

CHAPTER 1: INTRODUCTION

§ 1.1 Introduction 1-1
§ 1.2 How to Use this Manual 1-1
§ 1.3 About the AIDS Law Project of Pennsylvania..... 1-4
§ 1.4 General Tips for Advocates..... 1-5

§ 1.1 Introduction

Welcome to the 2020 Edition of the Public Benefits and HIV Advocacy Manual.

This Manual is written for anyone who advocates for people living with HIV, including case managers, peer counselors, health care providers, harm reduction specialists, social workers, and D&A counselors. It can also be used by people who are themselves living with HIV to understand legal issues and advocate for their rights.

In other words, it was written to give *you* the knowledge to make a difference in the lives of people with HIV. We provide detailed and up-to-date information on access to public benefits, including SSI, SSDI, cash assistance (TANF benefits), Supplemental Nutrition Assistance Program (formerly known as Food Stamps), Medical Assistance, Medicare, Social Security Retirement, Affordable Care Act (Marketplace insurance), and Subsidized Housing. Each chapter explains the program, its eligibility requirements, the application process, and how to appeal, if denied. We also explain how immigrant status or criminal record history may affect eligibility to receive federal and state public benefits. Also included are many practical advocacy tips.

Comments, corrections, and updates for this Manual should be forwarded to the AIDS Law Project of Pennsylvania at publicbenefitsmanual@aidslawpa.org

§ 1.2 How to Use this Manual

This Manual has several features to help the reader navigate the numerous and complex topics that make up public benefits practice. First, a detailed table of contents, which provides topic-by-topic headings for each section and subsection, is included at the beginning of the Manual; a detailed table of contents for each chapter is included at the beginning of each chapter as well.

Each chapter includes the full text on the subject covered. The chapter appendices include forms and other documents relating to that chapter's subject. We've included specific page references in the text to the appendix materials.

Advocates should note that benefits amounts and eligibility standards in the specific dollar amounts are adjusted annually. This Manual should therefore be read taking into consideration the new benefits amounts or eligibility standards that are in effect for that year. Examples of such updates are the Federal Income Poverty Guidelines and the Social Security Administration's Cost-of-Living Adjustment increases released each year.

CAUTION: This Manual is not intended to provide legal advice for specific clients. Case managers and other non-attorney advocates should use their own judgment in deciding when to refer their clients to an attorney for advice and representation.

Most of the effort in accessing public benefits is made by the clients themselves or by non-attorney advocates, such as case managers at community-based HIV/AIDS or other social service organizations. There are times, however, when it's appropriate for a client to seek or be referred to an attorney. It's impossible to identify each situation. We do make some suggestions in this Manual when it is appropriate to make a referral or seek advice about whether a referral should be provided. Generally, we provide information about referral resources at that point in the text. The AIDS Law Project of Pennsylvania itself is a primary referral resource (§ 1.3). Additionally, however, advocates should be aware of the resources provided by local legal aid organizations, such as:

Northwestern Legal Services
Meadville Professional Building,
231 Chestnut Street, 4th Floor
Meadville, Pennsylvania 16335
Intake phone: (800) 665-6957
www.nwls.org

North Penn Legal Services
15 Public Square, Suite 410
Wilkes-Barre, Pennsylvania 18701
Intake phone: 1-877-953-4250
www.northpennlegal.org

Laurel Legal Services -

Greensburg 306 S. Pennsylvania
Avenue Greensburg, Pennsylvania
15601-3066

Intake phone: (800) 253-9558

<http://laurellegalservices.org/>

MidPenn Legal Services - Carlisle

401 East Louther Street, Suite 103
Carlisle, Pennsylvania 17013

Intake phone: (800) 822-5288

<http://www.midpenn.org>

Legal Aid of Southeastern Pennsylvania - West

Chester 222 N. Walnut Street, Second Floor
West Chester, Pennsylvania 19380

Intake phone: (877) 429-5994

<http://www.lasp.org>

Community Legal Services - Center

City 1424 Chestnut Street
Philadelphia, Pennsylvania 19102

Intake phone: (215) 981-3700

<http://www.clsphila.org/>

Community Legal Services - North Philadelphia Law Center

1410 W. Erie Avenue
Philadelphia, Pennsylvania 19140

Intake phone: (215) 227-2400

<http://www.clsphila.org>

Philadelphia Legal

Assistance 42 South 15th
Street, 4th floor Philadelphia,
Pennsylvania 19102

Intake phone: (215) 981-3800

<http://www.philalegal.org>

For statewide legal aid organizations click here: <https://palegalaid.net>

The information provided in this Manual is subject to change, and thus it is important to check with the agencies that administer benefits programs and with other advocates to determine that the information provided to clients is up-to-date and accurate.

