

Intake Procedures *

A. IS CLIENT NATIVE AMERICAN?

1. If yes, [click here](#)
2. If no, continue to B

B. IDENTIFY NATURE OF THE LEGAL PROBLEM.

- Prohibited activity and Other Legal Problems not Accepted
 1. Do not take application by phone
 2. Send rejection letter if paper or on-line application
 3. Enclose grievance procedure and pink copy of application with rejection letter
- All Other Legal Problems: Continue to C

C. CHECK FOR CONFLICTS

- If conflict:
 1. Do not add application to PIKA
 2. Send rejection letter if paper or on-line application
 3. Enclose grievance procedure and pink copy of application with rejection letter
 4. Client still has right to appeal
- If no conflict: Continue on to D.

D. DETERMINE FINANCIAL INFORMATION

- General Income/Asset Guidelines and LITC Income Guidelines
 1. If financially eligible:
 - a. Add application to PIKA
 - b. Continue on to E.
 2. If not financially eligible:
 - a. Reject application
 - b. Tell applicant why s/he is not eligible for telephone applicants
 - c. Send rejection letter if paper or on-line application
 - d. Enclose grievance procedure and pink copy with rejection letter
 - e. Add application to PIKA (gives client opportunity to appeal)
 - f. Close Pika record as “not served”
 - g. Incomplete applications held for 10 days, then rejected
- Referrals
 1. Legal problem outside Judicare service area
 - a. Determine financial eligibility
 - b. Do not issue a letter
 - c. Add application to PIKA
 - d. Provide _____ with a copy of the PIKA record and any documents
 2. Client lives outside Judicare service area
 - a. Must be referred to us by another Legal Services program
 - b. Do not issue letter
 - c. Create record in PIKA from referral information
 - d. Referrals to WJ go to _____
- Incarcerated/ Huber Law/ Non-US citizens
 1. Add application to PIKA
 2. Give original application to _____
 3. _____will decide if eligible for services or rejected
 4. _____will do letter of rejection/attach to original application.
 5. Original application back to intake to file w/ letter
 6. Copy of application to _____ (for her file showing her signature)

E. DECIDE IF CLIENT SHOULD GO TO HELPLINE OR PAI

1. Consumer/Finance
2. Education
3. Employment
4. Family
5. Juvenile
6. Health
7. Housing
8. Income Maintenance
9. Individual Rights
10. Miscellaneous

- If Helpline:
 1. Written citizenship attestation not required (unless face-to-face)
 2. Application/eligibility good for 60 days
 - a. Anytime client calls back for assistance you must update financial eligibility and confirm citizenship. Note application update in Notes tab and in demographics
 - b. If client calls back for same legal issue, same year, forward call to staff attorney that handled previous Helpline.
 - c. If client calls back with new legal issue that is covered by Helpline, open new Pika record, do new eligibility screening, schedule new Helpline appointment according to Helpline case coverage checklist.
 3. Check “Helpline” box in demographics
 - a. If previous Helpline client calls back with new legal issue that is not covered by Helpline, but covered by PAI, issue limited letter. In that case you are required to obtain citizenship.
- If PAI:
 1. Citizenship attestation required
 2. Issue Limited Letter good for 60 days and PAI list if:
 - a. Case is listed on the case checklist
 - b. Non-emergency legal issue
 - c. Helpline calendar is full
 - d. Waivable conflict exists

Special Notes

- Add all applications to PIKA except those with conflicts
- Reduce the number of applications mailed out by doing more telephone applications
- Stopped issuing Judicare cards from Judicare office on 3/15/12. Letters mailed in place of cards.
- When it doubt, refer out.

Frequently Asked Questions from Clients

<u>Consumer Finance</u> ****		Non-Priority	Helpline	PAI	ILO
11	<u>Chapter 7 Bankruptcy</u>		X	X	
12	Chapter 12 Bankruptcy	X			
13	Chapter 13 Bankruptcy	X			
21	Repossession			X	DA
22	Deficiency			X	DA
23	<u>Garnishment</u>			X	SL/DA
24	Collection Defense			X	SL/DA
31	Contracts (including mechanics lien)			X	DA
32	Warranties			X	DA
41	Credit Reporting (errors in reporting)		X		SL/DA
42	Credit Denial (denying a loan)	X			SL/DA
43	Creditor Harassment (creditors calling daily)		X		DA
51	Illegal Practices (by creditors)			X	DA
61	Farm Loans	X			DA
62	Motor Vehicle Sales (example: lemon law)			X	DA
63	Retail Installment Contract (rent-to-own)	X			
64	Student Loans		X		SL/DA
65	Other Loans (personal)	X			SL/DA
71	Utility Shut-offs (emergency - Helpline)			X	SL
72	Other Public Utilities (billing issues)		X		SL
81	Unfair Sales Practices (discrimination)	X			SL
91	Insurance (auto, home & life)			X	DA
92	Other Consumer Finance (anything not listed above)	X			SL/DA
93	Truth-in-Lending (contracts not related to housing) (example: computation of interest on a pay-day loan)		X		
		Non-Priority	Helpline	PAI	ILO

