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| Original Effective Date: <u>April 1987</u> | Position Accountable: <u>Chief Executive Officer</u> |
| Latest Review Date: <u>July 2006</u> | Approved By: _____ William Gibson, CEO |
| LATEST REVISION DATE: <u>July 2006</u> | (Original signed policy on file in LRC Administration.) |

LEGAL ACCESS (Policy RI-18 LRC)

POLICY:

It is the intent of the Lincoln Regional Center to provide its patients access to the courts and to protect those patients' ability to prepare a petition or complaint. (This policy does not apply to voluntary patients or patients with guardian. These patients are permitted access to the court, their legal counsel, or authorized representative, but are not entitled to services of the Nebraska Health & Human Services System legal counsel.)

PROCEDURES:

A. Legal Access

Patients are encouraged to file a grievance before seeking legal advice. The grievance form is available upon request from the ward nurse. A patient can use the grievance process even if the complaint is more than 30 days old.

A patient shall be permitted contact with the courts, legal counsel or their authorized representative. The patient may contact his/her social worker or designee and request access to legal assistance. An appointment will be made for the patient within 14 days of the request with a paralegal or attorney. This legal service will be provided at no charge to those patients who are not voluntary patients or patients admitted by guardian. The attorney will assist the patient in drafting a complaint/petition and accompanying motions to file in forma pauperis and appointment of counsel. The attorney will not represent the patient in court. The attorney will only handle civil rights complaint, writs of habeas corpus, and past conviction actions.

B. Notice to Patients

Upon admission to the Lincoln Regional Center, all patients shall be furnished a copy of this policy.

If the patient's problem is a general civil matter, the patient may make direct contact with Legal Aid Services and/or the Nebraska State Bar Lawyer Referral Program (1-800-742-3005) for legal assistance.

If the problem deals with an appeal on the patient's criminal case or mental health board commitment, the patient may contact the Public Defender or court appointed attorney.

If the problem deals with patient abuse/neglect, the patient may contact the Nebraska Advocacy Services, Inc. (1-800-422-6691), or the Health & Human Services Abuse/Neglect Hotline (1-800-652-1999).

See also:

Policy RI-01 (LRC) – Patient Rights

Policy RI-12 (LRC) – *Patient Grievance Procedure*