

MISSISSIPPI LEGAL SERVICES PRIORITIES AND CASE LIMITATIONS AND EMERGENCY POLICY

Consistent with applicable federal regulations, guidelines and restrictions, the Board of Directors adopts the following priorities, case limitations and Emergency policy for the allocation of limited resources to address the most pressing client needs.

CASE TYPE	POPULATION WITH SPECIAL VULNERABILITIES LIMITATIONS
1. Elder Law Issues	Case acceptance for clients aged 60 and over shall not be contingent on income eligibility while concentrating on those with the greatest social and economic need. Elder law cases that do not meet program priority or case acceptance policy will not be accepted unless otherwise stated.
2. Disabled Handicapped Issues	Cases involving the rights of individuals with mental or physical disabilities are a priority as are elder law cases.
3. Domestic Violence	Accept where applicant is victim of imminent and/or ongoing domestic violence which threatens safety or health. In obtaining divorce or protective orders, defendant's income shall not be a factor nor shall any divorce restrictions apply
4. Language Barrier	No eligible person shall be denied equal access to services because of language barriers. (program shall take necessary steps to assure availability of interpreters).
5. Cultural/Education Barriers	Programs shall provide sensitivity training on cultural and educational barriers. Assure access to services while considering all other priorities (if necessary, may require outreach).
6. Conservatorship	Program will not handle in house. Will refer to MVLP if its requirements are met which are: MVLP will handle if the putative ward consents to the conservatorship and has the support of two treating physicians.
CASE TYPE	SUPPORT FOR FAMILY LIMITATIONS
1. Bankruptcy 7 & 13	The program will file a Chapter 7 bankruptcy or a Chapter 13 bankruptcy whichever is applicable to accomplish the following objectives: a) the applicant's home needs protection from foreclosure or repossession; or b) the applicant's car needs protection from repossession; or c) the applicant is employed, has garnishable income, and is being garnished or executed upon. In addition, the applicant must have at least \$5,000 in unsecured debt, except to save home.
2. Replevin	Will defend where property wrongfully seized by creditors with minimum of 5 working days notice.
3. Credit Collections	If substantive defense and amount sought exceeds \$500
4. Truth-in-Lending	Will handle if a) Can rescind deeds of trust b) Compulsory counterclaims may be filed c) Canceling contracts.
5. Student Loans	Cases involving student loan matters will be handled where institution closed or defaulted on its obligations to students. Establishing hardship waiver because of disability
6. Utilities	Will handle

7. General Consumer Claims	The program case handler is encouraged to accept consumer cases that involve patterns or practices of violating state and federal consumer rights laws. Small consumer claims that do not exceed Justice Court limit will not be accepted. Will accept consumer case if the applicant's home is the subject matter of foreclosure. Expungements will be handled pursuant to state law for purposes of school, housing, or employment.
8. Education Related Matters	Will handle
9. Employment Related Matters	Job Discrimination: Refer to Equal Employment Opportunity Commission (EEOC) first then state litigation director for assessment to handle or refer pursuant to LSC regulations. Public Employment Termination Will handle if substantive defense Wage Claims Refer to Wage and Hour Division of Employment of Labor.
10. Divorces	The program will handle a divorce if the parties are separated for six (6) months and the Defendant's income does not exceed \$4000 per month. In addition, except for persons 60 plus, there must be a minor child or children of the marriage; the defendant must live in MS and applicant must have a current address where the defendant can be served; otherwise, will only file if there is present imminent domestic violence. The program may refer ID divorces to MVLP where the parties have agreed and there are no children or child of the marriage. The program may also refer to MVLP cases where the applicant has divorce grounds on desertion for 1 year or sentenced to penitentiary without being pardoned.
11. Protective Orders	Will handle
12. Custody	The program will handle initial custody cases or custody defenses if the applicant has had the primary or continuous care of the child or children AND the child or child(ren) has/have been removed for at least 7 days.
13. Modification of Custody	For cases involving modification of custody, program will handle if handled the initial action where custody was obtained and there is a meritorious claim or defense.
14. Visitation	Refer to MVLP consistent with its policy which is; MVLP will handle for the purposes of a) securing visitation where child support order exists but order is silent as to visitation b) paternity is established and the father wants to pay support and obtain visitation, or c) grandparent visitation pursuant to state statute.
15. Adoption	If all parties agree including putative father Previous primary caretaker is deceased and minor child has been in client's continuous care for 2 years. Neither parent is deceased and minor child has been in client's continuous care for more than 2 years EXPRESSLY STATED TO CLIENT: Notice to all parties shall be given

