



SILICON VALLEY CAMPAIGN FOR LEGAL SERVICES

LEGAL SERVICES ARE BASIC SERVICES

Basic services – food, shelter, health care and access to education are preserved when low-income individuals have access to civil legal services.

The definition for basic services may vary among government agencies and service providers; however, there is no dispute that food, shelter, health care and access to education and financial stability are among them. This year, for example, United Way Silicon Valley identifies three program focus areas of basic services – education, income stability and health – as building blocks for a good life. The California Department of Human Services defines basic services as providing health and social services to the most vulnerable and at-risk residents. Among these basic safety-net programs are SSI, Medi-Cal and Cal-Works. Still others focus on singular programs like feeding the hungry.

The involvement of civil legal services providers often is necessary for low-income people to legitimately access services to which they are legally entitled, but may have been declined due to a variety of circumstances.

Here are a few examples of countless cases where legal intervention made the difference for low-income individuals to obtain food, shelter, health care, educational services and financial security. You will note from these real case examples -- drawn from the files of the eight legal service agencies the Silicon Valley Campaign for Legal Services supports -- address multiple needs, which are often linked within a family or individual's case. The names, below, have been changed to protect these individuals from retaliation.

Food Safety and Shelter

Legal Services agencies typically resolve individual cases of clients receiving public assistance: in-home supportive services, AFDC, TANF, SSI, child care, food stamps, transportation vouchers and health insurance. They involve enforcement of benefits and rights, resolving disputes, and determining or maintaining eligibility. Many cases identify systemic problems.

- *Wing Lang shares this story:* "When I sought help from a legal services agency, I was living in a domestic violence shelter and was hopeless about my future.

After we legally immigrated to the U.S. at the invitation of my son, my husband was diagnosed with Alzheimer's and became increasingly violent. My son blamed me for my husband's condition and kicked me out of his home. I was in and out of hospitals and shelters for over six months. I did not speak English and knew nothing about America. I just went where my social worker told me to go, and applied for things she told me to apply for. I did not know my rights.

The California disability benefit program denied my claim for help. My case was appealed while I was staying at a shelter. I remember the anxiety and fear that would grip my heart every afternoon at 3 p.m. when they called out the names of the people who had won the lottery to stay in a bed that night.

My case was won on appeal. I am grateful to the legal services agency for helping me gain a sense of security, with a roof over my head and food on the table. I don't have to wait until three o'clock to find out if I will be safe tonight. From now on, I will be safe.

Thank you for helping people like me who have nowhere else to go, and who have nobody else who will help. Thank you for supporting the good that must be done."

- Bill is a 55-year old disabled veteran whose only source of income is Social Security Disability Insurance. When Bill learned his SSDI and health insurance was about to be terminated he came to a legal services agency for help. The Social Security Administration informed Bill there was an arrest warrant issued for him from North Carolina. Bill had been arrested for driving under the influence, served several days in jail, paid a fine, and spent a year on probation. Through a clerical error, his payment of the fine was never communicated to the court, and thus there was an outstanding warrant for his arrest. The legal services agency appealed for a 90-day grace period from the Social Security Administration to investigate the warrant. With the advocate's assistance, Bill was able to stay in his home and continue receiving medical care. He was also able to show that he had paid the fine and that the arrest warrant was issued because of a clerical error. Bill is the first to admit that he was going through a rough period in his life and he is grateful to get a second chance.

Health Care

In Santa Clara County, the majority of individuals requiring public health benefits are children and seniors. There are coverage enforcement and eligibility issues related to obtaining basic benefits a client is qualified to receive.