<u>Education</u> ****		Non-Priority	Helpline	PAI	ILO
121	Expulsion			X	DA
122	Suspension			X	DA
123	Other School Discipline			X	DA
131	Special Education Needs			X	DA
132	Learning Disability Needs			X	DA
141	Access to Bilingual Services			X	
142	Residency Requirements			X	
143	Access to Testing Services			X	DA
151	Vocational Education			X	DA
161	Student Financial Aid		X		SL/DA
191	Other Education			X	DA

Also refer applicants to Disability Rights Wisconsin (DRW) at 608-267-0214

<u>Employment</u> ****		Non-Priority	Helpline	PAI	ILO
211	Race Discrimination (refer to State Bar LRIS)	X			DA
212	Sex Discrimination (refer to State Bar LRIS)	X			DA
213	Age Discrimination (refer to State Bar LRIS)	X			DA
214	Other Discrimination (ADA claims refer to DRW)	X			DA
221	Wage Claims	X			DA
231	EITC Eligibility		X		SL/DA
232	EITC Denial		X		SL/DA
241	Withholding Claims		X		
242	Collection of Taxes		X		DA
243	Innocent Spouse Relief		X		DA
244	Tax Examination		X		
245	Tax Court		X		
246	Other Taxes		X		DA
251	Employee Rights (wrongful termination)	X			
261	Agricultural Workers	X			
291	Other Employment	X			DA

Refer applicants to Wisconsin State Bar Lawyer Referral and Information Service 1-800-362-9082.

Refer applicants to Disability Rights Wisconsin (DRW) at 608-267-0214 in ADA claims

Family ****		Non-Priority	Helpline	PAI	ILO
301	Adoption	X			
311	Custody	X			SL/DA
312	Custody with Abuse			X	SL/DA
313	Visitation	X			SL
314	Visitation with Abuse			X	SL
315	Moving Minor's Residence	X			SL/DA
321	Divorce with Custody	X			SL/DA
322	Divorce with Custody & Abuse			X	SL/DA
323	Divorce with Abuse			X	SL/DA
324	Divorce – no abuse, no custody	X			SL/DA
325	Legal Separation	X			SL/DA
326	Legal Separation with Abuse			X	SL
327	Annulment	X			SL
328	Annulment with Abuse			X	SL
329	Post-Divorce Property Disputes	X			SL
331	<u>Adult Guardianship</u> (uncontested if everyone agrees)			X	SL/DA
332	<u>Adult Conservatorship</u> (same as above)			X	SL/DA
341	Adult Name Change	X			SL/DA
342	Minor Name Change	X			SL/DA
351	Parental Rights Termination	X			SL/DA
361	Paternity			X	SL/DA
371	Domestic Abuse Restraining Order			X	SL
372	Other Abuse		X		SL
381	Child Support (payee to Helpline) (payer see below)		X		SL/DA
382	Spousal Maintenance (same as child support)		X		SL
383	Other Family Support	X			SL
391	Other Family	X			SL
392	Adult Neglect/Exploitation		X		SL/DA
		Non-Priority	Helpline	PAI	ILO

Child Support/Maintenance Cases

Payees should be referred to Helpline.

Payers should be referred to PAI if they are a veteran or their sole source of income is from social security.

Juvenile ****		Non-Priority	Helpline	PAI	ILO
411	Delinquent	X			DA
421	Neglect of Minor (non-tribal court CHIPS)	X			DA
422	Abuse of Minor (non-tribal court CHIPS)	X			DA
431	Emancipation of Minor	X			
441	<u>Minor Guardianship</u> (uncontested - if everyone involved agrees to the guardianship)			X	DA
442	<u>Minor Conservatorship</u> (uncontested - if everyone involved agrees to the conservatorship)			X	DA
491	Other Juvenile (examples: municipal violations, truancy, restraining orders)	X			

Callers with general questions on any of the above can be referred to the following staff without a Helpline appointment:

CHIPS - (child(ren) in need of protective services) in Tribal Court are generally accepted.

