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SERVICE STANDARDS FOR Other Professional Services (Legal Services)

Origination Date: June 2016					
Reviewed/approved by the Continuum of Care Committee	November 9, 2023				
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In addition to the Universal Standards, you are also expected to follow the following guidelines.

I. GOAL

The goal of this service category is to provide legal and tax preparation assistance to people living with HIV/AIDS.

II. DESCRIPTION (Modified for the Newark EMA based on PCN 16-02 - Revised 10/22/18)

Other Professional Services allow for the provision of professional and consultant services rendered by members of particular professions licensed and/or qualified to offer such services by local governing authorities. Such services may include:

1. Legal services provided to and/or on behalf of the HRSA RWHAP-eligible PLWH involving legal matters related to, or arising from, their HIV infection, including:
 - Assistance with public benefits such as Social Security Disability Insurance (SDI); Medicaid; Temporary Assistance for Needy Families (TANF); General Assistance (GA); SSI denials, overpayments and underpayments.
 - Interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation, as it relates to services eligible for funding under the HRSA RWHAP
 - Preparation of:
 - Healthcare power of attorney documents
 - Durable powers of attorney documents
 - Living wills
 - Assistance with housing related matters such as:
 - Eviction Defense
 - Habitability
 - Preservation of subsidies
2. Permanency planning to help clients/families make decisions about the placement and care of minor children after their parents/caregivers are deceased or are no longer able to care for them, including:
 - Social service counseling or legal counsel regarding the drafting of wills or delegating powers of attorney
 - Preparation for custody options for legal dependents including standby guardianship, custody arrangements or adoption.

III. KEY SERVICE COMPONENTS AND ACTIVITIES

“To plan for the development, implementation and continual improvement of the health care and treatment services for People Living With and Affected by HIV & AIDS who reside in the five New Jersey Counties of Essex, Morris, Sussex, Union and Warren.”

- Assistance with public benefits such as Social Security Disability Insurance (SSDI)
- Interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation as it relates to services eligible for funding under the RWHAP
- Preparation of paperwork for assignment of Healthcare and/or Durable powers of attorney and Healthcare Proxy
- Preparation of Living wills
- Legal counseling regarding the drafting of wills or delegating powers of attorney (Edler Care Issues)
- Preparation for custody options for legal dependents including standby guardianship, joint custody, or adoption.
- Family Matters
- Assistance in filing Federal and State tax returns required by the Affordable Care Act for individuals receiving premium tax credits.
- Housing related matters
- Expungement Services
- Consumer Matters
- Motor Vehicle
- Bankruptcy

IV. SERVICE LIMITATIONS/REQUIREMENTS

Legal services exclude criminal defense and class-action suits unless related to access to services eligible for funding under the RWHAP. ADDITIONAL PROGRAM GUIDANCE [HIV/AIDS Bureau Policy 16-02]

Parameters for service category spending are determined by the recipient's office and communicated directly to funded organizations by the recipient.

V. ASSESSMENT AND SERVICE PLAN

- Develop a plan that is agreed upon by client and agency, which outlines service goals and the interventions that will be provided to achieve the goals.
- Increased access to public benefits
- Client's directive for future health care
- Client's directive for distribution of estate
- Arrangements for future care of minor children
- Compliance with IRS requirements

DOCUMENTATION

In addition to the documentation in the Universal Service Standards, the following are needed for this service category:

1. Signed initial and updated individualized service plan
2. Documentation of each contact with or on behalf of the client
3. Signed "Consent to release information" form if needed. This form must be specific and time limited

VI. ENGAGEMENT AND RETENTION OF CLIENTS

Please refer to Universal Service Standard

VII. STAFF QUALIFICATIONS AND TRAINING

Qualifications/Training

- HIV experience/training preferred
- Obtain and maintain appropriate licenses and/or certifications
 - Attorneys must be licensed to practice in the State of New Jersey.

- Non-licensed staff (including but not limited to paralegals and advocates) must be supervised by licensed attorneys.
- Training and /or experience in accounting/tax preparation as needed
- The Agency will provide new hires with training regarding confidentiality, client rights, and the agency's grievance procedure.
- Annual staff evaluation/review