16. Annulment	WILL NO LONGER HANDLE
17. Separate Maintenance	WILL NO LONGER HANDLE
18. Emancipation	Will handle for purposes of housing and employment ONLY REFER TO MVLP consistent with its policy which is: MVLP will handle for purposes of the party living independently. The applicant must be employed full time.
19. Guardianship	Will we handle except for trust purposes and provided accounting can be waived. MCLS will accept emergency guardianships such as guardianships to get children in school when school has started or is about to start. All other guardianships will be referred to MLVP.
20. Birth Certificate	Will be handled for: a) public benefits b) retirement c) identification d) work related purposes; MCLS will handle if program determines an emergency exists and time factor will not permit case to be referred. All other cases will be referred to MLVP.
21. Name Change	Will be handled for: a) public benefits b) retirement c) identification d) work related purposes; MCLS will handle if program determines an emergency exists and time factor will not permit case to be referred. All other cases will be referred to MLVP.
22. Legitimation	Provide and/or complete forms
23. Paternity	Refer to DHS.
24. Parental Termination Defense	Will handle if meritorious
25. Modification of Support	The program will handle child support reductions if the applicant is no longer employed, and applicant has been unemployed for at least 6 months due to a reduction in force, and the applicant was current on child support at the time applicant became unemployed OR the applicant has become disabled, and is receiving benefits from SSA and the amount to be paid is greater than child support guidelines.
26. Contempt	The program will file contempts for child support if the program handled the initial action in which support was awarded and the defendant is more than 90 days in arrears and the defendant is presently employed and the applicant can provide the name of the employer and the employer's address. The program will file contempts for child custody provided the applicant was awarded custody in the initial action, has had the continuous care of the child or children at least 30 days prior to the removal of the child or children, and the child or children have been removed from applicant's care for at least 7 days. The program will also defend contempts if the applicant has had the custody of the child or children by agreement of the parties even though the parties failed to change the court order. The program may refer to MVLP consistent with its policy.
27. Neglect/abuse	Will handle if the case is meritorious.
28. Child support	Will handle if meritorious. The program may accept actions establishing child support, provided the following: 1)Paternity has been established; 2) The case has been in the DHS system for more than eighteen (18) months without any court action being filed; and 3) The whereabouts and address of the adverse party is known.

CASE TYPE	MAINTAINING ECONOMIC STABILITY LIMITATIONS
1. Food Stamps	Will handle through administrative level unless facts indicate likelihood of criminal fraud
2. Social Security	Cessations; Concurrent in specified areas; Overpayment waivers
3. SSI	Will handle
4. Unemployment Compensation	Will handle
5. Veteran Benefits	Refer to VA (Veteran Administration) or MVLP (Mississippi Volunteer Lawyers Project)
CASE TYPE	PRESERVING THE HOME LIMITATIONS
1. Eviction	Will handle However, if the eviction is from a public housing project and the applicant has been charged with the alleged sale or distribution of a controlled substance and the eviction is alleged to be because the illegal drug activity threatens the health and safety of other tenants or employees of the public housing agency, Program will not accept the case.
2. Foreclosures	If appropriate for bankruptcy or loss mitigation, counseling, or pursuant to any other grant or resources.
3. Land Matters	If person's homestead and Client has completed survey of property and cost including any appraisal -aid in advance
4. Fair Housing	Will handle pursuant to fair housing grant
5. Housing Counseling	Will handle pursuant to housing counseling grant
6. Quitclaim Deeds	Will prepare if part of some other representation and needed in furtherance of said representation and will handle in non-litigated cases if needed to protect client's property interest.
7. Wills	Will prepare except if trust involved; Will NOT probate
8. License	Will file petition to reinstate if meritorious and complete compliance with suspension requirement.

CASE TYPE	SAFETY, STABILITY AND HEALTH LIMITATIONS
1. Healthcare Related Matters	Will handle
2. Medicaid	Will handle
3. Medicare	Will handle
4. Advance Directives	Will handle
5. Power of Attorney	Will prepare and will revoke if meritorious and applicant competent provided program prepared power of attorney in issue
6. Hill-Burton	Will handle
7. Nursing Home Bill of Rights Issues	WILL NO LONGER HANDLE

CASE TYPE ADVICE AND COUNSEL AND REFERRAL LIMITATIONS Case handlers may provide counsel, advice, and referral pursuant to intake procedures on all cases and matters not specifically prohibited by LSC or Congressional rules, policies, regulations and/or restrictions. The program may modify these priorities from time to time to address cases which arise from a disaster or from compelling or pressing issues identified within the community provided cases not prohibited by LSC or Congressional rules, policies, regulations, and/or restrictions.

EMERGENCY POLICY

The above priorities shall serve as the established priorities for the allocation of resources by Mississippi Center for Legal Services (MCLS). Congress recognizes that occasionally emergency situations will arise when it is in the best interest of the client to secure immediate representation on a matter not specifically within one of the priority areas. In such cases, ethical and other considerations may compel MCLS to undertake representation. Accordingly, such emergency representation is allowable, with prior approval from the Executive Director(s), under the following conditions.

1. Client financially eligible for legal services; and
2. Client is unable to negotiate the legal process due to disability, language or cultural barrier, and significant legal rights or interest would be lost in the absence of immediate representation; or
3. Client's health or safety is at imminent risk and would be endangered absent immediate representation; or
4. The statute of limitations or time limits imposed on procedural requirements are about to run and failure to secure immediate legal assistance will cause irreparable harm to client; or
5. Failure to represent would place staff at risk of violating the Rules of Professional Conduct; or
6. Issues that arise because of new and unforeseen circumstances, such as natural disasters, changes in the law affecting large numbers of clients and other emerging legal issues not anticipated when priorities were set; and
7. For any reason that would reasonably be considered an emergency in light of all the circumstances presented, where the client's legal rights and interests are substantially affected in the absence of representation of legal assistance, taking into consideration the severity of the consequences to the individual and family, the likelihood of success, the availability of other resources, and the overall expenditure of time and resources by the staff.

*****Authorization to undertake cases or matters in emergency situations shall be obtained in writing from the Executive Director(s) or other person designated by the Executive Director(s) for this purpose. A copy of the written authorization shall be retained in the client's file.***