Note also that the information we provide in the Manual is keyed to public benefits in Pennsylvania and may vary from state to state. Some programs, such as Medical Assistance HMOs, vary in other parts of the state. Federal benefit program such as Social Security disability and retirement and Medicare are applicable in all states.

§ 1.3 About the AIDS Law Project of Pennsylvania

Founded in 1988, the AIDS Law Project of Pennsylvania is a nonprofit public-interest law firm providing free legal assistance to people living with HIV and those affected by the epidemic. We are still the nation's only independent public-interest law firm dedicated to people living with HIV. We serve all of Pennsylvania and Southern New Jersey from our offices in Philadelphia and Camden County, NJ, educating the public about AIDS-related legal issues, training case management professionals to become better advocates for their clients, and working at local, state and national levels to achieve fair laws and policies.

The AIDS Law Project of Pennsylvania provides legal assistance on issues including:

- Compassionate Release for Inmates
- Confidentiality of HIV-Related Information
- Criminal Records Resolution
- Criminalization of HIV
- Discrimination Against People Living with HIV
- Financial and Consumer Debt
- Housing and Utilities
- Identification Documents and Name Changes
- Immigration
- Public and Private Benefits: Income Replacement and Health Care
- Standby Guardianship
- Testing Protocols
- Wills, Living Wills, Powers of Attorney

In those areas of law in which the AIDS Law Project of Pennsylvania does not provide legal assistance, appropriate referrals will be given to local legal service organizations, private attorneys and/or the local bar associations for law referral services.

Intake Process: The AIDS Law Project of Pennsylvania's regular telephone intake hours are Monday through Friday, 9:30 a.m. to 1 p.m. at **(215) 587-9377**. We will accommodate clients who cannot call during those times. We prefer that your client call us directly to request assistance, but we will work with a client's advocates as necessary. An intake advocate will conduct a thorough telephone interview. A team of lawyers and advocates will then review the case and determine the best way to help. Attorneys are available for emergency visits to homebound or hospitalized clients.

Financial Eligibility and Fees: The AIDS Law Project of Pennsylvania provides all legal services free of charge. In addition to providing direct legal advice, advocacy, and representation, the AIDS Law Project of Pennsylvania may refer clients to its statewide network of lawyers. Usually these lawyers work for free, although clients with adequate means may be charged an appropriate fee

§ 1.4 General Tips for Advocates

Write down names, phone numbers, and fax numbers. It's much easier to hold people to their promises if you have documented exactly who told you what, and when they told it to you. Keep a list of the names and numbers of people who are helpful at the different organizations. Then you won't have to start from scratch the next time you need help from a particular agency.

Keep a copy of everything. Retain copies of everything you submit including letters, forms and medical records.

Keep proof of submitting documents to government agencies. Occasionally social security offices, welfare offices or other government agencies lose documents that have been sent to their offices resulting in clients being denied or cut off from benefits.

Having proof (example: fax transmittal report, certified mail return receipt) of submitting documents will make it easier to convince the agencies that your client did in fact submit the required documentation and is not at fault. Also, when a worker at the Social Security Administration or the Department of Human Services has gone that extra mile to assist you with the client's issue, let their managers know of the good work done

Don't be afraid to go up the chain of command at every agency. Everyone has a supervisor – and the supervisors have supervisors. In many places, the supervisors are better trained and have more authority than their staff. If you encounter someone who does not understand the rules or what you are saying, or is hostile or belligerent, it may be time to speak with that individual's supervisor.

Don't assume that whomever you are talking to is correct. Often people who work in large bureaucracies are not well trained and may give you incorrect information. If someone tells you that something your client needs can't be done, ask for the basis of that opinion and if they can send you written documentation. If something sounds wrong to you, check with someone else who you think will know the right answer.

Put things in writing whenever possible. If someone agrees to do something for you or your client, follow up with a confirming letter. If you are asking for something over the phone, try to also send a request in writing. People sometimes take letters more seriously than phone conversations, and keeping copies of your letters will allow you to document what happened in a particular case or series of cases.

Encourage clients to file written complaints when appropriate. It is much easier to effect change if you can show a record of complaints about a particular person or problem.

Don't take things personally. People may be rude or outright nasty. Remember that you are just doing your job and whatever they say has more to do with their attitude than about anything you said. If you get angry or upset when people are rude, you'll be too exhausted to keep doing your work. Be aware of your limitations, and know when to seek additional assistance.

Never compromise your clients' immigration status. When you are assisting clients who are undocumented in the U.S. you must exercise caution about information you are giving out to public agencies about your clients' immigration status.

Finally, never help your clients commit fraud. If a client wants to obtain benefits by misrepresenting facts to government agencies, advise them against it. If clients insist on doing it anyway, advise them that they are on their own.