Health ****		Non-Priority	Helpline	PAI	ILO
511	Medicaid Eligibility		X		SL/DA
512	Medicaid Termination		X		SL/DA
521	Medicare Eligibility		X		SL/DA
522	Medicare Termination		X		SL/DA
523	Medicare Part A Claim		X		SL/DA
524	Medicare Part B Claim		X		SL/DA
525	Medicare Part D Claim		X		SL/DA
531	State Insurance Eligibility		X		SL/DA
532	State Insurance Termination		X		SL/DA
533	State Insurance Billing		X		SL/DA
534	State Insurance Coverage		X		SL/DA
541	Home Based Care Eligibility		X		SL/DA
542	Home Based Care Coverage		X		SL/DA
543	Home Based Care Termination		X		SL/DA
551	Private Health Insurance Eligibility		X		SL/DA
552	Private Health Insurance Termination		X		SL/DA
553	Other Health Insurance		X		SL/DA
561	LTHC – Patient Rights		X		SL/DA
571	General State & Local Health Issues		X		SL/DA
591	Ombudsman Assistance		X		SL/DA
592	Other Health		X		SL/DA

<u>Housing</u> ****		Non-Priority	Helpline	PAI	ILO
611	Section 8 Eligibility		X		SL/DA
612	Section 8 Termination		X		SL/DA
613	Section 8 Tenant Rights		X		SL/DA
614	Section 8 Evictions		X		SL/DA
615	Other Federally Subsidized Housing		X		SL/DA
621	Home Repair Rip-offs			X	DA
622	Home/Real Estate Acquisitions	X			DA
623	Property Line Disputes	X			DA
624	Real Property Disputes	X			DA
625	Farmland/Housing	X			DA
626	Zoning/Land Use	X			DA
631	Private LL/T Lockouts			X	DA
632	Private LL/T Access (LL refusing to rent)	X			SL/DA
633	Private LL/T Repairs			X	SL/DA
634	Private LL/T Evictions (Helpline only if emergency)			X	SL/DA
635	Private LL/T Security Deposits		X		SL/DA
636	Other Private LL/T			X	SL/DA
641	Public Housing Eligibility		X		SL/DA
642	Public Housing Termination		X		SL/DA
643	Public Housing Tenant Rights		X		SL/DA
644	Public Housing Evictions		X		SL/DA
645	Other Public Housing		X		SL/DA
651	Mobile Home Acquisitions	X			SL/DA
652	Mobile Home Park Evictions (from the lot)		X		DA
653	Mobile Home Park Tenant Rights		X		DA
661	Housing Discrimination Public		X		DA
662	Housing Discrimination – Private (could be discrimination in anything listed above)	X			DA
671	Mortgage Foreclosure			X	DA
681	Truth-in-Lending (full written disclosure of all fees, terms and conditions of a mortgage)			X	DA
682	Other Predatory Practices	X			DA
691	Other Housing	X			DA
		Non-Priority	Helpline	PAI	ILO

Helpline

Section 8 – (611-615)
Public Housing (641-645)

Non-subsidized LL/T (634-635)
(652-661)

<u>Income Maintenance</u> ****		Non-Priority	Helpline	PAI	ILO
711	TANF Eligibility (federal)		X		SL/DA
712	TANF Termination (federal)		X		SL/DA
721	Social Security Eligibility – Retirement	X			SL/DA
722	Social Security Elig. – Death Benefits	X			SL/DA
723	Soc. Sec. Elig. – Survivor or dependents	X			SL/DA
731	Food Share Eligibility		X		SL/DA
732	Food Share Termination		X		SL/DA
741	SSDI Eligibility	X			SL/DA
742	SSDI Termination			X	SL/DA
743	SSDI Overpayment			X	SL/DA
751	SSI Eligibility			X	SL/DA
752	SSI Termination			X	SL/DA
753	SSI Overpayments			X	SL/DA
754	SSI/SSDI Combination			X	SL/DA
761	UC Eligibility			X	
762	UC Benefits Termination			X	
763	UC Benefit Computation	X			
771	Veterans Benefits Eligibility			X	
772	Veterans Benefits Termination			X	
773	Veterans Benefits Computation			X	
781	W-2 Benefits Eligibility		X		
782	W-2 Benefits Termination		X		
783	W-2 Benefits Computation		X		
784	WIC Benefits		X		SL/DA
785	Other Nutrition Benefits		X		SL/DA
786	Other State/Local Benefits		X		SL/DA
791	Protective Payee Status			X	DA
792	Other Income Maintenance		X		DA
793	Worker’s Compensation	X			
		Non-Priority	Helpline	PAI	ILO

<u>Individual Rights</u> ****		Non Priority	Helpline	PAI	ILO
811	Immigration/Naturalization w/o Abuse	X			DA
812	Immigration/Naturalization w/Abuse	X			DA
821	Mental Health Rights	X			DA
830	Prisoner's Rights	X			DA
841	Disability Rights	X			DA
842	ADA	X			DA
851	Civil Rights	X			DA
861	Human Trafficking	X			DA
891	Other Individual Rights	X			DA

Refer to Disability Rights Wisconsin (DRW) at 608-267-0214

Refer immigration/Naturalization issues to Catholic Charities, LaCrosse Diocese at 608-782-0710

