



**EQUAL
ACCESS
TO JUSTICE**

CASE ACCEPTANCE GUIDELINES 2024

ACKNOWLEDGMENT

A special thank you to the Case Acceptance Guidelines Committee members, who undertook a nearly two-year process of revamping these guidelines during a pandemic and staff-related changes. Before beginning the revision process, the committee pulled and reviewed data regarding ILS' client and applicant populations and held listening sessions on each legal problem code with ILS staff prior to revising the guidelines. The committee revised the guidelines based on the feedback received during the initial ILS staff listening sessions, the listening sessions with ILS staff once the final draft was created, the listening session it held with client-eligible ILS Board members, and the survey responses it received from organizations that serve ILS' client population. The process, which incorporated 360° feedback in a way ILS had not previously undertaken, was designed to ensure that the guidelines reflected the changing needs of ILS' client population.

Thank you to the Case Acceptance Guidelines Committee:

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GUIDING PRINCIPLES OF THE CASE ACCEPTANCE GUIDELINES

Indiana Legal Services' mission is to use the law to fight poverty and racism, empower clients, and improve access to justice. Case acceptance decisions must align with ILS's mission and with its priorities for legal work. The case acceptance guidelines apply to all case acceptance decisions (see exceptions below) and are effective beginning January 1, 2024. To use its resources most efficiently, ILS also will consider:

- ▶ whether the potential applicant'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 on their behalf without counsel.

Certain cases may receive special considerations, such as:

- ▶ Cases where racial injustice or systemic inequity has been identified or suspected, and a lack of representation is likely to perpetuate racial injustice or systemic inequity, will be given priority;
- ▶ Cases where a higher level of service is necessary to overcome barriers or special circumstances that would bar an applicant's access to the court, including persons living with disabilities, older adults, and people with limited English proficiency;
- ▶ Cases where, after consultation and approval by a supervisor, the case handler determines a higher level of services is appropriate and is consistent with ILS's case priorities.

Likewise, applicants whose cases are funded by special funding, such as grants without income limits or for specific purposes, 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, all applicants and clients must cooperate with and be respectful to ILS staff. ILS may decline to provide services to an applicant or client 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 a disciplinary commission, the Better Business Bureau, or with other entities or with a court.

ILS adopts the following levels of assistance:

Extended Representation

Extended representation (also known as extended service) is legal assistance of a continuous nature and requires the case handler to perform multiple tasks related to the representation. Examples of extended representation include extended negotiations with a third party (e.g., a landlord) or representing a client in an administrative adjudicative proceeding, alternative dispute resolution proceeding, or litigation.

Potential Extended Representation

Case types that the case acceptance guidelines list as potential extended representation cases may be accepted for extended representation if a case handler's caseload and other ILS resources are available. Potential extended representation cases may also be referred to PAI professionals.

Advice or Brief Service

Advice only means legal assistance that is limited to the review of information relevant to the client's legal problem(s) and counseling the client on the relevant law and/or suggested course of action. Advice only does not include the drafting of documents or making third-party contacts on behalf of the client.

Brief service or limited action means legal assistance provided to a client that is discrete and time-limited, and is at a level of service beyond that of advice and consultation. Brief service includes activities, such as making limited third-party contacts or drafting documents on behalf of a client.

Rejection and Referral

Rejection and referral means to decline to provide any legal assistance to an applicant. In such circumstances, ILS will only refer the applicant to other entities. Legal information may be provided, but no advice or pro se assistance will be given, and intake may be curtailed where noted in the guidelines or intake manual.

Cases that are permitted to be accepted for extended service, advice, or brief service may be rejected, consistent with ILS's legal work management policies, by an office or project if the office or project does not have sufficient resources to provide assistance for such cases.

In addition to case types that must be rejected, an applicant may be rejected if:

- ▶ The case does not have legal merit;
- ▶ ILS does not have the resources to provide a higher level of assistance;

- ▶ ILS does not have the expertise, knowledge, or resources necessary to gain such expertise or knowledge to competently provide legal assistance.

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Potential Extended Representation

- ▶ Bankruptcy to preserve garnishable income or assets and discharge debt which cannot be managed or otherwise resolved. This includes applicants who are subject to actual or threatened offset of government benefits.
- ▶ Bankruptcy debt clearance to qualify the client for housing or other programs or benefits, such as driver's licenses, professional licenses, or utilities.
- ▶ Bankruptcy to stop abusive collection practices.
- ▶ Bankruptcy for seniors or persons with disabilities, where ongoing debt collection is causing significant mental health problems and there's no other remedy.
- ▶ Chapter 13 Bankruptcy to preserve a substantial asset, such as a house or vehicle.

Advice and Brief Service

- ▶ Judgement-proof applicants who do not meet one of the requirements for extended representation.
- ▶ Bankruptcies that may be advisable in the future, but are not available or advisable at the present time.

Rejection and Referral

- ▶ Cases in which Chapter 13 is the best option for an applicant who does not meet one of the requirements of extended representation.

Extended Representation

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

Potential Extended Representation

- ▶ Setting aside a default judgment, where there is a meritorious defense.
- ▶ Collection defense if a meritorious defense exists.
- ▶ Petitions or negotiation for garnishment reduction or legal/constitutional challenge to garnishment amounts when significant harm exists.

Advice and Brief Service

- ▶ Cases for which there is no significant defense, and no fraud or abusive conduct is involved.
- ▶ When the applicant would benefit from advice, debt counseling, or limited service (e.g., preparation of affidavits of exemption).

Rejection and Referral

- ▶ Cases involving de minimis debt.

03 Contracts / Warranties

05 Predatory Lending Practices (Not Mortgage)

06 Loans/Installment Purchase (Not Collections)

08 Unfair & Deceptive Acts and Practices

Extended Representation

- ▶ Contracts involving clear fraud or deception, especially those directed at vulnerable seniors, applicants with disabilities, people with limited English proficiency, or other vulnerable populations, or where racial injustice or systemic inequity has been identified or suspected and a lack of representation is likely to perpetuate racial injustice or systemic inequality.
- ▶ 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.
- ▶ Contracts and loans which contain illegal terms.
- ▶ Wrongful mechanics liens or encumbrances against a homeowner.

Potential Extended Representation

- ▶ Contracts for the sale of vehicles that involve predatory conduct (e.g., yo-yo sales, odometer fraud), failure to provide title, or failure to honor warranties.
- ▶ Unfair, predatory, abusive, fraudulent, or deceptive conduct and/or contracts in transactions such as home solicitation sales, payday loans, home repair contracts or mortgage rescue contracts.

Advice and brief service

- ▶ Contracts without fraud, deception, or predatory conduct, in which legal advice will help the applicant understand their rights and duties.

Rejection and referral

- ▶ Cases involving de minimis debt or legal issues.
- ▶ Cases in which state agencies such as the Attorney General or the Department of Financial Institutions can provide effective or immediate assistance.

07 Public Utilities

Extended Representation

- ▶ Utility service denials or terminations which appear to be unlawful, and which cause substantial hardship to the applicant.

Potential Extended Representation

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

Advice and Brief Service

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

09 Other Consumer

Potential Extended Representation

- ▶ Cases (not included in the above categories 01-08) involving a consumer-related issue which disproportionately affects a significant number of the client-eligible or vulnerable populations including, or where racial injustice or systemic inequity has been identified or suspected and a lack of representation is likely to perpetuate racial injustice or systemic inequity.

- ▶ Other credit or collection issues that impact low-income and/or people of color that impact one's ability to find housing or employment, including credit discrimination, inaccurate reporting of sealed evictions, expunged records, or parked debt related to alleged rental debt.
- ▶ Defense against civil forfeiture actions prosecuted against vulnerable populations including where racial injustice or systemic inequity has been identified or suspected and a lack of representation is likely to perpetuate racial injustice or systemic inequity.

Advice and Brief Service

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

12 Discipline (Including Expulsion and Suspension)

Potential Extended Representation

- ▶ 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.
- ▶ Representation in “manifestation” hearings to determine whether problematic student behavior is a manifestation of a student’s disability.

Advice and Brief Service

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

13 Special Education/Learning Disability

Potential Extended Representation

- ▶ 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.

Advice and Brief Service

- ▶ All other cases involving Special Education services.

14 Access (Including Billing, Residence, Testing)

Potential Extended Representation

- ▶ 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

- ▶ All other state-funded education access cases.

15 Vocational Education

- ▶ Cases arising out of vocational programs in public high schools will be handled per the guidelines for discipline, special education, and access described above.
- ▶ 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.
- ▶ Cases involving vocational rehabilitation will be handled per the guidelines for benefits cases.

16 Student Financial Aid

Potential Extended Representation

- ▶ Defense against student debt collection actions when meritorious defense exists.

Advice and Brief Service

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

Rejection and Referral

- ▶ All other education cases will be rejected or referred.

Potential Extended Representation

- ▶ A pre-EEOC discrimination case where the applicant does not speak English and anticipated damages are less than \$2500.
- ▶ A pre-EEOC discrimination case (regardless of anticipated damages) where the applicant does not speak English and has non-fee generating claims, including Agriculture Worker Protection Act violations.
- ▶ Title VII discrimination cases based on sexual orientation when:
 - Damages are below \$5,000 and
 - The applicant lives outside Marion County.
- ▶ Title VII discrimination cases based upon gender identity.

Advice and Brief Service

- ▶ Applicants whose cases are not accepted for extended representation may 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.
- ▶ Applicants whose cases are not accepted for full representation may be advised about retaliation protections.

Potential Extended Representation

- ▶ A Fair Labor Standards Act (FLSA) case that requires international or multilingual depositions when the anticipated damages are less than \$2500.
- ▶ A FLSA case for Spanish-speaking applicants where depositions likely will take place in Mexico.
- ▶ A FLSA case with estimated damages less than \$10,000 that also includes non-fee generating claims (like Agriculture Worker Protection Act violations) for Spanish-speaking applicants without valid U.S. immigration status.
- ▶ A FLSA case for a group of Spanish-speaking applicants who reside in Mexico and for whom depositions will take place in Mexico.
- ▶ A Trafficking Victims Protection Act case regardless of language or physical presence in the U.S.
- ▶ Employment cases (fee-generating or not) where non-citizen applicants have been victimized and need concurrent immigration assistance (T or U visas) based on the workplace crimes.
- ▶ Indiana Wage Claim for applicants who cannot access private counsel.
- ▶ Employment cases where non-citizen applicants have been victimized and need concurrent immigration assistance based on the workplace crimes.

Advice and Brief Service

- ▶ Applicants whose cases are not accepted for full representation may be advised about the above claims and retaliation protections.
- ▶ Advice on how to file DOL complaints and pro se wage claims.
- ▶ Advice about statute of limitations affecting their claim or of any difficulties asserting their claims.

Rejection and Referral

Applicants wanting assistance with filing for EITC benefits will be referred to the numerous community agencies that assist low-income individuals with filing tax returns. Applicants with problems involving submitted EITC claims will be referred to the ILS Low Income Taxpayer Clinic.

Rejection and Referral

- ▶ Applicants 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 Taxpayer Clinic.

Potential Extended Representation

- ▶ Worker's Compensation cases for applicants who cannot access private counsel.
- ▶ Breach of Contract claims against an employer.
- ▶ Family Medical Leave Act violation claims against an employer.
- ▶ Americans with Disabilities Act violations claims against an employer.
- ▶ Assisting the applicant in reporting workplace violations to appropriate administrative agencies (i.e., DOL, OSHA).
- ▶ Assisting the applicant in wrongful termination claims associated with the Indiana State Employees Appeals Commission.

Advice and Brief Service

- ▶ An applicant whose legal issue is not accepted for full representation may be advised about the above claims and retaliation protections.

26 Agricultural Worker Issues (Non-wage claim or FLSA)

Potential Extended Representation

- ▶ Agriculture Worker Protection Act (AWPA) claims.
- ▶ Breach of contract claims.

Advice and Brief Service

- ▶ An applicant not accepted for full representation may be advised about the above claims and retaliation protections.

29 Other Employment

Advice and Brief Service

- ▶ Applicants with other employment claims will receive appropriate advice as staff resources allow.

Advice or Brief Service

- ▶ Applicants wishing to oppose an adoption proceeding and who have the right to request court-appointed counsel, will be advised of the right to request court-appointed counsel.

Rejection and Referral

- ▶ Applicants wishing to file a petition for adoption.

Extended Representation

- ▶ Initial custody determinations or custody modification cases when the applicant or children have experienced recent, ongoing, or substantial interpersonal violence and court intervention and ILS's services are, because of the recent, ongoing, or substantial violence, necessary to provide family safety or stability.
 - Interpersonal violence includes physical, sexual, mental, emotional, financial, legal, immigration, religious, gender-based, cultural, or reproductive abuse, and it may involve deprivation or neglect.
 - Representation may be necessary because of other factors that may affect the case, such as mental health, addiction, housing insecurity, or other conditions caused or exacerbated by violence. It may also be necessary where fear or intimidation may prevent an applicant from seeking other assistance if ILS does not provide services.

