

RYAN WHITE PART A LEGAL SERVICES

5/27/2015

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CARE AND TREATMENT PROGRAM

BUREAU OF HIV/AIDS PREVENTION AND CONTROL

NYC DOHMH



LEGAL SERVICES: SERVICE DEVELOPMENT TIMELINE

- May 27, 2015
 - Service category presentation by Grantee
 - Q&A with Providers
- June 3, 2015
 - Follow-up on additional information requested
 - Start Legal Services service directive
- June 17, July 1, and July 15, 2015
 - Refine, complete, and approve service directive

OVERVIEW

- Legal Services Category Description
- Summary of Changes to Legal Services (ADV) since 2006
- FY2014 Demographics and Services Delivered
- Questions

HRSA DEFINITION OF SERVICE CATEGORY (2012)

- Funding is for services provided for an HIV-infected person to address legal matters directly necessitated by the individual's HIV status.
- Such services include (but are not limited to):
 - Preparation of Powers of Attorney and Living Wills
 - Interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation as it relates to services eligible for funding under Ryan White
 - Permanency planning for an individual or family where the responsible adult is expected to pre-decease a dependent (usually a minor child) due to HIV/AIDS; includes the provision of social service counseling or legal counsel regarding (1) the drafting of wills or delegating powers of attorney, (2) preparation for custody options for legal dependents including standby guardianship, joint custody or adoption.
- Excludes:
 - Criminal defense
 - Class-action suits unless related to access to services eligible for funding under the Ryan White HIV/AIDS Program

HRSA: GRANTEE RESPONSIBILITY (2012)

- Develop RFPs, contracts, MOU/LOA, and/or statements of work that clearly define allowable and non- allowable legal services and state the requirement that services must address legal matters directly necessitated by the individual's HIV status
- Monitor providers to ensure that:
 - Funds are being used only for allowable services
 - No funds are being used for criminal defense or for class-action suits unless related to access to services eligible for funding under the Ryan White HIV/AIDS Program

NY EMA DEFINITION OF SERVICE CATEGORY (2004)

- Legal services are limited to those which are directly necessitated by a person's HIV status. All services offered under this template will be bound by that principle. Such legal services may include: estate planning and other advanced medical and financial planning; debtor/creditor proceedings such as bankruptcy; assuring access to eligible benefits, including discrimination and confidentiality litigation; and permanency planning, including custody, standby guardianship and/or adoption (taken from 7/27/01 HRSA email to the Grantee).
- Legal advice, counseling and representation
- Preparation of legal documents
- Crisis intervention and client advocacy
- Follow-up to assure problem resolution
- Legal representation in appropriate forums, including housing court, family court and at various administrative agencies
- Client training on legal issues related to PLWH/A
- Staff training for CBO's on legal issues related to PLWH/A

PRIORITY RANK AND BUDGET ALLOCATION

➤ The NY EMA Planning Council ranked Legal Services as Priority #11 (of 13) for FY 2015.

➤ Approximately 4.66% of the total Ryan White budget is allocated to this service category.

Base funding only; no MAI funding.

➤ Eleven funded programs in NYC.

➤ The portfolio of programs was last bid in 2006.

HOM Budget Allocation by Fiscal Year

<i>FY</i>	<i>\$ Amount</i>	<i>% of Total Program Funds</i>
2010-2011	\$4,298,533	4.65%
2011-2012	\$4,298,533	4.67%
2012-2013	\$3,633,841	4.26%
2013-2014	\$3,755,213	4.35%
2014-2015	\$3,906,847	4.66%

CHANGES TO LEGAL SERVICES SINCE 2006

- May 2015: Allowance for reimbursement of immigration matters in Ryan White-funded Legal Services (ADV) programs for the purpose of obtaining PRUCOL (Permanent Residence Under Color of Law) status for undocumented Ryan White clients.
- 2009: Communication with contractors stating that “contractors may not use Ryan White legal services funds for wills, trusts, bankruptcy, guardianship or adoption after the death of their normal caregiver.”

CLIENT ELIGIBILITY

Same as general EMA Eligibility.

