

Legal Aid Interagency Roundtable   
**TOOLKIT**

[www.justice.gov/atj/legalaid](http://www.justice.gov/atj/legalaid)



## THE ACCESS TO JUSTICE INITIATIVE OF THE U.S. DEPARTMENT OF JUSTICE

### ABOUT THE ACCESS TO JUSTICE INITIATIVE

The U.S. Department of Justice established the Access to Justice Initiative (ATJ) in March 2010 to address the access-to-justice crisis in the criminal and civil justice system. ATJ's mission is to help the justice system efficiently deliver outcomes that are fair and accessible to all, irrespective of wealth and status. The Initiative's staff works within the Department of Justice, across federal agencies, and with state, local, and tribal justice system stakeholders to increase access to counsel and legal assistance and to improve the justice delivery systems that serve people who are unable to afford lawyers.

ATJ is guided by three principles:

- Promoting Accessibility — eliminating barriers that prevent people from understanding and exercising their rights.
- Ensuring Fairness — delivering fair and just outcomes for all parties, including those facing financial and other disadvantages.
- Increasing Efficiency — delivering fair and just outcomes effectively, without waste or duplication.

To translate these principles into action, ATJ pursues strategies to leverage and better allocate justice resources, and works to:

- Advance new statutory, policy, and practice changes that support development of quality indigent defense and civil legal aid delivery systems at the state and federal level;
- Promote less lawyer-intensive and court-intensive solutions to legal problems; and
- Expand research on innovative strategies to close the gap between the need for, and the availability of, quality legal assistance.

To learn more about the work of the Initiative, please visit: [www.justice.gov/atj](http://www.justice.gov/atj)

# Legal Aid Interagency Roundtable Toolkit Overview

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In 2012, the White House Domestic Policy Council and the U.S. Department of Justice launched the Legal Aid Interagency Roundtable (Roundtable) to raise Federal agencies' awareness of how civil legal aid can help advance a wide range of Federal objectives including improved access to health and housing, education and employment, family stability and community well-being. Providing legal assistance to people who cannot afford it can also have substantial economic benefits by preventing outcomes that would be harmful to them and expensive for the larger society.

The Roundtable brings together 17 participating Federal partners to inspire new collaborations to jointly serve the Nation's poor and middle class, and to better engage civil legal aid providers as Federal grantees, sub-grantees, and partners. Since the inception of the Roundtable, participating agencies have worked with civil legal aid partners, including non-profit organizations and the private bar, through outreach calls, webinars and other strategies to identify areas in which legal services can advance various Federal program objectives, and have been developing legal services-specific language as appropriate new grants and projects come on-line. They also have been working closely with Federal grantees to educate them about the value of collaborating with civil legal aid partners, and several are encouraging and inviting research proposals about the civil justice system.

The Legal Aid Interagency Roundtable "Toolkit," available at [www.justice.gov/atj/legalaid](http://www.justice.gov/atj/legalaid), is an online tool designed to provide a roadmap to the ways in which legal services can enhance Federal strategies for serving vulnerable and underserved populations. The Toolkit is divided into three sections:

## Civil Legal Aid 101

In this section you will find information on what civil legal aid is, whom civil legal aid serves, and some of the common barriers to accessing civil legal aid.

## Supporting Federal Efforts

In this section you will find civil legal aid "case studies": descriptions of common challenges faced by vulnerable populations, examples of Federal responses to these challenges, along with concrete examples of the ways in which civil legal aid meaningfully supports Federal agencies' efforts.

- Civil Legal Aid Supports Federal Efforts to Help Veterans and Servicemembers
- Civil Legal Aid Supports Federal Efforts to Help Prevent Domestic Violence
- Civil Legal Aid Supports Federal Efforts to Help Keep Children in School
- Civil Legal Aid Supports Federal Efforts to Help People Exit Homelessness & Stay Housed
- Civil Legal Aid Supports Federal Efforts to Help People Access Health Care
- Civil Legal Aid Supports Federal Efforts to Help People with Criminal Records Make a Successful Reentry

The Access to Justice Initiative will continue to post case studies on new topics throughout the year.

## Select Federal Agency Resources

In this section you will find a listing by agency of selected grants and program activities for which civil legal aid providers are an eligible grantee, sub-grantee or partner, along with other examples of Federal Government activities that engage civil legal aid.



# Civil Legal Aid 101

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## What is Civil Legal Aid?

Civil Legal aid is *free* legal assistance to low- and middle-income people who have *civil* legal problems. These problems are non-criminal; rather, civil legal aid helps people access basic necessities such as health care, housing, government benefits, employment, and educational services.

## How can Civil Legal Aid help?

The type of legal assistance available through civil legal aid programs includes:

- Accessing **basic necessities** including government benefits and disaster services ([SNAP](#), [School Lunch Program](#), [SCHIP](#), [TANF](#), [SSI](#), disability, veterans, [FEMA](#)); housing (loans to repair, foreclosure, eviction, unsafe housing, subsidized housing benefits); and health care (Medicaid, Medicare, Affordable Care Act).
- Ensuring **safety and stability** including individual safety (domestic violence, stalking or other harassment, elder abuse, child abuse and neglect); family law (child support, adoption, guardianship, divorce); and keeping children and youth in school (student discipline hearings, accommodations).
- Supporting individuals' **economic security** including employment (proper payment for work performed, safe working conditions, securing drivers/professional licenses, accommodations for people with disabilities); taxes (filing and getting low-income tax credits); and consumer protection (consumer fraud and scams, predatory lending, unfair debt collection practices and managing debt).

### *Civil Legal Aid is...*

“...central to our notion of equal justice under the law.”

–**President Barack Obama**

“...our shared responsibility...equal opportunity for every citizen...”

–**Attorney General Eric Holder**

[White House Forum on the State of Civil Legal Assistance, April 17, 2012](#)

## What type of services does Civil Legal Aid provide?

Civil legal aid refers to both free legal *advocacy* and legal *information* for low- and middle-income people to help address the civil legal problems they may face. This can take many forms, including:

- **Direct services by legal aid attorneys and pro bono volunteers** such as legal representation in a court proceeding, and legal advice to help identify legal issues and possible solutions.
- **Identifying and addressing systemic issues** such as comprehensive data collection and helping to identify solutions to problems faced by a large number of people.
- **Self-help and community education** delivered via workshops, telephone help lines, medical/legal partnerships, online information and chat tools, and downloadable court forms, all of which help people understand their rights and responsibilities, when legal assistance may be needed and where to find it, and get assistance with self-representation when necessary.



## Who provides Civil Legal Aid?

Civil legal aid is provided free of charge by nonprofit legal aid organizations, “pro bono” volunteers (attorneys, law students and paralegals), law schools, court-based services such as self-help centers, and online technologies such as document assembly and legal information websites.

The largest funder of civil legal aid for low-income Americans in the United States is the Legal Services Corporation (LSC), which distributes more than 90 percent of its total Congressional appropriation to 134 independent nonprofit legal aid programs with more than 800 offices serving every county and territory in the country. LSC is headed by a bipartisan board of directors whose 11 members are appointed by the President and confirmed by the Senate. LSC-funded programs help people who live in households with annual incomes at or below 125% of the Federal poverty guidelines.

LSC-funded organizations comprise about 25% of the total number of civil legal aid providers nationally. There are hundreds of independently-run nonprofit civil legal aid programs that don't get LSC funds and that may focus on particular populations or issues (e.g., children, homeless, people with disabilities, veterans, etc.), provide more generalized services including legal aid, coordinate pro bono programs, or specialize in self-help assistance. Many of these programs and services are not limited to people earning up to 125% of federal poverty guidelines. Some programs may have funding that enables them, for example, to serve any older American or domestic violence victim regardless of income. Self-help and informational services are available to all.

“Civil legal aid” or “civil legal services” refers to all of these programs. LSC encourages—and all non-LSC programs depend on—leveraging limited resources by partnering and collaborating with other public and private funders of civil legal aid, including federal, state and local governments, Interest on Lawyers' Trust Accounts (IOLTA), state-based access to justice commissions, the private bar, philanthropic foundations, and the business community.

## What are the barriers to accessing Civil Legal Aid?

Despite the number of providers, civil legal aid cannot meet the need for services.<sup>1</sup> According to the U.S. Census Bureau's 2011 statistics on poverty, 60 million Americans—one in five—qualified for free civil legal assistance.<sup>2</sup> Unfortunately, more than 50 percent of those seeking help are turned away because of the limited resources available.<sup>3</sup> These statistics describe only those below the poverty line and do not reflect the tens of millions of moderate income Americans who also cannot afford legal help.

- **60 million** Americans qualify for free civil legal assistance
- More than **50%** of those seeking civil legal help are turned away for lack of resources



## Why raise awareness about Civil Legal Aid?

Raising awareness about the vital role of civil legal aid is critically important because research demonstrates the majority of low- and moderate-income Americans don't see the issues they're encountering as legal problems—frustrating efforts to match people with appropriate services. A family may be concerned about unsafe housing conditions or a son being expelled from school, but they often see these as personal or social problems, or just bad luck, whereas a civil legal aid lawyer may be able to identify a legal solution. Research also shows poor people are twice as likely as their moderate-income counterparts to do nothing to address their civil justice problems, even though they may need the help even more. And, it's not just the poor who overlook the potential for civil legal aid; it's also those who seek to help them.<sup>4</sup> Federal policymakers can play a valuable role in raising awareness because they can get information to the people who need help, as well as to the nonprofit and government grantees and partners that help carry out Federal programs and initiatives.