Potential Extended Representation

- ▶ Defense against custody establishment or modification cases brought in violation of the UCCJEA.
- ▶ Petitions to modify custody where the legal custodian has abandoned the child with the applicant or acquiesced to the applicant's actual custody of the child for 3 or more months and services are needed to ensure adequate service on other parties or to address the child's health, educational, or other needs.

- ▶ Custody/visitation modifications for a parent with a health condition, including substance use disorder or a mental health diagnosis that impairs their access to courts or services needed to succeed in litigation pro se.

Advice or Brief Service

- ▶ All other custody or visitation establishment, enforcement, or modification cases for either the Petitioner or the Respondent when we can provide meaningful legal assistance.
- ▶ Representing a non-custodial non-parent, such as a grandparent, against a biological parent in a contested proceeding.
- ▶ Matters that would ordinarily be considered for representation where the applicant is eligible for assistance through an available clinic or other service.

Extended Representation

- ▶ Divorce cases where the adverse party has committed substantial interpersonal violence against the applicant or the applicant's children within the past year or where substantial interpersonal violence appears imminent.
 - "Interpersonal violence" includes physical, sexual, mental, emotional, financial, legal, immigration, religious, gender-based, cultural, or reproductive abuse, and it may involve deprivation or neglect.

Potential Extended Representation

- ▶ Divorce for survivors of interpersonal violence with children where the most recent incident of violence was more than one year ago.
- ▶ Defense to divorce filed in violation of residency statutes.
- ▶ Divorce or post-decree enforcement when the financial circumstances of the applicant affect the applicant's ability to live (such as financial necessity to obtain spousal maintenance/division of marital property).
- ▶ Cases where the applicant has been unsuccessful in obtaining a divorce pro se due to procedural difficulties such as service, form of pleadings, local rules, publication service, issues related to children not of the marriage.

Advice or Brief Service

- ▶ Divorce when there is a history of interpersonal violence older than a year and the applicant has no children in the household.
- ▶ Divorce without a history of domestic violence.
- ▶ Separation and or Annulment cases.
- ▶ Respondent's attempt to prevent a divorce or separation (unless a residency/jurisdictional issue exists)
- ▶ Post-dissolution decree enforcement or collection cases

Reject/Refer:

- ▶ Where pro bono clinics or other pro bono attorneys are available through other organizations or bar associations.

Extended Representation

- ▶ Termination or limitation of, or defense against, a guardianship when the applicant, the proposed or actual protected person, is able to articulate meritorious legal objections to the guardianship.
- ▶ Termination of or defense against a guardianship when the protected person, (the applicant) is being financially or physically abused and is able to consent to representation or has an attorney- in-fact who consents.
- ▶ Cases involving abuse of process or lack of due process brought by the alleged protected person, as the applicant, or by an attorney-in-fact who is the applicant.

Potential Extended Representation

- ▶ Guardianship establishment when referred from a partner organization (e.g., medical-legal partnership), is not funded with LSC funding, and the proposed protected person has not previously expressed an objection to the applicant (the proposed guardian) serving as the protected person's guardian.
- ▶ Guardianship establishment over a proposed protected person who has a dire need that is unable to be met through alternatives and the applicant (the guardian) is seeking a guardianship to help meet the dire need of the protected person, and where the proposed protected person has not previously expressed an objection to the applicant, the proposed guardian, serving as the protected person's guardian. A dire need is present when:
 - the proposed protected person's mental or physical health is deteriorating due to a lack of healthcare, and it is believed the person would seek health care but for their incapacitation,
 - the proposed protected person is being financially exploited by an attorney-in-fact, representative payee, or some other person with a fiduciary duty of care,
 - the proposed protected person is being physically, mentally, or emotionally abused and is unable to escape such abuse due to their incapacitation, or
 - the guardianship is needed to obtain public benefits, private health insurance benefits, life insurance benefits, retirement benefits, or other financial resources that are necessary to meet the protected person's housing, food, transportation, health care treatment, or other basic needs.

Advice or Brief Service

- ▶ Advice on avoiding the need for the appointment of a guardian when the appointment of a guardian is requested by a proposed protected person, or the proposed protected person is seeking advice on how to prevent the need for a guardian in the future.
- ▶ Advice when it is apparent from the facts contained in the intake or file that the protected person is incapacitated, but there are means less restrictive than a guardianship to assist the protected person.
- ▶ Uncontested substitution of guardian
- ▶ Designations of stand-by guardians; pro se packets will be provided.
- ▶ Guardianship reports for guardianships of the person; pro se packets will be provided. Brief service may be provided when the guardian has been unable to complete the report pro se.
- ▶ Guardianship biennial accountings when the guardianship assets are not sufficient to pay attorney's fees, there are restrictions on the guardianship assets that prevent the use of the funds for attorney's fees, or the use of the guardianship assets will prematurely exhaust the guardianship estate.

Rejection and Referral

- ▶ Disputes between persons competing to be guardian, absent evidence of abuse or neglect by one of the proposed guardians.
- ▶ Preparation/filing of a financial accounting for the guardian that does not meet one of the exceptions above.
- ▶ Defense of guardian who opposes a petition for termination of guardianship filed on behalf of the protected person.
- ▶ Representation of proposed guardian when less restrictive means are reasonably available to support the protected person.

34 Name Change

Potential Extended Representation

- ▶ 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

- ▶ Name changes for minor children, absent extreme circumstances.
- ▶ Resisting the proposed name change of a child.

35 Parental Rights Termination

Rejection and Referral

- ▶ 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 for these cases will be truncated.

36 Paternity

Potential Extended Representation

- ▶ Rescission of paternity affidavits executed by material mistake, or through duress or fraud.
- ▶ Petitions to vacate default judgments of paternity when service was faulty, and the Respondent believes he may not be the father of the child.
- ▶ 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

- ▶ 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.
- ▶ Defense against establishment of paternity: information about court-appointed counsel will be provided.

37 Domestic Abuse

Potential Extended Representation

- ▶ Protective order cases where the applicant is being represented by ILS in another matter and the representation in the protective order matter is necessary to accomplish the applicant's litigation goals.
- ▶ Protective order cases where there is no other resource to assist with filing and the applicant needs a protective order to address immediate danger from the respondent.
- ▶ Representation of a respondent where a frivolous protective order petition has been filed for an abusive purpose, such as to frustrate custody or parenting time orders or to effectuate an illegal eviction.
- ▶ Protective order enforcement where prosecutors have declined to bring charges for invasion of privacy or where prosecution is unlikely to resolve urgent safety concerns (e.g., compelling the surrender of firearms or the return of essential property, like medications, vital documents, keys, vehicles, or other property needed for work, school, or medical treatment).

