

# **THE PRAIRIE**



**The docket of noteworthy cases of  
PRAIRIE STATE LEGAL SERVICES, INC.**

**September 2010**

**Prairie State Legal Services, Inc.  
Administrative Office  
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Rockford, IL 61101**

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## THE PRAIRIE FIRE

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## **FROM OUR EXECUTIVE DIRECTOR...**

*The Prairie Fire* is our periodic narrative report of the work of Prairie State Legal Services. The cases reported should help the reader gain an understanding of the challenges commonly faced by low-income persons, and the role of civil legal services in helping our clients meet their basic needs. Many of the cases reported are notable because of the complexity of the legal issues or because of the extensive legal work required to obtain a just result. Other cases we handle might seem simple and routine, whether securing a divorce for a victim of domestic violence or preventing an eviction, yet the benefit obtained by these clients is tremendous.

Prairie State staff members work to make sure that our civil justice system continues to operate with fairness, particularly for people who are disadvantaged by poverty. In our work, we are assisted by volunteer attorneys who work in our offices as well as by volunteer attorneys who handle cases from their own offices. Without the work of these lawyers, fewer low-income people would be represented by Prairie State. Because volunteers are our partners in justice, the case summaries you read here include some where volunteer lawyers represented clients applying to Prairie State for help.

Our accomplishments are impressive, as you can see by the “facts and figures” from our 2009 calendar year noted immediately after this page. You might also want to take a look at a description of Prairie State’s “special projects” which follow the case summaries.

Our work goes beyond representing individual clients and this work needs recognition, although not reflected in this docket. On a regular basis, our staff members provide community legal education and work to promote justice with client groups as well as with our colleagues in the organized bar. We also collaborate, both formally and informally, with social service agencies that help our clients with non-legal problems. The work of the Telephone Counseling Service, our intake and advice unit, is largely absent from these pages. The telephone counselors provide legal advice for those many clients whom we are not able to represent with extended service. It is a critical service and often the only contact that these clients will have with a lawyer. What you see in these pages is a story about the many complex problems that low-income individuals and families often face in their daily lives. The current recession, the deepest our country has experienced since the Great Depression, has plunged more people into poverty, and greatly increased the demand for civil legal aid. I hope that these stories will give you a more complete picture of what it is to be poor in America today, and the important role of legal aid as part of the social safety net.

All of these stories would not have been gathered together but for the work of David Wolowitz, Prairie State’s Associate Director, who ensures that these stories get told and that these cases get reported. Thanks, Dave, once again.

**Michael O’Connor**  
**Executive Director**

# FACTS and FIGURES 2009

## I. Who did we serve?

- **We completed 17,887 cases with 888 of those cases completed by volunteers.**
- There were 13,114 cases closed as advice only, and in 4,130 of those cases, we fully served the client with advice.
- There were 5,532 advice cases in which clients needed more extensive legal services in an important legal matter that we could have more fully served had we the requisite funding.
- **Our caseload breakdown:** Family Law - 39%; Housing Cases - 25%; Social Security/Public Benefits/Health - 12%; Consumer/Utilities – 12%; All Other - 12%.
- **Gender breakdown:** Female - 73%; Male - 27%
- **Age breakdown:** under18 - 1.5%; 18-59 - 80.8%; 60 and over- 17.7%
- **Racial breakdown:** White - 64.6%; Black – 22%; Hispanic – 10.6%; Asian – 1.1%; Other – 1.7%.

## II. What did we accomplish?

- We obtained 804 orders of protection, restraining orders, or no-contact orders that helped adults and children to end domestic violence or sexual assault, and prevented wrongful orders of protection in 28 cases.
- We obtained a divorce or legal separation in 411 cases in families with minor children, and 201 more where there were no children.
- We obtained successful outcomes in 687 cases involving custody, guardianship, visitation, or support of children.
- Legal representation in family law cases resulted in awards of support with an annual value of \$1,148,591.00 for low income households with 466 children.
- We obtained successful outcomes in 703 cases to prevent or delay eviction or foreclosure, to enforce clients' rights to decent, habitable housing, to stop illegal lock-outs, to prevent loss of or restore a housing subsidy, to obtain reasonable accommodations or to enforce other rights in housing.
- We helped 21 nursing home residents who were able to retain their residence when threatened with involuntary discharge.
- We overcame the termination of utility services in 47 cases.
- We helped households with family members who have disabilities obtain, preserve or increase Social Security benefits in 149 cases.
- Legal representation for low income persons with disabilities resulted in awards with an annual value of \$302,583.00.
- We enabled 112 households to obtain or retain Medicaid or Medicare eligibility or benefits.
- Legal representation helping low income and elderly clients to obtain Medicaid and Medicare resulted in coverage for medical bills totalling \$226,318.00.

- We helped 220 households to obtain or retain TANF, food stamps, unemployment compensation, veterans' benefits, or other public benefits.
- We obtained legal guardianships of disabled adults in 26 cases, and prevented improper guardianships in 3 cases.
- We helped 9 children to obtain needed special education benefits for them or to overcome school suspensions/expulsions/admission issues.
- We prepared 640 powers of attorney or wills for elderly or ill persons.
- We enforced consumer rights against creditors in 161 cases, and obtained a bankruptcy for consumers in 35 cases.
- Legal representation in IRS tax disputes for low income clients helped save these clients \$25,336.00

*Note: These figures do not reflect the outcomes which our clients are able to obtain on their own with the help of advice from our telephone counselors.*

## CONSUMER LAW

### **1. Client Wins Suit After Damages to Home (Circuit Court of Peoria County).**

The defendant lost control of his car and drove it into the client's home causing extensive damage. Because the Defendant had enlisted in the army and was sent to Iraq, he used the Soldier's and Sailor's Relief Act to delay the trial. After turning down a settlement offer of nearly \$5,000, the client applied to PSLs. We referred the case to pro bono attorney and former PSLs attorney Adrian Barr who traveled to Springfield IL to depose the defense expert witness regarding the amount of damage to the home. By showing the weakness of the defense theory of the case, the case was settled for the insurance policy limit of \$15,000, and the client was able to restore her home to the original condition. (S. Crow)

### **2. Senior Victim of Financial Exploitation Obtains Bankruptcy (U.S. Bankruptcy Court).**

Our 87 year old client was referred to our office by a Senior Services counselor because she was a victim of financial exploitation by a couple who had befriended her. She loaned a lot of money and let them use her credit cards. The exploiters also tricked her into obtaining a reverse mortgage on her home for their benefit. PSLs sued and obtained a judgment against the couple, who were ultimately imprisoned in another state. The judgment proved uncollectible and the client was very concerned about the credit card debt. We referred client to pro bono attorney Spencer Daniels who filed a Chapter 7 bankruptcy and obtained a discharge of debts, including the accumulated credit card debt. The client, now in declining health and in a nursing home, was able to be at peace knowing her family would not have to deal with her mistake. (S. Crow)

**3. Bank Cannot Prove Client Owed Credit Card Debt (Circuit Court of Kankakee County).** Plaintiff bank sued our clients for nonpayment of credit card debt. In total, there were four of these cases against the clients. The Plaintiff failed to attach to their Complaints a copy of the credit card agreement or any affidavit saying why the agreements were unavailable. We repeatedly and successfully filed motions to dismiss the Complaints on these bases. In the end, Capital One voluntarily dismissed their actions and repaid the clients their court costs. (E. Deucher).

**4. Successful Insurance Appeal Wins Short-Term and Long-Term Disability Benefits.** Client had not been able to work for a number of years due to his mental and physical disabilities. Client was denied on both a short-term and long-term disability claim on a health insurance policy he had through his employer. Unfortunately, he failed to appeal those denials and came to us three years after the appeal deadline had passed. In light of client's diagnosis of Paranoid Schizophrenia, we researched the law regarding excuse from contract performance due to mental disability. We obtained a statement from the client's treating psychiatrist stating that client's schizophrenia at the relevant time caused him to be "incapable of managing his daily affairs, understanding his legal rights, and acting upon his legal rights." With this doctor's letter and other medical records that we were able to gather from the relevant time period, client was approved for both short-term and long-term disability and continues to receive long-term disability to date. Client's short term disability award was \$5,000 and client received a long-term lump sum payment of \$17, 409. (L. Myers)

5. **Unlawful Garnishment Stopped (Circuit Court of Peoria County)**. Following a judgment against our client, her employer, a large fast food chain, received a wage garnishment summons. The wages were being garnished at 15% of client's gross income, or \$111/week, although the plaintiff recovering the judgment was legally compelled to garnish a lower amount computed at the amount of her salary greater than 45 times the minimum wage. The employer insisted they were taking the right amount and would not listen to the client. Pro bono attorney Jeff Krumpe, rather than waiting for a hearing on a motion, decided to call the Corporation. The company agreed to our client's demand and the garnishment was corrected, with all amounts unlawfully garnished refunded to her. The resolution of this case helped client avoid delinquent payments to her landlord and utilities. (S. Crow)

6. **Client Able to Repair Damages to Basement After Settlement With Homeowners Association (Circuit Court of Lake County)**. Client and his wife are seniors who own a townhome. Their basement flooded after a storm as the result of a defective sump-pump, causing approximately \$5,600 in damages. The condition of their basement continued to worsen as the moisture began to cause mold buildup. Because each of the sump-pumps in the housing development served multiple units, the homeowners' association bylaws provided that the association was responsible for all repairs and any damage caused by any sump-pump. After the association refused to pay for the damage, the client and his wife filed a *pro se* lawsuit against them. The client lost at arbitration because he was not aware of the procedural rules that applied to arbitration hearings. At that point, the client came to us. We decided to represent him, rejected the award, and filed an amended Complaint. We prepared to go to trial and prove up the damages. Prior to trial, the homeowners association and the client settled the case for \$4,800, which enabled client to fix his basement. (K. Liss).