**Federal policymakers can play a valuable role in raising awareness because they can get information out to the people who need help, and also to the nonprofit and government grantees and partners that help carry out Federal programs and initiatives.**

While there is still a need for further research on the impact of having access to civil legal aid, many studies show that people who get legal help, across a range of problems, receive better outcomes than people who do not.<sup>5</sup> For example, in housing cases, a randomized control trial found that 51% of tenants in eviction proceedings without lawyers lost their homes, while only 21% of tenants with lawyers lost possession;<sup>6</sup> and, the research of two economists indicates that the only public service that reduces domestic abuse in the long term is women's access to legal assistance.<sup>7</sup>

Ensuring access to legal solutions can not only improve outcomes for those who would seek assistance, but it can also save public dollars in the long term, by preventing problems like homelessness or health issues, that can be extremely costly and harmful to individuals and the public.<sup>8</sup>

<sup>1</sup> Remarks by Attorney General Eric Holder, White House Forum on Civil Legal Aid (Apr. 17, 2012), <http://www.lsc.gov/media/in-the-spotlight/white-house-and-lsc-co-host-forum/us-attorney-general-eric-holder-jr-remarks>.

<sup>2</sup> U.S. Census Bureau, *Income, Poverty and Health Insurance Coverage in the United States: 2010*, (2011), <http://www.census.gov/hhes/www/poverty/data/incpovhlth/2010/index.html>; see also Legal Services Corporation, *Fact Sheet on the Legal Services Corporation*, (2013), <http://www.lsc.gov/about/what-is-lsc>.

<sup>3</sup> Legal Services Corporation, *Fact Sheet on the Legal Services Corporation*, (2013), <http://www.lsc.gov/about/what-is-lsc>.

<sup>4</sup> Rebecca L. Sandefur, *Civil Legal Needs and Public Legal Understanding*, American Bar Foundation, [http://www.americanbarfoundation.org/uploads/cms/documents/sandefur\\_-\\_civil\\_legal\\_needs\\_and\\_public\\_legal\\_understanding\\_handout.pdf](http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_-_civil_legal_needs_and_public_legal_understanding_handout.pdf).

<sup>5</sup> Rebecca L. Sandefur, *The Impact of Counsel: An Analysis of Empirical Evidence* (2010).

<sup>6</sup> Seron et al, *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment* (2001).

<sup>7</sup> Amy Farmer and Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 Contemp. Econ. Pol'y. 158 (April 2003).

<sup>8</sup> Laura K. Abel, *Economic Benefits of Civil Legal Aid*, National Center for Access to Justice (2012), <http://ncforaj.files.wordpress.com/2012/09/final-economic-benefits-of-legal-aid-9-5-2012.pdf>.



# CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS TO HELP PROTECT CONSUMERS

## THE NEED

Each year, approximately 25 million adults are victims of consumer fraud. Victims include the poor, the elderly, and other vulnerable populations. In the worst cases, fraud can lead to homelessness and bankruptcy. The shame of being defrauded inhibits some victims from reporting scams and seeking help.

Fraud takes many different forms, and perpetrators use a variety of approaches. Although anyone may be susceptible to abusive practices, the most vulnerable among us are often the target of mortgage scams, Ponzi schemes, identity theft and predatory lending schemes. The Government Accountability Office (GAO) reports that financial exploitation of the elderly has reached epidemic proportions. Older adults are targeted for their retirement savings and accumulated home equity, and because they also are more likely to experience cognitive decline, they can be more susceptible to financial scams.

Identity theft also threatens consumers. Using someone else's personal information to fraudulently obtain goods or services was the number one complaint to the Federal Trade Commission's (FTC) Consumer Sentinel database, and the third most common credit card complaint made to the Consumer Financial Protection Bureau (CFPB). There are 16.6 million new victims annually, with devastating consequences, including tax problems, lowered credit ratings, lawsuits, and garnishment. Children are also victims. A study of 40,000 children found that about 10% had someone else using their Social Security Number.

## EXAMPLES OF THE FEDERAL RESPONSE

Following the financial crisis in 2008, as well as the increasing number of scams arising from constantly changing technologies, several federal agencies came together to combat fraudulent practices targeting Americans. In 2009, President Obama launched the Financial Fraud Task Force. With more than 20 federal agencies, 94 U.S. Attorneys' Offices and state and local partners, it represents the broadest coalition of law enforcement, investigatory and regulatory agencies ever assembled to prevent fraud. The Task Force's [Stopfraud.gov](http://stopfraud.gov) website also allows victims to report fraud, and it provides education and prevention materials to consumers.

In 2010, CFPB was established to help consumer financial markets work by making rules more effective, by consistently and fairly enforcing those rules, and by empowering consumers to take more control over their economic lives. CFPB's Office of Financial Empowerment focuses on low-income and other economically vulnerable consumers. The Office developed [Your Money, Your Goals](#) for legal aid organizations, a financial empowerment training and toolkit initiative to help legal aid staff identify clients' financial challenges and get them resources and tools to help them achieve their goals. CFPB also reaches consumers directly through interactive, user-friendly tools. For example, "Ask CFPB" is a tool that provides consumers with answers to common financial questions in plain language to help enable sound financial decisionmaking.

The FTC vigorously pursues frauds that target every community, such as mortgage foreclosure relief scams, job scams, offers of phony health insurance, imposters who claim to be part of government, and phantom debt collection to name a few. It also enforces federal laws to prevent abusive debt collection practices, and runs [Consumer.gov](http://Consumer.gov), which presents easy-to-use information through text, videos, presentations, and worksheets. FTC regularly partners with legal aid programs to help consumers. The FTC recently launched [IdentityTheft.gov](http://IdentityTheft.gov), a new resource that makes it easier for identity theft victims to report and recover from identity theft. Also available in Spanish at [Robodeidentidad.gov](http://Robodeidentidad.gov), the new website provides an interactive checklist, sample letters, and other resources.

At the Department of Justice, the Civil Division's Consumer Protection Branch protects the health, safety, and economic security of consumers. The Branch brings civil and criminal enforcement actions focusing on financial and health care fraud, tainted food, hazardous and unsafe consumer products, unfair and deceptive advertising practices, unfair consumer credit and debt collection practices, and other unlawful practices that target vulnerable consumer populations. The Branch also meets with consumer groups as part of its continuing efforts to prevent consumer fraud through education, outreach, and enforcement.





We know that **LEGAL AID ATTORNEYS** serve as **FIRST RESPONDERS** when it comes to **ENSURING FINANCIAL SECURITY** of American families.

-Richard Cordray, Director, Consumer Financial Protection Bureau

### Legal Aid Helps

- **Assert consumer rights** when businesses, lenders, or debt collectors have not followed the law.
- **Create awareness through outreach** by educating consumers about federal and state laws and how to spot and avoid abusive tactics.
- **Provide debt collection information** on their websites, linking to free legal hotlines for individuals to ask questions about their rights.
- **Prevent unnecessary foreclosure** or repossession by defending or asserting claims against brokers and lenders who violate laws, negotiating loan modifications to reduce debt and interest rates, and representing victims in civil proceedings.
- **Identify predatory loans** so that consumers can avoid improper or illegal lending terms and practices.
- **Correct harm caused by identity theft or credit reporting errors** by providing forms and letters to fix credit discrepancies and by aiding victims to report theft to the proper federal and local authorities.
- **Report complaints** about financial and other consumer harms to appropriate government entities.

### Standing up for Victims of Mortgage Fraud

A home repair contractor approached Sadie, an 85-year-old African American woman who has owned her home for forty years, promising to perform home improvements under a "free government program" for seniors. Sadie did not understand the papers she signed, and did not realize that the contractor had taken \$122,000 from a reverse mortgage on her home even before any work was done. He eventually remodeled two bathrooms, but the work was sloppy and defective. No other home improvements were performed. Legal Assistance Foundation of Chicago (LAF), a federally-funded Legal Services Corporation grantee, filed a lawsuit to void the loan and recover money damages from the contractor's company, ultimately settling for \$110,000. LAF continues to represent other mostly elderly and minority victims of this reverse mortgage scheme.

### FTC-Legal Aid Collaboration Halts Deceptive Practices

While investigating mortgage loan modification companies, the FTC identified a company that appeared to target Spanish-speakers with fake mortgage assistance relief. To investigate further, the FTC needed to locate the targeted consumers. Because obtaining information from these consumers can prove difficult—some do not speak English fluently and may be reluctant to speak with federal law enforcement—the FTC contacted an attorney at Texas RioGrande Legal Aid who had filed complaints on behalf of her client, a consumer victimized by the company. The attorney helped the FTC obtain a sworn statement about how the company deceived consumers, which was critical to the FTC's law enforcement action against the mortgage company. Ultimately, a court halted the company's deceptive practices.