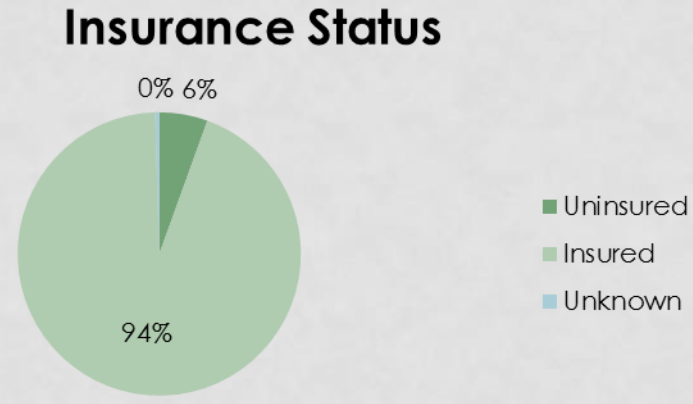
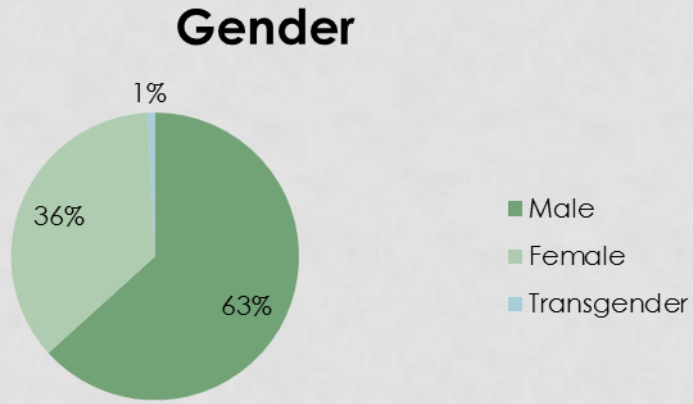
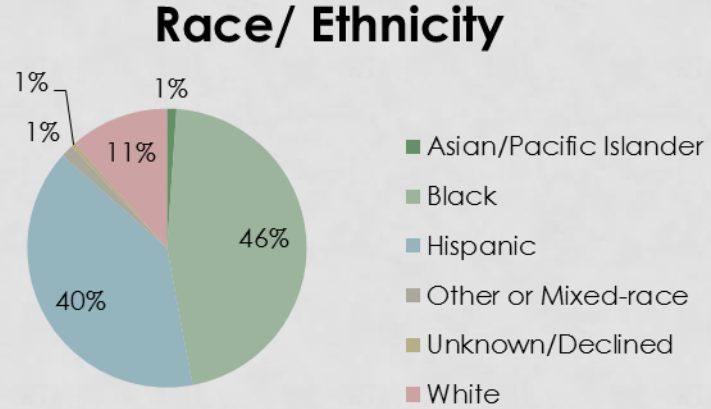
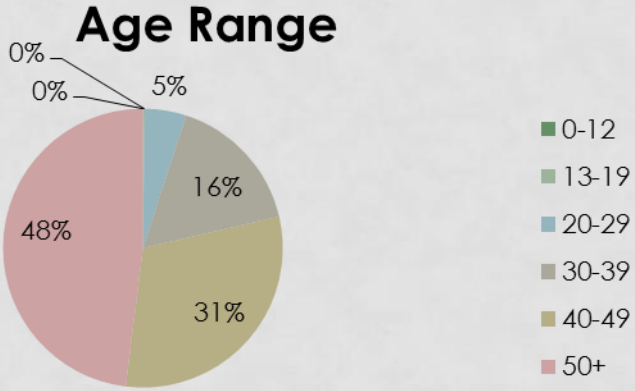
Eligible clients are persons living with HIV/AIDS who can provide proof of:

- HIV status
- Residence in the NYC eligible metropolitan area
- Income below 435% of the Federal Poverty Level

DEMOGRAPHICS OF LEGAL SERVICES CLIENTS

MARCH 2014- FEBRUARY 2015

N=3,006



QUESTIONS?