<u>Miscellaneous</u> ****		Non Priority	Helpline	PAI	ILO
911	Non-profit Incorporation	X			DA
912	Non-profit Dissolution	X			DA
921	General Indian Law				DA
922	Jurisdiction				DA
923	Tribal/State Relations				DA
924	ICWA				SL/DA
925	Tribal Court Development				DA
926	Indian wills and Estates				SL/DA
927	Culture and Religion				DA
928	Tribal Court Cases				SL/DA
929	Indian Law Training				SL/DA
931	Driver's License	X			SL/DA
932	Occupational License	X			DA
933	Other Licenses (nursing, day care, etc.)	X			
941	Torts	X			DA
951	Wills (with trust provisions)	X			SL/DA
952	Simple Will (with no trust provisions)			X	SL/DA
953	Estate Planning	X			SL/DA
954	Probate	X			SL/DA
961	<u>Advance Directives</u>			X	SL/DA
962	<u>Power of Attorney – Financial</u>			X	SL/DA
963	<u>Power of Attorney – Healthcare</u>			X	SL/DA
971	Municipal Legal Needs (fines/tickets)	X			DA
991	Personal Property Disputes	X			DA
992	Other Miscellaneous	X			
		Non Priority	Helpline	PAI	ILO

Bankruptcy

1. Bankruptcy

- Telephone applicants
 - Intake determines financial eligibility
 - If eligible, Intake transfers caller to _____ w/Pika case number
 - _____ will do bankruptcy worksheet by phone
 - If _____ is not available, put caller in her voice mail
 - After worksheet is completed, _____ will return caller to Intake to schedule Helpline or issue letter and list for PAI.
 - If caller cannot provide all information at time of call, _____ will hold file for 60 days
 - If no response after 60 days, _____ closes file as “not served” “failed to respond”
- Mailed and On-line applications
 - Intake determines financial eligibility
 - If eligible, Intake gives _____ original application
 - _____ will call client to do bankruptcy worksheet by phone
 - If _____ is unable to reach client by phone, _____ will send letter w/worksheet to client w/60 days to return
 - _____ will make note in PIKA
 - When worksheet is returned, _____ gives application and worksheet to Intake
 - Intake will call client to schedule Helpline
 - If Intake cannot reach client by telephone, Intake will send client Helpline letter
 - If worksheet is not returned w/in 60 days, _____ closes file as “not served” “failed to Respond”

Garnishment

1) If the client's income from wages is being garnished or threatened with garnishment, refer to PAI.

2) If the client's income is from any other source other than wages and is being garnished or threatened with garnishment, refer to Helpline.

Advance Directives
Power of Attorney – Financial (Durable Power of Attorney)
Power of Attorney - Healthcare

1. All non-English speaking applicants should be referred to _____
2. All others should be referred to PAI, issue letter and list.

Advance Directives include Powers of Attorney for Health Care, Living Wills (also called a Declaration to Physicians) and Powers of Attorneys for Finances.

Adult or Minor Guardianship/Conservatorship

1. Is anyone in disagreement with you having guardianship of this minor or this adult?

If the applicant answers “no” to this question, refer client to a PAI attorney. Issue letter and list.

If the applicant answers “yes” to this question, this is not a priority and would not be accepted.

General Information

Guardianship for minors

A legal guardian is a responsible adult who is given custody of a minor by the court and is not the child's biological parent. If parents cannot care for their children, grandparents, aunts and uncles often apply to be legal guardians. Guardianship of a minor is often sought when the biological parents have serious medical problems, substance abuse issues, or overseas military assignments. For individuals already caring for a child, it's important to obtain permanent guardianship. That's because schools and doctors typically require such proof before letting the care taker make decisions about a minor.

Guardianship for Adults

Guardianship is a relationship created by a court between an individual (called a "ward") who the court has determined to be "incompetent" and an individual or organization (called either the "guardian of the person," the "guardian of the estate," or both) who the court authorizes to make personal and medical decisions and/or financial decisions on behalf of the ward. A guardian of the estate can also be appointed for an individual who is considered a "spendthrift." Guardianship can also include protective services or placement. In many other states, a guardianship of the estate is called a conservatorship. In Wisconsin, a guardian of the estate is similar to, but not the same as, a conservator - see below.

Conservatorship for Adults

Conservatorship is a relationship created by a court between an individual (called a "conservatee") and an individual or organization (called the "conservator") who the court authorizes to make financial decisions on behalf of the conservatee. Unlike guardianship, the appointment of the conservator is done at the request of the conservatee and there is no finding of incompetence.

Prohibited Activity

The following is a list of LSC restrictions which must be followed by our program.