Third-party debt collectors (acting on behalf of or in the place of the original creditor) bring at least half of all small claims cases in Maine. The debt collectors – represented by counsel -- prevail because for a variety of reasons consumers do not appear in court on the hearing date. Over a three-year period, **Pine Tree Legal Assistance legal aid lawyers:**

- **represented 550 low-income consumers** (which collectively involved \$1.86 million in alleged debt)
- **won all but 2 of those cases by showing that the debt collectors did not have sufficient evidence to establish the debt under Maine law.**





# CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS TO HELP KEEP AMERICA WORKING

## THE NEED

Every American who wants a job should be able to work. People with jobs should feel secure in their work and able to advance in their career, and those who lose their jobs should be supported until they are back at work again. While our economy is growing, too many Americans still face challenges securing employment or addressing job-related issues while employed.

People seeking work are vulnerable to fraudsters peddling “work at home schemes” and low-quality vocational schools that collect federal student aid dollars, but then fail to provide graduates with the skills they need to find a job. Victims can be left with substantial debt and no job prospects. Others re-entering the work force after a period of incarceration face significant barriers to employment like securing housing or continuing their education. Many people with steady employment also face hardships. Some employers misclassify workers, calling them independent contractors instead of employees, and leading to a denial of critical protections including family and medical leave, overtime, minimum wage and unemployment insurance. Additionally, many people -- looking for employment or on the job -- find themselves victims of illegal discrimination based on race, gender, national origin, age, sexual orientation or disability.

## EXAMPLES OF THE FEDERAL RESPONSE

Since the Great Recession, the Federal Government has taken decisive action to bolster economic growth by promoting jobs and job security.

The Department of Labor (DOL), in coordination with the U.S. Departments of Education (ED) and Health and Human Services (HHS), administers the recently enacted Workforce Innovation and Opportunity Act (WIOA). WIOA helps job seekers access employment, education, training, and supportive services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. It also ensures continuation of the network of American Job Centers that offer job training, education and employment services for unemployed and underemployed workers and youth looking for work.

DOL’s Misclassification Initiative works to combat misclassification of employment status and restore benefits to those wrongly denied them as a result. To combat discrimination, the DOL Office of Disability Employment Policy (ODEP) works to enhance the capacity of the workforce system to provide employment services to people with disabilities.

The HHS Office of Family Assistance administers the Temporary Assistance for Needy Families program (TANF), helping needy families achieve self-sufficiency, including support for job preparation and employment.

The Federal Trade Commission (FTC) is on the front lines of the fight against fraudulent employment schemes. The FTC also educates the public about fraudulent business opportunities, diploma mills, and other scams to help job-seekers avoid fraud.

The Department of Justice and DOL fund reentry initiatives, such as Second Chance Act and Reintegration of Ex-Offenders, in communities around the country. These grants support job training – and other important strategies and services -- designed to reduce recidivism by improving outcomes for people returning from prisons, jails, and juvenile facilities.

**Evidence suggests that legal interventions such as expungement and reducing a felony to a misdemeanor, stem the decline in earnings and may even boost earnings. Halting the decline in earnings suggests that the interventions make a meaningful difference in people’s lives and are key components of an effective employment reentry strategy.**

~Jeffrey Selbin and Justin McCrary, University of California, Berkeley School of Law  
*Got Clean Slate? New Study Suggests that Criminal Record Clearing May Increase Earnings (2014)*





# Legal aid is essential to closing persistent opportunity gaps and to creating shared prosperity in an economy that works for everyone.

~ Secretary Thomas Perez, U.S. Department of Labor

## Legal Aid Helps

- **Represent workers to secure the wages and benefits they are entitled to**, including unpaid wages and unemployment benefits.
- **Expunge or seal criminal records, reinstate a revoked or suspended driver's license, untangle outstanding court debt issues, modify child support orders, and secure certificates of rehabilitation** for people previously incarcerated, dramatically increasing their ability to obtain and keep a job.
- **Represent employees who are misclassified** on the job before state and Federal agencies, ensuring that workers receive appropriate benefits.
- **Educate consumers about fraudulent employment and education schemes** and report cases to the FTC for possible enforcement.
- **Advise job seekers or employees who are discriminated against** in the work place.
- **Stabilize lives by preventing illegal evictions or foreclosures, resolving credit report problems, obtaining child support and custody orders or securing domestic violence restraining orders**, improving people's chances for steady employment.

### Legal Aid gets Dad Back on Road to Work

After five years working as a delivery driver for a home improvement chain, Joe lost his job when his driver's license was suspended because medical expenses for his prematurely-born daughter left him unable to pay outstanding traffic fines. SonomaWORKS, Sonoma County's HHS-funded welfare-to-work program, referred Joe to what seemed like a perfect job as a delivery driver for a parts store. When the employer offered him a position contingent on securing a driver's license, he sought help from Legal Aid of Sonoma County. With funding from California's TANF program, Joe's legal aid lawyer successfully arranged an affordable payment plan for a reduced bail amount so Joe could pay off his fines and get his drivers license reinstated. Thanks to the legal and employment services provided through SonomaWORKS, Joe once again became self-sufficient.

### Lawyer's Help Clears Barriers for Working Mom

Francesca, a 21 year-old single mother of two children, received a job offer to work at a major bank's call center. But when a background check revealed a 3-year old municipal ticket for retail theft, she lost the offer. When she was 18, she got the ticket for taking \$20 worth of clothing from a former retail employer. At the time, she paid the fine understanding the municipal ticket was not a crime. DOL Face Forward grantee WestCare Wisconsin, referred Francesca to their partner, Legal Action of Wisconsin, for help. Within one month, her attorney got the municipal ticket case reopened and dismissed. After the attorney submitted proof of the dismissal to the state criminal investigation bureau clearing Francesca's criminal background report, the bank hired Francesca. After less than 8 months on the job, Francesca even got a raise.



# CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS TO HELP PREVENT ELDER ABUSE

## THE NEED

A hidden epidemic in America threatens far too many of the nation's seniors: elder abuse affects approximately 10% of people age 60 and older, and close to 50% of people with dementia. Victimized by strangers and those on whom they depend, elder abuse leads to premature deaths, and increased hospitalizations; depletes the resources of individuals, families, businesses, and public programs such as Medicare and Medicaid; and places burdens on our health care, financial, and judicial systems. Without proper training, professionals working with older Americans too often miss signs of elder abuse. Despite the dire consequences, some studies suggest that as few as 1 in 23 cases is reported to authorities, and even fewer are ever prosecuted. Estimates of the direct medical costs associated with violent injuries to older adults add over \$5.3 billion to the nation's annual health expenditures.

## EXAMPLES OF THE FEDERAL RESPONSE

Convened in 2012 by the Secretary of Health and Human Services (HHS), the [Elder Justice Coordinating Council](#) (EJCC) and its Federal member agencies heard from experts and advocates about a range of issues, including the need for improved legal resources to address elder abuse in all its forms. In 2014, the Secretary adopted the EJCC's Eight Recommendations that Federal agencies are using to provide a coordinated, multidisciplinary response to elder abuse, neglect and exploitation.

In addition to its central role with the EJCC, the HHS Administration for Community Living/Administration on Aging (ACL/AoA), manages a portfolio of programs to protect vulnerable adults. Their [National Center for Elder Abuse](#) provides research, training, best practices, news and other resources for policymakers and professionals in the elder justice field. Their [National Legal Resource Center](#) provides elder abuse information tailored for a legal audience, while the "Title III-B" funding for legal assistance and elder rights programs provides funds to over 1,000 legal aid providers nationwide. ACL/AoA's National Adult Protective Services Resource Center works to improve investigation and response, train Adult Protective Services staff, and develop and disseminate best practices for interventions into reported incidents of elder abuse. Their states' [Long-Term Care Ombudsman Programs](#) serve people in long-term care facilities and work to resolve problems related to poor care, violations of rights and quality of life.

HHS works closely with other agencies to combat elder abuse, including the Department of Justice (DOJ). The DOJ's Elder Justice Initiative (EJI) supports the Department's law enforcement efforts against nursing homes and other long-term care providers that provide grossly substandard care to Medicare and Medicaid beneficiaries and also coordinates the Department's policy and programmatic efforts. For example, in September 2014, EJI launched the [Elder Justice](#) website to help elder abuse victims and their families, prosecutors, researchers and practitioners, including civil legal aid attorneys, to address this silent epidemic plaguing our nation's elders. EJI, along with DOJ's Office for Victims of Crimes (OVC) and Access to Justice Initiative collaborated on developing an [online training](#) to help legal aid lawyers address elder abuse. OVC awards Victims of Crime Act assistance formula grants to all states/territories, which then award subgrants to local service providers assisting crime victims, including elder abuse victims. DOJ's Office on Violence Against Women (OVW) provides funding for victims assistance programs that also include help for elder abuse victims. DOJ's Financial Fraud Enforcement Task Force continues to obtain convictions involving financial fraud perpetrated against older Americans, and the Civil Division has successfully pursued nursing homes that have defrauded the government by providing grossly substandard care to Medicare and Medicaid beneficiaries. The Consumer Financial Protection Bureau's [Office for Older Americans](#) is the only Federal office dedicated to the financial well-being of older Americans. The Office works to help seniors, their family members, caregivers, and the professionals who assist them to identify and avoid unfair, deceptive, abusive, and discriminatory practices that target the elderly.