Advice or Brief Service

- ▶ All other protective order cases for petitioners.
- ▶ Advice to respondents seeking dismissal of protective orders where the petitioner's conduct demonstrates the protective order is no longer necessary to keep the petitioner safe.
- ▶ Advice to respondents who identify themselves as having experienced

interpersonal violence from the petitioner.

Reject or refer:

- ▶ All other PO respondents should be rejected and, where appropriate, informed of other possible resources, such as the appointment of a public defender.

38 Support

Potential extended representation cases

- ▶ Support modification, reciprocal support, or enforcement actions, including arrearage determinations, when there has been a significant change in circumstances to support modification, the IV-D office will not effectively assist in the modification, and representation is necessary to alleviate significant financial hardship caused by the current support order.
- ▶ Cases where the applicant is a child support payor who is being subjected to abusive enforcement or contempt practices.
- ▶ Support or arrearage payment modification where the current order exceeds the legal limits for garnishment or deprives the payor of the ability to self-support at a minimum subsistence level.

Advice or Brief Service

- ▶ Support establishment, enforcement, or actions to increase support: referrals will be made to the local Child Support office.
- ▶ Other contempt or enforcement defense: information will be provided about court-appointed counsel.

Reject/Refer

- ▶ Cases where the IV-D prosecutor will assist with modification or enforcement.
- ▶ Referrals to local Lawyer Referral Service, pro bono clinics, or other pro bono organizations where they are available.

Rejection and Referral

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

41 Delinquent

Rejection and Referral

- ▶ All delinquency defense cases will be referred to public defenders.

42 Neglected/abused/ dependent (Chins cases)

Potential Extended Representation

- ▶ Cases in which an appearance in the CHINS case is necessary to further representation of the applicant in another case (e.g., divorce or custody cases).
- ▶ 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

- ▶ Applicants with cases described in the potential extended representation section above and for which the office does not provide extended representation will be provided advice.

Rejection and Referral

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

43 Emancipation

Advice and Brief Service

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

Potential Extended Representation

- ▶ 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.
- ▶ 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.
- ▶ Petitions to terminate guardianships filed by a parent may be pursued when meritorious legal grounds exist.
- ▶ Petitions to establish a guardianship over a minor(s) when the minor child(ren) will have been in the physical custody and care of a third party for more than 30 days when the petition to establish guardianship will be filed with the Court or the other parent or proposed guardian is unable, unwilling, or unsuitable to care for the minor(s).
- ▶ Petitions to establish guardianship or substitute the guardian of a minor(s) when the party having custody of the minor(s) has died or is incapacitated and there is no other person to have care and custody of the minor, or the other parent or proposed guardian is unable, unwilling, or unsuitable to care for the minor(s).
- ▶ Petitions to establish guardianship over a minor(s) when the child or children have experienced recent, ongoing, or substantial abuse or neglect and DCS has chosen not to act or has advised the proposed guardian to pursue a guardianship.

Advice and Brief Service

- ▶ All other minor guardianship cases may be given advice.

Extended Representation

- ▶ Administrative expungements for individuals accused of child abuse or neglect and who are experiencing barriers to employment or housing, the receipt of benefits or family integrity.

Potential Extended Representation

- ▶ Cases where the applicant seeks waiver of fines and fees assessed against the applicant or their child as part of juvenile delinquency cases.

Rejection and Referral

- ▶ All other juvenile cases will be rejected and/or referred.

Extended Representation

- ▶ Termination, denial, or cessation where the case has merit.
- ▶ Reduction or denial of services (such as reduced caregiver hours) having significant health impact.
- ▶ Prior authorization and claim issues (Medicaid not paying something it should pay) where the health care provider supports the prior authorization, and the case has merit.
- ▶ Behavioral and Primary Health Care Coordination Program or Aged & Disabled waiver program terminations or cessations or waiver denials
- ▶ Medicaid overpayment cases when there is a defense to the overpayment and where the overpayment would create a hardship.
- ▶ Cases challenging lockout, power account or copayment amounts, where the case has merit.
- ▶ Medically Frail denial challenges.

Potential Extended Representation

- ▶ Medicaid termination or cessation or denial cases for over-income seniors when we have special funding.
- ▶ Medicaid due process or fundamental fairness issues related to the unwinding of the public health emergency.
- ▶ Challenges to work requirements
- ▶ Prior Authorization denial when notice hasn't been provided by the managed care entity or the notice is insufficient, and the health care provider supports the prior authorization.

Advice and Brief Service

- ▶ Applicants who are unlikely to succeed will be advised of benefit program standards, appeal procedures and re-application possibilities.
- ▶ Medicaid Planning.
- ▶ Cases where advice is needed to help the individual maintain benefits while an appeal is pending.
- ▶ Cases that lack merit, but advice is necessary to ensure access to administrative process or future access to benefits. These cases will also be provided a referral to an insurance navigator whenever possible.
- ▶ Tobacco Surcharge challenges where the applicant denies current tobacco use.

Rejection and Referral

- ▶ Prior Authorization challenges where the medical service provider does not support the appeal.
- ▶ Tobacco Surcharge challenges where the applicant admits to current tobacco use.
- ▶ Medically Frail appeals where no medical provider supports finding of medical frailty.

Extended Representation

- ▶ Coverage issues, such as termination of or denial of coverage for any of the following where the need is shown for services:
 - Hospital
 - Skilled nursing facility
 - Hospice
 - Therapy services

Potential Extended Representation

- ▶ Secondary payer issues when litigation against the applicant is threatened or filed against the applicant for a claim that should have been paid by a secondary payer.
- ▶ Other Medicare coverage issues.

Advice and Brief Service

- ▶ Applicants who are unlikely to succeed with their case will be advised of benefit program standards, appeal procedures, and re-application possibilities.
- ▶ Cases where advice is needed to help the individual maintain benefits while an appeal is pending.

Rejection and Referral

- ▶ Amount in question is less than \$100 and is unlikely to repeat.

Extended Representation

- ▶ Cessations and reductions in service when they significantly impact the quality of life or safety of the applicant.

Potential Extended Representation

- ▶ Appeals of denials of aged and disability waivers for home and community-
- ▶ Community-based care when the waiver is needed to significantly improve the quality of life or safety of the applicant.