7. **Car Dealership That Overcharged Agrees to Reduce Purchase Price of Two Cars**. Client contacted PSLS because she believed that she overpaid for two cars she bought from the dealership. She purchased a 1985 Ford for \$7,000, and a 1999 Pontiac for \$7,000. The total retail value for these cars, combined, was approximately \$4,000. We negotiated with the dealership to reduce the purchase price of the cars. The dealership agreed to amend the purchase contracts and to limit client's liability for both of the cars to \$5,000 total. In exchange for that sum, dealership gave the titles to both cars to the client. (E. Deucher)

8. **Car Dealership Forced to Honor Repair Contract (Circuit Court of Lake County)**. An 86-year-old senior purchased an automobile repair contract for \$1,330. The contract clearly stated that if she did not need any repairs during the term of the contract, her money would be refunded. The refund was to be paid by the car dealer, Gurnee Dodge. When she needed no repairs, she asked for the refund, but the dealer refused to pay. Following our advice and using the small claims court forms which we helped her complete by using the link available on Illinois Legal Aid Online, the client sued Gurnee Dodge *pro se* in Small Claims court. The car dealer very quickly offered to pay her the full \$1,330 in settlement of the matter. (J. Meier)

## **DISABILITY/SOCIAL SECURITY**

1. **Child with Serious Emotional Problems Wins SSI Disability Benefits (Social Security Administration - ALJ hearing)**. The client, age 7, was denied SSI benefits. She has been in counseling and had been frequently hospitalized for emotional problems since age three. Some of the problems resulted in serious issues with her daycare centers, her school, and her special education. The client was diagnosed with Bipolar Disorder and Oppositional Defiant Disorder, Impulse Control Disorder, ADHD, and Pervasive Developmental Disorder. She engaged in unpredictable, often violent behavior, and hurt herself as well as classmates. We worked with the client's counselor who shared her case notes and provided a detailed letter explaining the child's behaviors. From other sources, we received further details of how the child's disabilities met the criteria of the listings. Her teacher provided daily logs, outlining her classroom behavior, and we obtained IEP reports from her school. In addition, we contacted doctors, crisis-line workers, hospitals, and social workers to be sure we had all possible evidence to paint a complete picture of this child's difficulty with normal daily functioning. We represented the client at an ALJ Hearing, at which an expert medical witness was present. With all of the aforesaid evidence, the medical expert opined that the child was disabled, outlining several ways in which the client's impairments were functionally equal to a listing. The ALJ issued a bench decision right then, fully favorable to our client. (D. Michaels).

2. **Client and Daughter Obtain Waiver of \$10,000 Overpayment (Social Security Administration)**. The client and her dependent minor daughter were overpaid SSDI benefits in an amount over \$10,000. The client had been found disabled, and received dependent benefits for her minor daughter. She was briefly employed at times, but then began gainful employment. Months later, SSA advised the client that her disability had ceased and she and her daughter were no longer entitled to disability benefits, and that she had been overpaid. The client requested a waiver of the overpayments and we represented the client at a personal conference at the local SSA office. The resulting decision denying the waiver found the client to be without fault, but with the financial ability to repay the overpayment, due to her employment and funds in her checking and savings accounts. We requested an ALJ hearing and represented the client at that hearing. We submitted a brief and presented proof showing that the client's expenses exceeded her income and the money from her bank accounts was used regularly toward her monthly expenses, including costs for medical expenses, co-pays, and insurance. The ALJ issued a fully favorable decision, finding the client not only to be without fault, but also to be without the means to repay the overpayment. (J. Bingham)

3. **Client With Multiple Disabilities Wins SSI Appeal (Social Security Administration)**. Although only in his fifties, the client was in a nursing home with numerous impairments including heart problems, high blood pressure, breathing difficulties (requiring constant use of oxygen), depression, and anxiety. He needed help with most of his activities of daily living. The Social Security Administration had denied him SSI benefits twice, and we represented him in an appeal before an Administrative Law Judge. By submitting medical records to the Office of Disability Adjudication and Review in advance of the hearing, the ALJ decided on the record to grant benefits to our client. This qualified client for Medicaid which pays for his nursing care costs and gives client a small stipend to spend each month. (L. Luncsford)

4. **Client Wins Reversal of SSI Denial and Receives Huge Award (Social Security Administration)**. After suffering a brain aneurysm, our client had two separate surgeries to place stents in her brain. After being released from the hospital, the client found work, but was unable to keep a full-time job because of complications from her trauma. Her symptoms included short-term memory loss, dizziness, fainting, sleeping disturbance, loss of motor skills, in addition to side effects from her medications. After being denied both Medicaid and SSI, Prairie State represented her in appeals for both programs. As a result of the medical evidence that PSLS submitted, the state CAU approved the client for Medicaid before the hearing. The client was again denied SSI at the reconsideration level, so we sought and obtained a full evaluation of the client by a neurosurgeon. We succeeded at the hearing. The ALJ found the client disabled, approved her to receive SSI payments with an onset date setting her back award in excess of \$20,000. (S. DiGrino)

## **EDUCATION**

1. **High School Freshman Allowed to Continue to Receive Special Education Services and Avoid Expulsion (Public School District Expulsion Hearing and Special Education Hearing)**. The client, diagnosed with ADHD and learning disabilities, received special education services. When the client joined in a fight at school, the school district sought to have the client expelled for the remainder of the school year. Prior to Prairie State's involvement, the school district held a manifestation determination review to determine whether the client's behavior was a manifestation of his disability. Neither the client nor his foster parent nor his DCFS caseworker were present at the manifestation determination review which cleared the way for the expulsion by finding that the behavior was not a manifestation of disability. At the request of DCFS, we represented the client at the expulsion hearing. As a result of our advocacy at the hearing, the hearing officer directed the school district to re-conduct the manifestation determination review to allow the client and his representatives to attend. We then represented the client at the second manifestation determination review. This time, the group determined that the behavior was a manifestation of the client's disability. As a result, the client was not expelled, and he was allowed to remain in school and to continue to receive special education services. In the months following the fight at school, the client's grades improved and he had no additional behavioral incidents. (M. Wiesman)

2. **Special Education Student Wins Expulsion Hearing and Gets New Individual Education Plan. (Public School District Expulsion Hearing)**. DCFS contacted PSLS on behalf of minor client who is in foster care and had been expelled from school based on a finding that the client's behavior was not a manifestation of his disability. Client was receiving special ed services at the school. We appealed the decision of the school board to expel the child. We represented client in negotiations with school district to appeal the expulsion determination and obtain services for the child while the appeal was pending. Because the child received special ed services, we negotiated a new IEP, and then a second IEP to adequately address client's disabilities. The decision to expel the child was reversed. The notice of expulsion was revised to reflect that the client's behavior was a manifestation of the client's disability, and the client began receiving additional special ed services pursuant to the IEPs. (D. Conklin)

## EMPLOYMENT/UNEMPLOYMENT

1. **Board of Review Reverses Referee's Denial of Unemployment Insurance Benefits After Employer Fails to Prove Misconduct (Board of Review)** The client is a 50-year-old man with a serious and debilitating illness who had recently been fired, ostensibly for unexcused absences. He had applied for and had begun receiving unemployment benefits. His employer filed a protest and IDES held a hearing. The referee concluded that the client had been guilty of misconduct and was ineligible for benefits. Consequently, the client was asked to pay back over \$2,000 in benefits he had already received. We appealed the referee's decision, and submitted a written argument on the client's behalf. We argued that the employer had presented only hearsay evidence and, therefore, had not proven misconduct. The Board of Review reversed the referee's decision. Our client received over \$5,000 in unemployment benefits, and did not have to pay back the \$2,114 in benefits he had already received. The win came at a crucial moment because the client was also facing eviction for non-payment of condominium association fees. With the unemployment money in hand, the client was able to pay his monthly association fees and remain in his home. As a result of recent legislation increasing the benefit period, he has again begun to collect unemployment benefits. (J. Gelman)

2. **Circuit Court Reverses Board's Denial of Unemployment Insurance (Circuit Court of McHenry County)**. We represented client in an action for judicial review of a final administrative decision which denied our client unemployment insurance benefits. The Board of Review found that our client committed misconduct (insubordination) when he moved his work space from one desk to another without permission. The client is an engineer and a worker with disabilities. The client's assigned desk was next to a heat vent that made it so hot he had great difficulty concentrating. After numerous requests for various accommodations were ignored, the client moved the items on his desk to an identical, unoccupied desk in an open area closer to a window and away from the heat source. When client's boss returned to the office, he terminated client's employment. When client lost his unemployment compensation, he became homeless and lived in shelters and out of his truck for almost 1½ years, as the case made its way through the system. Client came to PSLS after he was denied unemployment benefits by the IDES Board of Review. We represented the client in a suit brought under the Administrative Review Law. We filed a Memorandum of Law in Support of the Complaint, and at oral argument, we argued that there was no rule or policy prohibiting client from moving his desk; that, assuming *arguendo*, there was a rule or policy, it was unreasonable under the circumstances; that the client had never received a warning about this behavior; that this was not insubordination because there was not a willful act that undermined the employer's authority; and that the employer was not harmed by this action. The trial court found that the board's decision was against the manifest weight of the evidence and rendered judgment in favor of our client. The client has since received almost 1½ years of back benefits. (K. Shefts)

## **ENERGY/PUBLIC UTILITIES**

1. **I.C.C. Orders that Client's Electricity Be Restored (Illinois Commerce Commission)**. Client sought help getting his electricity turned back on after service was terminated without notice. We determined that several months prior, ComEd mistakenly removed client from his own utility account and replaced him with someone who had an \$8,000 past due bill. When client received two bills in the new account holder's name, he tried unsuccessfully to alert ComEd to the mistake. Subsequently, ComEd admitted its mistake to Prairie State, but wanted the client to go through a credit application process because of the past due bill, even though the past due bill did not belong to him. It would have taken many days for client to go through the application process. Meanwhile, the client had no way to cool his apartment, and was reading and warming his coffee by candle. He also had a severe hearing impairment, and so was concerned about additional possible dangers, given that, without electricity, his apartment went entirely black after dark. We filed a complaint with the ICC, which treated the client's case as an emergency. The ICC began its investigation within a day. We talked to the investigator, who worked very quickly to confirm that client was the proper account holder and not responsible for the delinquency. Due to our advocacy, the client's electricity was restored within two days of it being turned off. (W. Hensel)