Calls for help to Legal Services for the Elderly's Helpline (LSE) from victims increased 42% following a 2014 elder abuse public awareness campaign:

- where personal safety was at risk, LSE helped improve or restore safety in 86% of the cases;
- where the senior's home was fraudulently taken and LSE pursued litigation, LSE recovered the home over 90% of the time.

*~Maine Legal Services for the Elderly, funded in part by HHS ACL Title III-B*





Survivors of elder abuse, neglect and exploitation *need access to civil legal services* to secure safe housing, health and medical resources and other basic needs to help them regain a life of dignity in older age.

~ Kathy Greenlee, Assistant Secretary for Aging Administrator of the Administration for Community Living U.S. Department of Health & Human Services

## Legal Aid Helps

- **Prevent mortgage foreclosures due to elder abuse**, stabilizing lives and preventing seniors from losing their homes.
- **Protect physical safety by doing a holistic intake of elders and providing legal help** to break an abuser’s control over the victim with protective orders and guardianship proceedings.
- **Advise and coordinate with other agencies and service providers that respond to elder abuse**, including law enforcement agencies, adult protective services, long-term care ombudsmen, financial service providers, and victim service providers.
- **Counsel older adults** about avoiding financial scams and exploitation.
- **Recover assets or property**, and assist with obtaining restitution.
- **Advise the private sector about how to interpret laws and regulations** and develop policies and protocols to facilitate prevention, detection, and reporting of abuse.
- **Provide legal advice for collateral problems flowing from elder abuse**, including income security, health care, mental health, safety, long-term care, nutrition, housing, and utilities.
- **Advise older Americans about legal documents that support self-sufficiency** such as power of attorney documents, wills, and advance directives, and include provisions that limit the chance for misuse by designated representatives.
- **Secure government benefits such as Medicaid and veterans’ benefits**, by explaining eligibility requirements, properly documenting applications, and appealing erroneous denials.

### Lawyer Preserves Essential Healthcare and Housing

When 92-year old Sara’s health declined, she moved from assisted living to a 24-hour care nursing home. During the move it was discovered that Sara’s grandson financially exploited her and that he had taken about \$96,000. Because of that transfer of assets, Sara’s application for Medicaid was denied, and the nursing home issued her an involuntary discharge notice. Illinois’ Long Term Care Ombudsman referred Sara to Prairie State Legal Services. Funded in part by a HHS Title III-B grant, her legal aid attorney successfully appealed and obtained a Hardship Waiver from the state’s Medicaid administrator, so Sara could stay housed with the care she needed. Later when Sara became incapacitated, her legal aid attorney secured a state guardian to prevent further abuse by the grandson, and cooperated with the criminal investigation.

### Legal Aid Delivers Justice for Elderly Domestic Violence Victim

Cynthia was 83-years old when her controlling husband threw her out of their home and cut her off from all assets after she became too ill to care for him and their home. Cynthia’s husband was wealthy, and theirs was a second marriage that occurred late in life. During their marriage, Cynthia became isolated and was subjected to controlling and threatening behavior. After her husband Kicked her out of their home, she had no means of support other than a small Social Security benefit. Funded in part by DOJ OVW’s Legal Assistance for Victims grant, a Montana Legal Services Association attorney represented Cynthia in court. The attorney successfully obtained a property settlement that allowed Cynthia to live out her remaining years in safety and in a home close to her adult children.



# CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS ON BEHALF OF TRIBES & TRIBAL MEMBERS

## THE NEED

The Federal Government's relationship with, and responsibility to, members of Federally-recognized Indian Tribes is long and complex, governed by treaties, court decisions, a multitude of Federal laws, and executive orders. Together, these affect many aspects of life for tribal members, including child custody, estate planning, healthcare, education, and more.

As a consequence of the historical practice of removing Native American children from their families for placement with non-Native families, Congress enacted the Indian Child Welfare Act (ICWA). Although the law created safeguards to preserve families, it is difficult to navigate without legal assistance. The same is true for the preparation of Indian wills, made more complex because tribal lands are held in trust by the Federal Government. The American Indian Probate Reform Act (AIPRA) was enacted to remedy fragmented ownership of tribal lands and address complicated succession and probate issues that arise under Federal and Tribal law, but it requires complicated involvement with state and Federal agencies.

Moreover, many Tribes enact their own laws to establish law and order on their lands, adding to the need for lawyers with specialized knowledge of Federal law and tribal law and practice – both to help Tribes develop laws that in some instances must be compliant with Federal law and to represent individuals before tribal courts.

## EXAMPLES OF THE FEDERAL RESPONSE

The Federal Government supports many programs that help tribal members navigate these often complex legal processes and assist Tribes with their own tribal justice systems. The Department of the Interior's Bureau of Indian Affairs Office of Justice Services helps fund and support 184 tribal courts and, with the support of the Department of Justice's (DOJ) Access to Justice Initiative, provides free Tribal Court Trial Advocacy Trainings, designed to strengthen the trial skills of tribal judges, prosecutors, and defenders.

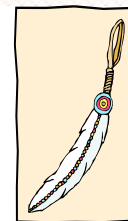
DOJ's Bureau of Justice Assistance (BJA) and Office on Violence Against Women (OVW) provides funding to Tribes for legal assistance to low-income tribal members through the annual Consolidated Tribal Assistance Solicitation. In addition to working directly with Tribes, BJA also supports legal services to Native Americans through the Tribal Civil and Criminal Legal Assistance program (TCCLA). TCCLA supports legal service non-profit organizations that provide representation to low-income Native American litigants in civil matters and indigent tribal criminal defendants who are charged with violations of tribal criminal law. It also supports core training and technical assistance for staff providing these services, peacemaking approaches and curriculum development and training on holistic representation approaches.

The Department of Health and Human Services' (HHS) Administration for Children & Families Children's Bureau (CB) provides funding and technical assistance to Tribes providing child welfare services to help strengthen and support these systems. CB's State Court Improvement Program works to promote ICWA compliance in state courts and the Tribal Court Improvement Program helps build and enhance tribal court capacity to hear child welfare cases. HHS's Indian Health Service supports Medical-Legal Partnerships in Indian Country and hosted a webinar to educate stakeholders on these partnerships.

The Corporation for National and Community Service (CNCS) has a commitment to serving Native American communities through a number of programs including AmeriCorps. In addition to supporting the placement of AmeriCorps members in legal services offices that serve Native American communities, CNCS also supports tribal communities by offering dedicated funding to Tribes to establish AmeriCorps programs within tribal nations.

**“Indian People and Tribes have unique and specialized legal needs because they are governed by their own tribal law and complex federal law that arise from their legal status, which is recognized in the United States Constitution. In many communities, there are no private attorneys and those that do not reside in or near Indian communities have little knowledge of federal Indian law or tribal law.”**

~National Association of Indian Legal Services, *Legal Needs & Services in Indian Country* (Jan. 2008)





**Indian communities are plagued by high rates of poverty, and a multitude of unmet legal needs. Legal aid can play a vital role in ensuring safety, stability, and economic security for tribal members.**

**~ Assistant Secretary - Indian Affairs Kevin Washburn  
U.S. Department of the Interior**

### Legal Aid Helps

- **Preserve Native American families** by assisting Tribes in developing and implementing welfare reform and by representing parents in cases that implicate ICWA.
- **Support victims of domestic violence** by preventing future violence through protection orders in court, securing or modifying child custody orders, counseling victims about safety, and providing holistic legal services to break the links between victim and abuser.
- **Protect land rights of Native Americans** by helping to prepare AIPRA-compliant wills to protect family property rights and representing tribal members in actions to protect their hunting and fishing rights on tribal land.
- **Provide representation to tribal criminal defendants and juveniles** in tribal courts.
- **Secure Federal recognition for Tribes** by serving as the Tribe's counsel in the Federal recognition process.
- **Develop tribal codes and ordinances**, which promote tribal sovereignty.
- **Protect tribal cultural and religious freedoms** by asserting the rights of Tribes to protect artifacts, burial sites, and the freedom to practice religious beliefs.
- **Secure Federal benefits for tribal members** by helping individuals enroll in their Tribe and receive Federally-guaranteed health and social services such as Social Security benefits, disability payments, and Indian Health Service benefits.
- **Support the resurgence of traditional indigenous justice practices such as peacemaking and talking circles** by providing training and technical assistance.

#### Doctor prescribes a lawyer to keep family healthy and housed

After Rose, a citizen of the Navajo Nation, lost her adult daughter in a car accident, she was left to raise five grandchildren. With no room for the children in her own house, Rose moved into her deceased daughter's apartment. Still grieving, Rose received an eviction notice from the housing agency, because she was not named on the apartment lease. She was told that she and the children had to move. When a pediatrician at the Indian Health Service clinic learned of the situation, she referred Rose to DNA-People's Legal Services Medical-Legal Partnership Program, funded by DOJ's Tribal Civil Legal Assistance Program. With the help of her DNA-People's Legal Services lawyer, Rose showed that tribal law and Federal policies allowed her to assume the lease obligations. Rose continued to care for the children in their own home and, with DNA's help, obtained legal guardianship over each grandchild.

