

Allowability Companion Guidance

Topic/Grant

Legal Services

FAQ/Requirements

	Attorneys employed by legal services	Attorneys employed by program	Contracted attorneys	Tribal	Notes
		Malpractice insurance Supervision by attorneys	Entered in budget Grantee monitoring		
Client Legal Assistance					
Tort	No	No	No	No	
Criminal representation	No	No	No	No	
Lobbying	No	No	No	No	
Support of law/policy reform initiatives (collaboration, information) - not lobbying	Yes*	Yes*	No	No	* Requires written DVS approval; maximum of 5% of DVS-funded employee time; due to federal requirements, Executive Directors may not charge VOCA for any time relating to this activity.
Emergency orders (ex. PPOs, exclusive use of home, custody, <i>ex parte</i> orders, motion to suppress)	Yes	Yes	Yes	Yes	Emergency orders related to custody refer only to the emergent need to get a child custody order. For information relating to custody beyond emergent need, please refer to the Child Custody line in this chart.

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Appeals	Yes*	No	No	Yes*	* Requires written DVS Approval
Divorce proceedings	Yes*	No	No	Yes*	*Tribal divorce & custody - may not exclude individuals from services because the person the action is against is another tribal member
ADR/Mediation	Yes	No	No	Yes	
Mediators	No	No	No	No	
Adult Protective Services cases	Yes*	No	No	No	*Services limited to representation of the vulnerable adult who is the subject of the petition
Child Protective Services cases	No	No	No	No	
Child custody	Yes*	Yes*	No	Yes*	* VOCA funded staff shall not appear on behalf of clients in child abuse or neglect proceedings. *Tribal divorce & custody - may not exclude individuals from services because the person the action is against is another tribal member
U-Visas and T-Visas	Yes	Yes	No	Yes	
DACA	No	No	No	No	
Record expungement/motion to vacate	Yes (human trafficking only)	Yes (human trafficking only)	No	Yes (human trafficking only)	
Tickets, citations, fees	No	No	No	No	
Creditor intervention, identity theft	Yes	Yes	Yes	Yes	
Filing/Motion Fees	Yes	Yes	Yes	Yes	When appropriate, must apply for indigency waiver
Process Server Fees excl. PPO	Yes	Yes	Yes	Yes	
PPO Server Fees	No	No	No	No	
Publication Fees	Yes	Yes	Yes	Yes	
Copy/Certified/True Fees	Yes	Yes	Yes	Yes	
Subpoena witness fees (civil, not criminally related)	Yes	Yes	Yes	Yes	

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Victim Rights Representation (confidentiality, notice)	Yes	Yes	Yes	Yes	
Housing/Evictions	Yes	Yes	Yes	Yes	
Public Benefits	Yes	No	No	No	
Expert Witnesses	No	No	No	No	
Witness travel	No	No	No	No	
Legal support for victimizations outside of the victimization for which the contract is written (i.e. if the survivor is in jail for writing bad checks, the grantee can not provide criminal justice support)	No	No	No	No	
Organizational capacity issues (human resources, 501c3)	No	No	No	No	

References

Date: 5-2023
Revision Date:

Date:3-2023
Revision Date: