THE PRAIRIE

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

September 2005

Prairie State Legal Services, Inc.
Administrative Office
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# THE PRAIRIE FIRE

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“On Turning Twenty-nine”

On October 1, 2005, Prairie State Legal Services will begin its twenty-ninth year of operation. Many things have changed since 1977. The Illinois Secretary of State’s signature on the incorporation papers is that of the then future (now retired) U. S. Senator, Alan Dixon. Dan Walker was Governor. The Legal Services Corporation was three years old and had just begun its expansion of legal services into areas of the nation which had never received federal funding for its legal services programs. These regions included Prairie State’s present service area.

Before 1977, most staff legal aid programs in Illinois and the nation had been single-county programs started by local attorneys. In one form or another, legal aid offices had been present in Peoria and Rockford since the late 1950s, both locally-funded. Peoria secured federal funding for legal services in the late 1960s. Legal aid came to Lake County in the mid-1960s as federal funding became available. There were other staff legal services programs prior to Prairie State, some of which were indirectly funded by federal dollars. These programs existed in Will, Rock Island, Winnebago, Knox, and McLean Counties. The State provided a temporary grant to fund a fledgling program in Kane County.

The newly created Legal Services Corporation decided to distribute funding in Illinois on the premise that a single larger organization could provide legal services more effectively than a collection of single-county programs. While it was not an easy sell to dissolve the local programs, the key to success was to develop a large organization that provided economies of scale in administrative and legal work support functions while also capitalizing on the energy and involvement of local private attorneys and local funders who had established and funded these pre-existing programs. Through the hard work and dedication of a number of people in Prairie State, I think that we have achieved this objective, often under adverse conditions.

Yet after all these years, finding adequate funding for legal services has continued to be a challenge. Today’s federal dollars from LSC, adjusted for inflation, are about equal to the funding LSC provided in 1977. Until this year, state funding for legal services was minimal. But the good news in Illinois this year is that the General Assembly has substantially increased the money available for civil legal services in Illinois from $479,000 to $2,000,000. So we struggle on.

The Prairie Fire is not about our difficulties, but rather about the victories that we have achieved for our clients and the work that we have done with others to facilitate access to justice for our clients. It is an impressive list of victories. We achieved most of these victories for individual clients, although some we have had an impact beyond the parties. In reading through these cases, I hope that you will conclude that Prairie State does offer high quality legal services to its clients day in and day out throughout the year. Because in the words of Pope Paul VI, “If you want peace, work for justice.”

The usual thanks to our ever-persistent editor, Dave Wolszczak. Without his efforts, this publication would never have happened. Thanks also to all of the staff members who contributed to this issue of the Prairie Fire and who, more importantly, made a difference in the lives of the clients they helped.

Joseph A. Dudley
I. Who did we serve?

- Staff and volunteers completed or "closed" 16,325 cases.
- The Volunteer Lawyer Projects completed 602 cases.
- These households contained 28,580 persons, including 20,000 children.
- Our caseload breakdown: Family Law - 11.3%; Housing Cases - 22.5%; Social Security/Public Benefits - 12.5%; Consumer/Utilities - 14.7%; All Other - 12%.
- Gender breakdown: Female - 76%; Male - 24%.
- Age breakdown: under 18 - 14%; 18-29 - 27.7%; Thirties - 24.2%; Forties - 20.7%; Fifties - 9.8%; Sixty to Seventy-four - 10.8%; Seventy-five and up - 5.6%.
- Racial breakdown: White - 70.5%; Black - 21%; Hispanic - 7.4%; Asian - 5%; Other - 8%.

II. What did we accomplish?

- The economic benefit to clients who received services from Prairie State is staggering. The total benefits (annualized) for clients in 2004 were over $2,888,806.56 plus $1,408,110.96 in one-time payments.
- We obtained 652 orders of protection that helped 7,312 adults and 14,088 children to end domestic violence. We obtained over $52,981.52 in monthly child support and/or maintenance for these households.
- We helped 24 nursing home residents who were able to retain their residence when threatened with involuntary discharge.
- We overcome the termination of utility services in 27 cases involving households with 25 children and 43 adults.
- We prevented eviction in 240 cases which helped 403 children and 257 adults retain their housing. Through negotiated settlements, we avoided imminent homelessness for an additional 115 households of 157 children and 143 adults.
- We helped 57 households with family members who have disabilities obtain needs-based SSI benefits, which exceed $329,088 annually. These households contain 55 children and 88 adults. One-time recoveries in these cases amounted to $54,706.2. Staff also prevented the wrongful termination of SSI disability benefits in
18 cases. As a result, these households retained $84,290 in monthly benefits. Staff prevented the reduction of SSI benefits in 2 cases.

- We helped 32 households obtain or maintain Social Security disability benefits, providing annualized benefits of over $820,700 and one-time benefits of $837,302.
- We enabled 68 households to obtain Medicaid benefits. An additional 12 households obtained Medicaid coverage for a specific service and we prevented a threatened termination of Medicaid in 2 cases.
- We helped 23 households to obtain or retain TANF or food stamp benefits.
- We helped 24 households containing 32 children and 35 adults secure affordable housing which had been unlawfully denied. We also enforced tenants' rights to decent, habitable housing in 10 cases.
- We obtained legal guardianships of disabled adults in 24 cases and for dependent children in 27 cases.
- We completed 41 adoption cases.
- We prevented 24 home foreclosures.
- Through volunteers and staff, we completed 415 divorces. The majority of these cases either protected abuse victims or established permanent custody for minor children. They provided for $94,518 in monthly support for over 1000 low-income children, and $824,504 in additional one-time recoveries.
- We helped 7 children to obtain needed special education benefits for them or to overcome school suspensions/expulsions for children who are wards of the State of Illinois.
- Staff prevented 30 child custody cases, which also obtained appropriate child support orders. These cases required more than 15,000 hours of legal services.
- We obtained or enforced a parent's right to visit his or her children in 32 cases.
- We secured or enforced child support orders in 66 cases involving 148 children and obtained annualized child support orders of $826,176.
- We prepared 445 health care powers of attorney for elderly or ill persons.
- We stopped debt collection harassment in 30 cases.