2. **ComEd Agrees to Reduce Client's Electric Bills Due to Illegal Tap (Commonwealth Edison)**. The client came to us because the electricity bills at her apartment were very high. She called ComEd to complain and they eventually sent someone out to investigate. Although ComEd determined that there was an "illegal" tap on the client's electricity line, causing the extravagant bills, the utility did not do anything and continued to charge client for someone else's usage. We investigated the nature of the tap and determined that client's meter was reporting electricity usage by the client's neighbor, and as a result, the client was being billed for both of their units. We negotiated a settlement with ComEd, whereby they agreed to remove all the late charges from client's bill and split the bill in half. They also agreed to put client on a payment schedule and turn the electricity on at her new apartment. (E. Deucher)

## **FAMILY LAW/DOMESTIC VIOLENCE**

1. **Client Wins Custody of Children After Wife Abandoned Home with Them (Circuit Court of Peoria County)**. Two weeks before Christmas, our client's wife left home with their three children while the client was at work. Client's wife refused to tell the client where she and the children were staying. Client called the police, but the police would not help him because the parties were married. Client petitioned for an order of protection on the grounds that his wife was keeping the children from him, but the judge denied the order of protection. On behalf of the client, we filed a Petition for Dissolution of Marriage and a Motion for Temporary Visitation. The Motion was granted and the client was able to see his children. After a year of negotiating, mediation, and meetings with the GAL, the parties agreed to Joint Custody, with the client as the residential custodian. (D. Conklin)

2. **Client Successfully Defends Two Attempts to Terminate His Parental Rights (Circuit Court of Jo Daviess County)**. Our office represented the father of a 7-year-old boy whose mother took the boy from their home and moved 200 miles away. After the first month, she did not allow him to speak with his son. She married and moved out of state to another unknown address. Then she moved back to Illinois and filed for her husband, a convicted arsonist, to adopt the boy, in the state she had just left. Our client had to defend the out of state adoption which was eventually dismissed due to lack of jurisdiction. The Illinois Attorney General's office brought suit to establish a child support order. We undertook to represent our client in that case to seek custody or visitation rights for him. The mother and her husband, however, had already filed another adoption case, this one in Illinois. We appeared to defend the Illinois adoption case. At trial, the case was dismissed. We continue to represent our client in the custody/visitation/support case. (D. Smith)

3. **Court Awards Order of Protection for Client and Daughter Against Ex-Boyfriend (Circuit Court of Rock Island County)**. Client sought a plenary order of protection for herself and her two-year-old daughter against her ex-boyfriend. She had previously obtained an Emergency Order. The daughter was born before client ever met the respondent. They had dated only for several months, but soon after they broke up, the client discovered that she was pregnant with the boyfriend's child. Although they had several conversations after that, she made it clear to him that she no longer wanted to have a relationship with him. At that point, his behavior escalated by: 1) frequent calling and texting; 2) intentionally breaking her phone; 3) harassing her at church in the middle of a service; 4) showing up at her place of employment; and insisting the 2-year-old was his own child. The respondent admitted that he and client had not yet met when client's daughter was born, but nonetheless testified to his belief that her daughter was his. Following the respondent's testimony, the judge awarded a two-year order of protection for client and her daughter. (M. Guest)

4. **Plenary Order of Protection Entered Against Father of Client's Child (Circuit Court of Rock Island County)**. Client and boyfriend were living together and have a baby daughter together. The boyfriend reacted badly to client's online conversations with an ex-boyfriend she had not seen for 5 years. He held her at gunpoint, punched her repeatedly in the face, and bit her. He then pointed the gun at client and pulled the trigger. Client was unaware that the gun was not loaded and expected to be killed. The boyfriend then fled the apartment with their baby. She called the police, who arrested him, and charged him with aggravated unlawful use of a weapon, possession of cannabis and drug paraphernalia, and domestic battery (three felonies and a misdemeanor). The client obtained an emergency order of protection the next day. We represented client in proceedings for a plenary order of protection. A one-year plenary OP was entered by agreement, which included an order for child support. We advised client that she may seek an extension of the plenary OP if she feels she still needs the protection after the one year is up, and that we could represent her in a permanent custody/support case. (M. Fitzsimmons)

5. **Prompt Petition for Re-Hearing Restores Custody to Client (Circuit Court of Kankakee County)**. The father of client's daughter obtained an *ex parte* Emergency Order of Protection granting him physical possession of the child. The EOP was based on allegations that our client abused him, allegations that our client denied. The father had never had custody of the child before and had not had overnight visits with the child in over a year. The child had serious medical issues of which the father was unaware and not equipped to address. The Emergency Order of Protection did not grant visitation to client. We filed a Petition to Rehear the Emergency Order of Protection on client's behalf. The Petition was heard within days of client's first contact with Prairie State, and over a week sooner than the scheduled plenary date. After a contested hearing, the Order of Protection was denied and custody of the child was restored to client. (M. Wiesman)

6. **Court Awards Client Visitation Rights and Dismisses Adoption Action That Would Have Terminated his Parental Rights (Circuit Court of Peoria County)** The Attorney General's office filed a paternity case against our client and established his paternity by genetic testing. Our client agreed to a support order and made all his support payments. Nevertheless, the mother prohibited our client from visiting with the child. On the client's behalf, we filed a petition for visitation, but the mother and her husband responded with a petition asking that the husband adopt the child. The court granted our motion for summary judgment establishing that insufficient grounds for adoption existed, and entered an order granting visitation. (D. Smith)

7. **Client Obtains Legal Separation with Substantial Support (Circuit Court of Marshall County)** Client suffered through severe domestic violence in her marriage that had occurred for years. For religious reasons the client did not want a divorce, but wanted to be safe from her husband. We represented the client at a contested hearing and obtained the entry of a two-year plenary Order of Protection. We also represented the client in a dissolution petition, which was amended to be a petition for legal separation. We secured for the client sole custody of the parties' four children, the marital home, \$500 per week in child support, and \$833.33 per month in maintenance. We also arranged with a local shelter to provide counseling for the client. The client is now in school working toward a degree in the medical field. (D. Conklin)

8. **Ex-Wife's Attempt to Change Client's Custody Rights Defeated (Circuit Court of Tazewell County)**. Several years ago, Prairie State represented the client in a divorce case that went to trial, primarily on the issue of child custody. Our client, the father, was granted custody. Both parties moved out of Illinois. The child has lived with client in one state and visited his mother in the other state from time to time. Nevertheless, the mother filed a Petition to Modify Custody in the Illinois court. On behalf of the father, we filed a Motion to Dismiss based on lack of jurisdiction in Illinois, addressing all of the relevant jurisdictional factors. Following a hearing and oral argument, the Court granted our Motion to Dismiss, and the mother did not re-file her Petition. The child is still living with his father in the home and State where he has now lived for several years. (L. Luncsford)

## GUARDIANSHIP

1. **Limited Guardianship For Medical Care Preserves Most Individual Rights for Client, a Disabled Adult (Circuit Court of Tazewell County)**. The client's parents obtained guardianship over the client when she became an adult, due to her mental and physical impairments. Several years ago, the guardianship was dismissed because the parents failed to provide updates to the Court. For a variety of reasons, including an unsuccessful attempt at having her committed to a psychiatric facility, the client had a deep distrust for her family and fought her mother's attempts at re-establishing a guardianship. The Court appointed PSLs to represent the client. After several hearings and much evidence concerning client's ability to provide for her own medical care, the court granted the mother a restricted Guardianship limited to medical care. The client retained the authority to make her own doctor's appointments and to speak to her physicians outside of her mother's presence and will be primarily responsible for her prescriptions. The mother was allowed to speak to the physicians about client's care and make a monthly review the medications and her health care equipment. The order was written with the intention of making the client more self-reliant so that one day she will no longer be under a guardianship. When that happens, however, the client will lose the private insurance that her father provides on the basis of her being a disabled adult child. (K. Baptiste)

2. **Guardianship Obtained for Elderly Nursing Home Resident Who Was Being Financially Exploited (Circuit Court of Peoria County)**. The Respondent (in need of guardianship) was 69-years-old, residing in a nursing home. He had multiple physical and mental health issues, including Parkinson's Disease, depression, dementia, and COPD (breathing problems). He was being financially exploited on a regular basis by one or more of his daughters. His brother and sister were truly concerned about a daughter removing him from the nursing home to get his money, although continued residence in the nursing home was in his best interest. We represented the sister to obtain a guardianship. We obtained the Report of Physician, prepared all required documents, and filed them with the Court. A GAL was appointed to report to the court on the respondent's interests. At the hearing, the Respondent did not appear by his own choice. The GAL recommended guardianship and the Court entered the Order. J.R. is still at the nursing home and doing well. His sister is now his guardian. (L. Luncsford)

## HEALTH/MEDICAL/NURSING HOMES

1. **Client Wins Medicaid Appeal (Illinois Department of Human Services)**. The client appealed a denial of Medicaid by DHS. At age 47, she had poorly controlled diabetes resulting in neuropathy in both feet and hands, causing numbness and pain. Because the client appeared to have a mental disability but had no medical records establishing one, we interviewed her family (with her written consent) and requested many more records, including school and IQ test records, showing the client tested at 66 and 69. According to Social Security regulations, 20 CFR 404 12.05, claimants with an IQ below 70 need only to establish one other severe impairment to result in a finding of disabled. At the DHS hearing, the client and various family members testified, we submitted medical and school records into evidence and discussed them one-by-one on the record. We established her IQ score, the effects it had on her ability to work, and the effects of the neuropathy in hands and feet. Evidence regarding her part-time work as a cleaning lady helped show that she could not now work full-time. The adjudicator reviewed all evidence and found her disabled. Our client was issued a permanent medical card and now receives better treatment for her health issues. Client's SSI claim at Social Security is pending. (D. Michaels).

