is currently in a financially acceptable payment plan.

Note: If you learn that your applicant has a federal or state tax issue, please be sure to get in touch with the Low Income Taxpayer Clinic in our Bloomington office.

Property Tax

Problem Code 027

Please use problem Code 62, Preserving Homeownership, for tax sale and other property tax-related matters. We will discontinue use of this problem code in 2020.



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Unfair and Predatory Practices

(Contracts / Warranties, Predatory Lending Practices (Not Mortgage),
Loans/Installments And Unfair & Deceptive Acts And Practices)

Problem Codes 03, 05, 06 and 08

Extended representation cases:

1. Contracts involving clear fraud or deception, especially those directed at vulnerable seniors, clients with disabilities or LEP clients
2. Contracts and loans which are predatory, misleading, or extremely one-sided in favor of the seller, and relief is likely under state or federal law
3. Contracts and loans which contain illegal terms

Potential extended representation cases:

1. Auto sales of vehicles with hidden defects, or involving predatory conduct (e.g. yo-yo sales), or failure to provide title
2. Failure to honor warranties
3. Unfair, abusive, fraudulent or deceptive conduct in transactions such as home solicitation sales, payday loans, home repair contracts or mortgage rescue contracts,
4. Contracts with some evidence of predatory, fraudulent or deceptive behavior or terms

Advice and brief service cases:

1. Contracts without fraud, deception, or predatory conduct, in which legal advice will help client understand his / her rights and duties

Rejection and referral cases:

1. Cases involving *de minimus* debt or legal issues
2. Cases in which state agencies such as the Attorney General or the Department of Financial Institutions can provide effective or immediate assistance



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Public Utilities

Problem Code 07

Extended representation cases:

1. Utility service denials or terminations which appear to be unlawful and which cause substantial hardship to the client

Potential extended representation cases:

1. Utility denials or terminations in which negotiation may successfully resolve the issue
2. Denials of energy assistance when meritorious grounds for challenge exist

Advice and brief service cases:

1. Disputes over rates, security deposits or late charges that don't involve denial or termination of service

Rejection and referral cases:

1. Cases without meritorious legal challenges will receive appropriate referrals to energy assistance programs and community agencies (See Benefits guidelines for challenging denials of such services.)

Other Consumer

Problem Code 09

Potential extended representation cases:

1. Cases involving a consumer-related issue that is particularly egregious in nature or which affects a significant number of client-eligible persons, and which is not included in the above categories (01-08), and ILS has available resources for an attorney to develop expertise in the area by handling such cases. Examples might include banking issues, civil forfeiture cases, challenging arbitration agreements, credit discrimination, and credit reporting issues, including housing and background checks.



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Advice and brief service cases:

1. Consumer cases not included in the above categories (01-08) which can be addressed by providing legal advice or limited action

Rejection and referral cases:

1. Cases in which the office does not have sufficient resources needed to develop expertise to assist the client.

Education

Discipline (Incl Expulsion and Suspension)

Problem Code 12

Potential extended representation cases:

1. Defense against suspension or expulsion when the school is not complying with law (e.g. not providing due process hearings, notices, not providing Special Education accommodations, etc.) or when meritorious defenses exist on the facts.
2. Representation in “manifestation” hearings to determine whether problematic student behavior is a manifestation of a student’s disability

Advice and brief service cases:

1. All other expulsion or suspension defense cases will receive advice or brief services.

Special Education/Learning Disability

Problem Code 13

Potential extended representation cases:

1. Representation if schools are failing to provide students with special needs the services or accommodations necessary for the students and alternate sources of legal assistance are not available.



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Advice and brief service cases:

1. All other cases involving Special Education services.

Access (Incl Billing, Residence, Testing)

Problem Code 14

Potential extended representation cases:

1. Cases in which state-funded schools erroneously refuse to enroll or admit a student (e.g. require a guardianship) or erroneously refuse to allow the student to participate in school activities or release school records (e.g. because fees haven't been paid)

Advice and brief service cases:

1. All other state-funded education access cases

Vocational Education

Problem Code 15

1. Cases arising out of vocational programs in public high schools will be handled per the guidelines for discipline, special education, and access described above
2. Cases involving vocational schools, such as truck driving or cosmetology schools, will be handled as per the guidelines for consumer cases, particularly the guidelines pertaining to contracts and unfair or deceptive practices, and as per the guidelines for student loan defense described below if loans are at issue
3. Cases involving vocational rehabilitation will be handled per the guidelines for benefits cases

Student Financial Aid

Problem Code 16

Potential extended representation cases:

1. Defense against student debt collection actions when meritorious defense exists



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Advice and brief service cases:

1. All cases not accepted for representation will receive advice regarding student loan and collection cancellation or suspension procedures

Other Education

Problem Code 19

Rejection and referral cases:

All other education cases will be rejected or referred

Employment

Employment Discrimination

Problem Code 21

Potential extended representation cases:

1. Employment discrimination or harassment claims when coupled with Agriculture Worker Protection Act violations, Trafficking Victim Protection Act violations, or other non-fee generating claims.
2. Employment discrimination or harassment claims for non-English speaking clients where anticipated damages are less than \$2500.
3. Meritorious claims of employment discrimination based upon on the client's actual or perceived sexual orientation.
4. Meritorious claims of employment discrimination based upon on the client's actual or perceived gender identity.

