

Dakota Plains Legal Services

Core Case Service Priorities

Dakota Plains Legal Services utilizes three basic criteria to determine whether a prospective client will receive assistance:

1. The prospective client must meet all eligibility requirements as set forth by LSC, as well as program requirements. Financial eligibility must be met by clients whose services will be provided through Legal Services Corporation (LSC) funds. Different financial eligibility requirements may be mandated by other sources of DPLS funding.
2. The type of case presented must be within the DPLS case service priorities, and
3. The matter must be legally meritorious.

The following will address the second criterion as to what DPLS has determined to be the most important, moderately significant, and least critical to provide to our clients in our service area. It is DPLS' intention to provide assistance to the full extent possible in cases handled within the first category of cases, identified as "most important" to all eligible clients, unless good cause exists. In the second and third category of "moderately significant" and "least critical", it is the intention of DPLS to provide "advice and counsel" or "brief service" or a referral in these categories. It is generally not the intention of DPLS to provide extended services in the latter two categories.

Determinations as to legal merit are generally made during case acceptance meetings which are held in each office on a schedule to be determined by the respective office. At the case acceptance meeting, eligible cases are discussed and analyzed under our priorities and weighed on the likelihood of success or failure in achieving the prospective client's legal objective.

DAKOTA PLAINS LEGAL SERVICES

CORE CASE SERVICE PRIORITIES

Effective October 5, 2024, the DPLS Board of Directors adopted the following program priorities:

First Priority: MOST IMPORTANT CASE SERVICES

Principal considerations: Meeting the prospective client's **immediate need for food, shelter, healthcare, protection from consumer fraud, ability to be and stay employed and freedom from physical harm.** Unless good cause exists, each office provides every eligible client who presents a meritorious claim with assistance in this first category of cases.

INDIAN /TRIBAL LAW

Indian/Tribal law remains of utmost importance and is a leading emphasis of the mission of Dakota Plains Legal Services. Outreach and legal education to the community will be stressed as part of DPLS' service priorities. To increase our contact with the community, advice and brief service through outreach and clinics in all areas, as well as full representation in court, when applicable, remain a leading priority.

MEETING A CLIENT'S NEED FOR FOOD/INCOME MAINTENANCE

- 1.1.1 : Food Stamp program, including expedited food stamps; Women, Infants and Children (WIC) program; federal commodities distributions
- 1.1.2 : Access to food pantries and publicly-funded feeding programs
- 1.1.3 : Eligibility for income maintenance programs: TANF/GA ; Social Security; Supplemental Security Income (SSI); Veterans' benefits [These public benefits are important insofar as each enables its recipients to meet their immediate need for food, shelter and health care.] System navigation.
- 1.1.4 : Defense against overpayment and/or fraud allegations in public benefits programs [various]
- 1.1.5 : Unemployment Compensation

SHELTER

- 1.2.1 : Prevention of homelessness through eviction defense and/or enforcement of warranty of habitability; defense of foreclosure actions,
- 1.2.2 : Access to publicly-funded shelters; entitlement to public housing
- 1.2.3 : Utility shut-offs

HEALTH CARE

- 1.3.1 : Eligibility for Medicaid, Medicare, patient anti-dumping law, nursing home discharge hearings.
- 1.3.2 : Veterans' health benefits
- 1.3.3: Drafting of simple wills, durable powers of attorney for health care, financial powers of attorney (Especially in situations of urgency or failing health)

PHYSICAL SAFETY/PROTECTING THE FAMILY

- 1.4.1 : Protective Orders and Protective Orders on behalf of children; stalking injunctions, ICWA cases,

human trafficking related custody actions.

1.4.2 : Filing divorce petitions (or in the case of unmarried parents, parentage petitions) in situations involving domestic violence or child abuse; obtaining or modifying custody or visitation when child abuse/neglect is substantiated against the opposing parent.

1.4.3 : Other legal matters arising from domestic violence.

CONSUMER PROBLEMS

1.5.1 : Collection abuse and defenses and unlawful garnishment or attachment; credit discrimination; faulty goods and services.

BARRIERS TO EMPLOYMENT AND HOUSING

1.6.1 : Expungements, obtaining identification documents.

Second Priority: MODERATELY SIGNIFICANT CASE SERVICES

Principal considerations: To **prevent further degradation or seek long-term improvement of prospective clients' standards of living where immediate legal intervention is less decisive.** Consideration should be given to impact work (litigation seeking systemic change, or establishing case law that will affect a large number of low-income persons and/or administrative advocacy) that may reduce the need for individual advocacy in this area. While important legal concerns are listed here, DPLS may lack the staff to handle them. DPLS will refer prospective clients who have already been screened for financial eligibility to the Private Attorney Involvement program, if appropriate. DPLS will, when practicable, provide advice and brief service in these areas. Extended service when able.

EDUCATION

2.2.1 : Access to education; fee waivers, Expulsion and Suspension, Special Education/Learning Disabilities;

EMPLOYMENT

Many of these cases involve large enough retroactive lump sum payments to be fee-generating, leading to private attorney availability. We do not handle such cases.

Limited to representation in tribal employment grievance hearings and in unemployment insurance cases.

2.3.1 : Job discrimination; wage claims; and workers compensation so long as they are not fee generating.

FAMILY LAW

2.4.1 : Divorce petitions on behalf of parents seeking custody, no domestic violence

2.4.2 : Defense of proposed wards in guardianship proceedings

2.4.3 : Defending custodial parent in petitions for modification of custody, no domestic violence

HOUSING

2.5.1 : Defense against collection of rent, damage claims, or attorney's fees, security deposit disputes.

INDIVIDUAL RIGHTS

2.6.1 : Mental health, civil rights

MISC.

2.7.1: Probate matters in tribal and state court, licenses, advance directives in non-emergency situations.

Third Priority: LEAST CRITICAL CASE SERVICES

Principal considerations: While important legal concerns are listed here, DPLS may lack the staff to handle them. Advice may be provided through the intake process. Whenever appropriate, DPLS will refer these cases to the Private Attorney Involvement program once they have been screened and are financially eligible in the event that DPLS does not have the resources to provide extended service.

CONSUMER PROBLEMS

3.1.1 : Bankruptcy, where client has massive unpaid medical bills

FAMILY LAW

3.2.1 : Adoption; name changes; child/spousal support; paternity

3.2.2 : Visitation, including grandparents' visitation rights, no abuse present

3.2.3 : Divorce (for either party) where child custody is not at issue and there are no credible allegations of abuse or violence

INDIVIDUAL RIGHTS

3.3.1 : Rights of mentally and physically impaired persons

In court representation of obligees in state court child support cases only in special circumstances and after approval of managing attorney.

OTHER PRIORITIES

DPLS provides representation for criminal, juvenile and abuse and neglect cases for which they are court appointed pursuant to the Pennington County Contract for Indigent Representation. In addition, DPLS may provide representation in criminal proceedings in state, federal or tribal court pursuant to court appointments only and when required by professional responsibility in a case in which DPLS is already representing the client. In state court criminal court appointments, the maximum charge can be no greater than a Class 3 felony.

Reviewed and Approved: October 5, 2024