## HOUSING (RENTAL)

1. **Settlement Reached at Trial Preserves Client's Section 8 Benefits (Circuit Court of Peoria County)**. The Housing Authority stopped paying the subsidized rent to a Section 8 voucher landlord, claiming that our client damaged the windows. We filed a grievance with the HA because vandalism was actually responsible for the broken windows. However, when the landlord stopped receiving the subsidized rent, he brought suit to evict our client, naming both our client and the HA as defendants. We filed pleadings against both the landlord (for failure to return interest on our client's security deposit) and the HA (for stopping the voucher payments while the grievance process was pending and for not authorizing a subsidy for a 3 bedroom unit when her family size increased). After trial began, we negotiated an agreement for our client to continue to receive her Section 8 benefits with a three bedroom voucher and move out. (D. Smith).

2. **Court Orders Landlord to Reimburse Client For Rent Landlord Overcharged (Circuit Court of Rock Island County)**. Our client was on Section 8 with the Moline Housing Authority. She signed leases with a landlord who accepted the Section 8 subsidy, and with Moline Housing Authority. The lease with the HA set forth the amount of the subsidy and the amount the client was required to pay each month. Without the knowledge or consent of the HA, the landlord's lease required that client pay \$50 more per month than the client's amount set by the Housing Authority. Volunteer attorney Dean Sutton accepted this case through the Volunteer Lawyer Project. When his demand letter was ignored, Mr. Sutton filed suit for the client. Following a trial, the Court ordered the landlord to pay the client approximately \$1,500 as damages for the overpayment of rent. (C. Myers)

3. **Public Housing Authority Agrees to Drop Eviction Against Disabled Client Who Had Filed Discrimination Charge (Circuit Court of Peoria County) (U.S. Department of Housing and Urban Development)**. Our client was late paying his June rent to the Peoria Housing Authority because he had been hospitalized for a depressive condition. When he was released, his attempt to pay rent was refused. Instead, the PHA filed an eviction action. On the client's behalf, we requested a grievance hearing and a reasonable accommodation from the PHA due to our client's disability. When the PHA decided to pursue the eviction, our client filed an administrative discrimination complaint with the U.S. Department of Housing and Urban Development. After no further problems occurred, the PHA eventually agreed to accept rent, drop the eviction case, and our client dropped his discrimination complaint. He continues to reside peacefully in his home of the past 15 years. (D. Smith)

4. **Housing Authority Hearing Officer Reverses Decision to Terminate Client's Tenancy (local Public Housing Authority)**. The client, a young mother of two, received a notice of termination of tenancy from the Housing Authority for allegedly permitting unlawful activities on the housing authority property and in her unit. Her boyfriend was charged with burglary of copper wire, after housing authority staff saw him unloading the wire from her apartment and after police found shavings off the copper wire on client's apartment floor. We requested a formal hearing at the Housing Authority. Our client's position was that she was asleep at the time of the unloading, and was out babysitting when the wiring was brought into her home without her knowledge. Our theory of the case was that the client did not permit unlawful activity as permission requires consent. We represented the client at the formal hearing, presented witnesses, cross-examined housing authority employees, and made multiple objections on hearsay grounds to preserve the record for appeal. The Housing Authority then issued its decision, allowing the client to stay in the apartment with her two sons, but imposed a 'no trespass' order on her boyfriend. The client found this decision to be acceptable. (J. Fulk)

5. **Court Sets Aside 60-Day Old Default Judgment Entered Against Client and Dismisses Eviction (Circuit Court of Peoria County)**. Our client's landlord filed an eviction action claiming she owed more than \$500 in rent. Unfortunately, the client did not come to Prairie State until almost 60 days after the entry of a default judgment for eviction, and even then the client was unaware that the judgment had been entered. The client had appeared in eviction court *pro se* on the original return date, at which time the court set a trial date. The trial date was later cancelled because the judge was in a jury trial that week. Because the client never had filed a written appearance or answer, the attorney for the landlord set the matter for hearing on default. After obtaining the default judgment, the attorney never notified our client of its entry, nor did he take any immediate action to enforce the judgment. Nearly 60 days later, the manager of the complex told the client that she was going to be put out by the sheriff the following Monday. At that point, the client sought our help, and we filed a motion to vacate the judgment. We were successful in vacating the default, convincing the court that despite a possible lack of due diligence on our client's part, discretion permitted the court to vacate the judgment because the case should not have been filed (as our client owed no rent) and because the landlord sat on the judgment without informing our client or attempting to enforce it in order to make it more difficult for the client to seek to vacate it. The landlord subsequently decided not to pursue the matter at trial and dismissed the suit. (D. Smith)

6. **Eviction Case Against Project-based Subsidized Housing Tenant Dismissed and Lease Renewed (Circuit Court of Rock Island County)**. Our client, a single mother of three children, lived in project-based subsidized housing. She was served with a notice of termination of tenancy due to a failed housing inspection. The main reason she failed the inspection was that, per instructions from management, she had removed all the furniture, toys, books, etc. from her son's bedroom so that management could address a leak in the ceiling and clean the carpets. The extra clutter made the unit seem untidy and unclean, although it was not an accurate representation of the condition of her apartment. In accordance with the lease and eviction notice, we sent two separate requests to the property manager to discuss the allegations in the notice and seek an opportunity for re-inspection once the leak was addressed. Both requests were ignored. Six months later, the landlord filed an eviction action against the client, alleging material non-compliance with the terms of her lease by failing to keep her apartment clean and sanitary. We appeared in the eviction case, obtained formal discovery, and represented client at trial. Defenses included: 1) the lease and federal regulations did not include a failed inspection as a substantial violation of the lease; 2) the landlord violated the lease in not permitting a meeting to discuss the notice of termination; 3) estoppel and acquiescence, based on the lapse of time between termination of tenancy and filing of the lawsuit; and 4) management did not consider the unit "uninhabitable" as they waited six months to file the eviction action. The court ruled in client's favor and dismissed the case. After convincing opposing counsel that they did not have good cause to fail to renew the client's lease, client's lease was renewed and client received utility checks that had been withheld. (M. Fitzsimmons)

7. **Eviction Case Dismissed and Reasonable Accommodations Obtained For Client with Disabilities (Circuit Court of Lake County)**. The client, a senior suffering from various disabilities, lived in a building that provides subsidized housing for people with disabilities. As a result of her condition, the client had a long history of problems handling her finances, and had neglected to pay her rent for an extended period of time. The landlord filed an eviction against her for the non-payment, also alleging hoarding. Our defense was based on reasonable accommodations. We reached a settlement under which client agreed that she needed a payee to pay her rent and bills for her. We arranged for the Health Department to be a payee and start regular visits with client, who also agreed to let volunteers clean the apartment and move things into storage. To address the back rent issue, combining contributions from two different charities, we were able to come up with part of the amount due to put toward the arrearage. Presently, client is on a payment plan to pay the remaining amount over the next two years. The home is now much cleaner and safer than it has been in quite some time. (K. Liss)

8. **Mobile Home Tenants Get New Leases Complying with Mobile Home Act (Circuit Court of McLean County)**. Client was being evicted from a mobile home he didn't live in. The mobile home park was aware that he had previously transferred ownership to a relative and that client had a new mobile home in the same park. Our client was behind on his rent for his new mobile home, but the landlord had not filed any eviction case for that address, and moreover, the client's lease was in violation of Illinois Mobile Home Landlord and Tenant Rights Act. We reached an agreement dismissing the suit, which allowed client to stay in his current mobile home, prevented any new action for the back rent due, and required the landlord to provide client with a lease that complied with the Act. As a result of this case, everyone in the mobile home park got new leases that complied with the Act. (T. Bullington)

9. **Client's Housing Choice Voucher Preserved Based On Judicial Determination That Lease Was Invalid (Circuit Court of McHenry County)**. The client lived in subsidized housing with a Housing Choice Voucher. The property manager filed an eviction action against our client, but had no legal capacity to sue on behalf of either of the two corporate entities listed on the lease. Moreover, the Complaint failed to allege that our client breached the lease, and no notice of any violation was ever provided to the client. Neither corporate entity listed on the lease actually owned the property, which was held in trust so only the trustee could enter a valid lease with the client. Moreover, neither corporate entity listed on the lease could have entered a valid lease because both of them had been involuntarily dissolved prior to the lease being signed by one of their agents. Of course, since the client had no valid lease, she also had no right to reside in the premises. Nevertheless, it was critical to defend the eviction as the Housing Authority proposed to terminate the client's Housing Choice Voucher if she was evicted for cause, and refused to allow the client to move to a new location and keep her voucher unless there was a judicial determination that the lease was invalid. We filed a Motion to Dismiss based on the plaintiff's lack of standing. The Court granted our Motion, but gave plaintiff leave to amend the Complaint. The property manager filed an Amended Complaint attaching two "corporate resolutions" assigning property manager the right to sue on their behalf. These resolutions were of no legal effect as both corporate entities had been involuntarily dissolved prior to entry of the lease, and that a land trust, not the corporations, owned the property. After preparing additional motions to dismiss the Amended Complaint, we negotiated a settlement by which the plaintiff agreed to dismiss case if the client agreed to move out. The Housing Authority agreed to allow the client to move elsewhere with her voucher, if the Order stated that the lease between the parties was invalid. A joint Stipulation and Order to Dismiss was entered stating that lease was invalid. The client moved to another apartment and maintained her voucher. The eviction case was dismissed so the client has no eviction on her record. (M. Cairns)