Advice or Brief Service

- ▶ Assistance with determining eligibility for waivers for disability home and community-based care.
- ▶ Assistance with determining eligibility for aged waiver for home and community-based care.

Potential Extended Representation

- ▶ Reduction or denial of covered services (such as reduced caregiver hours).
- ▶ Appeals for issues related to the Healthcare Exchange (i.e., healthcare.gov), including appeals related to obtaining an exception on healthcare.gov to a special enrollment period due to loss of coverage from a prior health insurance carrier.
- ▶ Coordination of insurance or billing issues.
- ▶ Assistance obtaining an exception to the open enrollment period.

Advice and Brief Service

- ▶ Prior authorizations.
- ▶ Applicants who are unlikely to succeed with their case will be advised of

benefit program standards, appeal procedures and re-application possibilities.

56 Long Term Health Care Facilities

Possible Extended Representation

- ▶ Involuntary discharge or transfer of resident when it has not been or cannot be resolved with ombudsman assistance or the nursing facility is represented by a lawyer.
- ▶ Refusal of nursing home to readmit resident after hospitalization when it has not been or cannot be resolved with ombudsman assistance or the nursing facility is represented by a lawyer.
- ▶ Accommodation issues when it has not been or cannot be resolved with ombudsman assistance or the nursing facility is represented by a lawyer.
- ▶ Personal Needs allowance issues when it has not been or cannot be resolved with ombudsman assistance or the nursing facility is represented by a lawyer.
- ▶ Disputes about nursing home fees when it has not or cannot be resolved with ombudsman assistance or the nursing facility is represented by a lawyer.
- ▶ Disputes about the level of care needed by the applicant when it has not or cannot be resolved with ombudsman assistance or the nursing facility is represented by a lawyer.

Rejection and Referral

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

Potential Extended Representation

- ▶ Credential issues with the local health department, such as obtaining vaccine records or birth certificates where the applicant needs credentials in order to obtain a public benefits, education, or employment.

Advice and Brief Service

- ▶ Credential issues with the local health department or state health department regarding who can legally access records an applicant needs to obtain public benefits, education, or employment.

Advice and Brief Service

- ▶ Amendment of medical records where the medical record could affect the applicant's ability to obtain public benefits, private disability benefits, or the applicant's access to healthcare.
- ▶ Advice and referral in cases where an applicant has a complaint regarding health care provider discrimination.

Rejection and Referral

- ▶ 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.

For all landlord-tenant matters, cases with vulnerable populations including where racial injustice or systemic inequity have been identified or suspected and a lack of representation is likely to perpetuate racial injustice or systemic inequity, will be given priority. Similar priority may be given to classes such as persons living with disabilities, older adults, etc.

Extended Representation

- ▶ Cases which affect a person's ability to retain housing subsidies.
- ▶ Cases where transfer of location is necessary to preserve health or well-being for poor living conditions, domestic violence or disability.

Potential Extended Representation

- ▶ Eviction Defense where trials on nonpayment of rent if meritorious defense exists.
- ▶ Trials on landlord/property owner/public housing authority claims for damages and on tenant counterclaims in eviction actions if meritorious defense exists.
- ▶ Affirmative requests or suits that seek to enforce a tenant's rights under federal law.
- ▶ Contacting third parties:
 - Contacting the local health department, code enforcement, building commission office, or public housing authorities on behalf of an applicant when such contact is necessary to preserve an affirmative defense to an eviction.
 - Cases where ILS enters an appearance to advocate with rental assistance organizations to prevent eviction and/or result in dismissal.
- ▶ Requests for Eviction Sealing where the applicant cannot proceed as a pro se litigant due to the complexity of the case or other reasons.

For all landlord-tenant matters, cases with vulnerable populations including where racial injustice or systemic inequity have been identified or suspected and a lack of representation is likely to perpetuate racial injustice or systemic inequity, will be given priority. Similar priority may be given to classes such as persons living with disabilities, older adults, etc.

Extended Representation

- ▶ Emergency possessory orders where the tenant has an imminent risk of homelessness.
- ▶ Eviction Defense that involves:
 - rent being accepted after the eviction notice;
 - eviction pursued by private Landlords despite a lack of proving service or notice to the tenant;
 - retaliation for substantiated reports to building inspectors, code enforcement or the health department;
 - health issues (emergency issues affecting health, structural issues threatening health and safety, other threats to health and safety, or other equally serious issues);
 - severe habitability issues such as lockouts, no heat during winter months, no water, no electricity, serious and persistent roof leaks, or other equally serious issues;
 - other viable legal defenses with a reasonable likelihood of success to an eviction, regardless of whether rent is in arrears; or
 - access to justice issues (hallway hearings, hearings that do not take place in the presence of judicial officers).
- ▶ Trials for damages or counterclaims when necessary for eviction sealing or where a meritorious defense exists.

Potential Extended Representation

- ▶ Eviction Defense on nonpayment of rent where meritorious defense exists.
- ▶ Affirmative requests or suits that:
 - affect social determinants of health or factors identified in the preamble,
 - seek reasonable accommodations or modifications related to disability or domestic violence, or
 - seek repairs or lease termination due to landlord's failure to make

repairs (both for critical habitability issues described above and others such as mold, lead, bedbugs, small leaks, and like issues).

- ▶ Contact to third parties:
 - Contacting the local health department, code enforcement, building commission office, or public housing authorities on behalf of the applicant when such contact is necessary to preserve an affirmative defense to an eviction.
 - Cases where ILS enters an appearance to advocate with rental assistance organizations to prevent eviction and/or result in dismissal.
- ▶ Requests for Eviction Sealing where the applicant cannot proceed as a pro se litigant due to the complexity of the case or other reasons.

Advice or Brief Service

- ▶ Cases ineligible for Eviction Sealing or where no meritorious defense exists.
- ▶ Independent claims for security deposits or for small amounts of damages to property or to health and information regarding the return of property after an eviction.
- ▶ Requests to Landlords regarding pay and stay agreements or agreed move outs.
- ▶ Letters to prospective Landlords about cases that were dismissed, resolved by settlement agreement, court-documented pay and stay agreement, or resolved by agreed move out.
- ▶ Eviction Sealing where the applicant can proceed as a pro se litigant.

Rejection and Referral

- ▶ 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.
- ▶ Claims or counterclaims 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 local lawyer referral service is unavailable.
- ▶ Any matter involving a request for assistance from a landlord with a legal issue arising from their property rental business. This does not apply to requests for assistance when the applicant is seeking assistance with evicting or ejecting a family member, intimate partner, or roommate with whom they do not have a

lease or sublease and the person to be evicted or ejected has committed interpersonal violence against the applicant or poses a threat to the applicant or the applicant's physical or mental health. For purposes of this paragraph, actual or threatened violence against a vulnerable or at-risk member of the applicant or the applicant's household is considered a threat to the applicant or the applicant's physical or mental health.