Advice and brief service cases:

1. Clients not accepted for extended representation will receive advice regarding administrative remedies, e.g. through the Equal Employment Opportunity Commission and the Fair Employment Practices Agencies such as the Indiana Civil Rights Commission and local Human Rights Commissions, and how to use them



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2. Clients not accepted for full representation will be advised about retaliation protections

Wage Claims and other FLSA Issues

Problem Code 22

Potential extended representation cases:

1. Fair Labor Standards Act case with any of the following:
 - a. International depositions;
 - b. Multi-lingual depositions;
 - c. Non-fee generating claims (like Agriculture Worker Protection Act violations);
 - d. Group cases
 - e. Trafficking Victims Protection Act (TVPA) case
2. Employment cases where non-citizen clients have been victimized and need concurrent immigration assistance based on the workplace crimes
3. TVPA claims

Advice and brief service cases:

1. Clients not accepted for full representation will be advised about the above claims and retaliation protections
2. DOL complaints and pro se wage claims

EITC

Problem Code 23

Rejection and referral cases

1. Clients wanting assistance with filing for EITC benefits will be referred to the numerous community agencies which assist low income individuals file tax returns. Persons with problems with submitted EITC claims will be referred to the ILS Low Income Taxpayer Clinic.



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Taxes

Problem Code 24

Rejection and referral cases

1. Clients whose employers have withheld but not paid taxes will be referred to the appropriate agencies to make a complaint. Problems with their own tax liability will be referred to the ILS Low Income Tax Payer Clinic

Employee Rights

Problem Code 25

Potential extended representation cases:

1. Worker's Compensation for clients who cannot access private counsel
2. Unemployment Appeals (Cross reference with Unemployment Compensation, Problem Code 76)
3. Breach of Contract
4. Family Medical Leave Act
5. Americans with Disabilities Act

Advice and brief service cases:

1. Clients not accepted for full representation will be advised about the above claims and retaliation protections

Agricultural Worker Issues (Non-wage claim or FLSA)

Problem Code 26

Potential extended representation cases:

1. Agriculture Worker Protection Act (AWPA) claims
2. Housing discrimination, evictions and/or housing violations (Cross reference with Housing, Problem Codes 60-69)
3. Tax (Cross reference with Federal and State Tax, Problem Codes 025 and 026)
4. Breach of contract



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5. Immigration (Cross reference with Immigration, Problem Code 81)

Advice and brief service cases:

1. Clients not accepted for full representation will be advised about the above claims and retaliation protections

Other Employment

Problem Code 29

Potential extended representation cases:

1. Expungement (Cross reference with Criminal Record Expungement, Problem Code 87)
2. Civil vacatur for trafficking victims (Cross reference with Human Trafficking, Problem Code 86)

Advice and brief service cases:

1. Clients with other employment claims will receive-appropriate advice as staff resources allow



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Family

Adoptions

Problem Code 30

Advice or Brief Service cases:

1. Adoptions which our applicant wishes to oppose; applicants will be advised of the right to request court-appointed counsel

Rejection or Referral cases:

Adoptions for the Petitioner –intakes truncated

Custody/Visitation

Problem Code 31

Extended representation cases:

1. Custody/visitation modifications for a petitioner when there has been abuse to the child documented by an agency such as DCS, law enforcement or other social service provider and which agency supports the Petitioner's request for custody or restricted visitation

Potential extended representation cases:

1. Defense against custody establishment or modification cases brought in violation of the UCCJEA
2. Petitions to modify custody orders when our applicant has had physical custody of the child for 3 or more months with the consent of the legal custodian
3. Initial custody determinations or custody modifications when the applicant or children are victims of substantial domestic violence



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Advice or Brief Service cases:

1. All other custody or visitation establishment, enforcement or modification cases for either the Petitioner or the Respondent

Divorce/Separation/Annulment

Problem Code 32

Extended representation cases:

1. Divorce for the Petitioner when substantial domestic violence has occurred within the past year and/or appears imminent

Potential extended representation cases:

1. Divorce for Respondent domestic violence survivor with children
2. Divorce for the Petitioner when there is a history of domestic violence but the applicant has been violence-free for more than a year and the applicant has children in the household
3. Defense to divorce filed in violation of residency statutes
4. Divorce for applicant when there are special circumstances relating to the financial circumstance of the applicant which affects the ability of the applicant to live (such as financial necessity to obtain spousal maintenance/division of marital property) and the matter is not fee-generating.