10. **Eviction Set Aside and Client Restored to Possession of Her Apartment (Circuit Court of Peoria County)**. The landlord's grandson filed a forcible entry and detainer action against our client who appeared *pro se*. The client told the judge that grandson was not her landlord. After the court entered a forcible entry and detainer judgment, our client filed a document titled, "Reason to Appeal," and scheduled a Motion to Vacate. Despite having notice of the motion, the grandson proceeded to have the sheriff evict our client while she was away. We obtained a temporary restraining order to require grandson to restore our client and her belongings to the premises. Through counsel, the grandson filed a motion to quash the TRO and a motion for sanctions. Strongest of his arguments was the claim that the lease allowed the landlord "or his agents" to evict the tenant in the manner prescribed by law, but he placed greater reliance on an argument that a power of attorney gave the grandson the right to act for the grandfather. The power of attorney, however, gave no specified rights to file suits for the grandfather and only said the grandson could sign documents for the rental property. Plaintiff's counsel withdrew the motion for sanctions before hearing. After hearing, the judge vacated the judgment because a *pro se* party may not represent another person in court. The judge extended the temporary restraining order as a preliminary injunction. Our client is proceeding in small claims court against both the landlord and grandson for trespass and conversion of her property. (D. Smith)

11. **Housing Authority Reverses Position and Approves Client's Voucher.** Client was on the Housing Choice Voucher (Section 8) wait list for over four years. When her name came up on the list, the local public housing authority completed a criminal background check and then denied client a voucher due to a finding that client had plead guilty to battery four years previously. Per PHA policy, any conviction for "violent criminal activity" within four years results in denial of voucher. The battery conviction resulted from an incident in which the client, as a victim of domestic violence, was arrested after fighting back against a violent former boyfriend and his sister who had taken her children. We challenged the denial of the voucher on two grounds. First, in violation of law, the PHA failed to provide a copy of the criminal record on which it proposed to deny the client and failed to allow the client an opportunity to dispute the accuracy and relevancy of the criminal record as part of an informal review process. Second, because the circumstances regarding the client's criminal history is a permissive, not a mandatory, denial, the PHA was required to take mitigating circumstances into consideration. Here, the PHA simply denied client without considering any mitigating circumstances. We advocated for a voucher by presenting client's strong argument that the PHA should consider mitigating circumstances in light of the fact that she was a victim of domestic violence who was in a very stressful situation at the time of the incident leading to the charge, the behavior was unlikely to recur, and the long time since the conviction (only a few months short of the PHA's four-year time period). The PHA first sent a copy of the criminal record, and then based on our continued advocacy, the PHA eventually agreed to overturn its decision and approved client's voucher. (M. Cairns).

12. **Client Prevails at Informal Grievance Hearing and Halts Planned Eviction Proceeding (local Public Housing Authority).** The local public housing authority (PHA) served client with a Notice that she would be evicted from public housing because she provided accommodation to boarders, lodgers or long-term guests, or that she had failed to report unauthorized persons residing in her unit. The PHA alleged that this was a substantial, material violation of the lease. The client disputed that she had allowed any unauthorized persons to reside in the unit although she had allowed overnight guests occasionally including members of her family and friends. The client had no income and three young children. The client failed to respond to the notice within ten days, thus permitting the PHA to file an eviction action without allowing the client to go through the grievance process. Nevertheless, we persuaded the PHA to allow the client to go through the grievance process before filing an eviction action in court because the client lived in a rural area and had no income, no phone, and no car. At the informal grievance hearing, the PHA's only evidence was based on hearsay; i.e., statements of witnesses who did not appear at the hearing. We argued that this was insufficient evidence to prove a material violation of the lease and that the PHA should rescind the notice and allow the client to stay. The PHA agreed not to proceed with the eviction if the client agreed to provide information regarding the owner of the vehicle parked at the residence overnight. The client agreed to do this in order to settle the matter although we argued that the client should not need to provide this information as she is permitted to have occasional overnight guests and the PHA's evidence was insufficient to prove that the owner of the vehicle was anything other than an occasional guest. (M. Cairns)

**13. Client Obtains Favorable HUD Ruling Requiring PHA to Change Their Unlawful Portability Policy (U.S. Department of Housing and Urban Development).** Client was a housing choice voucher holder in the second term of her lease. The local PHA denied our client's request to move to a new location and maintain voucher assistance. The denial was based on the PHA's contention that client was in the "initial term" of her lease and that their policy allowed moves only in very limited circumstances within the initial lease term. Despite our demand arguing that the client was in a second (renewed) lease term, the PHA position was that each new lease is a new initial term unless the lease "automatically renews." We requested an informal hearing and obtained significant information regarding PHA policies, procedures, and data. We convinced the Regional office of HUD that the PHA policy violated federal regulations, policies of the housing choice voucher program (primarily flexibility), prevented a voucher holder the option to negotiate a mutual termination of a lease and would result in increased litigation. HUD advised the PHA that their policy was wrong both verbally and in a formal written opinion. The formal opinion prohibited the PHA from denying a tenant's request for portability based on the fact that the lease does not provide for automatic renewal. It also mandated that any tenants who enter into a lease of the same premises past the initial 12-month period in the program shall be allowed to request and be considered for portability anytime after the first 12 months. The PHA then agreed to allow the client to maintain voucher assistance and move to a new location. (M. Cairns)

**14. Rockford Housing Authority Improves Its Policy Towards Applicants with Outstanding Utility Bills.** We sought to obtain information regarding the RHA's recently amended regulations which resulted in denials of housing based on utility bills. We learned that their policy was to deny housing assistance to any person whose credit check reveals a utility bill with a past due amount of \$200 or more. In that event, the RHA required that the bill be paid in full before an applicant could be admitted. Although low-income clients often rely on LIHEAP energy assistance funds to pay for past due utility bills, the LIHEAP program denies energy assistance to anyone lacking a current address. This compounded the problem of applicants for housing whom the RHA denied due to the existence of these bills. The executive director of the RHA requested that we meet and participate in a discussion. A public meeting was held at PSLs' Rockford office after broadcast on the Mayor's Task Force on Homelessness e-mail group. On the basis of PSLs advocacy for low-income applicants and various information that PSLs supplied, the RHA agreed to clarify its regulations and change others. Specifically, the RHA clarified that the disqualification for a \$200 debt is enforced only if one utility bill is past due and exceeds \$200, not a person's total utility bills. Moreover, the RHA will not deny applicants if they can demonstrate that the bill has been paid so that the amount due is less than \$200 (even if not paid in full) and that the applicant is eligible for utility service. In addition, the RHA agreed to apply the policy only with respect to those utilities where the tenant would be responsible for payment at RHA housing. For example, in buildings where the tenant does not pay for the gas, the RHA will not apply the policy to a delinquent gas bill. Likewise, the RHA will not apply the policy to a delinquent gas bill from a company that does not do business in Rockford. Finally, the RHA agreed to consider amending its policy to provide for a conditional acceptance of an application even in the face of a delinquent \$200 utility bill if the applicant provides a statement from the LIHEAP agency indicating that energy assistance would bring the bill below \$200. (J. Bergstrom and E. Samuel)

15. **Client Saves Her Voucher and Wins on Rent and Overpayment Issues at Informal Hearing (local Public Housing Authority)**. Client is a person with severe mental illness which has required hospitalizations. She also has a developmental delay and other physical medical problems. Her psychiatrist recommended that client not live alone and, as a result, client's boyfriend lived with her and was designated by the State as client's personal care assistant in the Home-Based Support Program. The client lived in Section 8 housing, receiving a housing subsidy from the PHA. The PHA charged client with an overpayment of over \$2,000 due to her alleged failure to report her live-in boyfriend's Social Security Income, leading client to sign a re-payment agreement. Later, the PHA learned about boyfriend's income from the State as client's personal care assistant. The client then received a new notice from PHA revising the overpayment amount to nearly \$11,000. In addition, the PHA increased her rent obligation (based on increase in household income). Finally, the PHA stated it was terminating her voucher based on failure to pay as required by the payment agreement. We requested an informal hearing on all of these issues, and assured that the PHA continued to pay the subsidy at the previous level until a determination could be made. We represented client at the informal hearing, arguing that boyfriend's income from the Home-Based program is specifically excluded in definition of income for PHA purposes. It is excluded as an amount paid by a state agency to a family with a disabled family member living at home to offset the cost of services needed to keep the disabled family member at home. We had the client's Home- Based caseworker testify regarding the purpose of the program and the fact that without the personal care assistant's service, the client would need to live in an institution. Therefore, we argued that the overpayment should only be based on failure to report the Social Security, not the Home-Based income. Likewise, rent should be based only on the Social Security income and her voucher should not be terminated. Finally, we argued that client should have additional time to repay overpayment as a reasonable accommodation to her disability (from Section 8 handbook--overpayment should be affordable, not result in homelessness). Based on our advocacy, the PHA agreed that the Home-Based income is not income for either current rent or overpayment purposes, not to terminate voucher, and to allow three years rather than two years for payment agreement. (M. Cairns)

16. **After Federal Court Issues Favorable TRO, Public Housing Authority Agrees to Withdraw Its Decision to Terminate Client's Subsidized Housing Benefits (U.S. District Court for the Northern District of Illinois, Western Division)** Our client, an elderly woman, suffers from debilitating encephalitis, which has left her disabled and unable to manage her own affairs. She is a housing choice voucher participant (Section 8 subsidized housing) through a local public housing authority (PHA). Her older daughter was her caretaker, but did not live with the client. Client's second daughter did live with her, but was arrested and pled guilty to a drug charge, leading the PHA to terminate client's subsidized housing assistance. PSLs represented her at an administrative grievance hearing. The hearing officer, an executive of the PHA, determined without evidence that the client violated the program rules because her daughter was arrested. No other person was present on behalf of the housing authority. We argued that there was no evidence that the client was responsible for any violation, and that the hearing officer could not simultaneously serve as the proponent of the housing authority's case. The hearing officer sternly disagreed and said that she would "see us in court." The client made no statement and the hearing came to a close. The client received a written decision denying her grievance and sustaining the PHA's decision to terminate the client's voucher. We filed a lawsuit to have the state circuit court review the decision. The PHA responded by removing the case to U.S. District Court. In order to assure that the client continued to receive her Section 8 subsidy during the pendency of the litigation, we filed a motion for a temporary restraining order (TRO) which the federal court granted. We then settled the case by agreeing not to seek attorneys' fees if the housing authority would reinstate the client's assistance without requiring a re-hearing. The case was dismissed on our motion pursuant to this settlement, with the court retaining jurisdiction to enforce it. This case had the effect of changing the PHA's policies for conducting hearings. The PHA has asked its lawyers to provide training on hearing procedures so as to hopefully avoid future due process violations. (J. Bergstrom)

