

LEGAL SERVICES SERVICE ACTIVITY REVIEW

Service Area Definition:

Legal Services are the provision of services to individuals with respect to powers of attorney, do-not-resuscitate orders and 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 Ryan White Program. It does **not** include any legal services that arrange for guardianship or adoption of children after the death of their normal caregiver.

2006 SERVICE AREA PRIORITY RANKING: 20 out of 23 services

ALLOCATIONS:

2006-7 Allocation	2006-7 Expenditure	Activity	2007-8 Post Award Allocation
\$61,000	\$61,000	Legal Services	\$78,924

In 2006, 207 people used **Legal Services**, according to MDH services utilization data. This is **3.7%** of all HIV+ people, and **5.3%** of all HIV+ people in services.

*Demographics	Epi #	Epi %	ALL Service Use #	ALL Service Use %	Legal Services Use #	Legal Services Use %
Total N	5566	100%	3888	100%	207	100%
Gender:						
Male	4300	77.3%	2838	73.0%	139	67.1%
Female	1266	22.7%	1027	26.4%	67	32.4%
Transgender			23	0.6%	1	0.5%
Race:						
American Indian	97	1.7%	123	3.2%	4	1.9%
Asian/Pacific Islander	83	1.5%	119	3.1%	3	1.4%
Black	1889	33.9%	1241	31.9%	88	42.5%
Caucasian	3035	54.5%	1727	44.4%	94	45.4%
Other/Unknown	35	0.6%	427	11.0%	16	7.7%
Ethnicity:						
Latino	427	7.7%	251	6.5%	2	1.0%
Transmission:						
MSM	2844	51.1%	1493	38.4%	82	39.6%
IDU	394	7.1%	218	5.6%	10	4.8%
MSM/IDU	289	5.2%	117	3.0%	6	2.9%
Heterosexual	662	11.9%	1054	27.1%	58	28.0%
Perinatal	50	0.9%	27	0.7%	1	0.5%
Blood/hemophilia	45	0.8%	45	1.2%	1	0.3%
Unknown	1282	23.0%	034	24.0%	71	19.5%

*Demographics	Epi #	Epi %	ALL Service Use #	ALL Service Use %	Service Use #	Service Use %
Total N	5566	100%	3888	100%	207	100%
Age:						
<13	27	0.5%	17	0.4%	1	0.5%
13-19	43	0.8%	27	0.7%	1	0.5%
20-24	169	3.0%	152	3.9%	13	6.3%
25-29	398	7.2%	352	9.1%	14	6.8%
30-34	507	9.1%	395	10.2%	17	8.2%
35-39	846	15.2%	604	15.5%	33	15.9%
40-44	1235	22.2%	834	21.5%	42	20.3%
45-49	1030	18.5%	669	17.2%	39	18.8%
50+	1303	23.4%	838	21.6%	47	22.7%
Unknown	8	0.1%	0	0%	0	0%
Geography:	#	%	#	%		
Hennepin Co.	3175	57.0%	2273	58.5%	121	58.5%
Ramsey Co.	991	17.8%	692	17.8%	44	21.3%
Other 7 counties	625	11.2%	359	9.2%	24	11.6%
Other 13 counties**	65	1.2%	26	0.7%	4	1.9%
Greater Minnesota	741	13.3%	386	9.9%	11	5.3%
Unknown	34	0.6%	11	0.3%	3	1.4%
Country of Origin	#	%	#	%		
United States	2444	43.9%	2064	53.1%	111	53.6%
Other	1005	18.1%	588	15.1%	70	33.8%
Unknown	2117	38.0%	1235	31.8%	26	12.6%

Data from "Persons Living with HIV/AIDS by Exposure Category, etc. Minnesota 2006, by MDH, n.d.

Epi data does not include Wisconsin counties.

9 uninfected clients were served in 2006.

Transgender identity is not collected in surveillance/epi. All transgender people reported through CLRS in 2006 (N=23) were male-to-female.

"Other" race/ethnicity category "Unknown," "Other," "refused", and "More than 1 race"

Hispanic ethnicity is reported separately from race for surveillance/epi and services.

Other 7-county metro includes clients living in Anoka, Carver, Dakota, Scott and Washington counties (7-county metro area excluding Hennepin and Ramsey counties).

Other 13-county metro includes clients living in Chisago, Isanti, Sherburne, and Wright counties in MN and Pierce and St. Croix counties in WI (13 county EMA excluding the 7 county metro area).