Advice or Brief Service cases:

1. Divorce for Petitioner or Respondent when there is a history of domestic violence older than a year and the applicant has no children in the household
2. Divorce for Petitioner or Respondent without a history of domestic violence
3. Separation and or Annulment cases for Petitioner or Respondent
4. Respondent's attempt to prevent a divorce or separation (unless a residency/jurisdictional issue exists)



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5. Post-dissolution decree enforcement or collection cases

Adult Guardian/Conservatorship

Problem Code 33

Extended representation cases:

1. Termination or limitation of, or defense against, a guardianship when our client, the proposed or actual protected person, is able to articulate meritorious legal objections to the guardianship
2. Termination of or defense against a guardianship when the protected person is being financially or physically abused and is able to consent to representation or has an attorney-in-fact who consents
3. Cases involving abuse of process or lack of due process.

Potential extended representation cases:

1. Guardianship establishment referred from an alternative funding source where the proposed ward does not object
2. Guardianship establishment for a proposed protected person who has a dire need which is unable to be met through alternatives and who does not object to the guardianship

Advice or Brief Service cases:

1. Advice on avoiding the need for a guardianship
2. Uncontested substitution of guardian
3. Designations of stand-by guardians; *pro se* packets will be provided

Rejection or Referral cases:

1. Disputes between persons competing to be guardian, absent evidence of abuse
2. Preparation/filing of accounting for guardian
3. Defense of guardian who opposes termination of guardianship



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4. Representation of proposed guardian when proposed protected person objects

Name Change

Problem Code 34

Potential extended representation cases:

1. Name change actions necessary for the applicant to obtain public benefits, a driver's license or state ID or if applicant needs an accompanying gender marker change

Advice or Brief Service cases:

1. Name changes for minor children, absent extreme circumstances
2. Resisting the proposed name change of a child
3. Name changes without specific reasons as listed above.

Parental Rights Termination

Problem Code 35

Rejection or Referral cases:

1. Parental rights termination cases when a petition to terminate parental rights has been filed: information about court-appointed counsel will be provided and referrals to local pro bono projects or lawyer referral services will be made as appropriate. Intake truncated.



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Paternity

Problem Code 36

Potential extended representation cases:

1. Rescission of paternity affidavits executed by material mistake, or through duress or fraud
2. Petitions to vacate default judgments of paternity when service was faulty and the Respondent believes he may not be the father of the child.
3. Paternity establishment when the wrong man has been named in a paternity affidavit and the child support prosecutor will not assist in filing the paternity action.

Advice or Brief Service cases:

1. Paternity establishment: referrals will be made to the local Child Support office and Lawyer Referral Services as appropriate absent extraordinary circumstances tied to custody or parenting time
2. Defense against establishment of paternity: information about court-appointed counsel will be provided

Domestic Abuse

Problem Code 37

Potential extended representation cases:

1. Protective orders when the client is being represented by ILS in a dissolution of marriage or custody/visitation case against the abuser
2. ILRC and MFWP protective order cases whether or not involving a divorce
3. Protective order establishment without ILS representation in a divorce or custody/visitation action when there is no other resource to assist with protective order filing (such as a clinic or Protective Order Project)
4. Protective order enforcement



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Advice or Brief Service cases:

1. Defense against or termination of a protective order

Support

Problem Code 38

Potential extended representation cases:

1. Support modification actions when there has been a significant change in circumstances to support a decrease in the support obligation and the IV-D office will not effectively assist in the modification

Advice or Brief Service cases:

1. Support establishment, enforcement, or actions to increase support: referrals will be made to the local Child Support office
2. Contempt and/or support collection defense: information will be provided about court-appointed counsel and referrals will be made to the local Lawyer Referral Service as appropriate

Other Family

Problem Code 39

Rejection or Referral cases:

1. Other family matters not described above will be rejection or referred unless the case has legal merit and presents an instance of grievous injustice.



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Juvenile

Delinquent

Problem Code 41

Rejection and referral cases:

All delinquency defense cases will be referred to public defenders

Neglected/abused/dependent (Chins cases)

Problem Code 42

Potential extended Representation cases:

1. Cases in which an appearance in the CHINS case is necessary to further representation of the client in another case (e.g. divorce or custody cases)
2. Cases in which DCS has not filed a court case but has become involved with a family (e.g. "informal adjustments")

Advice and brief service cases:

1. Clients with cases described in 1 or 2 above and in which the office does not provide extended representation will be provided advice

Rejection and referral cases:

1. All neglect and abuse defense cases filed in court will be referred to court appointed counsel

Emancipation

Problem Code 43

Advice and brief service cases:

1. All emancipation requests from minors will receive advice regarding Indiana emancipation law (For emancipation requests from parents of minors, see our child support guidelines.)