17. **Extensive Advocacy Efforts Enable Client to Maintain Rent Subsidy and Avoid Homelessness (Circuit Court of McHenry County)**. Client is a formerly-homeless person with severe mental and physical disabilities who is also a victim of domestic violence. She was a participant in a HUD rental assistance program operated by Pioneer Center for Human Services (PC). This is a transitional Supportive Housing Program that provided mental health case management as well as a rental subsidy. As a participant in that program, client entered a one-year lease with Darlington Court Apartments. Her rent was paid by PC and client reimbursed PC for her portion of the rent. PC sent client a letter stating that she would no longer be entitled to rental assistance in the HUD Program because she allegedly had not been participating in the services agreed to in her Individual Plan. However, the letter provided no information about how she had allegedly failed to fulfill program obligations and offered her absolutely no opportunity to request review of this decision and, thus, violated due process. PSLs confirmed that client's physical and mental health was relatively stable, that the client could safely live independently with homemaker assistance, and that the client's stress surrounding the potential loss of her housing had contributed negatively to her mental health. We then demanded that PC provide adequate due process to the client before terminating her program assistance and continue paying the client's rent until such time as adequate due process protection was provided and the client was properly terminated from the program. We also requested various reasonable accommodations in program rules/policies due to client's disability. PC ignored/failed to respond to our demands and instead discontinued payment of the client's rent. This led the landlord to issue a 5-Day Notice for nonpayment of rent. Based on our advocacy with the landlord's attorney, the landlord agreed to grant the client additional time and to inform PSLs before filing an eviction action. We began to prepare a lawsuit in federal court, while we sought (unsuccessfully) rental assistance for our client from various sources. We also contacted the Regional Office of HUD and requested assistance or mediation, arguing that the unlawful actions of PC would result in client's imminent homelessness. All of this led to a meeting between the client and PC, with their respective counsel, in an attempt to resolve the matter. Although PC agreed to provide a due process hearing, they refused to pay client's rent in the meantime. Client's landlord then filed suit for eviction. After further negotiations, PC agreed to pay client's rent and any attorney fees court costs or late fees that were not waived by client's landlord. The PHA also agreed that client qualified for rent assistance under the Homeless Prevention and Rapid Re-housing Program (HPRP) (for up to 12 months) if client moved from a 2-bedroom to a 1-bedroom in the same apartment complex. Client's landlord agreed to allow client to move to a 1-bedroom apartment, to charge a slightly lower rent in the 1-bedroom, to accept the PHA payment, to dismiss the eviction case, and to waive all late fees. Due to extensive advocacy efforts, client was able to maintain her housing and the eviction case was dismissed. (M. Cairns).

## HOUSING (HOME OWNERSHIP)

1. **Foreclosure Defenses Lead to Loan Modification and Dismissal of Foreclosure Case (Circuit Court of Lake County)**. Our client lived with her adult son in a modest home in western Lake County. They fell behind on their mortgage when the son was laid off from his construction job, but he was re-hired after several months. At that point, the client was in a position to resume the payment schedule, but did not have enough money to make up for missed payments. Countrywide filed a foreclosure action, refusing the client's offer for a reasonable repayment agreement. Countrywide did not follow FHA servicing requirements before filing foreclosure in that they failed to have a face-to-face loss mitigation meeting with the client. Based on this failure, we filed an Answer and Affirmative Defenses. The Plaintiff, through their counsel, Pierce and Associates, filed a motion to strike our affirmative defense. We prevailed on that motion after oral argument. Having failed in their motion to strike, Countrywide offered a loan modification wiping out all late fees and attorney's fees, and reducing the client's interest rate. Because of this modification, the client and her son were able to keep their home. (S. DiGrino).

2. **Favorable Settlement Reached in Highly Litigated Mortgage Rescue Scam Case (Circuit Court of DuPage County)**. This is a "mortgage rescue scam" case in which the scammer fraudulently obtained a quitclaim deed from our client. The client's house was in foreclosure and the client believed the scammer was going to save her from foreclosure by re-financing her mortgage. While the scammer did pay off the mortgage and rescue the house from foreclosure, the scammer did not pay the client any of her built-up equity in the home - approximately \$75,000. Thus, the "rescue" was for the benefit of the scammer, who obtained the deed and took out a larger mortgage loan from another company, keeping the proceeds for himself, and taking monthly payments from the client, who believed those payments were her mortgage payments. The scammer maintained that the client had a right to "buy-back" the property within a period of time, but this right, if it existed at all, was completely illusory, as it would have required the client to pay off the scammer's larger mortgage when she had defaulted on the original mortgage because she couldn't afford it.

We filed an eight-count Complaint against the scammer, his company, the mortgage company that gave the scammer his loan, and others. The scammer then filed a Forcible Entry and Detainer Action against our client, claiming she had defaulted on the monthly payments he claimed she owed him, and which he characterized as "rent."

In a highly contested and litigated case, with many fights related to discovery, it is significant to note that we defeated the scammer's motion for "temporary use and occupancy" in which the scammer tried to convince the court that he should be entitled to continuing rent payments from the client during the pendency of the litigation. That enabled the client to live in the home while the case was pending without having to make any housing payments. The case was litigated for 40 months before it was settled as the trial date neared. The settlement value was worth nearly \$75,000 for the client, given the money she saved without having to make any payments to the scammer for that period, in addition to a very significant dollar recovery from three different defendants. (L. Myers and D. Wolowitz)

3. **Successful Advocacy Results in Permanent HAMP Loan Modification Preventing Foreclosure (Circuit Court of DuPage County)**. The client sought our assistance just days before the sheriff sale pursuant to a foreclosure of her home. The plaintiff attempted to serve the client via publication. We convinced opposing counsel to voluntarily quash service because the plaintiff did not make sufficient effort to serve our client in person before attempting service by publication. Thus, days before the sale, service was quashed and the sale cancelled. We then helped the client apply for a Making Homes Affordable Modification (HAMP). The client made her first two modified payments on a trial modification, but then received notice from the servicer that she was denied a permanent modification because she had insufficient income to afford such a modification. We obtained the servicer's calculation of the client's income and realized that the servicer was only counting one of the client's two monthly paychecks and, with the additional paycheck, the client should qualify for a modification. We notified the Attorney General's office who e-mailed the servicer and, within a day, the servicer offered the client a very favorable loan modification enabling her to keep her home. (E. Sirota)

4. **Client Obtains Substantial Fine Reduction for Code Violation. (City of Peoria Division of Code Enforcement)** The client, age 85, had been given a citation for having junk in his yard. He did not tell anyone about the citation until he had missed two hearings and the fine had risen to \$10,000 plus fees. The client was confused and did not understand what was happening. Pro bono attorney Michael Fricke agreed to represent him at an administrative hearing in order to get the fine reduced. An agreement was reached that client would clean the junk out of his yard and the fine was reduced to \$1,150 as long it was completed before inspection. The client's son-in-law helped to make sure the yard was clean prior to the inspection. (S. Crow)

5. **Client Loses Action for Constructive Trust But Wins Lifetime Lease (Circuit Court of Peoria County)**. We represented a woman whose mother filed an eviction case against her to remove her from the home she has lived in for over 20 years. Twenty years ago, our client's parents conveyed the property to the client and her husband. The client subsequently divorced, and seven years ago, quit-claimed the property back to her mother on the mistaken belief that she would be ineligible for public benefits if the property were still in her name. The client, however, continued to maintain the property and pay all taxes and insurance as they came due. The client's mother, however, asserted that the parties had agreed to the transfer back to the mother. The issue was whether the client's mother held the property in constructive trust for our client. After we successfully had the eviction suit dismissed due to improper pleading, the client's mother filed an amended complaint and we filed a separate complaint for injunctive relief. The cases were consolidated and the case tried. Due to the high standard of proof (clear and convincing evidence), the court declined to find that a constructive trust had been established. However, at trial, we obtained an admission from the client's mother that the parties had an agreement that our client could stay on the premises as long as she maintained them, paid taxes, and kept the premises insured. The court found that our client has a lifetime lease to reside at the premises upon those conditions and ordered that the mother could inspect the premises twice a year at times agreed upon by the parties. As a result of this ruling, our client and her children are able to remain in their home. (D. Smith)

6. **Client Obtains Title Deed to Home Purchased With Proceeds of Settlement.**

The client received a monetary settlement from an accident case some years ago, and her parents purchased a home with that settlement money. The client has lived in that home for 22 years. However, the parents purchased the home in their name, not in the client's name. The client receives Social Security Disability but does not have a payee or a legal guardian. The client wanted title ownership of the property. We obtained the assistance of volunteer attorneys James Mowen and Timothy Reier to negotiate with the parents and draft/review appropriate documents relating to title. The parents agreed to pay the property taxes and then transfer the property back to the client, and the client agreed to have the sewer bill put in her name. (C. Myers)