If the applicant has no ownership interest in the mobile home or will not lose an investment in the mobile home, it may be appropriate to treat the application as a Landlord-Tenant Matter. The Case Acceptance Guidelines in this chapter only apply when there is an issue of ownership of the mobile home.

Extended Representation

- ▶ When the applicant has paid purchase price for mobile home and/or where there is a vested interest in the mobile home and owner of park is attempting to evict the applicant to get title to the mobile home.
- ▶ Evictions with meritorious defenses (see private landlord/tenant guidelines):
 - When representation would be helpful to enforce compliance with a statute (e.g., property tax code) and potentially avoid eviction.
 - When representation would be helpful to obtain title to the mobile home, particularly when the applicant has invested significantly into updates to the mobile home.
 - Retaliation against the applicant due to a domestic violence element or random crimes.
 - Utility shut offs, interference with access, lockouts, or other self-help measures.

Potential Extended service:

- ▶ Attempt to confiscate the property of the applicant to force payment of rent under mobile home park owner's lien law.
- ▶ Where mobile home park is not transferring title after the home is paid off even when there is no threat of eviction from the park.
- ▶ Bad behavior of park owner which involves severe habitability issues such as no heat during winter months, no water, no electricity, serious and persistent roof leaks, or other equally serious issues.

Advice or Brief Services:

- ▶ Issues where landlord refuses to uphold its duty under the law, i.e., refusing to make repairs to common areas (see private landlord/tenant guidelines).
- ▶ Fines levied against the applicant due to minor lease or mobile home park rules violations, selective enforcement of rules and where negotiation with park management would be helpful to avoid lease termination or eviction, etc.

- ▶ Reasonable accommodations are needed for the applicant to be able to comply with the lease or be allowed to enjoy the property as anyone else (see private landlord/tenant guidelines).
- ▶ The applicant does not have the means to maintain the mobile home, pay the lot rent, or move the home, or the mobile home park is holding the mobile home for ransom, etc.
- ▶ Issues of mobile home abandonment.

Rejection and Referral

- ▶ If the resolution of the case requires the filing of a probate action.

62 Homeownership/Real Property (Not Foreclosure)

67 Mortgage Foreclosures (Not Predatory Lending Practices)

68 Mortgage Predatory Lending/Practices

Extended Representation

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

Potential Extended Representation

- ▶ Mortgage foreclosure and pre-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.
- ▶ Mortgage foreclosure and pre-foreclosure cases in which the applicant has a meritorious defense to the foreclosure, including mortgage servicing abuse defenses/counterclaims.
- ▶ Quiet title cases, adverse possession cases for an applicant in possession, and tax sale defense cases where the applicant has a meritorious legal claim.
- ▶ Preparation of an Affidavit of Heirship when necessary for an applicant living in the residence to work with the mortgage holder.

Advice or Brief Service

- ▶ Evicting an adult child or a third party without a bona fide rental arrangement who will not leave the applicant's residence (absent evidence of abuse or special grant funding for such matters, in which case they are eligible for

potential representation).

- ▶ Foreclosure cases in which the applicant wants to negotiate an *in rem* judgment, a deed in lieu, or a short sale.
- ▶ 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.
- ▶ Land contract forfeitures in which the applicant has little to no equity and/or does not want to retain the property.
- ▶ Tax sale cases which have been completed.

Rejection and Referral

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

66 Housing Discrimination

For all landlord-tenant matters, cases with vulnerable populations, including where racial injustice or systemic inequity has been identified or suspected and a lack of representation is likely to perpetuate racial injustice or systemic inequity, will be given priority. Similar priority may be given to classes such as persons living with disabilities, older adults, etc.

Potential Extended Representation

- ▶ Meritorious claims of housing discrimination that could expand protections under state or local anti-discrimination laws, such as those based on sexual orientation, gender identity, or immigration status.

- ▶ Housing discrimination claims based on immigration status or for violations of agriculture or migrant farmworker laws.
- ▶ Meritorious claims of housing discrimination based on medical diagnosis, such as HIV status.
- ▶ Advocacy, negotiation, or mediation with landlords about discriminatory housing policies, procedures, or actions for the purpose of preserving housing and/or avoiding an eviction or eviction filing.

Advice or Brief Service

- ▶ Cases where advice is necessary to preserve a claim of housing discrimination.

Rejection and Referral

- ▶ Most cases will be referred to the Fair Housing Center of Central Indiana, the Indiana Civil Rights Commission, local Human Rights Commissions, or a lawyer referral service.

69 Other Housing

Rejection and Referral

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

Extended Representation

- ▶ Administrative appeals of denials or terminations of TANF or SNAP (Food Stamps), if meritorious.
- ▶ Administrative appeals of overpayment claims, if meritorious defense exists and/or the amount calculated is incorrect and our involvement is necessary to reduce or limit the amount the person owes.
- ▶ Administrative appeals of SNAP and TANF fraud claims if meritorious defense exists.
- ▶ Administrative appeals of SNAP and TANF benefit determinations when the correct benefit amount is substantially more than the benefit determination.

Potential Extended Representation

- ▶ Judicial review when meritorious grounds exist, and we represented the applicant in the underlying administrative action.
- ▶ Judicial review when we did not represent the applicant in the underlying administrative action, but an appeal is likely to result in positive systemic change.

Advice and Brief Service

- ▶ SNAP and TANF denials or terminations when there are no meritorious grounds for appeal.
- ▶ SNAP and TANF fraud cases when there is no meritorious defense.
- ▶ SNAP and TANF overpayments when there is no meritorious defense.
- ▶ Advice on how to appeal SNAP and TANF benefit determinations when the correct amount is not substantially less than the benefit determination.

Rejection and Referral

- ▶ Judicial review when, if successful, no systemic change is expected to result,

and we did not represent the applicant in the underlying administrative proceedings.

72 Social Security (not SSI)

Extended Representation

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

Potential Extended Representation

- ▶ Initial application denial of survivor, widow, or retirement benefits where meritorious and two private attorneys have turned down the case.

Advice and Brief Service

- ▶ Advice regarding appeal rights, standards, etc., where the case lacks merit.

Rejection and Referral

- ▶ Any case where referral is likely to be successful.

Extended Representation

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

Potential Extended Representation

- ▶ Establishment of disability cases when the applicant has been turned down by at least two private attorneys and the case has merit.