UTILIZATION HISTORY:

Year	# using Legal Services	Total Epi	Percent of Epi	Total in RW Services	Percent of those in services
2006	207	5,566	3.7%	3,888	5.3%
2005	293	5,233	5.6%	3,752	7.8%
2004	259	5,002	5.2%	3,838	6.7%
2003	309	4,895	6.3%	3,399	9.1%
2002	262	4,598	5.7%	3,121	8.4%
2001	267	4,331	6.2%	2,801	9.5%

LEGAL SERVICES OUTCOMES

Summary of Information at July 2007

DEMOGRAPHICS. Of the 43 clients who completed outcome forms by July 2007:

- 65% (28) are male; 33% (14) female; none are transgender.
- 37% (16) are African born; 26% (11) are Caucasian/White; 23% (10) African American/Black; 7% (3) Latino, and 5% (2) Asian Pacific Islander. One person (2%) indicated Other, and one did not provide race or ethnicity information.
- 49% (21) identified themselves as straight/heterosexual; 23% (10) as homosexual/gay/lesbian; 7% (3) as bisexual, 2% (1) as "Other." Eight clients did not indicate a sexual orientation.

OVERALL OUTCOME. Clients were asked to respond to the statement, "After using legal services, I better understand the options." on a scale of 1 = *Strongly Agree* to 5 = *Strongly Disagree*. **Average response was 1.5.** Responses to this statement were:

- 63% (26) *Strongly Agreed*
- 28% (12) *Agreed*
- 12% (3) *Neutral*

No clients indicated *Disagree* or *Strongly Disagree* in response to this question.

MADE A DIFFERENCE. Clients were asked to indicate whether legal services made a difference to them. The following indicates the percentage of clients who indicated legal services has made a difference for them in:

- 84% (36) understanding legal rights.
- 86% (37) understanding the legal situation they are in
- 91% (39) explaining the options to resolve their legal situation
- 88% (38) finding the best way to be represented legally

IMPROVEMENTS FROM LEGAL SERVICES. Clients were asked to indicate whether having access to legal services had improved things for them. The following indicates the percentage of clients who indicated that legal services had improved:

- 67% (29) ability to access/maintain medical care for HIV
- 70% (30) ability to maintain confidentiality about HIV status
- 77% (33) ability to access benefits

- 63% (27) ability to protect myself against discrimination
- 70% (30) ability to prevent future legal issues
- 63% (27) their financial situation
- 72% (31) opportunity to plan for the future.

Assessing the Needs of Minnesotans Living With HIV or AIDS: Results of a Community Survey

Positive Outcomes, Inc. and Community Consulting Group, LLC August 2006

INTRODUCTION

The Hennepin County Human Services and Public Health Department funded a voluntary survey of Minnesota HIV-infected residents to assess access to HIV clinical and psychosocial support services, evaluate the impact of recent changes in Minnesota State health insurance programs, measure unmet need, and help to plan the allocation of HIV services funds. Residents of Minnesota counties included in the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act Title I Eligible Metropolitan Area (EMA) were surveyed. These counties include Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright Counties. Residents of other Minnesota counties also were surveyed. The survey was designed and conducted by Positive Outcomes, Inc. (POI) and Community Consulting Group (CCG).

KEY FINDINGS

A voluntary survey of 379 HIV-infected Minnesota residents was conducted in Spring 2006. The survey administered by HIV program staff assessed respondents' health insurance coverage, use of HIV clinical and support services, and unmet need.

Other Services 19% of respondents (n=59) reported needing but not getting another service during the six months before the interview. Affordable housing and related housing services were identified as being needed in the six months before the interview. Table 3 summarizes specific services needed but not received.

Housing, rental assistance, or rental services	25.4%	Emergency assistance	1.7%
Financial assistance	11.9%	Heating assistance	1.7%
Transportation	6.8%	Injections to fill out sunken cheeks in face	1.7%
Employment assistance	5.1%	Job skills training	1.7%
Food or food vouchers	5.1%	Medical insurance	1.7%
Child care assistance	3.4%	More services for kids and women with kids	1.7%
Driving lessons	3.4%	Neuropsychiatric testing	1.7%
Home repair assistance	3.4%	Permanent legal status	1.7%
Nutrition or nutritional supplements	3.4%	Physical therapy	1.7%
SSDI	3.4%	Podiatry	1.7%
Computer to access internet	1.7%	Public health assessment for PCA	1.7%
Delivered meals	1.7%	Supportive services	1.7%
Assistance w/ activities of daily living due to back surgery	1.7%	Tax service	1.7%
		Disability benefits	1.7%

CONSUMER RANKING

Those interviewed for the needs assessment were asked to rank the top five services after answering questions about knowledge and use of each service. **Legal services** were ranked **#18 in 1999** and **#10 in 2003**.