7. **Clients Receive Large Settlement in Mortgage Scam (Circuit Court of Mercer County).** The clients (husband and wife) used a mortgage broker to finance the purchase of a home. The broker fraudulently informed the clients that they did not qualify for a mortgage and convinced clients to use the broker's nephew as a "straw man" to purchase the home and obtain the mortgage. Clients had to pay the nephew \$10,000 to use his credit. The broker informed the clients that the nephew would give the clients a lease with an option to buy, and that within a year, the broker would arrange a "re-finance" to get the nephew's name off the title, and the clients' names on. The nephew then bought the home using the clients' money for the down-payment, with the nephew taking out the mortgage loan. The broker prepared the paperwork in a way to disguise the nephew's \$10,000 fee. The clients moved into the home, but when nothing was being done to change the title owners, the clients sought the services of another broker. This broker stated that the fraudulent broker could have obtained a mortgage for the clients from the same company that was mortgagee for the nephew. The clients fell behind in their "lease" payments to the nephew and received a notice from the fraudulent broker that the nephew wanted them out of the house. Uncertain of their status, the clients sought legal assistance. We enlisted the help of volunteer attorney William Phares who reviewed the case file and contacted volunteer attorney Timothy Reier to file a lawsuit against the parties who defrauded our clients. After about 50 hours of work, an Agreed Order was entered under which our clients received a settlement in the amount \$19,876.15. (C. Myers)

8. **Court Sets Aside Earlier Foreclosure Judgment Allowing Client to Avoid Foreclosure Through a Reverse Mortgage (Circuit Court of Tazewell County).** A bank filed for foreclosure against client's home for non-payment of his mortgage. There was really no defense to foreclosure although we sought a loan modification to avoid it. We filed an Answer to the Complaint but the bank filed a Motion for Summary Judgment. We responded that the action of the bank having filed an affidavit in support of the motion that did not clearly identify the affiant and/or his/her role with the bank rendered the motion legally insufficient. We obtained continuances because the client was seeking a reverse mortgage that would pay off the current mortgage lien on his house. The court eventually ruled for the bank on their summary judgment motion. We then filed a Motion to Reconsider based on the judge's incorrect ruling determining the affidavits as valid. At the hearing on our Motion to Reconsider, we presented 3 cases in support of our position that the affidavit was invalid. The judge then agreed with us and issued an order vacating the Sale and Judgment for foreclosure. We helped the client to obtain the necessary documents and payoff amounts so that the client could close on the reverse mortgage 2 days before the next date on his foreclosure case. (S. Shariff)

## **PUBLIC ASSISTANCE/FOOD STAMPS**

1. **Client Retains TANF Benefits After Successful Appeal (Illinois Department of Human Services)**. Our client has mental health and physical problems stemming from an attack in which she was raped and severely beaten. She receives intense mental health counseling and frequent trips to the doctor for the physical issues. She has a disabled child. The client received TANF benefits and had pending an application for Social Security disability benefits. However, DHS terminated TANF after finding that she could be gainfully employed and that the client refused to look for work. We represented the client in an appeal of the DHS decision. We obtained records from the treating physicians and therapists for both her and the child. We provided those records to DHS, along with a long list of appointments she had to keep for them. On the basis of our evidence, and without a hearing, DHS determined that the client could not work and exempted her from the work requirement. On the basis of the new decision, we withdrew the appeal, and the client continues to receive TANF benefits. (L. Luncsford)

2. **Expenses for Guide Dog Applied to Spend-Down (Illinois Department of Human Services)**. Our client is a 48-year-old woman who is blind and speaks only Spanish. She lives on her monthly Social Security Disability benefits. She receives Medicaid, but was given a spend-down of \$117 per month. Medicaid will pay for client's healthcare but only after she accrues bills for doctors and medications each month for which she must pay herself until the spend-down amount is reached. The client has regular monthly expenses for her guide dog (food and veterinary visits). After researching the case, we found that the expenses for the guide dog should be applied toward the spend-down. The client appealed the spend-down amount and we convinced her caseworker without a hearing to apply the expenses for the guide dog. After applying her dog's expenses, client met her spend-down for the upcoming five months. (K. Liss)

3. **Advocacy Stops Garnishment of Client's Social Security Check Based On Food Stamp Overpayment (Illinois Department of Human Services)**. The client had a food stamp overpayment of \$2,182 occurring over a seven-month period two years ago. She did not appeal and ignored notices to re-pay. DHS began collections and the State of Illinois garnished \$144.15 monthly from our client's Social Security Retirement (SSR) check. Initially, DHS gave our client the option of making payments of \$50 a month until the balance was paid. Client agreed, but misunderstood she was to send DHS monthly payments. She thought DHS would send her a bill. When no payment was received, DHS turned the overpayment over to collections. We contacted DHS and, after much discussion, we convinced DHS to drop the garnishment, allow client to re-apply for a food stamp grant and, if eligible, make recoupment through the grant. Client was approved for SNAP and receives a grant of \$150 a month. From that grant, \$15 is being recouped to satisfy the overpayment leaving client with \$135 in food stamps. (C. Andrews)

## VOCATIONAL REHABILITATION/HOME SERVICES

1. **Victory Secures Client's Benefits under Home Services Program (Circuit Court of Peoria County)**. We filed suit for the client in an action to judicially review an administrative decision which terminated client's participation in the Home Services Program (HSP). She suffers from Usher's Syndrome which results in blindness and partial deafness, asthma, incontinence, degenerative disc disease, and minimal use of her right hand, arm, and leg. She lives alone and has a guide dog. She had been receiving HSP services for a number of years, but without any improvement in her condition. The Department of Human Services suddenly found her ineligible, reducing her Determination of Need (DON) score from 31 to 20. The latter score was too low to qualify for HSP services, which requires a DON score of at least 29. We represented the client at an administrative hearing where the hearing officer raised her score to 28. We then filed the action in court to review that decision. After briefing and arguing our position, we convinced the court that the decision was against the manifest weight of the evidence and the court reversed the decision, finding it to be clearly erroneous, and ordered that client's home services be reinstated. (D. Smith).

2. **Successful Appeal Reverses Decision to Terminate Client's Participation in Home Services Program (DHS Division of Rehabilitation Services)**. Our client received home services under the Department of Human Services' Home Services Program (HSP). She is bipolar, with various physical limitations. From time to time, she called her personal assistants (PA's) as well as various staff of DRS and the Client Assistance Program and cussed them out. She went through several PA's who all found her difficult to deal with and who did not want to stay on as her assistant for that reason. DRS terminated her participation in the program because they determined that they "could not provide a safe service plan". She really needed an agency to provide home services, but she lives out in the country in the middle of nowhere and there were no agencies in the towns near where she lived. We filed an appeal and requested an informal hearing, which was held in the client's home. Because we proved client eligible for HSP, the DRS had no choice but to rescind their termination. The parties reached an agreement whereby the client will be given training on how to properly supervise a PA, and client will treat PA's as valued employees and will provide her new PA with a list of duties to fulfill on a daily basis. Given this outcome, the client withdrew her appeal. (S. Heim)

## OTHER

1. **Offer to Compromise IRS Debt Results in Dramatic Reduction of Tax Liability (Internal Revenue Service).** Client is 89-years-old, blind, and a widow. She lives alone with 24-hour private nursing care. Several years ago, her eldest daughter, who then had power of attorney, negligently withdrew client's entire retirement account to pay for two years' worth of nursing expenses. Although all the money was used to pay nursing expenses, only half of the medical expenses arose in 2007, the year the money was withdrawn. As a result, client had a tax liability in 2007 of almost \$25,000. This was due entirely to her daughter's negligence. If the money was withdrawn as needed, client would have had no issues with the IRS. Client subsequently revoked her daughter's POA due to her tax error and other instances of financial manipulation. Client exhausted all of her assets paying for private nursing care. Her only remaining asset is the equity in her home. She took out a reverse mortgage on the home to pay for her nursing expenses. Although there is still enough equity in her home to satisfy the tax debt, using this money to pay the IRS would take away the funds client needs to pay for her private nursing care. We submitted to the IRS an offer to compromise client's tax debt for \$100. The offer was submitted on two grounds: 1) forcing client to use her reverse mortgage or levying against client's social security would have drastic consequences, given client's age and medical condition; and, 2) forcing client to pay would be a windfall for the Treasury because client only owes this money due to her daughter's negligence. The IRS accepted our offer and settled client's tax liability of \$25,000 for \$100. (V. Raghavan)

2. **Bank Honors Questioned Certificate of Deposit.** A large and respected bank refused to honor a \$10,000 Certificate of Deposit that our client opened there. The client stated that she opened the CD four years ago, that the bank issued documentation, and that she provided cash to the bank when she opened the CD. The bank informed her that the documentation issued to her was not valid because they never received any monies from her to fund the CD and that it was a mistake to have issued her the related documentation. The client was insistent that she did fund the CD and that the bank was wrong. Following an investigation, the bank sent a letter to client informing her of bank procedures and regulations but continued to dishonor the CD. Our correspondence with the bank specifically asked for a response from the bank employee who allegedly received our client's monies to fund the CD and who signed the CD document issued to the client. When we received no response to our letters, we directed correspondence and telephone calls to a specific V.P. at the bank location, as well as to a Regional V.P., and ultimately, to the bank's counsel. Upon counsel's investigation, the bank decided that they would honor the CD document and allow the client to cash in her CD. (J. Frankus)

# **SPECIAL PROJECTS AND SERVICES**

## **DCFS EDUCATION PROJECT**

Since 1994, PSLS has maintained a special project to deliver legal services to children between the ages of 3 and 21 who are wards of DCFS, and who need legal services to secure and protect their rights to special education and related services. Funding for this project comes from the Illinois Department of Children and Family Services.

All children referred to PSLS under this project are wards of DCFS, meaning that DCFS is their court-appointed guardian. These children are placed by DCFS in the home of a family member or a foster parent. Depending on the age and capabilities of the child, our clients are either the child or the foster parent or family member. The opposing party is usually the local school district responsible for the child(ren).