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. **In Re E.K.** (United States District Court, Central District of Illinois). In a case handled through private attorney involvement, we served a client whose husband was one of nine Americans killed by al-Qaeda terrorists in an attack on Riyadh, Saudi Arabia. He was an Americanized citizen and engineer with the Illinois Department of Transportation. Three simultaneous blasts on Western housing compounds killed 35 people. One of the bombs went off right below their apartment. The entire family was in the apartment and they were buried in the rubble. E.K. was able to dig herself and her child out from the rubble. On returning to Illinois, unable to work, she had to deal not only with her extreme grief but with a mounting debt of $40,000. She called our office for help and we referred her to Attorney Janine Bourne who filed a bankruptcy action and is working to help resolve other debt issues. The bankruptcy is still pending, which we hope will allow the client to concentrate on her child and rebuild her life. (Sandra Cree, Pro Bono Coordinator; Janine Bourne, Pro Bono Attorney).

2. **T.A. v. Lighthouse Financial.** In a case funded with a HUD homeless grant, we represented a homeless client desperate for funds to provide for her family. She used her car title to secure a loan of $4,200. The car was worth approximately $4,500. The contract specified monthly interest payments of $233 which was to be paid over seven months, followed by a balloon payment for the amount of the loan. Attached to the contract was a Truth and Lending Disclosure that specified the Annual Percentage Rate (APR - interest rate) was 18.9 percent. The client fell behind on her payments, and finance company repossessed her car. The finance company violated the Truth in Lending Act because the interest payment in the contract was more than 40 times the amount specified in the APR statement. Consequently, we demanded the immediate return of the car, the adjustment of the contract to reflect what the interest should have been at the disclosed APR rate, credit towards that adjustment of what had been paid, and statutory damages of over $2,000. The parties reached a settlement, whereby the finance company returned the client’s car to her, and the loan was released and discharged on the amounts the client had already tendered, which was about half of the amount borrowed. (Kerry O’Brien)
3. **W.E. v. Car Dealership.** In a case funded by a McHenry County Senior Citizens grant, we represented an 84 year old senior who is blind in one eye. He went to use a free oil coupon at a local car dealership. They told him his car needed additional service, specifically that some of his other fluids needed to be changed. Our client understood the cost of the additional service to be $899.00. When he arrived to pick up the car he was presented with a bill of $8990.00. The senior paid under protest and contacted our office. Based on the obvious consumer fraud and senior exploitation, we sent a demand to the car dealership. Clearly wanting to avoid litigation, they reimbursed the client the full amount he had paid - $8990.00. (Deni Dolson)

**DISABLED SOCIAL SECURITY**

1. **In the Matter of J.L.** (U.S. Social Security Administration, Office of Hearings and Appeals and Appeals Council). In a case funded with a Lake County ODBG grant (Advocacy Project for People with Disabilities), we represented a 43 year old woman with a very limited IQ, serious depression and adult ADD. She suffered the lingering effects of two car accidents resulting in severe injuries to her legs and back. The client applied for SSI benefits and Title II disability benefits. The woman had lost many jobs over the years because of an inability to perform well on the job. SSI denied benefits. We represented the client at a hearing before an Administrative Law Judge, who denied benefits. We focused on the client’s physical impairments because she had only just started treatment for her depression. Subsequent IQ tests and evaluation by several psychiatrists showed the severity of the client’s other impairments. We filed an appeal to the Appeals Council, providing a written brief and the results of psychological and IQ testing, including new evidence regarding the client’s treatment for depression. The Appeals Council rendered the case, directing the ALJ to consider the new psychological evidence. The ALJ again issued an unfavorable decision and we again appealed to the Appeals Council. Our brief focused on errors which the ALJ made in discounting the opinion of the treating psychiatrist and in giving more weight to the adverse testimony of a consulting psychiatrist, who had never met the client. The Appeals Council rendered again. We appeared at a new hearing before a different ALJ, who issued a decision fully favorable to the client. The ALJ ruled that the client was disabled and eligible for benefits back to the date of the SSI application as well as for Social Security Disability benefits. The local office is now processing benefits for the client. As a result of this decision, the client also will be eligible for Medicare benefits. The case remains open to ensure that the client receives all the benefits to which she is entitled. (Linda Richenberg)