I understand I cannot under Legal Services Corporation regulations and statutes:

1. Assist in any political activity, lobbying, providing voters with transportation to the polls, or voter registration activity.
2. Assist in any fee generating cases, unless it has been determined by WJ under LSC rules that the case is not a fee generating case.
3. Assist in attempting to influence legislation or assist in any grassroots lobbying.
4. Assist in any criminal proceeding.
5. Assist in an action collaterally attacking a criminal conviction.
6. Assist in a class action. Attorney may inform a client about the terms of an order in a class action, represent someone who wishes to opt out from a class action, or assist a client who is seeking the benefit of the relief ordered by the court.
7. Assist in litigation related to redistricting.
8. Assist in representation of a client who is being evicted from public housing due to a charge or conviction of a drug (controlled substance) offense.
9. Participate in civil litigation for an incarcerated person (including a person on Huber law or electronic monitoring) to challenge the conditions of incarceration. Brief services and telephone advice may be provided on civil matters.
10. Solicit clients who did not seek advice or did not have an attorney-client relationship. (This does not apply to giving advice at legal clinics and outreaches.)
11. Assist in an effort to reform a Federal or State welfare system. A client may be assisted in the application of a welfare law to them (e. g. denial of food stamps). Originally this restriction prohibited attorneys from challenging the constitutionality of a welfare statute. Part of this restriction was struck down by the U.S. Supreme Court. However, WJ has not changed its policy and, therefore, does not approve cases in which the constitutionality of a welfare statute is an issue.
12. Claim or collect attorney's fees other than the WJ fees.
13. Assist in support for suicide, euthanasia or mercy killing.
14. Give legal assistance with regard to obtaining an abortion.
15. Assist in efforts relating to school desegregation. However, a client may be given legal advice about their rights and responsibilities with regard to school desegregation.

16. Assist client with respect to violations of the Military Selective Service Act or desertion from the military, except in a civil action in which client claims to have been improperly classified before July 1, 1973.

Other LSC Regulations:

17. It is assumed that only advice and brief services will be rendered at outreach. Initiation of cases must be approved through the usual authorization method, which requires that a client identity statement of facts be signed, to comply with LSC regulations, before any litigation is commenced.

18. Eligibility. Clients must be financially eligible. A retainer agreement must be signed for staff cases, but not for telephone advice or brief services.

19. Priorities. Staff attorneys and staff members who approve cases cannot take or approve cases not included in the Priorities Statements except in emergency situations defined by the Board.

20. Aliens. Ineligible aliens cannot be represented. Eligible aliens are legal aliens. There are exceptions for victims of domestic violence, but their cases cannot be approved under LSC funding.

21. Timekeeping. Attorneys and paralegals who report CSR's must keep records of time in 15- minute periods.

22. Disclosure of case information. For each case filed in court, staff attorney must disclose (1) name and address of parties, (2) cause of action, (3) the court where the case is filed, and (4) the case number.

Non Priority For Civil Unit Staff

Employment Race Discrimination
Employment Sex Discrimination
Employment Age Discrimination
ADA Discrimination
Agricultural Workers
Wage Claims
Wrongful Termination

Adoption
Name Change Adult
Name Change Minor
Parental Rights Termination
Family law with no abuse
Property disputes
Moving minors residence

Chapter 12/13 Bankruptcy
Credit Denial
Farm Loans
Retail Installment Contracts
Other personal loans

Unfair Sales Practices

Delinquent
CHIPS (child in need of protective service)
JIPS (Juvenile in need of protective services)
Emancipation of Minor
Other Juvenile

Home/Real Est. Acquisition
Property Line Disputes
Real Property Disputes
Farmland/Housing
Zoning/Land Use
Private LL/T Access
Mobile Home Acquisitions
Private Hsg Discrimination
Other Predatory Practices

Social Security Eligibility for Retirement/Death/Survivor or Dependent Benefits
SSDI Eligibility (title II)

UC Benefit Computation
Worker's Compensation

Immigration/ Naturalization
Mental Health Rights
Prisoner's Rights
ADA
Civil Rights
Human Trafficking

Non-Profit Incorporation
Non-Profit Dissolution
Driver's License
Occupational License
Other Licenses (nursing etc)
Torts
Wills w/trust provisions
Estate Planning
Probate
Municipal Legal Needs
Personal Property Disputes

“Cases started and pending on a private pay basis are not accepted”

Appealing Denial

- Applicants have the right to appeal our denial - even if there is a conflict.
- If the applicant wishes to appeal their rejection, the applicant should send Wisconsin Judicare a letter explaining their situation in more detail by providing us with additional information that should be considered when reviewing their appeal request.
- If the applicant is unable to send a letter, the intake staff should take additional information from the applicant by telephone.
- The applicant's appeal letter and waiver sheet are referred to _____ for decision on financial eligibility.
- Appeals by e-mail will also be accepted.

Native American Intake

INTAKE RESPONSIBILITY

Identify Nature of Legal problem

If you can easily identify that the legal problem is not on ILO's check list, treat the applicant like all other non-Native American applicants. Go back to general Intake Procedures, starting in section B, to process the application.