Ranking of Top Services [where there are comparable services]	1999 Rank (of 24)	1999 # or Top Five Votes	1999 % of Top Five Votes	2003 Rank (of 25)	2003 # of Top Five Votes	2003 % of Top Five Votes**
Emergency Financial Assistance	4	68	6.62%	1	119	12.3%
Case Management	3	84	8.18%	2	116	12.0%
Primary Medical	1	143	13.93%	3	107	11.1%
ADAP	2	100	9.74%	4	81	8.4%
Dental	5	66	6.43%	8	54	4.8%
Emotional Support	11	38	3.70%	9	38	3.4%
Legal Services	18	17	1.65%	10	35	3.1%
Food Shelf	10	44	4.28%	11	34	3.0%

KEY POINTS LEGAL SERVICES

[Key points are created for and approved by the Needs Assessment and Evaluation Committee of the MHSPC, based on their review of a service area (SAR), which includes utilization data, outcome data, and detailed information from past Needs Assessments.]

Background: This service is currently administered through a community-based agency, with dedicated time of a staff attorney, who also recruits, refers and coordinates additional pro bono time from volunteer attorneys. The staff attorney funded by this service also provides training to and consultation with other attorneys, and regularly does training for HIV service providers.

The NA&E Committee notes that the overriding purpose of funding this service is to assure that legal expertise relevant to HIV (including but not limited to discrimination and the consequences of stigma) is developed and available on behalf of people who are HIV positive. They note that access to private legal services would typically be prohibitively expensive, and that legal services available to low income persons are often stressed by demands that exceed funding.

Points from the SAR Data:

This is a **valued and very cost effective service**. Committee comments included "money well spent...a huge bang for the buck." The funded staff leverages additional resources and funds, through referrals to other attorneys, who may provide low cost or pro bono services. (The NA&E Committee notes that it does cost something to effectively coordinate volunteer services.) Committee members also noted that the services provided are of high quality, including top notch local attorneys.

It is important to note that there is **coordination and cross referral with benefits counseling** [a majority of clients completing initial outcome forms indicate that access to this service improved their ability to access benefits].

In the 2003 Needs Assessment by CLEAR, legal services had the second highest rating for **unmet need**, 9.1% (22) of those interviewed said their needs for legal services were **currently met poorly or not at all met**. In the 2006 Needs Assessment of case managed clients, by CCG and Positive Outcomes, **permanent legal status** was identified as an unmet need by 1.7% of clients.

Outcomes data (collected from 43 clients by July 2007) indicate **positive impact and response** to legal services. The percentage of clients who indicated that legal services made a positive difference for them included:

- 84% (a difference in) understanding legal rights
- 86% understanding the legal situation they are in
- 91% explaining the options to resolve their legal situation
- 88% finding the best way to be represented legally
- 67% of clients said legal services had improved their ability to access/maintain medical care for HIV.

There is an increasing **need for legal services** among people who are HIV+ and who were not born in the U.S.; the number of legal services clients born outside of the U.S. increased from 16% in 2003 to 34% in 2006.

This service currently works with a host of others, including other (non Ryan White funded) legal assistance programs serving immigrants and refugees, to complete HIV waiver applications. In addition, as the current discussion about **immigration issues** continues within this state and nationally, it is important to recognize that changes in policy or law could have significant impact on the need for this service.

APPENDIX: INFORMATION RELEVANT TO LEGAL SERVICES 2003 COMPREHENSIVE NEEDS ASSESSMENT

This information is based on the Needs Assessment conducted in 2003, based on interviews with 242 HIV+ Minnesotans. The people interviewed may or may not have been in services, or at the time using case management services.

On the 2003 Needs Assessment, we asked some questions about the kinds of things which might require legal services. The following is information about work and housing issues, and rental/eviction history, incarceration experiences, and fear of being reported to authorities as a barrier to medical care.

WORK. We also asked people about their HIV status being known on their job (past or present). In 2003, 73 or 30.2% of the 242 people interviewed reported their HIV status was known at their job.

Was HIV Status Known on Job?	1999 Frequency	1999 Percent	2003 Frequency	2003 Percent
Yes	74	33.5%	73	30.2%
No	132	59.7%	135	55.8%
Does not apply/no info	14	6.8%	34	14.0%
Total	220	100.0%	242	100%

We asked people in this survey if they had requested accommodations due to their HIV status (such as illness, need for time for doctor appointments, etc.) on their job, and about their employer's reaction.

2003	35 people requested job accommodations due to HIV.	47.9% of those (73) whose HIV status was known on the job requested job accommodations.	14.5% of all (242) interviewed for this survey requested job accommodations.
1999	<i>This compares to 40 people in 1999.</i>	<i>This compares to 54% of people (of 74) in 1999.</i>	<i>This compares to 18% of 220 people in 1999.</i>

People were also asked whether they felt they had encountered discrimination or harassment on the job due to their HIV status and whether they had taken any action in response to the discrimination or harassment.