2. **In the Matter of R.T.** (Social Security Administration, Office of Hearings and Appeals). R.T. is a 24-year old male suffering irritable bowel syndrome (IBS); reflux reflux (GERD); Total Alcohol Syndrome which has caused a Brain Dysfunction; depression; anxiety; behavior problems; a learning disability; a language disorder; Oppositional Defiant Disorder; low IQ; memory and reading problems; dyshymic disorder, and, personality disorders. He needed a residential placement, but was on a waiting list for that service. His adoptive mother was much older and could no longer care for him. He lives in a rural part of Peoria County, and has always been in special education. He is literate and been fired by many employers because of the above problems. Nevertheless, SSA denied benefits at the application and reconsideration level, finding that he was not disabled. We represented the client at a hearing before an Administrative Law Judge, who properly found him to be disabled. (Lori Laneford)
3. **In the Matter of L.B. (Social Security Administration).** In a case funded with a Title IIA grant (Older Americans Act), we represented a 75-year-old wheelchair bound client, dependent upon SSDI benefits. SSA notified her that they were cutting her benefits due to alleged receipt of in-kind income, i.e., rent and food, and that they owed them money as a result of an alleged overpayment for erroneously receiving a QMB benefit. (Under the Qualified Medicare Beneficiaries program, qualified low income persons do not have to pay the premiums, deductibles, and co-insurance amounts for Medicare. Instead, the state public aid department pays for these amounts.) The client immediately filed an appeal and a request for waiver, claiming that she was not at fault in the overpayment. SSA never responded. She received another notice stating that her entire SSDI check would be withheld for the next 3 years. Following an inquiry from AILA, SSA denied the client's waiver request, but made no mention of the outstanding appeal. However, SSA was open to further negotiations when we pointed out to them they never scheduled an informal conference to give the client the opportunity to meet with someone, as was her right. We advocated our client's position, provided proof that she was not at fault on the QMB issue, and further showed that she pays rent to her daughter and prepares her meals separately. As a result, SSA fully restored our client's SSDI benefit and found her not at fault for the overpayment. They determined that the error was their own. SSA received their determination regarding the In-Kind Income. We also discovered that the client is entitled to a widow's benefit as an ex-parte. The client now receives an additional $300 per month in widow's benefits after we demonstrated that she met the statutory requirement regarding length of marriage. (Anu Collazo)

4. **In the Matter of J.L. (Social Security Administration).** In a case funded with a Lake County CABG grant, we represented a 44-year-old former MRA delivery driver. The client had been unable to work and was receiving SSDI benefits since 1997 for spinal problems, a herniated disc at the L5-S1 level and a right knee problem. SSA determined that he had medically improved and decided to terminate his benefits of $957/mo. The client appealed. We obtained additional medical reports documenting two nerve blocks which made his pain worse and a recent MRI documenting remarkable findings in his lower spine, and documenting knee surgery which removed all cartilage between two bones. We represented the client at a Disability Review Hearing. We presented the medical evidence and the client's testimony showing the client's continuing extreme pain when sitting and walking due to his spinal affliction and right knee surgery. We argued that medical improvement had not occurred and that the client's pain had worsened over time, causing him to be unable to do the full range of sedentary work. The Hearing Officer ruled in a written decision that our client's medical condition had not improved, and he continued to be disabled. Given the client's inability to work and earn income, the outcome avoided a catastrophic situation. (Larry McShane)

5. **In the Matter of T.D. (Social Security Administration, Office of Hearings and Appeals).** In a case handled with Lake County CABG funds, we represented a 15-year-old boy who suffers from ADHD and severe behavior issues. His mother had applied for SSDI benefits for him, and had been denied. We represented her son at an Administrative Law Judge (ALJ) hearing. The hearing had previously been postponed when the boy threw a pitcher of water at the ALJ while giving testimony. We sought and obtained the client's Individual Educational Plan (IEP) from the school district, as well as recent reports from the boy's public health psychiatrist. Armed with those documents, we appeared before a different ALJ, who had taken the precaution of placing an armed guard in the hearing room and made it clear to all that she would not tolerate any disrespect or violence from the client. The client testified, rocking back and forth in his chair, and pounding his fists on the table more than once. Other witnesses included the client's mother and a medical expert. The expert opined that the client met a listed
impairment - Listing 112.14 (Attention Deficit Hyperactivity Disorder) in 20 CFR under the A criteria in marked inattention and marked impulsiveness but not in marked hyperactivity. Then under the B criteria the medical expert opined the client exhibited extreme impairment in age-appropriate cognitive/communicative function. The client will be going into the eighth grade but reads at a second grade level and performs math at a third grade level. The ALJ ruled that the client functionally equals the severity of Listing 112.12, and awarded SSDI benefits to the client. (Larry McShane)

6. In the Matter of MC (Social Security Administration) The client is a 6 year old child, who qualifies for survivor benefits of $232 a month. When her father died, SSA appointed MC’s paternal aunt to be Representative Payee, because MC is a minor, and because MC’s mother was undeniably. Recently, it has not been working out, because every time MC needs to get her benefits, MC’s mother has to call the aunt and arrange for her to bring cash to MC. It is cumbersome for MC’s mother and the aunt is tiring of the arrangement as well. MC’s mother wanted to know if she could be appointed Representative Payee in place of the aunt. In doing the research, we advised the client’s mother that there was no law or regulation prohibiting undeniably appointed payees acting as representatives payees. We further advised her as to the proper procedure to secure a change in payee. She had to go in person to the local SSA office with photo identification; she had to have a bank account with a direct deposit feature; and she had to explain why she thinks the change should be made. SSA then weighs the decision, based on the best interests of the beneficiary. If that standard is met, Social Security will approve the change. Regardless of whether or not SSA approves the change, they must notify the aunt in writing and she will have the right to appeal the decision. We also informed the client that there are Spanish-speaking representatives at one of the SSA 800 numbers with whom she can speak if she needs to ask questions in the future. (Jean Meier)

7. In re WL for JF (Social Security Administration, Office of Hearings and Appeals). WL is JF’s grandmother and representative payee. She is 78 years old and has been the Payee since JF’s SSA began in 1999. JF is 32 years old and suffers paranoid schizophrenia. He was found overpaid $810,396.00 due to employment that neither the client nor the grandchild had reported. We requested waiver of the overpayment. WL had been erroneously informed by JF’s mental health caseworker that JF’s work would not affect the benefits. SSA had not sent WL any information on reporting requirements and had never received an award notice. We only became aware that work needed to be considered when SSA sent her a payee report 2 years after JF began receiving benefits. SSA denied the request for waiver following a conference in the local office, at which an SSA employee stated to WL: “you would have been given reporting requirements on the award notice” (she had received neither one!). We filed a request for an ALJ hearing. The ALJ found WL to be without fault; she clearly understood that JF’s work needed reporting, but not until the overpayment had already occurred. The ALJ also found that repayment would be a financial hardship. The ALJ granted a waiver of $810,396.00. Client received reimbursement of $365,000 withheld from his benefits while the appeal was pending. (Joyce Bingham)