***CHIPS cases in Tribal Court are a priority for ILO**

Non Priority for ILO Staff

Chapter 7	Adoption
Chapter 12/13 Bankruptcy	UC Eligibility
Retail Installment Contract	UC Benefits Termination/Computation
Truth-in-Lending	
Access to Bilingual Services	Veterans Benefits Eligibility
Residency Requirements	Veterans Benefits Termination
Withholding Claims	Veterans Benefits Computation
Tax Examination	W-2 (Wisconsin Works) Benefits Eligibility
Tax Court	W-2 (Wisconsin Works) Benefits Termination
Employee Rights	W-2 (Wisconsin Works) Benefits Computation
Agricultural Workers	Worker's Compensation
Emancipation of Minor	Other Licenses (nursing, day care, etc.)
Other Juvenile	

When ILO is not in:

If emergency, determine eligibility, refer to Helpline

If legal matter is in **tribal court**, do not refer to Helpline. Send e-mail to ILO with client name and legal issue

- **Caller**
 - If ILO is in - Call goes to ILO
 - If ILO is not in - Call goes to general ILO voicemail (# 352)
- **Online Application**
 - Check for conflicts
 - If conflict, mark application as CONFLICT, give copy of application to ILO
 - If no conflict, add application to PIKA
 - Make copy of application, put copy in ILO's application tray
 - Keep original application, wait for instructions from ILO
- **Paper/Faxed application**
 - Check for conflicts
 - If conflict, mark application as CONFLICT, give copy of application to ILO
 - If no conflict, add application to PIKA
 - Make copy of application, put copy in ILO's application tray
 - Keep original application, wait for instructions from ILO

Wait for ILO's decision on how to handle applicant.

1. If applicant is accepted, ILO may accept on staff, refer back to intake for Helpline appointment, or ask Intake to issue a letter and provide list of PAI attorneys

2. If applicant is Ho-Chunk, follow Ho-Chunk eligibility guidelines.

If the applicant is non Ho-Chunk living in Wisconsin, follow Other Native American Guidelines

ILO RESPONSIBILITY

1. May make contact with caller/ applicant
2. Determine tribal affiliation
3. Decide what to do with caller/ applicant
4. Inform intake what service will be provided
 - a. ILO provides service in-house
 - b. Refer to Helpline or PAI
 - c. Not accepting application – Non-priority legal issue

References *

Consumer/Finance *

Bankruptcy

Western District Map http://www.justice.gov/usao/wiw/District_map.html

(Ashland, Barron, Bayfield, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Lincoln, Marathon, Oneida, Pepin, Pierce, Polk, Portage, Price, Rusk, Sawyer, St. Croix, Taylor, Vilas, Washburn, Wood)

Eastern District Map <http://www.justice.gov/usao/wie/jurisdiction.html>

(Florence, Forest, Langlade, Marinette, Menominee, Oconto, Shawano, Waupaca)

Garnishment - The entire process of petitioning for and getting a court order directing a person or entity (garnishee) to hold funds they owe to someone who allegedly is in debt to another person, often after a judgment has been rendered. Usually the actual amounts owed have not been figured out or are to be paid by installments directly or through the sheriff.

Education *

Employment *

Earned Income Tax Credit (EITC) - is a tax credit available to qualified low-income workers. EITC helps low-income workers increase income. It reduces the income tax a family owes, and at times, it provides a refund greater than taxes owed.

Innocent Spouse Relief - Provides you relief from additional tax you owe if your spouse or former spouse failed to report income, reported income improperly or claimed improper deductions or credits.

Tax Court - A federal agency with courts in major cities which hear taxpayers' appeals from decisions of the Internal Revenue Service. *Tax court hears the appeal as a trial rather than an appeal and does not require payment of the amount claimed by the IRS before hearing the case.* Tax court decisions may be appealed to the Federal District Court of Appeals.

Family *

Abuse – Physical or mental maltreatment often resulting in mental, emotional, sexual, or physical injury.

Annulment - Declaration by a court that a marriage never existed.

Child Support – A parents legal obligation to contribute to the economic maintenance and education of a child until the age of majority, the child's emancipation before reaching the age of majority, or the child's completion of secondary education.

Custody - A court's determination of which parent, relative or other adult should have physical and/or legal control and responsibility for a minor (child) under age 18. There is a difference between physical custody, which designates where the child will actually live, and legal custody, which gives the custodial person(s) the right to make decisions for the child's welfare. If the parents agree, the court can award joint custody, physical and/or legal. Joint legal custody is becoming increasingly common. The basic consideration on custody matters is supposed to be the best interests of the child or children.

Divorce – The legal dissolution of a marriage by a court.

Guardianship – Guardianship is a relationship created by a court between an individual (called a "ward") who the court has determined to be "incompetent" and an individual or organization (called either the "guardian of the person," the "guardian of the estate," or both) who the court authorizes to make personal and medical decisions and/or financial decisions on behalf of the ward. A guardian of the estate can also be appointed for an individual who is considered a "spendthrift." Guardianship can also include protective services or placement. In many other states, a guardianship of the estate is called a conservatorship. In Wisconsin, a guardian of the estate is similar to, but not the same as, a conservator - see below.