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Minor Guardianship/Conservatorship

Problem Code 44

Potential extended representation cases:

1. Petitions to establish guardianships over minors may be pursued when a guardianship will aid the minor in obtaining immigration status or public benefits or when other extraordinary circumstances exist
2. Defense against guardianship petitions may be made when it appears the UCCJEA or other law is being violated or due process violations exist or when meritorious defenses exist
3. Petitions to terminate guardianships may be pursued when meritorious grounds exist

Advice and brief service cases:

1. Guardianship establishment and guardianship defense or termination clients not provided extended representation will receive advice or brief service

Other Juvenile

Problem Code 49

Rejection and referral cases: All other juvenile cases will be rejected and/or referred.

Health

Medicaid and Government Child Health Insurance (CHIP)

Problem Codes 510 and 530

Extended representation cases:

1. Medicaid cessation cases where case has merit
2. Medicaid denial where case has merit
3. Reduction or denial of services (such as reduced caregiver hours) having significant health impact



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4. Prior authorization and claim issues (Medicaid not paying something it should pay) when we have health care provider support

Potential extended representation cases:

1. Medicaid overpayment cases that have merit
2. Medicaid cessation or denial cases for over-income seniors when we have special funding
3. Behavioral and Primary Health Care Coordination Program or Aged & Disabled waiver program cessations or waiver denials

Advice and brief service cases:

1. Clients unlikely to succeed will be advised of benefit program standards, appeal procedures and re-application possibilities.
2. "Right Choices" cases
3. Medicaid Planning

Rejection and referral cases:

1. Prior Authorization challenges where the medical service provider does not support appeal.

Medicare

Problem Code 520

Extended representation cases:

1. Coverage issues, such as termination of or denial of coverage for any of the following where need is shown for services:
 - a. Hospital
 - b. Skilled nursing facility
 - c. Hospice
 - d. Therapy services

Potential extended representation cases:

1. Secondary payer issues



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2. Other coverage issues

Rejection and referral cases:

1. Amount in question is low

Home and Community Based Care

Problem Code 540

Extended representation cases:

1. Cessations and reductions in service when they significantly impact quality of life or safety

Private Health Insurance

Problem Code 550

Potential extended representation cases:

1. Reduction or denial of covered services (such as reduced caregiver hours)
2. Appeals for issues related to the Healthcare Exchange (i.e. healthcare.gov)
3. Coordination of insurance or billing issues
4. Assistance obtaining exception to open enrollment period

Advice and brief service cases:

1. Clients unlikely to succeed will be advised of benefit program standards, appeal procedures and re-application possibilities.

Long Term Health Care Facilities

Problem Code 560

Extended representation cases:

1. Involuntary discharge or transfer of resident
2. Refusal of nursing home to readmit resident after hospitalization
3. Accommodation issues
4. Personal Needs allowance issues



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Potential extended representation cases:

1. Disputes about nursing home fees
2. Disputes about level of care needed by client

Rejection and referral cases:

1. Resident complaints and care issues where other adequate assistance, such as from ombudsmen or state agencies, is available will be referred to other assistance

State and Local Health

Problem Code 570

Extended representation cases:

1. Credential issues with the local health department, such as obtaining vaccine records or birth certificates where client needs credentials in order to obtain a public benefit.

Potential extended representation cases:

1. Veteran's Choice Program issues

HIP (Note: 580 is not an LSC-sanctioned problem code. We will need to talk to Jamel about how best to resolve)

Problem Code 580

Extended representation cases:

1. Cessation and Denial where the case has merit.
2. Cases challenging lock out
3. Cases challenging PAC amount where case has merit
4. Cases challenging co-payments where the case has merit
5. Coverage issues (HIP did not cover something that should have been covered)
6. Medically Frail denial challenges

Potential extended representation cases:



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1. Prior Authorization denial where case has merit
2. Work requirement challenges
3. Tobacco Surcharge challenges where client denies current tobacco use

Advice and brief service cases:

1. Cases that lack merit, but advice is necessary to ensure access to administrative process or future access to benefits.
2. HIP Overpayment cases
3. “Right Choices” challenges

Rejection and referral cases:

1. Prior Authorization where medical provider does not support appeal
2. Tobacco Surcharge challenges where client admits current tobacco use
3. Medically Frail appeals where no medical provider supports finding of medical frailty

Other Health

Problem Code 59

Advice and brief service cases:

1. Amendment of medical records where medical record could affect client’s ability to obtain public benefits or client’s access to healthcare.

Rejection and referral cases:

1. All other complaints about health care providers, including complaints about the quality of care or malpractice claims, will be rejected and referred to private attorneys.



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Housing

Landlord-Tenant Matters

Problem codes 61, 63, 64, 65 and 66

Extended representation cases:

1. Cases which affect a person's ability to retain housing subsidies
2. Evictions by private landlords which:
 - a. are in retaliation for substantiated reports to building inspectors, code enforcement or the health department;
 - b. are pursued despite rent being accepted after the eviction notice;
 - c. involve severe habitability issues such as no heat during winter months, no water, no electricity, serious and persistent roof leaks or other equally serious issues; or
 - d. involve other legal defenses with a reasonable likelihood of success to an eviction, regardless of whether rent is in arrears
3. Eviction suits described above will be handled by the ILS attorney entering an appearance limited to the eviction/immediate possession hearing; any resulting trials for damages or counter-claims will be given medium priority and considered in terms of ILS resources.