8. In re KK (Social Security Administration). In a case funded with a Title II F grant (Older Americans Act), we represented a client who received a notice from SSA stating that he had been overpaid Social Security disability benefits in the amount of $25,998 due to unreported employment through the Division of Rehabilitation Services (DORS) as a personal care attendant. We filed a request for waiver. The client had understood from DORS that her earnings would not be counted. Moreover, she did not understand important concepts involved whenever work is involved, such as the
9. **In re Jane Doe (Social Security Administration, Office of Hearings and Appeals)**. In a case funded by Chicago Department of Public Health, we represented a client who had HIV and mental health issues. She was diagnosed with Major Depressive Disorder with psychosis and had two attempted suicides. The client’s HIV doctor did not believe the client was disabled, but merely non-compliant with medications. He claimed the client could work and that he often saw her playing in the park by the doctor’s office. On the other hand, the client’s regular psychiatrist stated that client would be disabled even if she did not use crack cocaine. The client is a recovering crack cocaine addict, who has relapsed multiple times. The client applied for SSI and was denied. She appealed. A medical expert testified at the administrative hearing before an Administrative Law Judge. The ME, who was not a psychiatrist, testified that client was not disabled due to HIV but admitted that he could not testify regarding the client’s mental health. We argued that client was disabled both physically and mentally. We focused on the client’s mental disability and argued that it met a Listed Impairment or that it was equivalent in severity. The client won the hearing. The ALJ determined that she had a mentally disabling that qualified for benefits. (Adrian Barre)

10. **In re R.C. (Social Security Administration, Office of Hearings and Appeals)**. SSA approved our client for Disability benefits in 2004, for statutory blindness due to myopic dystrophy. She drove benefits for one year, at which time SSA received a phone call from an anonymous source saying that our client had a fraudulent claim. The Office of the Inspector General (OIG) investigated. Based on the OIG report, SSA terminated the client’s benefits. The OIG report was based on a conversation with a neighbor who alleged that despite our client’s perceived blindness, our client had driven 40 miles to work each way at her last job. The report also stated that our client had a paid personal caretaker as a recipient of home services from DORI, but that a doctor had suspected her of malingering. At a visit to her home, she told OIG a number of facts that OIG found less than credible. For instance, she stated that she was legally blind. She told them her husband did all the household chores and laundry; that she was unable to raise her arms/hands to bathe or for her hair, and that she used a wheelchair for long distances. Yet, her neighbor had told the OIG she had noticed her taking the garbage cans to the street, and the OIG noted her hair was done, clothing appropriate, did not seem to be in any discomfort, no limping or arm discomfort was observed, and no wheelchair was observed. She told them she did not drive due to her myopic dystrophy and blindness and that her husband would take her to work. The neighbor had seen her driving. The client told OIG that she would drive if she had to, and that even though she could not see street signs, she knew how to get where she needed to go. She told the OIG she had no peripheral vision and was unable to read documents unless they were at least a 24 point font and even then she used a magnifying glass. Yet, when they showed her her SSD cards, she was able to read them. She also verified that she completed and signed Social Security forms herself. Each time we talked with the client, she changed her story and answers to questions. Prior to terminating her benefits, SSA sent her back to be examined by the same co-ordinate physicians who had initially found her to be disabled. However, in asking the doctors to re-examine her, SSA told the doctors that this was a possible fraud case. The doctors then changed their reports once they thought there was fraud. Despite the many problems, we
insisted that the client see a neurologist through our local Muscular Dystrophy Association, and that she continue to see him. She began treatment from this neurologist in October, 2002. We requested reconsideration of the ALJ decision, but lost at that level. We appealed again and had an ALJ hearing. There was a real credibility problem with the ALJ, but we struggled through it. There were many apparent inconsistencies we were able to explain. For example, we had a letter from former employer stating she only used a wheelchair on occasion. The ALJ decision was partially favorable. The ALJ found her to be disabled as of October, 2002, when the client had begun treatment with the neurologist to whom we had made the referral. (Sandy Heim)

EDUCATION

1. In re AL The client needed additional counseling and social work services, but the school district determined that he was not eligible for special education and related services. At the request of his guardian, we filed a due process appeal. We negotiated with the attorney for the school district and participated in pre-hearing conferences. After reviewing all medical and school records for this child, and talking to school and DCFS personnel, the client's counselor at Janssone Mental Health Center, and the child's psychiatrist, we determined that it would be difficult to prove that the child qualified for special education. This was especially true because the client's grades were very good and he had not been exhibiting any significant problems at school. During the due process hearing, we negotiated a settlement with the district whereby the client would receive up to 30 minutes per week of counseling as needed, and he could involve the school social worker rather than his guidance counselor, if his problems went to his disability or medical issues. The ability to involve the social worker was very important to the client's mother, as she felt that the guidance counselor did not give proper attention to the client's non-educational issues. (Don Birks)