2003	26 people or 10.7% of all interviewed (35.6% of the 73 whose status was known on the job) felt they were subjected to discrimination or harassment due to their HIV status.	10 people or 4.1% of all interviewed (13.6% of the 73 whose status was known on the job) took or tried to take action in response to the discrimination or harassment.
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1999	<i>This compares to 15 people, or 7% of those interviewed, and 20% of those whose status was known on the job in 1999.</i>	<i>This compares to 10 people, or 4.5% of all interviewed (13% of those whose status was known on the job in 1999.</i>
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HOUSING. Participants were also asked if they felt they had ever been turned down for housing based on HIV status or other characteristics. Results indicate that 90 or 37.2% of them felt they had been discriminated against in housing based on one or more factors. The following identifies those factors.

Do you think you were ever turned down for a house or apartment because of any of the following reasons?	Frequency	Percent
HIV status	12	5.0%
Race/ethnicity	19	7.9%
Sexual orientation	9	3.7%
Disability (other than HIV)	1	0.4%
Income	35	14.5%
Children	3	1.2%
Family size	2	0.8%
Other	9	3.7%
No/Does Not Apply	152	62.8%
Total	242	100%

We asked those who felt they had been turned down for housing for a discriminatory reason whether they had filed a complaint. Five percent of all interviewed (and 7.9% of those who felt they had been turned down for housing) indicate they had with varying reports of the disposition of complaints. Reasons for not filing a complaint are summarized on the following table.

IF YOU THINK YOU WERE TURNED DOWN FOR HOUSING, DID YOU TRY TO FILE A COMPLAINT?	Frequency	Percent
Yes	12	5.0%
No because I didn't know how to do this	10	4.1%
No because I didn't think it would make a difference	34	14.0%
No because I didn't want to follow up	13	5.4%
No for another reason	17	7.0%
Does Not Apply	156	64.5%
Total	242	100%

UNLAWFUL DETAINER. Unlawful detainers are legal actions taken against a tenant. Because this has been a significant barrier to finding affordable housing for a number of people, we asked during interviews about unlawful detainers.

- Fifty-nine or 24.4% of those interviewed have had an unlawful detainer.
- Nine (3.7% of those interviewed and 15.3% of those with detainers) reported their detainer was related to their HIV status.

INCARCERATION. We asked a number of questions about experience with incarceration. To begin with, we asked if each respondent had ever been in prison, jail or the workhouse longer than 30 days. *Fifty-eight persons, or 24.0% indicated they had spent more than 30 days in either prison, jail or the workhouse.* Of these, 30 (12.4%) spent time in prison; 25 (10.3%) in jail, and 5 (2.1%) in the workhouse. The range of times was between 1 and 30 times.

Thirty-nine of those people, or 16.1% of all interviewed (and 67.2% of those who have been incarcerated) were HIV+ while incarcerated.

Barriers to Medical Care. People were asked to indicate barrier to accessing and maintaining medical care. The following provides the information for those who indicated they faced attitude barriers. Note that 12% of those interviewed indicated that fear or being reported to authorities was a barrier.

Barriers to Medical Care	2003 Frequency	2003 Percent
ATTITUDE	132	54.5%
I was too upset to think about services	54	22.3%
I was in denial about being HIV+	57	23.6%
I was worried about other people finding out I was HIV+	85	35.1%
I was afraid of begin reported to the authorities	28	11.6%
I was afraid of how I would be treated	79	32.6%

KNOWLEDGE, USE AND RANKING OF SERVICES. As the following tables indicates, 64% of those interviewed knew about legal services and **20% had used legal services in the prior 12 months.**

Service:	1999 - Know about this service?		1999 - Have used in the past year?		2003 - Know about this service?		2003 - Have used in the past year?	
	#	%	#	%	#	%	#	%
Primary Medical Care	218	99.1%	189	85.91%	196	81.0%	166	68.6%
Pharmacy/ADAP	163	74.1%	149	67.73%	109	45.0%	49	20.2%
Dental Care	138	62.7%	94	42.73%	152	62.8%	92	38.0%
Legal services/attorney	116	52.7%	52	23.64%	154	63.6%	49	20.2%
Benefits Counseling					74	30.6%	23	9.5%
Interpretation/Translation					92	38.0%	19	7.9%

In 2003, 68% of those interviewed said they might need legal services in the future; 36% said this need was completely or well met and 9% said it was poorly or not at all being met.

SERVICE	Might Need Service in the future		Currently Need is being met		Currently, need is not being met	
	#	%	#	%	#	%
Legal Services	164	67.8%	86	35.5%	22	9.1%

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Emotional Support	11	38	3.70%	9	38	3.4%
Legal Services	18	17	1.65%	10	35	3.1%
Food Shelf	10	44	4.28%	11	34	3.0%