Potential extended representation cases:

1. Trials on landlord claims for damages and on tenant counter-claims in eviction actions
2. Affirmative requests or suits for reasonable accommodations or modifications for disability
3. Affirmative requests or suits for accommodations (new locks, lease termination) related to domestic violence
4. Affirmative requests or suits for repairs or for lease termination due to landlord's failure to make repairs (both for critical habitability issues described above and others such as mold, bedbugs, small leaks, and like issues)



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Advice or Brief Service cases:

1. Independent claims for deposits or for small amounts of damages to property or to health

Rejection or Referral cases:

1. Cases involving independent claims of housing discrimination: referrals will be made to the Fair Housing Center of Central Indiana, to the Indiana Civil Rights Commission, to local Human Rights Commissions and to lawyer referral services, as appropriate
2. Claims or counter-claims for significant damages to property or health will be referred to the local lawyer referral service if available, and to attorneys in private practice generally if not

Home Ownership Matters

Problem Codes 62, 67 and 68

Extended representation cases:

1. Land contract/lease-to-buy cases involving forfeiture/eviction actions in which at least 5% of the purchase price has been paid or other meritorious defense exists
2. Land contract cases in which the buyer has paid the full purchase price but the seller will not transfer the deed or provide clear title

Potential extended representation cases:

1. Mortgage foreclosure cases in which the applicant has income or expectation of income, 30% of which can be applied to the mortgage, and which the applicant is placing in escrow, so that reinstatement, loan modification or loss mitigation is viable
2. Foreclosure cases in which the applicant has a meritorious defense to the foreclosure including mortgage servicing abuse defenses/counterclaims
3. Quiet title cases, adverse possession cases for an applicant in possession, and tax sale defense cases where the applicant has a meritorious legal claim



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4. Preparation of an Affidavit of Heirship when necessary for client living in residence to work with mortgage holder
5. Pre-foreclosure cases presenting the above issues

Advice or Brief Service cases:

1. Evicting an adult child, or a third party without a bona fide rental arrangement, who will not leave the residence of the applicant (absent evidence of abuse or special grant funding for such matters, in which case they are eligible for potential representation)
2. Foreclosure cases in which the applicant wants to negotiate an *in rem* judgment, a deed in lieu, or a short sale.
3. Foreclosure cases in which the applicant has clearly insufficient income, no hope of income in the near future, and/or does not want to remain in the dwelling
4. Land contract forfeitures in which the applicant has little to no equity and/or does not want to retain the property
5. Tax sale cases which have been completed

Rejection or Referral cases:

1. Easement or boundary disputes; damage or other disputes with neighbors
2. Affirmative breach of contract/ breach of warranty claims by buyers
3. Disputes with municipalities regarding water or sewage hookups
4. Claims for sellers of property unless a vulnerable or defrauded seller
5. The drafting of sales contracts or deeds

Other Housing Matters

Problem Code 69

Rejection or Referral cases:

1. Other housing matters not described above will be rejected or referred unless the case has legal merit and presents an instance of grievous injustice.



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Income Maintenance

TANF and Food Stamps

Problem Codes 71 and 73

Extended Representation cases:

1. Administrative appeals of denials or terminations of TANF or SNAP (Food Stamps), if meritorious
2. Administrative appeals of overpayment claims, if meritorious defense exists
3. Administrative appeals of SNAP and TANF fraud claims, if meritorious defense exists

Potential extended representation cases:

1. Judicial review, if meritorious grounds exist and we represented the client in the underlying administrative action
2. Judicial review, if we did not represent the client in the underlying administrative action but appeal is likely to result in positive systemic change

Advice and Brief Service cases:

1. SNAP and TANF denials or terminations with no meritorious grounds for appeal
2. SNAP and TANF fraud cases with no meritorious defense.
3. SNAP and TANF overpayments with no meritorious defense

Rejection and referral cases:

1. Judicial review cases without merit.
2. Judicial review where no systemic change is expected to result and we did not represent the applicant in the underlying administrative proceedings



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Social Security (not SSDI)

Problem Code 72

Extended Representation cases:

1. Appeal of benefit (survivor, widow, and retirement) termination when meritorious and where successful referral is unlikely
2. Appeal or waiver of overpayment

Potential extended representation cases:

1. Initial application denial of survivor, widow, or retirement benefits where meritorious and referral is unlikely to be successful.