Advice and Brief Service

- ▶ Establishment of disability the applicants whose cases are not eligible for extended representation will be advised and referred to private attorneys absent special grant funding or unless private assistance is unavailable.
- ▶ Advice concerning financial eligibility for social security (i.e., income and asset rules).
- ▶ 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 the applicant's application for SSI or SSDI.

Rejection and Referral

- ▶ Any case where referral is likely to be successful.

Extended Representation

- ▶ Denials of unemployment compensation if the claim appears to have merit.
- ▶ Defense of meritorious benefit claim where employer appeals award.
- ▶ Appeal of unemployment compensation benefit awards that are substantially lower than the benefit amount to which the applicant is entitled.
- ▶ Appeal of unemployment compensation overpayment claims when the agency has substantially miscalculated the overpayment.

Potential Extended Representation

- ▶ Waiver cases when meritorious defense exists.
- ▶ 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

- ▶ Appellate review for cases handled pro se through agency appeal unless the systemic issue is apparent.
- ▶ Advice regarding hardship waivers.
- ▶ Hearing advice for non-meritorious cases.

Extended Representation

- ▶ Discharge Upgrade to establish eligibility for veteran's benefits, for re-entry into the military, or some other tangible benefit.
- ▶ Veterans Administration (VA) Benefits overpayment appeals.
- ▶ Department of Defense (DoD) Overpayments (usually enlistment / reenlistment bonuses when the member did not serve the entire time contracted for)

Potential Extended Representation

- ▶ Appeal of Veterans Benefits Denials with merit (if no other advocate (veteran organization, county veteran service organization, or veterans law firm will take the case)
- ▶ Underpayments or Arrears in Pay (from DoD)
- ▶ Military Records Correction (gender marker/name change, change to discharge documents other than an upgrade).

Advice and Brief Service

- ▶ Civil legal issues with VA Medical Care or services from the VA Medical Center (all services that touch the veteran, including social work, fall under the medical centers), if no other advocate (veteran organization, county veteran service organization, or vet law firm) will take the case and advice, is needed to preserve the person's legal claim.
- ▶ Advice on eligibility for VA Benefits applicable to the veteran or family member and refer to another organization who can assist with application / appeal.
NOTE: Appellate VA Benefits Claims are fee-generating, so we cannot handle these cases as extended services cases.

Rejection and Referral

- ▶ Military Discharge Upgrade cases when eligibility for Veterans benefits has been established or when a discharge upgrade will not provide a tangible benefit. These cases will be referred to a pro bono attorney / program.
- ▶ Application for and appeal of VA benefits will be referred to a veteran advocate (veteran organization, county veteran service organization, or vet law firm).

- ▶ VA Medical Care issues will be referred to a veteran organization, county veteran service organization, or law firm specializing in veteran law services. Tort claims must be referred to a law firm.
- ▶ Applications for assistance seeking appeal of denied claims for VA Benefits will be referred to a VA accredited representative (i.e., VA recognized veteran service organizations and their accredited representatives, VA accredited claims agents, and/or VA accredited attorneys).
- ▶ Request for representation due to a veteran suffering an added disability or the worsening of an existing injury or disease while a veteran was getting VA medical care or taking part in a VA program designed to help them find, obtain, or retain employment (VA Title 38 U.S.C. 1151 claim) will be referred to a veteran organization, county veteran service organization, or VA accredited representative. Tort claims for the same incident must also be referred to a law firm.

Extended Representation

- ▶ Appeal of denial of township trustee assistance improper on its face. This includes when a township trustee denies assistance because the trustee indicates no funds are available and the trustee has failed to follow the statutory procedure for trustee assistance.
- ▶ Appeal of improper conditions of trustee assistance (e.g., requiring an applicant who is disabled to work)
- ▶ Denials of trustee assistance based on factual disputes (applicant failure to look for employment, applicant household misrepresented, applicant failure to complete the previous work order, etc.)
- ▶ Appeal where trustee standard has no rational relationship to the need.

Potential Representation cases:

- ▶ Township Trustee refuses to allow the placement of an application for trustee assistance.

Advice or Brief Service:

- ▶ When the Township Trustee's decision was correct, advising that the decision was correct.

Advice and Brief Service

- ▶ Short-term private disability insurance cases when the applicant is entitled to benefits and the issue involved may be resolved with advice or brief service advocacy.

Rejection and Referral

- ▶ 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.

- ▶ Worker's compensation or short-term private disability insurance cases
- ▶ Other private disability insurance matters

Extended Representation

- ▶ Cases for individuals who have been victims (or a minor child who has been a victim) of a violent crime, including, but not limited to, human trafficking, domestic violence, extreme cruelty, sexual assault, felonious assault, or 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:
 - Asylum
 - U-Nonimmigrant Status
 - T-Nonimmigrant Status
 - T-Nonimmigrant Visa (including continued presence)
 - Special Immigrant Juvenile Status (SIJS)
 - Violence Against Women Act (VAWA)
- ▶ Cases for individuals who have been victims of a violent crime and are eligible for a family-based or other immigration benefit.
- ▶ Cases for beneficiaries of humanitarian visas, seeking assistance on an application for a family member. Including, but not limited to:
- ▶ Refugee/Asylee Follow to Join Application (I730)
- ▶ Consular Processing for U or T derivatives
- ▶ I-929 application for U-Visa principal family member
- ▶ Consular Processing for VAWA derivatives
- ▶ Adjustment of Status and naturalization for beneficiaries of a humanitarian immigration benefits, including derivative family members.

Potential Extended Representation

- ▶ Legal Permanent Residents eligible to apply for naturalization or proof of citizenship.
- ▶ 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:

- Standard one-step adjustments for immediate family members;
 - Applicants who are eligible to adjust under 245(i); and
 - Applicants who are eligible to utilize parole in place, advance parole, or other similar benefit.
- ▶ 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 for individuals seeking representation on a family-based immigration petition where an immigrant family member is abroad, including the fiancé visa, unless a compelling need is presented.

Rejection and Referral

- ▶ Deportation defense cases where there is no identifiable humanitarian or family-based available.
- ▶ 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.
- ▶ Employment-based immigration assistance.
- ▶ Assistance with applying for a tourist visa (B1/B2).

82 Mental Health

Rejection and Referral

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

84 Disability Rights

85 Civil Rights

Advice and Brief Service

- ▶ Applicants with claims other than housing or employment will be provided with advice or brief services with regard to making requests for accommodations or modifications.