- Mrs. S. was desperate to get health coverage for her 12-year-old son, who had suffered significant vision loss and urgently needed to see a retinal specialist. The entire family was uninsured because Mr. S's full time employer did not offer health insurance benefits. Mrs. S's application for Healthy Families coverage for her four children had been denied on the basis that the children qualified for Medi-Cal. When Mrs. S. applied for Medi-Cal, she was told the children didn't qualify. Confused and concerned about her son, she found her way to a legal services organization where an attorney immediately filed an appeal with Healthy Families. It was then determined that three of the four children in this Menlo Park family were eligible for Healthy Families coverage, and that the youngest qualified for Medi-Cal. Healthy Families, however, failed to forward the application to Medi-Cal despite federal regulations requiring them to do so. After several months and extensive negotiations by the advocate all four children finally have health coverage.
- David, a teenager, received medical treatment for emotional problems after the loss of both his parents in an auto accident. His source of income, a small SSI survivor's benefit, qualified him for Medi-Cal managed care. A managed care, mental health program, however, wrongfully denied him participation because of a categorical coding error. David was, therefore, unable to obtain the necessary medication prescribed by his doctor. After

David's emotional problems flared-up, he dropped out of school. An administrative law judge determined that Congress had expanded "categorical edibility" to all children below the federal poverty level in 1996 legislation. With the help of a legal services advocate, the Santa Clara Superior Court ordered his immediate reinstatement of benefits. Under a doctor's care, David went back on medication and returned to a regular classroom.

- Tanya is a young woman with major depression and post-traumatic stress disorder as a consequence of a childhood of abuse at the hands of her stepfather, as well as a long-term relationship with a violent partner. She had applied for Supplemental Security Income (SSI) but had been denied. Tanya came to a legal services provider after a private attorney representing her dropped her case due to her inability to maintain her mental health treatment after Santa Clara County stopped providing most mental health services to uninsured people. The legal services provider took on her case and won a favorable decision to secure for Tanya both SSI benefits and accompanying Medi-Cal coverage. She has been able to stay in her housing now that she can pay rent, and she has been able to restart her psychiatric treatment.
- Caitlin was receiving medical treatment for emotional problems. Just after her 16th birthday, her parents died in an automobile accident, leaving her on her own. Her only source of income, a small social security survivor's benefit, qualified her for Medi-Cal coverage. While she was undergoing intensive psychiatric counseling, Medi-Cal terminated her health care. Without this coverage, Caitlin was unable to continue counseling and get her prescriptions filled. With the help of an SVCLS- supported legal services agency, it was determined that she had been wrongfully denied treatment due to a coding error. The Court ordered reinstatement of Caitlin's health coverage. She is now back in counseling and beginning her healing process under the care of a doctor.

Reducing Homelessness: Shelter and Financial Stability

Legal Service agencies typically resolve individual housing problems. Legal services agencies help keep families and individuals stay in their homes. With the housing crisis of recent years, legal services organizations are helping families address problems with predatory lending that had the potential to push them into homelessness, resolve issues of habitability and more. This is an area of critical need for legal assistance. More legal aid lawyers are needed to take on additional cases.

- Juliana, a 36-year-old mother of two, was served with an eviction notice after she lost her job and could not pay her rent. The situation seemed straightforward, until her volunteer attorney learned the full background of her story. Juliana's apartment was badly infested with beg bugs and her landlord had done nothing to remediate the situation, in spite of numerous complaints and city inspections. Because of the infestation, Juliana had to send her children to live elsewhere and she wasn't able to relocate her belongings. Habitability is clearly a defense to an eviction, but staying in the infested apartment was not an adequate remedy for this case. With the help of an SVCLS legal services organization, Juliana and her family have been reunited in clean, suitable housing and she is now working in a new job.
- Maggie, a victim of domestic violence and mother of two, had been receiving Section 8 housing assistance. Through a series of misfortunes beyond her control, Maggie became unable to pay her bills and lost her Section 8 assistance, and then was served an eviction

notice. With a volunteer attorney's help, Maggie applied for an extension of time, allowing the family to stay in their home. The attorney also helped her apply for and obtain financial assistance from the Victim Witness program and the Season of Sharing Fund, which gave her the immediate resources she needed to restore her utility services; as a result, the Housing Authority reinstated her rental assistance. Maggie and her children now have safe, stable, and suitable housing.