Conservatorship - Conservatorship is a relationship created by a court between an individual (called a "conservatee") and an individual or organization (called the "conservator") who the court authorizes to make financial decisions on behalf of the conservatee. Unlike guardianship, the appointment of the conservator is done at the request of the conservatee and there is no finding of incompetence.

Legal Separation - A court-decreed right to live apart, with the rights and obligations of divorced persons, but without divorce. The parties are still married and cannot remarry. A spouse may petition for a legal separation usually on the same basis as for a divorce, and include requests for child custody, alimony, child support and division of property.

Paternity- The state or condition of being a biological father.

Spousal Maintenance -Payment for support of an ex-spouse (or a spouse while a divorce is pending) ordered by the court. *More commonly called alimony.*

Periods of Physical Placement – Non-custodial parents' period of access to a child, *more commonly called visitation.*

Juvenile *

Guardianship – A legal guardian is a responsible adult who is given custody of a minor by the court and is not the child's biological parent. If parents cannot care for their children, grandparents, aunts and uncles often apply to be legal guardians. Guardianship of a minor is often sought when the biological parents have serious medical problems, substance abuse issues, or overseas military assignments. For individuals already caring for a child, it's important to obtain permanent guardianship. That's because schools and doctors typically require such proof before letting the care taker make decisions about a minor.

Abuse – Physical or mental maltreatment often resulting in mental, emotional, sexual, or physical injury.

Health *

Medicaid – Medical aid designed for those who are unable to afford regular medical services

Medicare – Government funded program for the elderly and disabled.

Medicare Part A – Hospital insurance

Medicare Part B – Medical coverage

Medicare Part D - Prescription drug coverage

Ombudsman - A person who investigates and attempts to resolve complaints and problems, as between employees and an employer or between students and a university.

Housing *

Section 8 housing is the short-hand term for subsidized rental vouchers given to individuals and families in the United States. In order to receive Section 8 vouchers, your household income must be below a certain threshold. Unlike government housing projects in which people receive low-cost apartments, under Section 8 you can rent any home that is registered for the program, and pay a percentage of your income to the landlord. The government pays the difference between your portion of the rent and the market rent

Income Maintenance *

Supplemental Security Income (SSI) is a Federal income supplement program funded by general tax revenues (not Social Security taxes):

- It is designed to help aged, blind, and disabled people, who have little or no income; and
- It provides cash to meet basic needs for food, clothing, and shelter.

Social Security Disability Insurance (SSDI) is designed to provide income to people who are unable to work because of a disability.

W-2 (Wisconsin Works) The Wisconsin Works (W-2) program is available to parents of minor children whose family income is below 115% of the Federal Poverty Level (FPL). Each W-2 eligible participant meets with a Financial and Employment Planner (FEP), who helps the individual develop a self-sufficiency plan and determine his or her place on the W-2 employment ladder. The ladder consists of four levels of employment and training options, in order of preference.

Individual Rights *

Miscellaneous *

Probate - the process of proving a will is valid and thereafter administering the estate of a dead person according to the terms of the will.

Power of Attorney - a written document signed by a person giving another person the power to act in conducting the signer's business, including signing papers, checks, title documents, contracts, handling bank accounts and other activities in the name of the person granting the power.

Advance Directives - Advance Directives include Powers of Attorney for Health Care, Living Wills (also called a Declaration to Physicians) and Powers of Attorneys for Finances.

ICWA - ICWA is a federal law that seeks to keep American Indian children with American Indian families. Congress passed ICWA in 1978 in response to the alarmingly high number of Indian children being removed from their homes by both public and private agencies. The intent of Congress under ICWA was to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families" (25 U.S.C. § 1902). ICWA sets federal requirements that apply to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe.

Tribal Court – The 11 federally recognized tribes in Wisconsin are;

Red Cliff

Bad River

Lac Courte Oreilles

St. Croix

Lac du Flambeau

Potawatomi

Mole Lake

Menominee

Stockbridge-Munsee

Ho-Chunk

Oneida

Incarcerated/ Huber Law/ Electronic Monitoring

Persons applying who are incarcerated are not eligible for Judicare services, not even for a consultation. The applications are forwarded to Judy, who in turn, will do a letter to the applicant saying they are not eligible for Judicare services because of their incarceration.

Those that are out on Huber Law are considered incarcerated and not eligible for WJ services, not even a consultation.

Persons who are on electronic monitoring (ankle bracelets) should be processed as any other routine application. Rosemary received two LSC opinions in January 2005 that says: "Persons are not incarcerated as they are confined to their home or work and not in a penal institution." Therefore, applications for eligibility from individuals on electronic monitoring should be processed as any other application.