2. In re EW The client is a pre-kindergarten DCFS ward with special needs. Her foster parents appealed the District's denial of a request to transfer her to the Easter Seals Therapeutic Day School. The child was born premature with a birth weight of only 1 lb 4 oz. Exposed to drugs in utero, she has Optic Nerve Hypoplasia, mild cerebral palsy and MRSA. She is fed by a tube and receives bedside treatments. She learned to take few steps in the last year, and uses a walker, but still has difficulty ambulating, with weakness in her right leg and arm. She has behavior issues, such as shuffling or throwing objects. She is not toilet trained. She attends 3 hours of pre-school daily and then attends P.T. and O.T. daily. Although the district recognizes the child as eligible for special education, they would not provide assistance related to toileting or feeding, because they deemed those services unrelated to the child's educational needs. The district also inappropriately threatened to place this young child in a Behavior Disorder class. We determined that a school can provide eating and toileting skills as a related service under occupational therapy. At the IEP hearing, the district agreed to have their speech therapist provide therapy to deal with the child's oral aversion, and to provide assistance with toilet training. The district declined to transfer the child to the Easter Seals Day School, but the foster parents accepted that decision for now. Finally, the district was willing to enroll the child in full day program for the next school year. (Mike O'Connell)
3. In re A.J. The child was in a new high school district which placed her in an inappropriate classroom for children who cannot walk or talk. She is much more high functioning than that. Her guardian DFS requested new IQ and psychological tests, on the belief that the district had underestimated her IQ and misidentifed her as being mentally retarded, when she may have had a learning disability. The client has high needs, both physical and behavioral. The district prepared an IEP to place the client in more appropriate classrooms as well as in some mainstream courses for the coming school year. We represented the client at an IEP MEC meeting to determine that the client’s proposed IEP was appropriate. Pending the outcome of psychological testing, DFS personnel felt satisfied with the terms of the new IEP. We helped develop details for the IEP, including plans for transportation, the client’s medical needs and diet restrictions. The client was excited about attending a “real school” for the first time. We received and reviewed a copy of the child’s Psycholgogical Evaluation and forwarded it to DFS, believing it to be consistent with the new IEP. (Mike O’Connor)

4. In re T.M. The child has ADHD, alcohol fetal syndrome and learning disabilities, but was placed in a regular classroom. The client dismantled a ball point pen, and then threw BB’s at it, hitting another child who did not get hurt. Seeking to expel the client, the district set up a manifestation hearing to determine whether there was a connection between the behavior and the client’s disability, a necessary pre-requisite to expulsion. The school denied any knowledge of the alcohol fetal syndrome, but agreed to do more tests, including neuropsych testing or his intellectual functioning. There were issues regarding his medication that needed to be resolved. We represented the child at the hearing, where the school determined that the behavior was a manifestation of his disability. They could not expel him but wanted to move him to a different school. We attended several staffing and evaluated testing results. The child’s IQ was 48, and his life skills were at 7yr old level, not the 7th grade level where they should have been. Although his IQ and achievement scores were low (achieving at 1st and 2nd grade levels), he is very verbal and has a number of high functioning skills. An alternative placement was considered but was not appropriate. Although the kids there would have similar IQs and achievement levels, they were much lower functioning. On the other hand, the children in the district’s self-contained class were working at 4th-7th grade level, which would be difficult for our client to maintain. The director of special ed for the district made the decision to keep the client in the regular school’s self-contained class and to develop his own curriculum. Subsequently, the client moved to Freeport to live with his grandmother and aunt. He will be going to Freeport schools, and if she needs develops, we will be assessing his needs there. (Cathy Ritz).

ELDERLY

1. M.B. v. Manor Care Nursing Home (Illinois Department of Public Health). In a case funded with a grant under Title III of the Older Americans Act, we represented an elderly man, Never married and without children or other family, he had appointed a tenant in one of his rental properties to be his agent under a Power of Attorney for his finances. Our client entered a nursing home shortly thereafter. Two years later, the nursing home staff informed him that the POA had failed to pay the bill for several months, and they threatened to initiate discharge proceedings if the bill was not paid. Despite assurances from the POA, the matter was not resolved, and the nursing home issued a discharge notice. The nursing home social worker contacted ILPH, and we met with the client. After a little investigation, it became apparent that the POA had financially exploited the client. All of his bank accounts, IRA’s, CDs, and other liquid assets which had totaled over $450,000 were gone. The client’s car had been titled to the POA as agent. Tenants were living in the client’s house and his rental properties, yet the POA had not collected any rents. The client’s life insurance policies had been surrendered for cash. We advised the client what
had happened to his assets.

We consulted with the client and his doctor and determined that a guardianship was not appropriate. The client wished to appoint a responsible party to handle his financial affairs, but because he had no family or friends, we had to consider other resources. We assisted the client in seeking the POA granted to the tenant. We then sought to appoint the Hawkins County Public Guardian as client’s POA agent, but could not do so because of a conflict of interest. We then presented the client with other options, such as appointing the Office of State Guardian, or a private accountant or attorney. The client chose to authorize a local private attorney to handle his financial affairs and to pursue recovery of his assets, and we assisted the client in preparing a POA for property to accomplish this end. PALS represented the client in the nursing home discharge proceedings, and obtained the agreement of the facility to postpone the discharge long enough to allow the client and his new POA agent to begin recovering some of the client’s assets and pay the bill. This was accomplished and the discharge proceeding has been dismissed. PALS learned of the creation of an Elder Abuse Squad by the Illinois State Police. We contacted this office, and they have undertaken an active investigation of the exploitation, and the matter has been referred to the State’s Attorney for prosecution. The new POA agent/attorney has filed a lawsuit against the former POA agent seeking to identify and recover the client’s assets, and that matter is now pending. (Mike O’Connor)

2.  

L W. v. Elmhurst Extended Care Center (Illinois Department of Public Health). In a case funded by a grant under Title II of the Older Americans Act, we represented a client who received a notice from a long-term care facility for involuntary discharge. The facility sent a letter to the client’s agent under a Power of Attorney for health care (her niece). The letter asked her to voluntarily move the client due to the agent’s failure to agree with the facility’s care plan. The letter stated that otherwise they would seek an Involuntary Discharge. The client stayed put and the facility issued a discharge notice, citing a physical safety issue to the resident. The notice failed to provide any specific examples of how her physical safety was at risk.

