

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.

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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 VETERANS AND SERVICEMEMBERS

## THE NEED

Many of the more than 22 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, 2013, more than 57,000 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 returning 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 and U.S. Department of Veterans Affairs (VA) Secretary Eric Shinseki 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 VA is determined 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 so far contributed to a 24 percent decrease in the number of veterans experiencing homelessness between 2010 and 2013. Central to those efforts are the VA's Grant & Per Diem Program, which provides transitional housing and rehabilitation to thousands of veterans, and [Supportive Services for Veteran Families](#) (SSVF) program, which provides supportive services designed 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 8.76 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, seeks to combat 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. In 2013 the Federal Trade Commission and key partners U.S. Department of Defense, Consumer Financial Protection Bureau (CFPB), and Military Saves launched the first nationwide "military consumer protection day." The CFPB has a special office dedicated to providing 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; credit counseling; and government benefits.**

**-Findings from the VA's 2012 [Project CHALENG](#) for Veterans survey**





“” The Department of Veterans Affairs has long recognized the valuable role **legal aid** plays in contributing to the well-being of our Veterans. Unmet legal needs are a major reason that some Veterans become and remain homeless.

~ Secretary Eric K. Shinseki, 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 Access to Justice Initiative 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)





## HOUSING COUNSELING AND LEGAL AID...

### PROVIDE VITAL ASSISTANCE TO STRUGGLING HOMEOWNERS

~ SECRETARY SHAUN DONOVAN

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Statement on Florida's Decision to Invest Settlement Funding in Housing Counseling and Legal Aid (June 4, 2013)

#### 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.