Advice and Brief Service cases:

1. Advice re appeal rights, standards, etc. where case lacks merit

Rejection and referral cases:

1. Any case where referral is likely to be successful

SSDI and SSI

Problem Codes 74 and 75

Extended Representation cases:

1. Appeal or waiver of overpayment
2. Appeal of SSI initial denial where the applicant was approved for a BDDS waiver
3. Appeal of benefit termination when meritorious and where successful referral is unlikely

Potential extended representation cases:

1. Establishment of disability cases if client has been turned down by at least two private attorneys and the case has merit

Advice and Brief Service cases:



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1. Establishment of disability clients will be advised and referred to private attorneys absent special grant funding or unless private assistance is unavailable
2. Advice concerning income and asset rules
3. Gathering evidence for cases for administrative appeal where, through an existing partnership (such as a medical legal partnership), advice and brief service can be provided to help improve applicant's application for SSI or SSDI

Unemployment Compensation

Problem Code 76

Extended Representation cases:

1. Denials of unemployment compensation if claim appears to have merit
2. Defense of meritorious benefit claim where employer appeals award

Potential extended representation cases:

1. Overpayment recoupment cases, when meritorious defense exists
2. Appellate review for cases handled pro se through agency appeal where appeal could result in positive, systemic change for our client population

Advice and Brief Service cases:

1. Appellate review for cases handled pro se through agency appeal unless systemic issue is apparent.
2. Advice regarding hardship waivers

Veterans Benefits

Problem Code 77

Extended Representation cases:

1. Discharge Upgrade to establish eligibility for veteran's benefits or for re-entry into military
2. Benefit overpayment appeals

Potential extended representation cases:



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1. Appeal Veterans Benefits Denials with merit (if no other advocate (veteran organization, county veteran service organization, or vet law firm will take the case)
2. Arrears in Pay (from DoD)

Advice and Brief Service cases:

1. VA Medical Care issue NOT tort (if no other advocate (veteran organization, county veteran service organization, or vet law firm) will take the case)

Rejection and referral cases:

1. Discharge Upgrade cases when eligibility for Veterans benefits has been established – refer to pro bono attorney / program
2. Application for and appeal of VA benefits referred to advocate (veteran organization, county veteran service organization, or vet law firm)
3. VA Medical Care issues referred to veteran organization, county veteran service organization, or vet law firm – Torts must be referred to law firm

Township Trustee / State and Local Income Maintenance

Problem Code 78

Extended Representation cases:

1. Appeal of denial of township trustee assistance improper on its face
2. Appeal of improper conditions of trustee assistance (e.g. requiring disabled client to work)
3. Denials of trustee assistance based on factual disputes (applicant failure to look for employment, applicant household misrepresented, applicant failure to complete previous work order, etc.)
4. Appeal where trustee standard has no rational relationship to the need.



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Other Income Maintenance

Problem Code 79

Rejection and referral cases:

1. Pension, annuity and similar claims: information will be provided about the Mid-America Pension Rights Project and referrals will be made to the local Lawyer Referral Service as appropriate
2. Workers compensation or short-term private disability insurance cases
3. Other private disability insurance matters

Individual Rights

Immigration/Naturalization

Problem Code 81

Extended Representation cases:

1. Cases for individuals who have been victims (or minor child has been victim) of a violent crime, including but not limited to human trafficking, domestic violence, extreme cruelty, sexual assault, felonious assault, child abuse, and are eligible for a humanitarian immigration benefit. Services also apply to derivative family members both in the US and outside of the US. Representation may include representation in Immigration Court. Humanitarian benefits include but are not limited to:
 - a. Asylum
 - b. U-Nonimmigrant Status
 - c. T-Nonimmigrant Status
 - d. T-Nonimmigrant Visa (including continued presence)
 - e. Special Immigrant Juvenile Status (SIJS)
 - f. Violence Against Women Act (VAWA)



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2. Cases for individuals who have been victim of a violent crime and are eligible for a family-based or other immigration benefit.
3. Cases for beneficiaries of humanitarian visas, seeking assistance on an application for a family member. Including, but not limited to:
 - a. Refugee/Asylee Follow to Join Application (I730)
 - b. Consular Processing for U or T derivatives
 - c. I-929 application for U-Visa principal family member
 - d. Consular Processing for VAWA derivatives
4. Adjustment of Status and naturalization for beneficiaries of a humanitarian immigration benefits, including derivative family members.

Potential extended representation cases:

1. Legal Permanent Residents eligible to apply for naturalization or proof of citizenship
2. Cases for individuals seeking representation on a family-based immigration petition where the immigrant family member is eligible to apply for adjustment of status from within the United States. Including but not limited to:
 - a. Standard one-step adjustments for immediate family members
 - b. Applicants eligible to adjust under 245(i)
 - c. Applicants eligible to utilize parole in place, advance parole, or other similar benefit
3. Cases for individuals seeking representation on a family-based immigration petition where the immigrant family member is in Indiana but will require a provisional unlawful presence waiver and extreme hardship has been identified

Advice and Brief Service cases:

1. Cases for individuals seeking representation on a family-based immigration petition where immigrant family member is abroad, including the fiancé visa, unless a compelling need is presented.