The agent had indeed questioned the care plan with respect to her aunt’s physical therapy and medications. For instance, the facility’s physical therapist chose to end client’s therapy, effectively ignoring the orders from the client’s surgeon for aggressive therapy. In addition, the facility ordered medication that the agent refused to let the facility administer. The agent refused because the client’s psychiatrist had stated that the diagnosis relied on by the facility had been made in error. The agent spoke to another psychiatrist who informed her that the medication was inappropriate for the client’s condition. The agent also questioned the diagnosis of dementia because the client had passed a mini-mental exam. The facility contacted the Ombudsman’s Office asking whether they can involuntarily discharge a resident based on agent’s refusal to follow the care plan. The Ombudsman investigated, determined that this was not a proper Involuntary Discharge, and referred the agent to Prairie State. The facility appeared to be retaliating against the agent for questioning their decisions and those not proper grounds to discharge. After investigating, we determined that there was not a single instance where the facility documented that the client’s physical safety was at risk. Instead, there were numerous entries re: how frustrating agent was with all her questions. The facility’s basic position was that agent was substituting her judgment for that of the doctors and that Resident’s Rights did not extend to her. This case will be set for a status date by the ALJ in mid-September. During the pre-conference hearing, the ALJ explained several times to the facility administrator and his counsel that the statute on Resident’s Rights permits residents to refuse medication. The facility ultimately agreed that the client can remain at the facility until a bed opens for our client at another facility where she is on a waiting list. (Ann Cullison)
3. **In re AR**. In a case funded by a grant under Title III of the Older Americans Act, we represented a client who was residing in a local nursing home and dying of cancer. The client was in the last stages of cancer and had a short time to live. She had already named her sister her power of attorney for health care and wanted Pro Bono to prepare a power of attorney for property. We met with the sister and the client to prepare the necessary document. The sister had traveled to the nursing home to pick up the client and take her back to her home to spend her remaining time. We only had one day to meet and put the paperwork together before she left with her sister. We were able to assist this client put her affairs in order which gave her a great sense of comfort. (Tracey Mengenes)

4. **R.V. v. Condominium Management Board**. In a case funded by a grant under Title III of the Older American’s Act, we advised a disabled senior who rents a condominium in Aurora. He primarily uses a wheelchair to travel but also has a walker. He was looking to purchase a scooter because his hands were no longer able to easily maneuver the wheelchair. In order to use the scooter to gain access to the building itself, the client learned that the door to the main floor of his building would need to be changed to open outwards instead of in. Management for the condominium building refused to make that change so RV called Prairie State. If the door was not fixed, the client would need to use his walker to get in and out of his building, and using the walker was becoming difficult to do. A Prairie State telephone counselor advised the client regarding provisions in the Fair Housing Act and the Illinois Human Rights Act that says it is a violation for management not to permit a reasonable modification of the door to be made at his expense. We sent RV a copy of this law and told him to contact the Illinois Department of Human Rights and his local elected officials for possible help. A short time later the counselor received a thank-you note from RV family stating that they had taken the written material and contacted the Office of Lt. Governor Pat Quinn. He was able to intervene on RV’s behalf and get the door changed so RV now has a handicap access into his building. (Robert Krige)
5. **M.E. v. N.E.** (Circuit Court of McHenry County). In a case funded by a McHenry County Senior Citizens grant, we obtained emergency and plenary orders of protection for our 83 year old client, who was assaulted by her 54 year old son. He had pushed her to the ground, threatened to kill her and prevented her from calling the police. This case was brought to our attention by a caseworker at Senior Services Associates, Inc. in McHenry County. The caseworker had been aware of an on-going situation that the client had with her adult son. When the son was arrested, the caseworker contacted us to see if we could assist with the Order of Protection. This case is an example of the close cooperation we have developed with the senior support agencies in McHenry County. The son is still incarcerated. (Gert Dolan)

6. **In re the Marriage of B.R. and E.M.R.** (Circuit Court of DeKalb County). In a case funded with a grant under Title III of the Older Americans Act, we represented a 62 year old woman who went into shelter to avoid domestic violence that had permeated her 43 years of marriage. She endured years of mental and verbal abuse. Her husband alternately told her she should stay home and care for the children, then told her she was worthless and should get out and work for her food and clothes. Her husband held a table over her in bed, threatening to slam it down on her. One night, her husband became enraged even beyond her tolerance. The local police responded to the incident. She moved into the domestic violence shelter. While in shelter she participated in counseling sessions, met with the Elder Abuse Investigator, and met with Prairie State attorneys funded by the OCA project to discuss options including an order of protection and a divorce. She refused to pursue an order of protection against her abusing husband, blaming herself for all that went wrong. The investigator made a finding of abuse and encouraged her to stay away from her husband, offering emergency intervention funds to apply to either rent for an apartment or for a storage unit for her personal property. Although she left the shelter, moving into her son’s small apartment, she consented to meet with PSLA. Taking small steps, a multi-disciplinary team met with her monthly, eventually involving Elder Care services, domestic violence services, the local police department, and PSLA. The client made application for subsidized housing and was put on several waiting lists. After exploring all of her options, considering the pros and cons of filing for dissolution of marriage, the client decided to proceed with divorce. The team worked out a safety plan such that the Petition would be filed, the service of summons would be coordinated so that the local police were present at the time of service by the county sheriff, and the local police would provide the services of an Explorer’s youth group to help remove her property from the marital apartment. Summons was served without incident. Client successfully removed her property from the apartment with local police assistance. (Charlene Ritter)