Rejection and Referral

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

Extended Representation

- ▶ Survivor and witness advocacy with law enforcement.
- ▶ Claims for monetary damages under TVPA (Trafficking Victims Protection Act) when the survivor faces barriers in obtaining a private attorney.
- ▶ Civil vacatur for human trafficking survivors with non-violent convictions.

Potential Extended Representation

- ▶ Filing a Victims Compensation Act application with the Office of the Attorney General.

Advice and Brief Service

- ▶ Any issue that is permitted to be accepted under the extended representation and potential extended representation sections above, particularly when an applicant is hesitant to take legal action.

Rejection and Referral

- ▶ Fee-generating civil legal remedies when a private attorney is available.
- ▶ Tort cases against traffickers or employers.
- ▶ Direct referrals to a social worker, case manager, or medical service providers (when no legal assistance is provided).

Note: If you learn that your applicant is a trafficking survivor, please work with the Workers' Rights and Protection Project to ensure the applicant is connected with resources for trafficking survivors.

Extended Representation

- ▶ Expungement of 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 or housing, to the receipt of benefits, or barriers to family integrity (e.g., custody or DCS issues).
- ▶ Vacatur or expungement for trafficking survivors with arrests or convictions resulting from a trafficking experience.
- ▶ Petitions for fee waivers or reductions that are serving as a barrier to eligibility for criminal record expungement.

Potential Extended Representation

- ▶ Expungements that are non-discretionary for applicants with arrests or criminal convictions and experiencing barriers to employment or housing, the receipt of benefits, or family integrity.
- ▶ Expungements required in multiple counties for individuals experiencing barriers to employment or housing, the receipt of benefits or family integrity.

Advice and Brief Service

- ▶ Cases not yet ripe for expungement due to time between conviction and application.
- ▶ Applicants seeking to expunge only arrests and/or non-conviction records can be provided with advice and/or pro se packets.

Rejection and Referral

- ▶ Expungements for individuals for whom the office does not have the resources to represent.

Extended Representation

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

Advice and Brief Service

- ▶ 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

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

Potential Extended Representation

- ▶ Not-for-profit assistance for eligible groups
 - Startup
 - Incorporation
 - Initial Governance Documents
 - IRS tax exemption application
 - 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
- ▶ For Profit assistance for eligible individuals
 - Assisting for-profit businesses owned by eligible individuals to help them access governmental programs for underrepresented or disadvantaged populations.

Rejection and Referral

- ▶ Dissolutions of incorporation
- ▶ All other cases of the type rejected or referred under these guidelines.
- ▶ No assistance will be provided to residential real estate or property management businesses.

Rejection and Referral

- ▶ ILS does not appear in Tribal Courts.

Extended Representation

- ▶ Petitions for Specialized Driving Privileges and/or waiver of reinstatement fees when representation will provide a more expeditious and/or favorable outcome than a pro se effort would (e.g., convictions in multiple counties, quirks in a local jurisdiction, etc.).

Potential Extended Representation

- ▶ Petitions for specialized driving privileges generally.
- ▶ Petitions for waiver of reinstatement fees generally.
- ▶ Petitions for rescission of lifetime suspensions.
- ▶ 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.
- ▶ Petitions for license reinstatement when the license is an occupational license (e.g., nursing license, etc., but, per statute, not a Commercial Driver's License).

Advice and Brief Service

- ▶ Petitions for specialized driving privileges when the period until the end of license suspension is of such short duration that a court order is not likely to be obtained before the suspension ends.
- ▶ Petitions for specialized driving privileges when a review of the 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).

- ▶ 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 an appropriate chance of success.
- ▶ 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.

Note that some tort cases may be prohibited under the fee-generating prohibition.

Potential Extended Representation

- ▶ Intentional torts of public disclosure of private facts, invasion of privacy, and intentional infliction of emotional distress when the private facts disclosed relate to living with HIV/AIDs, transgender status, or other particularly vulnerable status.
- ▶ Torts related to survivor services like nonconsensual pornography (“revenge porn”) and sexual abuse.
- ▶ Fraud:
 - Cases for seniors, members of other vulnerable groups, or where fraud claims are related to other issues/claims for which we are providing representation (like guardianship, Fair Labor Standards Act claims, Wage and Hour claims).
 - Claims available under the Crime Victim Civil Relief Act if we have resources and the facts of the case align with project, center, or office priorities.
 - Claims available under the Consumer Protection Act if we have resources and the facts of the case align with project, center, or office priorities.

Advice and Brief Service

- ▶ May send a demand letter or notice of deceptive claim for consumer cases where we lack the resources for extended representation and provide a referral to the private bar if the issue is unresolved.
- ▶ May advise on rights, time limits, tort claims act notice where the applicant’s primary goal is damages or lack of capacity/resources.

Rejection and Referral

- ▶ ILS does not become involved in some types of tort cases– like negligence, slip and falls, medical malpractice, or personal injury—for either the plaintiff or the defendant. Exceptions to these case types 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. ILS will provide a referral to community partners for such cases whenever possible.

Potential Extended Representation

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

Advice and Brief Service

- ▶ May draft routine wills for seniors and the seriously ill, especially if we are providing other services.
- ▶ May draft routine wills for parents to ensure their children will be properly cared for upon the parent's passing.
- ▶ Establishing survivor or heirship if the applicant's home is at risk of loss.

Reject and Refer

- ▶ The applicant does not have the legal capacity to execute an estate plan.

Potential Extended Representation

- ▶ When non-routine drafting is needed to protect the applicant's interests.

Advice and Brief Service

- ▶ May draft routine advance directives.

Reject and Refer:

- ▶ The applicant does not have the legal capacity to execute an advance directive.
- ▶ The applicant is not the principal (the person who gives the powers to an attorney-in-fact a/k/a POA).

97 Municipal Legal Needs

Rejection and Referral

- ▶ ILS does not become involved in municipal legal needs matters.

98 Tribal Court- Criminal

Rejection and Referral

- ▶ ILS does not appear in Tribal Courts.

99 Other Miscellaneous

Rejection and Referral

- ▶ 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 ensure no other problem code applies before using this one.

Prohibited Cases

LSC statutes and regulations prohibit ILS from handling certain types of cases, engaging in certain activities, and representing certain types of persons. The Case Acceptance Guidelines are subordinate to LSC restrictions and will not, under any circumstances, be interpreted to countervail or supersede 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

- ▶ Class Actions Policy, authorized by 45 CFR 1617
- ▶ 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)
- ▶ Review of Appeals on Behalf of Clients Policy, authorized by 45 CFR 1605 (not limiting case acceptance, but establishing a process before appeals can go forward)