Rejection and referral cases:



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1. Deportation defense cases where there is no identifiable humanitarian or family-based available
2. Cases for individuals seeking representation on a family-based immigration petition where the immigrant family member is abroad & requires an I-601 waiver or is otherwise subject to an extended unlawful presence bar
3. Employment-based immigration assistance
4. Assistance with applying for a tourist visa (B1/B2)

Mental Health

Problem Code 82

Rejection and referral cases:

1. Applicants with mental health commitment matters will be informed of the availability of court-appointed counsel.

Disability Rights and Civil Rights

Problem Code 84 and 85

Advice and Brief Service cases

1. See Housing and Employment guidelines above for disability and civil rights cases with respect to claims arising out of the housing or employment contexts
2. Applicants with non-housing and non-rights employment claims will be provided advice and brief services with regard to making requests for accommodations

Rejection and referral cases:

1. Disability discrimination/rights and civil rights cases; applicants will be advised cases are fee generating and be referred to appropriate agencies (EEOC, etc), to attorney referral services and to private attorneys as appropriate



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Human Trafficking

Problem Code 86

Problem Code 86

Extended Representation cases:

1. Survivor and Witness Advocacy with Law Enforcement
2. Immigration (cross reference with Immigration, Problem Code 81)
3. Employment; see also Agriculture Worker Claims & H2A suits, Problem Codes 20-29
4. Claims for monetary damages under TVPA (Trafficking Victims Protection Act) when survivor faces barriers in obtaining private attorney
5. Civil Vacateur for Human Trafficking Survivors with non-violent convictions

Potential extended representation cases:

1. Victims Compensation Application with the Office of the Attorney General
2. Protective Orders (cross reference with Domestic Abuse, Problem Code 37)
3. Immigration for Derivative Family Members
4. Public Benefit Access Available to Trafficking Survivors (when they have issues accessing those benefits due to language or other barriers) (Cross reference with Health, Problem Codes 50-59) and Income Maintenance, Problem Codes 70-79)
5. Housing Benefits Available to Trafficking Survivors (when they have issues accessing those benefits due to language or other barriers; cross reference with Housing, Problem Codes 60-69)
6. Guardianship for Abandoned or Neglected Juveniles (Cross reference with Problem Code 44)
7. Family Law (Cross reference with Family, Problem Codes 30-39)

Advice and Brief Service cases:

1. All above issues when applicant is hesitant to take action
2. Employment-based Immigration (not accepted by ILRC)
3. Worker's Comp advice and referral



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Rejection and referral cases:

1. Fee-generating civil legal remedies when private counsel is available
2. Tort cases against traffickers or employers
3. Direct referrals to social worker, case manager, medical service providers (if no legal assistance provided, solely referral)

Note: If you learn that your applicant is a trafficking survivor, please be sure to get in touch with the Migrant Farm Worker Center.

Criminal Record Expungement

Problem Code 87

Extended Representation cases:

1. Expungements of arrests or criminal convictions above a Felony 6 or Felony D level, or those at that level but whose convictions allow for judicial discretion, for applicants who are experiencing barriers to employment, to the receipt of benefits, e.g. housing or SNAP benefits, or barriers to family integrity (e.g. custody or DCS issues)
2. Expungements of arrest and/or conviction records for trafficking victims

Potential extended representation cases:

1. Expungements that are non-discretionary for individuals who have arrests or criminal convictions and are experiencing barriers to employment, the receipt of benefits or family integrity
2. Expungements required in multiple counties for individuals experiencing barriers to employment, the receipt of benefits or family integrity
3. Administrative expungements for individuals accused of child abuse or neglect and who are experiencing barriers to employment, the receipt of benefits or family integrity

Advice and Brief Service cases:

1. Cases not yet ripe for expungement due to time between conviction and application



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2. Expungements for individuals for whom the office doesn't have the resources to represent
3. Expungements for persons not experiencing barriers to employment, benefits or family integrity and who "want their record cleared"

Other Individual Rights

Problem Code 89

Extended Representation cases:

1. Cases for individuals seeking to apply for government services and unable to access this service to due limited English proficiency

Advice and brief service cases:

1. Cases for individuals requiring assistance with applying for or obtaining a US passport or passport from another country for themselves or their children

Rejection and referral cases:

1. Other individual-rights matters not described above will be non-priority unless the case has legal merit and presents an instance of grievous injustice.

Miscellaneous

Legal Assistance to Non-Profit Organization or Group (Including Incorporation/Dissolution)

Problem Code 91

Potential Extended Representation cases:

1. Not-for-Profit assistance for eligible groups
 - Startup
 - Incorporation
 - Initial Governance Documents
 - IRS tax exemption application



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- Ongoing Governance, Compliance, and Capacity
 - Corporate Bylaws and Policies
 - Board Training
 - IRS compliance
 - Operations / Transactions
 - Expansion of Services
 - Real Estate related agreements
 - Employment Agreements / Policies
 - Vendor, contractor, services agreements
2. For Profit assistance for eligible individuals
- Formation
 - Filing of organizing documents (LLC, inc, etc.)
 - Drafting initial governance documents
 - Operations / Transactions
 - Vendor, contractor, services agreements
 - Real Estate related agreements

Rejection and referral cases:

1. Dissolutions of incorporation
2. All other cases of the type rejected or referred under these guidelines.

Indian/Tribal Law

Problem Code 92

Rejection and referral cases: ILS does not appear in Tribal Courts

Licenses (Drivers, Occupational, and Others)

Problem Code 93

Extended Representation cases:

1. Petitions for Specialized Driving Privileges and/or waiver of reinstatement fees when representation will provide more expeditious and/or favorable



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outcome than a *pro se* effort would (e.g. convictions in multiple counties, quirks in local jurisdiction, etc.)