#### Legal aid helps Tribes prevent & respond to domestic violence

Native American women living on reservations in Nebraska often experience severe poverty, geographic isolation, and violence. With many barriers to safety and economic self-sufficiency, Legal Aid of Nebraska (LAN) helped launch the Nebraska Native American Domestic Violence Coalition, which includes tribal domestic violence advocates, advocates who serve tribal members, and tribal, local, state and Federal law enforcement representatives and social services providers. When all four area Tribes – Omaha, Winnebago, Santee Sioux, and Ponca – passed tribal council resolutions supporting this work, LAN secured funding through DOJ's Consolidated Tribal Assistance Solicitation, to provide civil legal services to domestic violence victims for matters including help with divorce, child custody, child support, protection orders, landlord/tenant issues, consumer issues, bankruptcy, employment, tribal and/or public housing, and public benefits.



# CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS TO HELP VETERANS AND SERVICEMEMBERS

## THE NEED

Many of the more than 21 million U.S. veterans and another 1.4 million servicemembers face serious challenges, including unemployment, chronic health problems, and homelessness. According to a count on a single night in January 2015, nearly 48,000 veterans were experiencing homelessness. Veterans face a housing crisis for many reasons, such as poverty, lack of support from family or friends, substance abuse, or mental health challenges that may develop or worsen as a result of trauma they experienced while serving. Many of our servicemembers and veterans need access to physical and mental health services, critical income supports, and, especially, job opportunities when they return to civilian life.

## EXAMPLES OF THE FEDERAL RESPONSE

In 2009, President Barack Obama announced the goal of ending veteran homelessness by the end of 2015. Together with partners—including the U.S. Interagency Council on Homelessness and its participating agencies—and supporters nationwide, the U.S. Department of Veterans Affairs (VA) has worked to meet that goal through the Homeless Veterans Outreach Initiative, an unprecedented commitment to those who served our nation but lack safe, secure housing. Increased programs and funding have contributed to a 36 percent decrease in the number of veterans experiencing homelessness between 2010 and 2015. Central to those efforts are the VA's Grant & Per Diem Program, which provides transitional housing and rehabilitation, and the Supportive Services for Veteran Families (SSVF) program, which provides supportive services to promote housing stability.

Beyond addressing homelessness, the federal government works to meet a wide array of veteran and servicemember needs. The VA's "Stand Downs"—typically one to three day events for homeless veterans—offer services such as health care, housing, substance abuse, employment and legal assistance. The VA's Veterans Benefits Administration provides disability benefits, education benefits, vocational rehabilitation and employment services, and home loan guarantees. The Veterans Health Administration, the largest integrated health care system in America, provides care to more than 9 million veterans each year at over 1,700 sites. The VA's Veterans Justice Programs Specialists assist veterans involved in the criminal justice system through outreach, assessment and case management, and liaise with local courts and jails, prisons, and other justice system partners.

Other federal agencies also help ensure veterans have access to the resources and support they've earned. The U.S. Department of Justice, along with federal and state partners in the Consumer Protection Working Group of the Financial Fraud Enforcement Task Force, combats financial fraud schemes targeting servicemembers and veterans. The U.S. Department of Labor's Veterans' Employment and Training Service serves transitioning servicemembers, veterans and their families by preparing them for meaningful careers, maximizing their employment opportunities, and protecting their employment rights. The Federal Trade Commission, in partnership with federal, state and non-governmental partners, leads [Military Consumer](#), a year-round campaign to give the military and veteran communities resources to avoid scams, recover from identity theft, and manage money, credit and debt. In the Consumer Financial Protection Bureau, the Office of Servicemember Affairs provides servicemembers, military families and veterans with the information and tools to make the right financial decisions for them and to avoid unfair financial business practices.

**4 of the top 10 unmet needs of homeless veterans involve legal assistance for: eviction/foreclosure prevention; child support issues; outstanding warrants/fines; and restoring a driver's license. Other top 10 unmet needs often have a legal component: family reconciliation assistance; financial guardianship; and credit counseling.**  
-Findings from the VA's 2014 [Project CHALENG](#) for Veterans survey





Steady progress has been made, but there is more work to do to address the many causes of homelessness among Veterans. Providing **legal aid** to remove obstacles to stable housing, such as helping to address eviction or foreclosure, is a critical part of this effort.

~ Secretary Robert A. McDonald, U.S. Department of Veterans Affairs

### Legal Aid Helps

- **Prevent avoidable eviction and foreclosure** by assisting veterans in their legal proceedings—even if an eviction is only delayed, veterans can use the time to apply for benefits or find housing.
- **Negotiate fair child support orders**, increasing the reliability of payments, and supporting healthy co-parenting relationships and responsible fatherhood.
- **Navigate outstanding warrants, fines, fees for court costs**, and subsequent penalties for failure to pay those fees and fines, in order to resolve conflicting obligations, improve manageability of collections, and where possible, to prioritize child support and restitution.
- **Restore a revoked or suspended driver’s license** by helping navigate a relicensing hearing, making it possible to secure and maintain a job.
- **Provide family reconciliation assistance** for veterans who need legal help concerning divorce, separation or child custody arrangements.
- **Resolve credit report problems** that prevent a veteran from renting an apartment or getting a job.
- **Secure a wide array of government benefits** for which veterans may be eligible, ensuring applications are filled out correctly and records of service are compiled accurately, and if a veteran’s benefits are erroneously cut off, helping reinstate the benefits by working with the agency or representing the veteran in administrative proceedings.

### Hospital’s legal triage keeps roof over veteran’s head

When “Clyde” sought medical help from the Philadelphia VA Medical Center, a social worker learned he had fallen behind on his rent and faced eviction from his apartment. The social worker and the SSVF caseworker recognized Clyde’s need for legal help, and assisted Clyde in getting an appointment with an attorney at the SSVF program’s legal aid partner, Homeless Advocacy Project. With the SSVF program providing some of Clyde’s back rent, the attorney negotiated an agreement to stop the eviction in exchange for a lump sum payment for most of the unpaid rent, plus a payment plan to cover the remainder. With his housing stabilized, Clyde was able to focus on his health needs.

### Veteran finds home and family with lawyer’s help

Thanks to SSVF grant program funding, the LSC-supported Legal Aid Foundation of Los Angeles helped “Jake,” a veteran experiencing homelessness who had spent many months moving from shelter to shelter, apply for VA benefits. The VA granted his request for a pension, and provided medical care and a housing subsidy. Now, Jake lives in a duplex and has reunited with his son.



**The Legal Services Corporation and Pine Tree Legal Assistance launched [www.statesidelegal.org](http://www.statesidelegal.org), to provide legal help for military members, veterans, their families, and their advocates who, Vice President Joe Biden said, will find “information about everything from estate planning to the GI Bill.”**

- November 19, 2010 White House Middle Class Task Force – U.S. Department of Justice Office for Access to Justice Event announcing new steps the Administration is taking in partnership with the legal community





# CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS TO HELP PREVENT DOMESTIC VIOLENCE

## THE NEED

Nearly one in four American women have experienced domestic violence. On average, more than three women are murdered by their intimate partners in the United States every day. More than 15 million children in the United States live in families where partner violence has occurred, and seven million children live in families where severe partner violence has occurred. Children who have been exposed to violence are more likely to require hospitalization or mental health services, and are more likely to be involved in the child welfare and juvenile justice systems. The health-related costs of intimate partner violence exceed \$5.8 billion each year, nearly \$4.1 billion of which is for direct medical and mental health care services. Victims of intimate partner violence also lose a total of nearly 8 million days of paid work each year—the equivalent of more than 32,000 full-time jobs—and nearly 5.6 million days of household productivity as a result of the violence. These acts of violence compromise public safety, restrict the U.S. economy, and destroy American lives.

## EXAMPLES OF THE FEDERAL RESPONSE

Because domestic violence has devastating effects on our society, many federal programs work to address the problems and challenges faced by victims through highly effective violence reduction and prevention strategies.

Since it was created in 1994 by the Violence Against Women Act (VAWA), the U.S. Department of Justice's (DOJ) Office on Violence Against Women (OVW) has provided financial and technical assistance to communities nationwide to facilitate programs, policies, and practices to end domestic violence, dating violence, sexual assault, and stalking. On March 7, 2013, President Barack Obama signed its reauthorization, which secured and enhanced its protections – including the landmark Safety for Indian Women provisions. Thanks to this bipartisan agreement, thousands of women and men across the country who are victims of domestic violence, sexual assault, dating violence and stalking will be able to access resources they need in their communities to help heal from their trauma. In addition to the long-running Legal Assistance to Victims (LAV) program, the law also authorizes other OVW grantees to use appropriated funds for civil legal assistance, including grantees and subgrantees of the STOP Violence Against Women Formula Grant Program and the Rural Program.

In FY 2012, the DOJ Office for Victims of Crime (OVC) funded the Wraparound Victim Legal Assistance Network Demonstration Project to develop holistic models for wraparound legal assistance networks that offer – at no charge – the wide range of legal assistance that victims need in the wake of their victimization. Legal services include civil legal assistance, representation in the enforcement of victims' rights in criminal proceedings, immigration assistance for victims of human trafficking and battered immigrant women, administrative legal assistance, and assistance to victims of financial fraud and identity theft. OVC selected six demonstration sites to develop models that can be replicated by other jurisdictions in the future and a comprehensive, independent evaluation is being conducted through the DOJ National Institute of Justice.