Referrals under the project are made to PSLS either by a local DCFS office, by a delegate agency to which DCFS has assigned casework responsibility, or by a foster parent. Typically, they raise concerns about the child's educational environment or placement. In some cases, the issue involves a school's failure to identify a child as eligible for special education. In other cases, the issue involves the appropriateness of the special education and related services which the child may or may not be receiving, or the child's placement. Sometimes, the school proposes a change in placement through the expulsion process. In all cases, the goal is to assure that the child receives a free, appropriate public education.

A wide array of legal services is available. Project activities include: 1) participation and advocacy at Multi-Disciplinary Conferences (MDC meetings); 2) participation and advocacy at meetings to write the student's Individual Educational Plan (IEP meetings); 3) representation at expulsion and other disciplinary hearings, and finding alternatives to expulsion; 4) review of school records and evaluations; 5) setting up independent evaluations and re-evaluations; 6) sending letters and other forms of negotiation with school personnel; 7) representation in dispute proceedings, such as administrative due process hearings, complaints to the ISBE, or mediation; and, 8) representation in the state or federal courts.

In 1999, the project expanded to include referrals from DCFS of cases in which their wards are subject to expulsion by their local school districts. In 2010, the project expanded again to include referrals from DCFS of cases involving denial of admission to school. It is not a prerequisite for acceptance of these cases that the child be eligible for or receiving special education services.

## **HIV/AIDS LEGAL SERVICES PROJECT**

Since April 1995, PSLS has maintained a project to deliver legal assistance at no cost to persons who are HIV+ or who have AIDS. The financial eligibility criteria to qualify for Prairie State Legal Services' help have been expanded for this project. Eligible clients must document their medical serostatus and be a resident in one of the PSLS counties where project services are available. At the present time, the project serves all PSLS counties, except Kankakee, Iroquois, and Livingston. Project funding comes from Parts A and B of the federal Ryan White HIV/AIDS Treatment Modernization Act. Part A funds are administered by the Chicago Department of Public Health for an 8-county extended metropolitan area around Chicago (the "collar counties"). Funds for the remaining counties are provided by several different regional HIV consortia.

The project addresses client needs for assistance in civil legal matters such as: 1) housing and landlord tenant; 2) healthcare and insurance issues, including Medicare and Medicaid; 3) future planning and advance directives, such as living wills and powers of attorney; 4) public benefits such as TANF, food stamps, and unemployment insurance; 5) disability benefits, including Social Security and SSI; 6) family law matters; 7) employment; 8) education; 9) consumer and debt collection problems; 10) guardianships; and, 11) discrimination and other civil rights issues. A client's legal problem handled under the project may be related specifically to his or her HIV status. However, in most situations, that is not necessarily the case. The client's rights to confidentiality are respected at all times.

Broad-based outreach is conducted about the availability of services. The intake process is flexible and responsive, accommodating disabilities and health conditions. As with many PSLS projects, we make accommodations for linguistic and cultural diversity. Clients are kept informed and work together with staff to determine the objective of the representation, to make decisions regarding the case, and to achieve goals in a timely fashion. Staff are trained and knowledgeable in the law and have HIV/AIDS awareness. Services are provided in a sensitive, compassionate, non-judgmental and comprehensible manner. Our project attorneys are part of a continuum of care for persons with HIV/AIDS in their communities. Information, referral, networking and training regularly are exchanged with human service providers working with this population, and with HIV support groups. We are linked in all of these ways with the HIV/AIDS community, including with the various systems of case management.

## **VOCATIONAL REHABILITATION AND HOME SERVICES**

This project provides legal services and representation for persons with disabilities who are having problems appropriately receiving or who have been denied certain services from the Division of Rehabilitation Services (DRS), a division within the Illinois Department of Human Services (DHS). Specifically, the project serves persons who are seeking either:

1. Vocational Rehabilitation (VR) services to obtain a specific employment goal, provided by DHS, by Centers for Independent Living, rehabilitation facilities or by Projects with Industry; or
2. Home Services to prevent the unnecessary institutionalization of individuals who may be satisfactorily maintained at home, under the DRS Home Services Program (HSP).

All clients eligible for legal services under this project are collectively referred to as “DORS customers”. This project serves every county in the Prairie State service area. Funding for this project comes from a contract with the Client Assistance Program (CAP), a semi-autonomous division within DRS, which is legally mandated by the federal Rehabilitation Act to provide independent advocacy services for DRS customers. The legal services available from this project allow CAP to appropriately meet this legal mandate. It allows DRS customers an alternative to CAP advocates (non-attorneys) for consultation and representation. Finally, it provides CAP personnel and advocates a resource for legal consultation. For DRS customers, the normal financial eligibility criteria do not apply in the determination of eligibility for PSLS services. PSLS accepts all referrals from CAP, except to the extent there is a conflict of interest or other ethical problem. The scope of work under the project includes: 1) providing legal information, counsel, and advice; 2) advocacy and negotiation services; 3) representation at Hearing Appeals; and, 4) litigation in the state or federal courts. We also provide program advice to CAP on systemic problems and issues that adversely affect clients.

## **FAIR HOUSING EDUCATION AND OUTREACH**

With a grant from the U.S. Department of Housing and Urban Development (HUD), this project provides broad education and outreach activities with respect to rights and enforcement under the Fair Housing Act and related laws. We have built on a highly-successful project initiated in 2003, and funded again by HUD in 2005, 2006, 2007, 2009, and 2010. Each year, PSLS attorneys, with the involvement of four or five new or renewed partner organizations, engage in numerous education/outreach activities related to housing discrimination prohibited by law, covering rental, sales, and financing of housing. The project seeks to: 1) increase consumers’ capacity to challenge unlawful housing discrimination by providing resources, knowledge and skills, thereby increasing the number of complaints filed with HUD from our service area; and, 2) provide information on related issues such as renter’s rights, affordable housing, predatory lending, foreclosure prevention, financial literacy, and others. Education and outreach activities take many forms, including presentations to community-based agencies; workshops for the public or for targeted groups such as people with disabilities, the homeless, victims of domestic violence, seniors, and others; training of law students; development and distribution of pamphlets and other curricular materials; public service announcements, and information through both the print, air, and electronic media, including newspapers, radio, and the internet.

## **ELDER LAW PROJECT**

Prairie State receives special funding from Area Agencies on Aging through Title III of the Older Americans Act to provide legal services to persons age 60 and older. Senior citizens in that age group are served regardless of income or assets. However, project services are focused to serve the needs of senior citizens who are in the greatest social and economic need.

Typically, cases in the project surround such issues as: 1) healthcare and insurance, including Medicare and Medicaid; 2) Social Security; 3) elder abuse and financial exploitation; 4) housing issues; 5) nursing home issues; and, 6) legal assistance to preserve the personal autonomy of seniors. Project attorneys assist seniors in preparing Powers of Attorney or living wills and counsel couples when one spouse requires nursing home or home healthcare. As resources permit, a range of other services are offered. The project is available throughout the Prairie State service area.

## **DOMESTIC VIOLENCE VICTIMS' CIVIL LEGAL ASSISTANCE PROGRAM**

Since 1999, with funding from the U.S. Department of Justice under the Violence Against Women Act (VAWA), we have been able to expand direct legal assistance to domestic violence victims on a range of civil law issues impacting on victims' abilities to provide a safe, secure, and stable living environment for themselves and their children. Currently, we administer this project in most of the counties we serve. Services for victims include: obtaining emergency orders of protection or plenary orders of protection, or both; obtaining some other protective order; providing advice or brief services on a family matter; obtaining a divorce; obtaining, preserving or increasing child support; obtaining a public benefit; and, assisting in matters relating to housing. This funding has allowed us to serve over 500 additional victims each year.

Under this project, we also have collaborated with Northern Illinois University (NIU) College of Law to establish a for-credit experience for third-year law students that includes clinical experience and classroom instruction on law and domestic violence issues. Students provide advocacy services to victims of domestic violence and gain practical experience representing victims of abuse in Order of Protection hearings and other related matters under the supervision of PSLs attorneys. The law school class and corresponding clinical program started in January 2000, and has continued through the present. In the classroom component, topics focused on the substantive and procedural law in Illinois relating to domestic violence and divorce. In the clinical component, students assist victims of domestic violence with obtaining emergency and plenary orders of protection and with issues such as divorce, custody, support, visitation, property, and housing. Since the inception of the project, onsite legal assistance has been provided to victims at the Kane County Courthouse and at three domestic violence program shelters.

Prairie State did not receive VAWA funding for 2011.

## **TAX LAW PROJECT**

PSLS recently started to operate a Low-Income Tax Clinic which provides representation in tax controversy matters to qualifying individuals who reside in Illinois' heavily populated collar counties -- Kane, DuPage, Lake, McHenry, and Will. Presently, we have one lawyer staffing the clinic, but we have applied for a special grant in order to hire a second lawyer and expand clinic services to our entire service area. Examples of services available from the clinic are placing clients in currently not-collectible status, assisting clients prepare offers in compromise, representing clients in tax court cases to challenge a proposed deficiency assessment, advising clients about available collection alternatives, responding to IRS notices, contesting classifications and assessments, challenging fraudulently filed returns, advising and assisting clients to prepare requests for innocent spouse relief, requesting equivalent hearings to propose a collection alternative, and working to help retrieve tax refunds that were unlawfully withheld.

Prairie State Legal Services has been recognized by the United States Tax Court as a non-academic clinical program that can represent pro-se litigants who have requested Chicago or Peoria, IL as their place of trial. Prior to Prairie State's recognition, there were no recognized programs that served pro-se tax court litigants in Peoria.

## **SERVICES TO THE HOMELESS (limited to Lake and DuPage Counties)**

These projects are funded by the U.S. Department of Housing and Urban Development to help persons who are homeless to overcome obstacles to their ability to obtain housing. Extensive outreach to the homeless is an important part of this project. In addition, project attorneys tend to handle a wider range of legal problems for these clients, which problems are directed at a long-term resolution of the client's housing problems.