Potential extended representation cases:

1. Petitions for specialized driving privileges generally
2. Petitions for waiver of reinstatement fees generally
3. Petitions for rescission of lifetime suspensions
4. Petitions for specialized driving privileges or rescission in which the applicant has a pending criminal action involving a potential suspension and in which the applicant can request relief
5. Petitions for license reinstatement when license is an occupational license (e.g. nursing licenses, etc. but, per statute, not Commercial Driver Licenses)

Advice and Brief Service cases:

Warning: Advice is very time-sensitive and much advice becomes obsolete immediately if clients obtain new judgements, suspensions, fines, or Failure To Appear charges. Some experts advise against giving any advice absent full representation.

1. Petitions for specialized driving privileges when period until end of license suspension is of such short duration that court order not likely to be obtained prior to suspension end
2. Petitions for specialized driving privileges when review of driving record demonstrates success is unlikely due to existing barriers in the jurisdiction (e.g. A Driving While Intoxicated suspension ordered within the last month in certain courts)
3. Petitions for specialized driving privileges or waiver of reinstatement fees in counties when a review of the applicant's driving record indicates a *pro se* petition has appropriate chance of success
4. Petitions for specialized driving privileges or rescission in which the applicant does not have the funds necessary for reinstatement, e.g. funds for purchase of insurance, etc.



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Torts

Problem Code 94

Rejection and referral cases: ILS does not become involved in tort cases for either the plaintiff or the defendant, but exceptions may be made for tort defense if the case has merit and/or involves a grievous injustice such as a lack of due process or lack of language access and ILS has the resources to assist

Wills/Estates

Problem Code 95

Potential Extended Representation

1. Wills and/or trusts when non-routine drafting is needed and there is a compelling need, such as to protect home for a disabled dependent
2. Probating estates when the property involved is the client's home or is essential to the client's support

Advice and Brief Service

1. May draft routine wills for seniors or the seriously ill, especially if we are providing other services.

Advance Directives/Powers of Attorney

Problem Code 96

Potential Extended Representation

1. When non-routine drafting is needed to protect the client's interests

Advice and Brief Service

1. May draft routine advance directives and/or or provide pro se health care forms where available

Municipal Legal Needs

Problem Code 97



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Rejection and referral cases: ILS does not become involved in municipal legal needs matters.

Tribal Court—Criminal

Problem Code 98

Rejection and referral cases: ILS does not become involved in tribal criminal cases.

Other Miscellaneous

Problem Code 99

Rejection and referral cases: All other miscellaneous legal matters will be rejected and referred to lawyer referral services and/or to the private bar but exceptions may be made for instances of grievous injustice.

(Note: Please make sure that no other problem code applies before using this one.)

Prohibited Cases

LSC statutes and regulations prohibit ILS from handling certain types of cases, from engaging in certain activities, and from representing certain types of persons. It has adopted the policies listed below to ensure ILS complies with the LSC restrictions. These Case Acceptance Guidelines are subordinate to LSC restrictions and will not, under any circumstances, be interpreted to countervail or supercede the policies listed below.

Restrictions on Certain Aliens Policy, authorized by 45 CFR 1626

Representation of Incarcerated Persons Policy, authorized by 45 CFR 1637

Fee-Generating Cases Policy, authorized by 45 CFR 1609

Review of Appeals on Behalf of Clients Policy, authorized by 45 CFR 1605

Class Actions Policy, authorized by 45 CFR 1617



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Representation in Certain Eviction Proceedings Policy, authorized by 45 CFR 1633

Representation in Matters Relating to Efforts to Reform a Welfare System Policy,
authorized by 45 CFR 1639

Prohibitions on Assisted Suicide, Euthanasia, and Mercy Killing Activities Policy,
authorized by 45 CFR 1643

Redistricting Policy, authorized by 45 CFR 1632

Restrictions on Abortion litigation and non-litigation, as required by [42 U.S.C. 2996f\(b\)\(8\)](#) and [Pub. L. 104-134, Tit. V, § 504\(a\)\(14\)](#)

Restrictions on school desegregation, as required by [42 U.S.C. § 2996f\(b\)\(9\)](#)

Restrictions on proceedings involving selective service registration or desertion, as
required by [42 U.S.C. § 2996f\(b\)\(9\)](#)