The U.S. Department of Health and Human Services' (HHS) Family and Youth Services Bureau (FYSB) administers numerous programs and activities authorized by the Family Violence Prevention and Services Act, since 1984 the primary federal funding stream dedicated to the support of emergency shelter and related assistance for victims of domestic and dating violence and their children. FYSB's Family Violence Prevention and Services Formula Grants to States and Tribes support more than 1,600 shelters and 1,100 non-residential programs that provide services to domestic violence victims, including shelter, crisis counseling, and legal advocacy.



**Studies suggest that access to legal services can be a critical tool in helping domestic violence victims escape from abusive relationships and that access to counsel has helped to decrease the number of victims by as much as 21%**

Amy Farmer and Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 Contemp. Econ. Pol'y. 158 (April 2003).



“” Research tells us that **EFFECTIVE LEGAL REPRESENTATION** is the **SINGLE MOST IMPORTANT FACTOR** in whether victims are able **TO ESCAPE THIS DOMESTIC VIOLENCE CYCLE**.

Yet, studies estimate that less than 1 in 5 low-income victims of domestic violence ever get to see a lawyer.

~ Vice President Joe Biden

Commemorating Domestic Violence Awareness Month (October 27, 2010)

## Legal Aid Helps

- **Prevent future violence** by obtaining, renewing and enforcing protective orders in court, providing resources to law enforcement and making perpetrators accountable through legal remedies, including incarceration.
- **Secure or modify child custody orders** so that a mother and her children can legally and safely leave the batterer.
- **Counsel victims about safety** and other legal concerns.
- **Provide holistic legal services to break the links between victim and abuser**, such as in matters related to separation and divorce proceedings, employment, immigration status, and financial and housing problems.
- **Ensure that immigrant victims come forward and report crimes** by seeking immigration relief such as U-visas or T-visas, specially designed visas for victims of crime such as domestic violence and trafficking.
- **Resolve identify theft and other forms of financial exploitation** perpetrated by abusers against survivors of domestic violence.
- **Strengthen and stabilize families** by mitigating needs for medical and mental health services, special education and counseling for affected children, and reduced workplace absences.

### Lawyer helps prevent abuse and treat trauma

“Nazia,” a 37-year-old immigrant from Guyana, fled with her two young children from the physical and emotional abuse of her husband. With the assistance of Queens Legal Services (QLS), a recipient of HHS FYSB funding, she successfully obtained an Order of Protection and full custody of her children. However, shortly thereafter, Nazia’s abuser retaliated by filing for a modification of custody, citing frivolous allegations of inappropriate parenting. Her legal aid lawyer continued to represent her and also referred Nazia to a QLS social worker, who provided counseling to her and her children throughout the process. Again, thanks to her legal aid lawyer, after two years of litigation, Nazia settled the case and retained sole legal custody of her children.

### Legal aid contains collegiate stalker

“Sharon’s” physically violent ex-boyfriend continued to stalk her after they broke up. Her next problem arose when he started showing up on their college campus every time she left the library, computer lab or came out of her classroom. He repeatedly drove by her home and harassed her with constant telephone calls. Thinking that her only option was to drop out of school, Sharon sought help from LSC-funded West Tennessee Legal Services, which receives OVW LAV monies to help people like her. She and her legal aid attorney documented the stalking behavior, and together met with her college Dean to discuss the problem and propose the distance her ex-boyfriend should maintain to keep Sharon safe. When her ex-boyfriend objected, Sharon’s attorney represented her in a court hearing, where the judge agreed with Sharon and issued a protective order with the specific distance she requested so she could continue her education.



# CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS TO HELP KEEP CHILDREN IN SCHOOL

## THE NEED

While our public schools strive to ensure that every child has the opportunity to learn in a safe, inclusive, and positive school environment, these goals are not always met for our most vulnerable—and often impoverished—students. In March 2014, Secretary of Education Arne Duncan and Attorney General Eric Holder announced key findings from the first comprehensive look at civil rights data from every public school in the country in nearly 15 years. The data showed that students of color were subjected to suspensions and expulsions at a rate three times higher than that of their white peers, and more likely to face referral to law enforcement or even arrest. The data also revealed that fully three quarters of students who faced disciplinary physical restraint were classified as students with disabilities.

Those who drop out of - or are derailed from completing—high school before obtaining a diploma are more likely to be arrested as adults, be unemployed, become reliant on public assistance programs, and earn lower incomes than their graduating peers. Ending formal education prematurely hurts young people, their families, and their communities - as well as America's economy and its ability to compete internationally. Sadly, the likelihood of dropping out has risen as schools have increasingly turned to suspension, expulsion, and the criminal justice system to address non-violent behavioral problems.

## EXAMPLES OF THE FEDERAL RESPONSE

In 2011, Secretary of Education Arne Duncan and Attorney General Eric Holder announced the Supportive School Discipline Initiative, a collaborative project between the U.S. Departments of Justice (DOJ) and Education to address the “school-to-prison pipeline.” In connection with this initiative, the two departments issued joint guidance in January 2014 to ensure that school discipline policies and practices comply with civil rights laws and promote positive disciplinary options, both to keep kids in school and to improve the climate for learning.

This Administration is working to build and coordinate support systems to help America's most vulnerable children succeed from cradle to career and join the middle class. The Department of Education (ED) works with states and local communities to achieve educational reform, especially for those students facing the greatest barriers to success. The Race to the Top initiative, for example, provides incentives to states that are willing to spur innovations and systemic reform to improve teaching and learning.

Other Federal agencies have innovative programs to advance these goals. DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP) manages the Defending Childhood Initiative, which works to elevate public understanding about children's exposure to violence and to build professional and system capacity to identify the approximately two-thirds of all children who are exposed to violence, crime or abuse in their homes, schools and communities either as victims or witnesses and to redress the consequences of their trauma. The U.S. Department of Labor has many programs for at-risk youth to get job-training. In addition, the Corporation for National and Community Service and ED's new School Turnaround AmeriCorps program places AmeriCorps members in persistently underachieving schools across the country, and the U.S. Department of Agriculture's National School Lunch Program feeds children so they can focus on learning.

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***The LSC-funded Legal Aid Society of Cleveland handled 216 education law cases for low-income children in 2013. In cases where a barrier to education was at issue, Legal Aid was successful in 98% of those cases – helping to ensure that children stay in school and on a path to a better life.***

*Legal Aid Society of Cleveland, 2013 Annual Report (forthcoming summer 2014).*

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“ Once children have started school, all levels of government should be rigorously enforcing laws that require schools to provide equal educational opportunities. Federal, state, and local governments should be providing more on-ramps for students who are off track to get back on the road to success....

~ SECRETARY ARNE DUNCAN, U.S. DEPARTMENT OF EDUCATION

*Closing the Opportunity Gap, U.S. Department of Education (Sept. 18, 2012)*

## Legal Aid Helps

- **Explain education laws and school discipline policies** to families through community trainings and publications.
- **Obtain special education services** for children with disabilities and/or developmental delays.
- **Provide advice and representation in school disciplinary hearings**, and inform students and their families of their rights during hearings.
- **Propose alternatives to expulsion**, lengthy time away from school, and referral to the criminal justice system for non-violent behavioral issues.
- **Ensure that at-risk families can access public benefits**, including Head Start, Temporary Assistance to Needy Families, Children’s Health Insurance Program, and the National School Lunch and free or reduced-price meal programs, by offering assistance determining eligibility, completing applications and appealing erroneous denials.
- **Remove barriers to learning** by addressing immigration, consumer fraud, debt, housing, health and domestic violence issues.
- **Support school stability for homeless and foster youth** by helping students remain in their schools of origin when their living situations change.
- **Address policies and practices that pose obstacles** to English Language Learners, disabled and homeless students.

### Lawyer redirects traumatized boy from school discipline to special education services

Nine year old “Jon” went to live with his grandmother after his mother was accused of abusing him. Hospitalized multiple times, including once after a suicide attempt, Jon was diagnosed with Attention Deficit and Post Traumatic Stress Disorders. Jon was not attending school; the school district placed him on homebound instruction because he skipped classes and failed to listen to directions. His grandmother wanted help so he could return to school but didn’t know what to do. Alabama Disabilities Advocacy Program—part of the federally-mandated Protection and Advocacy system that provides free legal and advocacy services to people with disabilities—referred Jon for a special education eligibility evaluation and participated in school meetings with the family. Jon was found eligible for special education services and received a behavioral support plan. By the semester’s end, Jon was back in school with the supportive services he needed to succeed.

### Legal aid steers youth from jail to a GED and Job Corps

Growing up in a community influenced by gangs, “Carl” was expelled from middle school. Later incarcerated for a juvenile offense, Carl began working with a TeamChild® attorney—partially funded by DOJ OJJDP—to plan his release and return to school. His attorney successfully advocated for his readmission. When other students threatened Carl he sought help from school administrators who responded by expelling him. His attorney successfully represented him at the hearing and Carl finished the semester. Fearful of the gangs, he left Washington state to live with relatives, and pursue a GED and Job Corps training program. Denied admission because of his juvenile record, his lawyer stepped in yet again, to appeal and document Carl’s determination to get back on track. Job Corps reversed their decision. Carl earned his GED and is working hard towards his auto mechanic certificate.



# CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS TO HELP PEOPLE EXIT HOMELESSNESS AND STAY HOUSED

## THE NEED

On a single night in January 2013, more than 610,000 people were experiencing homelessness. Among them were more than 57,000 veterans. Fifteen percent were in families, and over a third were unsheltered—sleeping on the streets, in abandoned buildings, in cars, or in other places not meant for human habitation. A single night, however, fails to capture the magnitude of America's homelessness crisis as many more people experience homelessness over the course of a year.

While some people in America experience homelessness, others struggle to hold on to their homes. The situation has been exacerbated by the recent economic recession and foreclosure crisis, fallout from a housing bubble that, by some measures, had doubled home prices in a period of six years. By January 2009, home values had fallen by nearly one-third, and millions of American families were struggling to keep their homes. Exploiting the situation, foreclosure-rescue and mortgage-modification scammers prey on struggling homeowners by making promises they can't keep, such as guaranteeing to "save" a home or lower the mortgage, usually for a fee, and often pretending that they have direct contact with the mortgage servicer when they do not. Despite real progress in the economy and housing market, more work needs to be done to avoid these pitfalls and find adequate and safe housing for those who need it most.

## EXAMPLES OF THE FEDERAL RESPONSE

In 2010, the U.S. Interagency Council on Homelessness (USICH) and its 19 member agencies released [Opening Doors](#), the nation's first Federal comprehensive strategic plan to prevent and end homelessness. Since the launch of *Opening Doors*, the number of families experiencing homelessness has decreased by eight percent, the number of people experiencing chronic homelessness has decreased by 16 percent, and Veterans experiencing homelessness has decreased by 24 percent. These improvements are due to investments and partnerships across the Federal Government, States, municipalities, and the private sector. For example, the U.S. Department of Housing and Urban Development (HUD) Emergency Solutions Grant program assists individuals and families in quickly regaining stability in permanent housing after experiencing a housing crisis or homelessness, and its funds support street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and data collection.

President Barack Obama's and the U.S. Department of Veterans Affairs (VA) Secretary Eric Shinseki's 2009 announcement of their goal to end veteran homelessness by the end of 2015 included an array of programs, such as Supportive Services for Veteran Families (SSVF), which provides a range of services designed to promote housing stability, and the HUD-VA Supportive Housing program (HUD-VASH), which is a joint program of HUD and VA to target HUD assistance to chronically homeless veterans.

Many programs provide services to youth and their families experiencing homelessness, including the U.S. Department of Agriculture's (USDA) Supplemental Nutrition Assistance Program (SNAP) and the U.S. Department of Education's Education for Homeless Children and Youths Grants.

At the center of the Administration's response to the unprecedented foreclosure crisis is the Making Home Affordable Program (MHA), a joint effort of the U.S. Department of the Treasury and HUD designed to stabilize housing markets by providing affordable refinance and modification opportunities for at-risk borrowers. One of MHA's programs - the Home Affordable Modification Program (HAMP)—has helped more than 1.3 million homeowners save an average of over \$500 on their mortgage payments.



*2/3 of low income tenants receiving full legal representation in eviction cases stayed in their homes as compared to 1/3 of unrepresented tenants. Represented tenants also received almost 5 TIMES the financial benefit, such as damages or cancellation of past due rent, as those without full representation.*

Boston Bar Association Task Force on the Civil Right to Counsel,  
*The Importance of Representation in Eviction Cases and Homelessness Prevention 2* (2012)



# “ ” LEGAL AID IS AN ESSENTIAL TOOL THAT PAVES THE WAY FOR MANY AMERICANS TO FIND A SAFE AND DECENT PLACE TO CALL HOME.

~ Secretary Julián Castro  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Legal Aid Helps

- **Assist youth and families in finding stable, safe living environments** by connecting them with appropriate services, government benefits, and housing assistance.
- **Empower veterans** by helping them obtain and retain permanent housing, employment, and benefits through programs such as HUD-VASH and SSVF.
- **Remove or mitigate criminal record and credit history** obstacles to permanent housing.
- **Enroll families experiencing homelessness** without mailing addresses into SNAP and other benefits programs.
- **Expedite school enrollment** for children and youth experiencing homelessness.
- **Prevent unlawful evictions** of tenants in government-subsidized housing, private housing, or foreclosure properties, and landlords taking advantage of post-disaster conditions.
- **Educate, advise, and represent families in foreclosure proceedings**, to help secure fair and just outcomes.
- **Protect homeowners** from fraudulent “rescue scams,” in which private companies falsely promise to reverse mortgages, repair credit, or provide legal assistance by helping to educate the community about these scams or representing homeowners in actions filed in local courts.
- **Assist homeowners burdened by high interest rates and late fees in avoiding foreclosure** by negotiating with lenders to modify mortgages, or giving a family time to find alternative housing.
- **Pursue negligent lenders** who mishandle documentation and fail to provide sufficient notice to tenants and homeowners without ever facing legal consequences.

### Lawyer accesses mental health services to prevent homelessness

“Frank,” a disabled man living in USDA-subsidized housing in rural Iowa, received an eviction notice from his landlord after neighbors complained that he yelled too much, especially late at night. Attempts by the property manager to talk to Frank about the problem only made it worse. Fearing that he would become homeless, Frank sought help from Iowa Legal Aid. With support from the HUD Emergency Solutions Grant, Iowa Legal Aid could assist him. Frank’s lawyer realized that his disruptive behavior flowed from untreated mental illness. She met with his property manager and reached out to other professionals to help Frank manage his mental illness. They collaborated on a plan to address the problems and involve his case manager as an intermediary if an issue arose. The property manager agreed to dismiss the eviction, and Frank remained in his home.

### Mortgage modification saves senior’s home

The LSC-funded Atlanta Legal Aid Society Home Defense Project assists homeowners with HAMP, a program meant to lower working people’s monthly mortgage payments so that they do not fall behind and into foreclosure. “Mrs. Benson” was paying 86 percent of her monthly Social Security benefits on her first mortgage, and the terms of her second mortgage were extremely burdensome. She turned to Atlanta Legal Aid when her payments became impossible and foreclosure was imminent. Mrs. Benson’s attorney renegotiated the payment terms of the first mortgage and got the second mortgage cancelled, successfully avoiding a foreclosure sale and settling with her bank. The result: legal aid saved Mrs. Benson’s home and avoided costly and burdensome litigation.



# CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS TO HELP PEOPLE ACCESS HEALTH CARE

## THE NEED

Many low-income individuals face serious obstacles to health care. These include high costs, lack of insurance, cultural and linguistic barriers, lack of knowledge or awareness of available information, and limited community-based preventative services, primary care, and mental health and substance abuse treatment. When people lack health care treatment and preventive services, avoidable long-term medical expenditures increase and overall wellness and health decline. This lack of health care has a detrimental effect on society by increasing disability, lowering productivity, and placing an increased burden on the health care system.

Young adults, racial and ethnic minorities, the unemployed, and low-income individuals and families are among those most likely to be uninsured and less likely to receive necessary health care. Uninsured individuals are more likely to delay or forego necessary medical care, which can lead to more serious health problems and can result in hospitalizations brought about by preventable health problems.

## EXAMPLES OF THE FEDERAL RESPONSE

On March 23, 2010, President Obama signed the Affordable Care Act (ACA) into law, putting in place comprehensive reforms that improve access to affordable health coverage and protect consumers from abusive insurance company practices. This centerpiece strategy to improve the health of all Americans is helping millions of people qualify for Medicaid or the Children's Health Insurance Program, and get affordable coverage through the new Health Insurance Marketplace. The ACA's new [Patient's Bill of Rights](#) provides protections from abusive insurance company practices that denied coverage to children who had asthma or were born with a heart defect, put a lifetime cap on the amount of care for which they would pay, or used paperwork mistakes to justify canceling coverage when an insured person got sick.

In addition to leading implementation of the ACA, the U.S. Department of Health & Human Services (HHS) works to enhance the health and well-being of Americans through several hundred programs and initiatives that cover a wide spectrum of activities, serving the American public at every stage of life. For example, the HHS Substance Abuse and Mental Health Services Administration helps people with mental and substance use disorders, supports the families of people with these disorders, and expands access to mental health services across the nation. The HHS Health Resources and Services Administration (HRSA) is the Federal Government's primary agency for improving access to health care services for persons who are uninsured, isolated, or medically vulnerable. HRSA oversees a number of programs and initiatives, including the Ryan White HIV/AIDS Program, which provides HIV-related services to more than half a million people each year, and the Maternal and Child Health Services Block Grant Program, which provides a foundation for ensuring the health of the nation's mothers, women, children, and youth, including children and youth with special health care needs, and their families.



### HHS-funded pilot Medical-Legal Partnership study concludes:

"...civil legal aid services can positively impact individual and population health," including "significant reduction in stress and improvement in health and wellbeing after receiving [legal] services" such as for housing, public and disability benefits, employment, and debt collection problems. Researchers also found integrating legal services into the healthcare setting "drives down healthcare costs."

Atkins, D., Mace Heller, S., DeBartolo, E., Sandel, M., *Medical-Legal Partnerships and Healthy Start: Integrating Civil Legal Aid Services into Public Health Advocacy*, Journal of Legal Medicine, 2014 Vol. 35, No. 1, pgs. 195-209.