- *Mr. D. tells this story:* "I am a senior citizen and have owned my own home for over 35 years. I worked hard all of my life, but even with a part-time job and Social Security, each month it seemed I was short of money. I heard about reverse mortgages and how you could use home equity to provide extra money each month. This sounded like the answer to my problems. But because of dealing with an unscrupulous mortgage broker who forged my signature, I was left with a monthly home payment twice my monthly income of \$1,500 and a mortgage in default. I still worry that I might lose my home, but now an SVCLS-supported legal services agency is helping me work with the bank to cancel the loan and remain in my home.
- *Sara tells this story:* "I worked two or three jobs at a time in order to provide for my children. Little by little I saved to buy a home for my family.

I was lucky to find a property I could afford and secured an affordable mortgage. Everything was going well until I went to the mortgage company to pay my monthly bill and a salesman proposed I refinance my property to save money. Instead of saving money, the loan almost cost my children and me our home.

The loan company took advantage of my inability to speak English well. They negotiated the terms of the loan in Spanish and lied in the English language documents. The mortgage lender also lied to me about the fees and interest rate and submitted false and forged documents to get approval for the loan. When the true cost of the loan was revealed to me, I could not pay the monthly charges and my home went into foreclosure.

I am happy to say that with the help of legal services lawyers, my children and I remain in our home. I want to thank these lawyers and urge you to support services that make it possible for low-income people to benefit from American justice."

Educational Access

Legal services organizations typically resolve individual access to educational services cases.

- Matthew is a 17-year-old youth who has learning and emotional challenges. When Matthew was eight years old, he his behavior resulted in multiple suspensions from his fourth-grade class. With a legal aid attorney's help Matthew's educational placement was stabilized and he received appropriate academic and behavioral support to continue to make progress in school. Matthew is now a senior and is on track to complete high school. Matthew has developed into a talented artist, and his educational placement supports his love of art while still helping him remain academically on track. Matthew's art has been featured on mugs, t-shirts, and holiday cards.
- Adrienne is a six-year old girl with developmental delay who was recently diagnosed with autism. Largely non-verbal, Adrienne communicates with the world around her by

shrieking, grunting and pulling on people to express her desires. Despite the emotional impact of the formal autism diagnosis upon her parents, they were cheered by the neuropsychiatrist's recommendations for specific educational services that should help break through the walls created for Adrienne by autism. However, after presenting their local school district with the neuropsychiatrist's report and recommendations, they were devastated to have the district deny their request for services based on the district's opinion that Adrienne was basically too mentally retarded to benefit from any autism services.

After multiple, unproductive meetings with school district staff, Adrienne's parents turned to a legal services agency for help. By advocating for Adrienne, the agency was able to convince the school district to add a comprehensive package of autism-focused services to the child's educational program, including the services recommended by the neuropsychiatric team. Adrienne's mother reported that, after just a few weeks, her daughter is showing considerable progress in attention span and communication skills. For the very first time in Adrienne's life, she was able to communicate to her mother that her favorite color is purple.

- *Laura shares this story:* "I sought assistance from the Golden Gate Regional Center (GGRC) for my son, Nadir, who was believed to be on the Autistic Spectrum. However, after four months, GGRC was unresponsive and we were unable to access services. I went to a legal services agency for help. The advocate immediately contacted GGRC inquiring about the delay. The advocate guided me step by step through a process leading to successfully obtaining help. I also learned about our rights and the different resources available to my son and me. Having the assistance of a legal advocate sped up the process of getting an official diagnosis of autism for Nadir and allowed me to be more attentive to him when I was at home.

The advocate, subsequently, facilitated obtaining professional help for Nadir's transition into pre-school. I had encountered problems obtaining services from the school district. After attending an Individualized Education Program, I was told two pro-bono attorneys had agreed to help us.

Nadir has been receiving Applied Behavior Analysis therapy for seven months and just recently started pre-school. He is doing phenomenally well. Although he hasn't started talking, his behavior is much improved. He has begun to sign more consistently and his social skills have also progressed.

As a single mother with a very low income, it is a blessing to have resources like those provided by the legal services agency that helped me. The attorneys are dedicated to helping under-privileged county residents, like myself, address our legal problems. I'd like to say thank you to all of the donors, attorneys and staff who helped give Nadir a chance at a more successful and happy childhood and education. Thank you!