

Colorado Legal Services

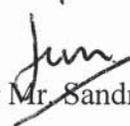
1905 Sherman Street, Suite 400
Denver, Colorado 80203-1811
Telephone 303-837-1321 V / TDD
Fax 303-830-7860

Direct Line: 303-866-9399

April 25, 2012

James J. Sandman
President
Legal Services Corporation
3333 K Street, NW
Washington, DC 20007-3522

Re: Comments on Draft Program Letter No. 12-1
Financial Eligibility Screening Guidelines


Dear Mr. Sandman:

Colorado Legal Services and I very much appreciate the opportunity to comment on the Draft Program Letter 12-1 addressing financial eligibility screening for on-line applicants for an LSC grantee's services. LSC's effort to distill and codify its expectations of grantees in screening for and in determining financial eligibility for a program's services in the developing use of on-line intake is both appropriate and very helpful.

Colorado Legal Services is the recipient of a TIG grant, which has been essential in our efforts to develop and implement on-line intake. Our system went live on March 1, 2012, and, without significant outreach or advertising, which is yet to be fully implemented, we have nonetheless received well over 100 on-line intakes to date. We have no doubt that this will be of help to applicants for our service and increase our efficiency and effectiveness, as well.

While CLS appreciates LSC's effort to provide clarity in its expectations, we nonetheless have a few concerns with Program Letter No. 12-1 as drafted. It appears that the Program Letter exceeds the requirements of Regulation 45 CFR, Part 1611 on Financial Eligibility and the LSC CSR Handbook. The expectations for determining financial eligibility for on-line intake should be no greater, nor probably any less, than that required for face to face or telephonic intake. As drafted, the Program Letter would require "direct follow-up" with an applicant who initially applied on-line, that is not required by Regulation or Handbook of other applicants for services. Such additional requirements should be eliminated from the Program Letter, and the Regulation and Handbook should set the standard and limit the expectations for on-line intake.

More specifically, the Program Letter, as drafted, is unclear as to whether "direct follow-up with the applicant," would require "direct follow-up" when, as is sometimes the reality, the

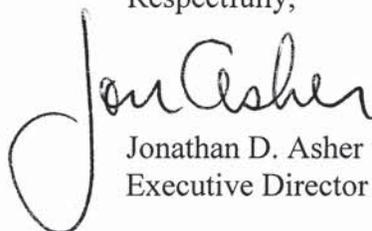
applicant is incapacitated or otherwise unable to provide financial or other eligibility information themselves. CLS is, on occasion, contacted by a relative, guardian, conservator, GAL, or other representative who provides financial information and applies for services on behalf of the incapacitated applicant. The Program Letter should be clarified to specifically recognize and allow for this reality.

Frequently, an applicant for service is seeking legal assistance for both him or herself and spouse or for an entire household. This may arise when a couple or a household is facing an eviction, a foreclosure or the denial or termination of multiple parties' public benefits due to household income or the like. The Program Letter should be clarified to allow an applicant, with "direct follow-up" by the program when necessary, to provide sufficient information, and, when appropriate, documentation of household income, and that the program need not conduct "direct follow-up" with both spouses or all members of the single household that is actually applying for services.

Finally, the Program Letter requires that a determination of an applicant's "understanding of the intake questions" be made by an "experienced intake worker's assessment." The requirement that the determination be made by an experienced intake worker is a level of staff experience not required by LSC in any other context for financial eligibility screening or otherwise. It is respectfully requested that the reference to an "experienced" staff member be eliminated from the Program Letter or be qualified to state that such inquiry should be made by an "experienced or adequately trained and appropriately supervised intake worker." Even this addition, though, is ill-defined and open to potentially inconsistent interpretations and, therefore, the elimination of the requirement that the inquiry be made by an "experienced" employee would be far preferable.

Thank you for your kind consideration of these comments and request for minor clarifications in what will be the helpful delineation of LSC's expectations. If you have any questions in this regard or wish to discuss the Draft Program Letter further, please let me know at your convenience.

Respectfully,



Jonathan D. Asher
Executive Director

JDA/ccg