# We are **REMOVING BARRIERS** that stand in the way of affordable and accessible **PRIMARY HEALTH SERVICES.**

~ Secretary Kathleen Sebelius, U.S. Department of Health & Human Services

News Release: HHS Awards Affordable Care Act Funds to Expand Access to Care (August 9, 2011)

## Legal Aid Helps

- **Address legal issues that affect the health and well-being of children, the elderly and families** by providing them with legal representation, information or advice.
- **Secure health care coverage or health benefits** by appealing erroneous administrative denials of benefits or insurance, and ensuring application of new Patient’s Bill of Rights protections.
- **Provide culturally and linguistically appropriate information and self-help materials** concerning access to benefits and health care coverage including people with mental or physical disabilities, children and the elderly, and people with AIDS or HIV, or limited English proficiency.
- **Develop medical-legal partnerships** that incorporate legal care into health care by addressing the health-harming legal needs of patients, such as mold or roach infestation in rental units that increase use of emergency rooms for asthma attacks.
- **Connect the broader community and legal aid clients to new health insurance opportunities** by assisting with [outreach and enrollment efforts](#), such as helping legal aid clients apply for health coverage and promoting promising practices.
- **Protect consumers from scammers** who prey on individuals seeking health insurance by selling fraudulent policies and obtaining personal information to commit identity theft.
- **Protect people who become ill** by preparing documents to ensure their wishes are met, such as living wills, and powers of attorney for health care and financial affairs.

### Heart patient avoids bankruptcy, obtains health insurance

“Alex” sought help from LSC-funded Neighborhood Legal Services of Los Angeles County because of medical debt that threatened his family with bankruptcy. Unable to purchase affordable insurance in the private market because of his pre-existing condition, Alex’s debt had accrued after several emergency room visits for a severe heart condition that required surgery he could not afford. In addition to helping negotiate his medical bills with the hospital and avoid bankruptcy, his legal aid attorney — thanks in part to support from the Affordable Care Act Consumer Assistance Program funds — helped identify affordable insurance options through California’s Covered CA and new adult Medicaid expansion programs that will help Alex get the surgery he desperately needs.

### Doctor prescribes legal aid to help sick and homeless patient

After 35 years as a nurse’s aide in nursing homes, “Maxine’s” chronic health problems forced her to stop working. With no job, she could not afford property insurance, and six months later a fire destroyed her home. After two years of sleeping in shelters and her car, her application for Social Security Disability was denied. Recognizing that a legal aid attorney could help Maxine obtain the benefits for which she qualified, a doctor at the federally-funded Council Bluffs Community Health Center referred her to Iowa Legal Aid. Maxine’s physician worked with a legal aid attorney to document the mistakes leading to the erroneous decision, and the Social Security Administration not only reversed its decision but awarded a significant back benefit. The attorney then helped Maxine secure Medicaid. The new income and health care coverage enabled her to move into stable housing. Iowa Legal Aid’s work also brought thousands of dollars in Medicaid payments to the hospitals and clinics where Maxine was treated while her applications for Social Security and Medicaid were pending.





# CIVIL LEGAL AID SUPPORTS FEDERAL EFFORTS TO HELP PEOPLE WITH CRIMINAL RECORDS MAKE A SUCCESSFUL REENTRY

## THE NEED

Each year, nearly 650,000 individuals are released from state and federal prisons. Another nearly 12 million cycle through local jails, and even more get criminal records without doing time. According to the U.S. Department of Justice (DOJ) Bureau of Justice Statistics, more than 100 million individuals have a criminal history on file in state records. When reentry fails, the societal and economic costs are high. High rates of recidivism mean more crime, more victims and more pressure on an already overburdened and costly criminal justice system.

People with a criminal record frequently encounter significant barriers to securing a job, obtaining housing, and continuing their education. Some employers admit they are unlikely to hire an applicant with a criminal record. Having a record of even a single arrest without a conviction can also profoundly reduce a person's earning capacity. Studies also demonstrate the negative impact of a criminal record in securing housing, education, and credit. These consequences affect adults with a criminal record as well as youth involved in the juvenile justice system.

## EXAMPLES OF THE FEDERAL RESPONSE

As the nation's largest correctional agency and employer, and through its grant programs, job readiness and training programs, and other targeted initiatives, the Federal Government plays a key role in addressing employment and barriers to reentry. Federal agencies, including DOJ and the U.S. Department of Labor (DOL), fund reentry efforts in communities around the country, such as Reintegration of Ex-Offenders and Second Chance Act grants that support job training for individuals returning to their communities after incarceration. The Federal Government also helps reduce barriers to reentry through its own hiring policies and enforcement of Federal equal employment opportunity laws and the Fair Credit Reporting Act.

The [Federal Interagency Reentry Council](#), established by Attorney General Eric Holder in January 2011, represents a significant executive branch commitment to coordinating reentry efforts and advancing effective reentry policies. The Reentry Council's 20 Federal agencies work to make communities safer by reducing recidivism and victimization; assisting those who return from prison and jail in becoming productive citizens; and saving taxpayer dollars by lowering the direct and collateral costs of incarceration. Reentry Council agencies' efforts support the reentry population not only in our prisons, jails, and juvenile facilities, but in our emergency rooms, homeless shelters, unemployment lines, child support offices, veterans' hospitals, and elsewhere.

The Reentry Council works to remove federal barriers to successful reentry, so that individuals—who have served their time and paid their debts—can compete for jobs, attain stable housing, support their children and their families, and contribute to their communities. Reentry Council agencies are taking concrete steps not only to reduce recidivism and high correctional costs, but also to improve public health, child welfare, employment, education, housing and other reintegration outcomes. For example, Reentry Council agencies have published more than two dozen ["MythBusters"](#) fact sheets designed to clarify existing federal policies affecting formerly incarcerated individuals and their families in public housing, employment, parental rights, Medicaid suspension/termination, voting rights and more.



**“Of the more than 500 adults with criminal records served by our Parent Success Initiative Program in 2012 and 2013, nearly 80% required legal assistance to help them overcome or mitigate the stigma of their criminal convictions. Legal services are critical even for participants who successfully complete work readiness training and a transitional job experience.”**

**- Dr. Marsha Weissman, Executive Director, Center for Community Alternatives – New York, and Department of Labor grantee**



“” We are a nation that believes in second chances. Providing legal services to help individuals make a successful transition back to their communities, while also empowering them with the skills necessary to find a good job and thrive in the workplace, will help strengthen our economy and our society.

~ Secretary Thomas Perez, U.S. Department of Labor

## Legal Aid Helps

- **Expunge, seal, or obtain pardons of criminal records for eligible people**, improving prospects for employment, housing and education.
- **Correct inaccurate criminal records** such as a failure of the record to reflect an arrest that did not lead to conviction, or a felony that was reduced to a misdemeanor.
- **Secure a Certificate of Rehabilitation** to help demonstrate to potential employers, landlords, and licensing boards that an individual with a criminal record is committed to rehabilitation.
- **Enforce federal and state consumer protections** mandating accurate and fair criminal history reporting in the commercial criminal background checks sold to employers and landlords.
- **Work with EEOC and employers** to address overbroad criminal record restrictions.
- **Obtain or keep an occupational license** so that the person can be employed in the field in which s/he is trained.
- **Reinstate a revoked or suspended driver's license** by helping navigate a relicensing hearing, making it possible to secure and maintain a job.
- **Modify child support orders** to more realistic payment obligations, helping parents provide for their families.
- **Untangle fees and fines** imposed at sentencing and to pay for court costs, facilitating payment, resolving sometimes conflicting obligations, and where possible, prioritizing child support and restitution payments.
- **Address improper public housing authority eviction proceedings or fair housing complaints** to stabilize housing situations.
- **Secure health insurance**, especially for youth following juvenile incarceration.
- **Readmit school-age youth in school**, to give them a second chance.
- **Increase civic engagement** by educating people with criminal records about their rights to vote, serve on juries, and volunteer in public and civic institutions.

### Lawyer's help gets a nurse on the job

“Andy’s” 10-year old felony conviction prevented him from pursuing his hopes of securing a state license to become a New York Licensed Practical Nurse. The Fortune Society, a grantee of DOL’s Reintegration of Ex-Offenders Program, referred Andy to MFY Legal Services in New York. His legal aid lawyer helped Andy obtain out-of state criminal court records, gather proof of rehabilitation, and represented him at the initial investigative interview. The result was a successful license application and a job.

### Lawyer steers Ruben through obstacles to steady finances, family and job

After release from jail and completion of a 90-day substance abuse treatment program, “Ruben” sought help from Bay Area Legal Aid, Contra Costa, CA. Ruben’s attorney helped him stabilize several key areas of his life, including advising him on driver’s license reinstatement, his Section 8 housing status, family law matters and consumer/credit issues. These services helped him reunite with his family, secure employment, and be evaluated “low risk” on the Probation Department’s assessment tool. Bay Area Legal Aid’s reentry work is supported by U.S. Department of Health and Human Services Community Centered Responsible Fatherhood Ex-Prisoner Reentry Pilot Project, and DOJ’s Second Chance Act Adult Reentry Program for Planning and Demonstration Project.