7. **City of Kankakee v. J.J.** (Code Enforcement Proceeding). In a case funded under Title III of the Older Americans Act, we represented an 80 year old, homebound, senior citizen. Our client owned her own home which was in serious disrepair and not up to the city code standards. She repaired the violations with the assistance of a grant from the City of Kankakee. She attempted several times to contact the code enforcement officer to alert her that the repairs had been made. Every time our client called Code Enforcement, she was told that the officer was unavailable. Because our client was under the impression that any administrative hearings would be continued until Code Enforcement re-inspected her house, she ignored notices informing her of an administrative hearing date. Based upon our client’s failure to appear at administrative hearing dates, the City held her in default and assessed $89,000 worth of fines. The City of Kankakee requires that any request to appeal must be filed within 44 days. By the time our client contacted us for assistance, the appeals period had lapsed. When we did get the case, we wrote a letter to both the City of Kankakee’s Allegation Department and the City Attorney asking that the judgments be put aside due to our client’s misunderstanding of the process and the fact that the repairs had been timely made, but Code Enforcement’s lack of communication with our client prevented the information from being transmitted. After discussion with the attorney for the City of
Kankakee, the City agreed to vacate the judgments entered against our client and dismiss the tickets they had issued. As a result, our client avoided liability on the $9,000 worth of fines previously assessed against her. (Kathleen Finn)

EMPLOYMENT/UNEMPLOYMENT

1. In re MM (Illinois Department of Human Services). IDHS garnished our client’s wages for back child support due pursuant to an Administrative Support Order. The order concerned a child for whom IDHS had paid TANF benefits. However, that child was not the client’s biological child. We negotiated with IDHS because our client should have had no legal responsibility to support that child. After we spoke with IDHS Bureau of Collections, we learned that the support order was for a child named Kandy (now an adult) who was our client’s step-daughter. We immediately sent a letter of protest and the withholding stopped while the investigation was going on. We were able to track down Kandy, who provided us with a copy of her birth certificate. We sent the birth certificate to the IDHS Bureau of Collections and requested the withholding stop and that the withheld wages be returned to our client. The withholding stopped and IDHS returned $902 to our client that had been withheld from her wages. (Kandy Hein)
2. **In re L.F.** (Illinois Department of Employment Security, Illinois Secretary of State). In a case funded with a HUD Homeless grant, we represented a client who was laid off from his job as a janitor. He was evicted from his apartment for non-payment of rent, and in the process, lost his identification. IDES refused to take his application for unemployment insurance (UI) benefits, because he did not have any identification. The lack of identification prevented him from new employment. Time was a factor in qualifying for the UI benefits, because his UI benefit eligibility was based on his earnings in the four calendar quarters preceding the present and previous quarter. In this instance, the client had only a few weeks to apply, or otherwise his quarters would change and he’d lose his best earnings quarter and would become disqualified. Thus, it became critical to resolve the identification problem. We assisted the client to obtain replacement identification from the Cook County Clerk and the Illinois Secretary of State. That enabled the client to file for UI benefits only a few days before his financial eligibility would have expired. As a result of this representation, our client was able to obtain UI benefits, and eligibility for 26 weeks of benefits. (Kerry O’Brien)

3. **In re D.K.** (Illinois Department of Employment Security). In a case funded with a HUD Homeless grant, we represented a client who worked in sales. His company issued a company car to him, but had to warn him several times about having unauthorized persons in that car. On his last day of work, he again had an unauthorized passenger, and the employer again warned him about his conduct. Later that day, he was involved in a collision with the company car, and the employer fired him. He applied for unemployment insurance benefits. IDES denied his application, based on a finding that he was discharged for misconduct due to having unauthorized passengers in his car after warning. Five months later, we assisted the client to file a request for reconsideration. A Claims Adjudicator upheld the denial. We appealed. The Referee expressed concern about the timeliness of the appeal, given the fact that the request for reconsideration was well beyond the statutory 30-day deadline to appeal an initial decision. But, the Unemployment Insurance Act provides that a Claims Adjudicator has discretion to reconsider a determination within one year, and that if he chooses to do so, then the client has another 30 days to appeal the reconsidered determination. Based on that argument, the Referee deemed the appeal timely. Following a hearing, the Referee determined that the car accident triggered the discharge, not the unauthorized passenger, and therefore, the discharge was not for misconduct. The client was awarded full benefits. The employer appealed the decision to the Board of Review, which reversed, finding that the appeal was not timely. (Kerry O’Brien)

4. **H.S. v. Illinois Department of Employment Security, et al.** (Circuit Court of Lake County). In a case funded by a grant under Title III of the Older Americans Act, we represented a 63 year old man seeking judicial review of an IDES administrative decision. The client had received unemployment benefits after being laid off from his position as a security guard. After he had received all of those benefits, the employer filed a protest with IDES, claiming that the client was guilty of misconduct, and therefore was ineligible for benefits. However, the local office Adjudicator found that the employer had not filed a timely protest, and therefore had not established status as a party with rights to appeal the award of benefits. That Adjudicator found that our client
was eligible for the benefits. The employer then filed an appeal to a hearings referee, and IDES scheduled a telephone hearing. On the date of the hearing, the referee tried to get the client (at this point, still unrepresented) on the phone but when he received a busy signal, he permitted the employer’s appeal to proceed to hearing on the client’s eligibility for benefits, without the client’s participation. This was an error because the employer lacked legal status to bring the appeal due to the untimely protest. Based on hearsay testimony from the employer, the referee found that the client had received benefits to which he was not entitled, thus in effect declaring all of the benefits the client had received to be an overpayment. On his own, the client appealed to the Board of Review, which affirmed the referee’s decision.