General Income/ Assets Guidelines

125% Poverty Guidelines Eff. Date 2/17/12

Family Size	Poverty Guidelines	Annual	Monthly	Weekly
1	\$11,170	\$13,963	\$1,164	\$269
2	15,130	18,913	1,576	364
3	19,090	23,863	1,989	459
4	23,050	28,813	2,401	554
5	27,010	33,763	2,814	649
6	30,970	38,713	3,226	744
7	34,930	43,663	3,639	840
8	38,890	48,613	4,051	935
Each Add.	3,960	4,950		

200% Poverty Guidelines Eff. Date 2/17/12

Family Size	Poverty Guidelines	Annual	Monthly	Weekly
1	\$11,170	\$22,340	\$1,862	\$430
2	15,130	30,260	2,522	582
3	19,090	38,180	3,182	734
4	23,050	46,100	3,842	887
5	27,010	54,020	4,502	1,039
6	30,970	61,940	5,162	1,191
7	34,930	69,860	5,822	1,343
8	38,890	77,780	6,482	1,496
Each Add.	3,960	7,920		

INCOME

If the amount of income is equal to or less than the monthly income limit listed in the table above, the applicant is eligible in terms of household income. If this amount is higher, the applicant is not eligible.

ASSETS

The total of all assets may not exceed \$10,000 for a household of one. The \$10,000 limit may be increased by \$500 for each additional household member. If this total equity is equal to or less than \$10,000 (add \$500 for each additional family member), the applicant is eligible in terms of the total asset equity limit. If this total equity is higher, the applicant is not eligible.

** For a complete explanation of the income and asset guidelines see the Wisconsin Judicare Financial Eligibility Handbook. Income and asset explanation starts on page 6.*

LITC Income Guidelines

250% Poverty Guidelines Eff. Date 2/17/12

Family Size	Poverty Guidelines	Annual	Monthly	Weekly
1	\$11,170	\$27,925	\$2,327	\$537
2	15,130	37,825	3,152	727
3	19,090	47,725	3,977	918
4	23,050	57,625	4,802	1,108
5	27,010	67,525	5,627	1,299
6	30,970	77,425	6,452	1,489
7	34,930	87,325	7,277	1,679
8	38,890	97,225	8,102	1,870
Each Add.	3,960	9,900		

LITC (Low Income Tax Clinic)

Clients who can be assisted under the LITC grant may have income up to 250% of the poverty guidelines. There are no asset limitations. The amount in controversy can be up to \$50,000. The LITC grant is not to be used to make out tax returns, but to assist taxpayers by defending the claim by the **Internal Revenue services**, and by making offers in compromise.

Any applicants who list their legal problem as being a “tax matter” should be referred to Kimberly. Process the application according to the general eligibility guidelines. If their income is over 125%, do not automatically deny. Give a copy of the application to Kimberly and she can determine if this is an IRS issue to be handled under the LITC grant on staff or whether the applicant is not eligible for services.

A tax brochure should be enclosed with every mailed financial application.

Ho-Chunk Eligibility Guidelines

200% Poverty Guidelines Eff. Date 2/17/12

Family Size	Poverty Guidelines	Annual	Monthly	Weekly
1	\$11,170	\$22,340	\$1,862	\$430
2	15,130	30,260	2,522	582
3	19,090	38,180	3,182	734
4	23,050	46,100	3,842	887
5	27,010	54,020	4,502	1,039
6	30,970	61,940	5,162	1,191
7	34,930	69,860	5,822	1,343
8	38,890	77,780	6,482	1,496
Each Add.	3,960	7,920		

RESIDENCY

The Ho-Chunk applicant can be eligible if s/he resides anywhere in Wisconsin.

The Ho-Chunk applicant can be eligible if s/he is incarcerated anywhere in Wisconsin.

INCOME (See above chart)

Income limits for Ho-Chunk members is set at 200% of federal poverty guidelines.

Ho-Chunk per capita payments are not counted in determining financial eligibility. If the applicant's income is over 200%, you must do a waiver sheet for James to review and decide.

ASSETS

The asset limitation for Ho-Chunk members is set at twice the standard Judicare limit.

<u>Family Size</u>	<u>Limit</u>
1	\$20,000
2	\$21,000
3	\$22,000
4	\$23,000
5	\$24,000
6	\$25,000

Other Native American Guidelines

Guidelines for Native Americans (non-Ho-Chunk) living in Wisconsin

Financial eligibility guidelines, income and asset limits, are the same as Judicare's guidelines. The type of case will determine what services are provided.

The Native American grant from LSC describes the service area as STATEWIDE. This means that any Native American applicants who are not Ho-Chunk, living outside Judicare's 33 county service area but in Wisconsin, may be eligible for services involving **only Indian law issues**. Indian law issues involve the tribe as a whole, not a legal matter for an individual person. The applicant does not have to be referred to us by another legal services program. However, if the applicant is applying for routine legal issues, such as divorce, custody, bankruptcy, the other legal services offices in the state still have an obligation to provide services to Indian people in cases within their priorities, just like Judicare does. But for specifically Indian Law matters we are a state-wide program.

All applications for Native Americans should be routed through ILO if the legal matter is on the ILO check list.