

## Advancing Civil Legal Aid and Medical-Legal Partnerships in VA Medical Centers

### The Need for Civil Legal Services for Veterans

- Veterans often face serious challenges, including income instability, unemployment, consumer issues, and homelessness, all of which can exacerbate health problems.
- According to the Legal Services Corporation, 71% of households with Veterans or other military personnel had at least one civil legal problem in the past year.<sup>1</sup>
- Access to civil legal services can help Veterans address problems such as navigating complex VA benefits challenges to securing stable housing.
- Recognizing the advantages that flow from legal services, the VA has taken many steps to encourage access, through legal clinics for Veterans and the formation of VA Medical-Legal Partnerships (MLPs), in which lawyers are embedded in, and work closely with, VA health care staff to address the legal issues that contribute to poor health.
- A recent study of four VA MLPs found that Veterans who received legal services had significant mental health improvement and improvements in their housing and income.<sup>2</sup>
- MLPs are also economical, with evidence indicating decreases in readmission rates, length of inpatient hospital stays, and visits to the emergency room.<sup>3</sup>
- The VA can expand the social and health outcomes for Veterans by directly funding legal services and/or working towards legislation that directs the VA to fund legal services.

### VA Support of MLP and Civil Legal Services

- The VA is an active participant in the Legal Aid Interagency Roundtable (LAIR), which raises awareness of how civil legal aid integration can advance the objectives of many federal programs.
- VA Directive in 2011 followed by a formal Policy Memorandum in 2012 to Office of General Counsel attorneys clarifying when VA facilities can refer homeless Veterans to civil legal aid for assistance with legal problems stemming from child support orders, outstanding warrants, and court fines and provide office space to legal services providers.
- Currently, there are 31 VA MLPs operating in ten states and nearly 140 legal clinics offering legal services in VA Medical Centers.
- Launched in 2016, the VA's MLP Taskforce offers regular training to MLPs and provides education on MLPs through webinars and conference calls with VA staff.
- VA also integrates civil legal aid into other activity. The Victims Justice Outreach program helps justice-involved Veterans, often collaborating with civil legal services to ensure wrap-around services for Veterans. The Supportive Services for Veteran Families Program funds the provision of civil legal aid to very low-income Veteran families to promote housing stability. The Homeless Providers Grant and Per Diem (GPD) Program funds community agencies providing services to homeless veterans and includes "legal assistance" in the range of supportive services allowed under the program. And the MISSION Act of 2018 envisions funding legal services for Veterans' caregivers and will enable more Veterans to receive the legal help that they need.<sup>4</sup>

## Additional Steps Might be Taken to Expand VA Support of Legal Services for Veterans

- The VA might interpret its general authorizing statute to fund health services to include legal services. According to the Veterans Health Administration's statute, the VA may provide "preventive health services," which includes, in part: "(D) mental health preventive services; (E) substance abuse prevention measures; ... and (K) such other health-care services as the Secretary may determine to be necessary to provide effective and economical preventive health care."<sup>5</sup>
- Any of these subsections can be interpreted to include civil legal services because of the health and economic benefits of access to legal services for Veterans.
- Indeed, a number of other Federal agencies interpret similar language to include civil legal services because of their importance in reaching overall program goals.<sup>6</sup> To take just a few examples:
  - The U.S. Department of Health and Human Services Health Resources and Services Administration (HRSA) clarified that statutory language permitting HRSA-funded health centers to provide **enabling services** to meet the community's primary care needs includes civil legal aid.<sup>7</sup>
  - The U.S. Department of Labor Employment & Training Administration published a final rule that includes language identifying legal aid **among the supportive services** considered "necessary to enable an individual to participate" in workforce activities.<sup>8</sup>
  - The U.S. Department of Justice Office for Victims of Crime issued a final rule clarifying that Victims of Crime Act Victim Assistance Formula Grants state administrators have the freedom and flexibility **to use their funds for a broad array of legal needs** beyond the immediate aftermath of the crime.<sup>9</sup>
- In addition, LAIR's mandate that Federal programs "includ[e], where appropriate, legal services among the range of supportive services provided,"<sup>10</sup> provides further justification for funding legal services as a VHA preventive health services for Veterans.

## Congress has Demonstrated Keen Interest in Legal Services for Homeless Veterans

- In the VA's presentation on the 2020 President's Budget Request, VA leadership indicated that a VA legislative priority is "legal services for homeless Veterans."<sup>11</sup>
- Two bills are currently pending in Congress – in each chamber – that would authorize the VA to enter into agreements with public and private entities to provide legal services, such as housing, family law, and criminal defense, to homeless veterans and veterans at-risk of homelessness. This vulnerable population has been the focus of much federal activity in recent years and efforts on their behalf generally attracts bipartisan support.<sup>12</sup>
- As other Federal programs have done, the VA would benefit by collaborating with a Training and Technical Assistance (TTA) provider to support VA MLPs. Thus, legislation should include the provision of TTA by experts in the field.

<sup>1</sup> Legal Services Corporation (2017). *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*. <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>

<sup>2</sup> Tsai J., et al. (2017). Medical-Legal Partnerships at Veterans Affairs Medical Centers improved housing and psychosocial outcomes for vets. *Health Affairs* 36(12): 2195-2203.

<sup>3</sup> Martin J., Martin A., Schultz C., & Sandel M. (2015). Embedding civil legal aid services in care for high-utilizing patients using medical-legal partnership. *Health Affairs* Blog. <https://www.healthaffairs.org/doi/10.1377/hblog20150422.047143/full/>

<sup>4</sup> Pub. L. 115-182 (2018).

<sup>5</sup> 38 U.S.C. § 1701(9) (2018).

<sup>6</sup> See The Justice in Government Project's Toolkit, Module 2 on Funding Civil Legal Aid. <https://www.american.edu/spa/jpo/toolkit/module-2.cfm>

<sup>7</sup> HHS (2014). Service Descriptors for Form 5A: Services Provided. <https://bphc.hrsa.gov/sites/default/files/bphc/programrequirements/scope/form5aservicesdescriptors.pdf>

<sup>8</sup> DOL (2016). Final Rule on the Workforce Innovation and Opportunity Act. <https://www.govinfo.gov/content/pkg/FR-2016-08-19/pdf/2016-15975.pdf>.

<sup>9</sup> DOJ (2016). Side-by-Side Comparison of the VOCA Victim Assistance Guidelines and Rule. <https://www.ovc.gov/pubs/comparison-VOCA-victim-assistance-guidelines-and-final-rule.pdf>.

<sup>10</sup> White House (2015). Presidential Memorandum: Establishment of the White House Legal Aid Interagency Roundtable. <https://www.justice.gov/olp/presidential-memorandum>

<sup>11</sup> VA (2019). FY 2020 VA Budget Request Presentation. <https://www.va.gov/budget/products.asp>

<sup>12</sup> H.R. 716, Homeless Veterans Legal Services Act (introduced Jan. 2019); S. 980, Homeless Veterans Prevention Act of 2019 (introduced Apr. 2019).