

## External Guidelines - MVLS (Last Updated March 1, 2021)

### APPLICABLE TO ALL CASES:

- No cases with a final hearing in less than 30 days
- MLSC funding restrictions prohibit our program from accepting cases in the following areas:
  - Criminal law
  - Class-action lawsuits
  - Appeals
  - Fee-generating cases
  - Social Security, SSI, or SSDI denials

### FAMILY LAW MATTERS:

We **cannot** accept case if:

- Child support matters (unless in conjunction with divorce or custody)
- CINA - Child in Need of Assistance
- In **Custody, Child Guardianship, and Adoption** cases:
  - Applicant has a Child Protective Services/Dept. of Social Services finding of “**indicated**” abuse or neglect against them or is the subject of an open CPS/DSS investigation.
  - Active protective orders entered against applicant for MVLS services
  - Paternity is contested

We **might not** accept case if:

- Applicant has pattern of violence in criminal record and/or final peace/protective orders

We **can** accept case if:

- **Initial custody:** we generally accept all cases
  - When married parties are not pursuing divorce, we only accept case if OP is the party who filed for custody.
- **Modification of custody:**
  - Accepted when custody is challenged by OP
  - When applicant is seeking modification of existing order:
    - There must be a material/substantial change in circumstances that is detrimental to the child.
- **Third-party custody:**
  - If **unfitness or exceptional circumstances:**
    - Accepted on a case-by-case basis when there are extraordinary circumstances that create a serious threat to the child's wellbeing or safety.
  - If **de facto parent:**
    - 4 de facto parent factors must all be present
- **Contempt:**
  - Accepted on a case-by-case basis after an evaluation of the merits and generally must be in conjunction with a qualifying custody modification.
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- **Divorce:**
  - Absolute divorce - Parties must be separated for at least 9 months.
  - Limited divorce – Cases can be accepted if there are: allegations of repeated or severe domestic violence, substantial child custody or economic issues that have a detrimental impact on the child(ren) or prevent the client from obtaining basic necessities of life by withholding resources, or if OP filed the complaint for limited divorce.
  - No annulments
- **Adoption:** uncontested only.

## OTHER CIVIL MATTERS

<i>Birth certificate/ Name change/ Gender affirmation</i>	Client must be able to pay the publication fee (approx. \$100) and not be seeking the change for any illegal or deceptive purpose.
<i>Bankruptcy</i>	Chapter 7 only, generally must be \$10,000 or more in debt. No business debt.
<i>Collections</i>	Client must be the defendant. Must be active court proceeding. No post-judgment cases or interpersonal/family disputes.
<i>Contract Disputes</i>	Client must have written contract (no verbal contract disputes) and be able to provide to attorney. For defendant in contract dispute, must be active court case.
<i>Deed Changes</i>	Uncontested only. Client must be able to pay filing fees (approx. \$110).
<i>Estate Administration</i>	Must be small estate (total of all assets must be less than \$50k, or \$100K if surviving spouse) or able to be converted to a small estate, or a regular estate whose only asset is a home up to \$150,000.  Must be uncontested. Client must pay publication and bond fees of approx. \$300.
<i>Estate Planning</i>	Advance health care directives, power of attorney, wills, and life estate deeds. Individual must be competent and able to make own decisions.
<i>Expungement/ Shielding</i>	No pending criminal or incarcerable traffic matters, and no non-US citizens. Includes expungement, criminal record shielding, and vacatur.
<i>Guardianship of the Person and/or Property</i>	<b>Adult</b> - Must be able to obtain 2 valid medical certificates, and be uncontested. <b>Child</b> - Must have parents' consent.
<i>Landlord/Tenant</i>	Residential tenants only. Unreturned security deposits and rent escrow.  Security deposits: at least 45 days from when lease ended or tenant left, unless landlord has already provided written communication that landlord is keeping security deposit for claimed damages or other fees.  No public housing cases, and no Section 8 except security deposit return cases where client has receipt of payment of SD.
<i>Non-Profit Organizations</i>	Legal services include organization/governance concerns, employment matters, contract issues, lease negotiations, tax assistance, real estate acquisition and negotiation, copyrights and trademarks, application for bond and grant funds, volunteer policies, training on business law topics, advice on risk management, and zoning matters.  Must be established non-profit that is similar (or smaller) in size to MVLS and serves a similar client base as MVLS: low-income Marylanders facing basic human needs issues. No 501(c)(3) creation.
<i>Property Issues</i>	Foreclosure, including illegal lock outs, and tax sale. Ground rent – redemption and payment disputes.
<i>Tax Controversies</i>	Tax controversy must be personal income tax-related or self-employed schedule C filer. Amount in controversy should not be greater than \$50,000 (not including interest unless there is dispute about interest) for any one tax year. Client must have documentation of some sort defining the nature of the problem for which client seeks assistance.
<i>Unaccompanied Youth</i>	Client must be referred from immigration legal partner who has pre-qualified the child for Special Immigrant Juvenile Status and is representing the child in immigration proceedings
<i>Uninsured Motor Tort</i>	Client and vehicle must be uninsured at the time of the accident, or client must provide proof that they have been specifically excluded from policy. Fault of accident does not matter.  Client must be the defendant. Must be active court proceeding. No post-judgment cases or interpersonal/family disputes. If client claims car was stolen, must provide copy of police report.