

PROTECTION & ADVOCACY SYSTEM, INC.

GENERAL POLICY ON CASE ACCEPTANCE

The Board of Trustees of Protection & Advocacy System, Inc. (“P&A”) adopts the following General Policy on Case Acceptance.

1. P&A’s mission is to establish, expand, protect, and enforce the human and civil rights of persons with disabilities through administrative, legal, and other appropriate means. In providing legal services and advocacy, P&A recognizes the inherent dignity, worth and equality of all people and values empowerment, self-determination, independence, and inclusion. P&A will only consider accepting cases that further P&A’s mission.
2. P&A is a nonprofit corporation authorized by several federal statutes which establish program purposes, populations to be served, and eligibility criteria. In deciding whether to provide assistance and representation, P&A will consider federal authorizing statutes, federal implementing regulations, grant or contract requirements, P&A Program Policies and Procedures, ethical requirements, and P&A program priorities.
3. P&A provides assistance and representation for issues which directly and clearly arise from an individual’s disability. In other words, the individual’s disability must be central to, rather than incidental to, the issue for which the individual seeks assistance.
4. P&A has limited resources. P&A cannot accept every case or matter. While

P&A may provide direct legal representation to individual clients, legal issues that are systemic in nature will receive priority. The demand for P&A services far exceeds its resources. The agency must plan its activities in a strategic manner to effectively utilize its limited resources. Therefore, P&A may decline to provide direct advocacy assistance or legal representation in situations where a case may be within its priorities and meet case acceptance criteria. In deciding whether to provide assistance and representation in specific matters, P&A shall consider the following factors:

- P&A program priorities;
- The availability of P&A resources;
- Legal and factual merit of the presenting issues;
- Sufficiency of time required to prepare and address the issues;
- Potential impact that handling the matter would have on other P&A clients, matters, and issues;
- Potential ethical or professional conflicts that can be identified or arise;
- Complexity of the presenting issues;
- Potential for systemic reform;
- Potential for the individual to address matters through self-advocacy;
- Availability of other advocacy resources or agencies or court-appointed counsel or if an individual is represented by an attorney or another advocate for the same purpose for which the individual contacts P&A;
- Benefits and detriments of P&A involvement.

5. P&A attempts to resolve matters at the lowest level, unless doing so is foreclosed

by law, in the case of immediate harm or jeopardy, or would be futile. Consistent with this policy, P&A will seek opportunities to negotiate or mediate matters at any time such opportunities are available, including after administrative review or legal action has commenced.

6. There are some matters that P&A does not handle. P&A reserves the right to refer persons seeking representation to other persons, entities, or agencies that may be more appropriate resources for such matters. P&A will not handle appeals of administrative or litigation matters unless P&A had primary responsibility for the administrative or trial phase of the matter. P&A may, in its sole discretion, provide amicus support in appropriate cases.

The following is a non-exclusive list of matters that P&A will not handle regardless of disability status:

- Applications for Social Security benefit eligibility. P&A will not represent persons who are applying to become eligible for Social Security Disability Insurance (“SSDI”) or Supplemental Security Income (“SSI”).
- Bankruptcy proceedings. P&A will not petition for or contest any matter relating to any bankruptcy case or proceeding.
- Criminal matters. P&A will not handle any matters that arise in correctional facilities or programs or matters involving criminal investigations, criminal charges, criminal trials or appeals or probation and the like. P&A will not handle administrative proceedings or civil or criminal cases related to criminal matters, such as habeas petitions, criminal charges, civil forfeiture, post-conviction relief, conditions of

confinement, or restoration of rights.

- Debt collection. P&A will not represent parties in debt collections.
- Domestic relations issues. P&A will not represent persons in divorce, custody, child support, alimony or maintenance, adoption, or property settlement matters of any kind.
- Estate planning. P&A will not create, modify, or contest wills, trusts, or other similar estate planning devices, including special needs trusts.
- Ethical conflicts. P&A will not advocate for or represent any person where a professional or ethical conflict exists, regardless of the merits of the issue, need of the parties for representation, availability of other resources, urgency of action, or compelling factors.
- Free and Appropriate Public Education matters (Preschool and K-12). P&A will not represent persons whose issues relate to preschool or K-12 free and appropriate public education. Referrals will be made to appropriate agencies which provide these advocacy services.
- Guardianship or Conservatorship. P&A will not petition for creation of guardianships or conservatorships. P&A will not act as guardian or conservator or as guardian ad litem in any guardianship or conservatorship case. In P&A's sole discretion, P&A may represent a proposed ward in opposing appointment of a guardian or conservator, opposing the scope of a proposed guardianship or conservatorship, or in advocating for appropriate alternatives to guardianship, such as supported decision making or powers of attorney. P&A may act to remove a guardian or

conservator when, in the sole discretion of P&A, the actions of a guardian or conservator constitute abuse, neglect, or exploitation of the ward.

- Immigration and naturalization cases. P&A will not represent parties in immigration or naturalization matters.
- Independently commenced proceedings. P&A will not represent a person when the individual or any person or entity acting for the individual commences an administrative review or litigation independently of P&A.
- Landlord, tenant, or property matters. P&A will not represent any person in landlord, tenant, or property matters unless the issues directly and clearly relate to the person's qualifying disabilities, arise under federal or state law relating to housing or disability rights, and in P&A's sole discretion, are sufficiently meritorious to warrant P&A intervention.
- Means-tested benefits. P&A will not provide assistance in matters where the determining factor is the individual's income or assets, rather than disability. Examples of means-tested benefits include food stamps, tax credits, cash benefits, or income eligibility for public housing.
- Personal injury matters. P&A will not represent persons who seek money damages for personal injuries, regardless of the cause of such injuries, unless the damages are sought as part of a broader abuse or neglect case.
- Sterilization cases. P&A will not represent persons in sterilization cases, except to assure compliance with the Wyoming Guardianship Code.
- Unemployment Compensation and Workers' Compensation. P&A will not represent persons in unemployment compensation or workers'

compensation matters.

7. At the sole discretion of P&A, impact casework may be undertaken. Handling any particular matter as an impact case shall not obligate P&A to handle any other similar matter. An impact case shall be consistent with agency mission; lack of other organizations addressing the issue; the probability of setting a precedent or effecting systemic change benefitting multiple persons; and availability of resources.
8. Regardless of disability status, existence of a meritorious claim, and initial P&A advocacy or representation, P&A reserves the right to terminate or withdraw from representation at any time. Examples of situations in which P&A may withdraw from representation include:
 - P&A's client dies, terminates P&A's representation, or consistently fails to respond, attend meetings, provide information, or cooperate with P&A.
 - An ethical or professional conflict develops during representation.
 - Changes to the law, newly discovered facts, or other developments diminish or eliminate legal or factual merit, and P&A determines that the matter lacks sufficient merit to justify further pursuit of the matter.
9. Persons seeking services from P&A may appeal a decision if P&A has not taken a case and the person wishes to appeal that decision; a person believes P&A is not following federal regulations; a client has an objection to the closure of his or her case; or a client is dissatisfied with P&A services.

Policy Adopted April 2, 2020