The client filed a pro se Complaint in Circuit Court and then sought representation from Prairie State. We filed a brief, asserting that the employer lacked party status and had no right to file the appeal. We also asserted that the client’s due process rights had been violated when the referee made only minimal attempts to include him in the hearing, particularly in light of the fact that the busy signal was a strong suggestion that the client was home at the time of the hearing. The employer filed a brief arguing that there was no due process violation and that the client had waived his right to object on the party status issue. At oral argument in court, the judge agreed that there had been due process violations in going ahead with the hearing without our client, and that the case should be remanded for a hearing at which our client would have the chance to appear. At the new hearing (by telephone), the client emphatically denied the misconduct, and the employer lacked competent evidence to prove it. The referee found that the employer had not met its burden of proof, and ruled for the client, thus overturning the previous overpayment decision. (Linda Rothnagel)
**J.R. v. Transport Company (Illinois Department of Employment Security)**. In a case funded by Chicago Department of Public Health, we represented a client who was being investigated by DFS for child molestation following a report from a friend’s ex-wife. The report was unfounded and untrue. At that time, the client consulted with a criminal attorney who advised him not go to work because he was going to be arrested and that client should stay at home with $2000 to bail himself out. Client called his employer (transport company) to report that he would not be coming to work for four days in a row. He actually had called his immediate supervisor’s cell phone and left messages for her. She had previously advised him to call that cell phone number when he was unable to come to work. Unknown to him, his immediate supervisor was on vacation at the time. On the fourth day, a different supervisor contacted the client, and demanded documentation supporting the client’s reason for missing work. The criminal attorney advised the client that his employer had no right to the documents and that he should not send them. When they were not forthcoming, the Employer fired the client for not reporting to work 3 days in a row without calling in and, or because the excuse was not good enough.

The client applied for Unemployment Insurance (UI) benefits, but was denied. He appealed. We represented the client at the administrative hearing. The employer’s position was that the client did not follow the proper procedure while calling because he called his supervisor’s cell phone and not the actual employer facility. Our position was that he had called pursuant to a method requested by his immediate supervisor and that the employer had fired him simply because he failed to provide documentation which they had no legal right to demand. Each side put on evidence in support of its respective positions. We won at the administrative hearing level, and our client was found to be eligible for UI benefits. The Referee ruled that our client reported his absences properly. Additionally, the Referee found that it was not disqualifying misconduct to have failed to have provided the requested documentation. (Adrian Barr)
1. **In re AA**. A new law passed last year allows municipalities to adopt an ordinance permitting the disconnection of water service if the municipal sewer bill is in arrears. This is allowed even though the water service is provided by a different entity. The City of Kankakee adopted such an ordinance. In our client’s case, Aqua Illinois, a regulated utility company, provides the water service. The City contracted with Aqua Illinois to handle all of the billing and collections of the City’s sewer bills. Our client moved into an apartment in May, but didn’t know that the sewer bill (the landlord’s responsibility) was in arrears of about $1000. Aqua Illinois informed our client that they could not get water service until the sewer bill was paid in full. We objected to the water company, but got nowhere. We concluded that imposing liability, albeit indirectly, on the tenant for the LL’s sewer bill as a condition of getting water service is a due process and equal protection violation. We contacted the City of Kankakee, attorney, who saw our point and would likely advise the water company to grant client water service without clearing the sewer bill, but he wanted to research the issue first. We are waiting to see how he responds. (Mike O’Connor)

2. **In re RM**. Commonwealth Edison shut off our client’s electricity. She is a senior, is diabetic and needs to refrigerate her insulin, has severe asthma and uses an electric breathing machine at night. She thought she only submitted one medical certificate within the last year. We helped obtain another letter from her doctor and faxed it to Com Ed, asking that they restore utility service for 30 days pursuant to regulations requiring restoration upon submission of a certain medical certificate. ComEd refused to restore, because they claimed that the client had already been granted the maximum two 30-day extensions within the past 12 months. We obtained a copy of her credit report via the internet and submitted all the necessary information to a VLP attorney to file a Bankruptcy for the client. Attorney David Leibowitz filed a bankruptcy petition for the client that same week. Her power was soon restored. (Amy Weiss)

**FAMILY LAW DOMESTIC VIOLENCE**

1. **G. v. M. (Circuit Court of Kane County)**. In a case funded with a Victims of Crime Act grant, we represented a client who had recently ended a short but violent relationship with a man whom she had not married. In one particular incident, her abuser had grabbed her ear, kicked her in the stomach, dragged her on the ground, pushed her into the car, drove her to a cornfield, forced her to get out of the car and drove off. He later returned only to force her back into the car and abused her. We obtained an agreed 1-year Order of Protection, which directed the respondent to attend counseling; as the client had indicated she wanted to reunite with him. Several months later, he beat her savagely in her own car causing severe bruising and swelling to her face and damage to her eyes. The inside of her car was covered with blood. The State filed criminal charges. We then obtained a 2-year
Order of Protection, which included an award for damages relative to her medical expenses and damage to her car. Considering it unlikely she would collect, we advised our client how to collect compensation for her damages through the State Victims Compensation Fund.

This was not the end of the case. The respondent had a habit of calling her, telling her he had her money, but insisting that she see/speak to him to get it. The State subsequently modified the civil order to allow the client to contact the respondent in order to try to collect the damage award. This was not a good idea. First, the Respondent continued to use those conversations about money to abuse and harass our client and he was charged with multiple violations of the Order. Worse, the respondent took advantage on one occasion by attempting to take off the client’s clothes. He took her cell phone, hit her in the face and choked her. The next day, he called her repeatedly and threatened to break her face and mouth so that she could never speak again and to break down her door. Once again, we filed an emergency motion to modify the order to prohibit all contact (after the State had modified it to allow contact). At the time that the emergency modification was granted, respondent was in custody for numerous warrants relating to this case. Finally, we filed a motion to extend the order for an additional two years. After the last extension, she related that she had started going to counseling and that she felt she was finally ready to really move on. The client is following through to assist the State with additional criminal charges. She is in the process of completing her application for compensation through the crime victims fund. She is in counseling through a local domestic violence center. (Amber Moore)
2. **N.D. v. J.D. (Circuit Court of Kane County).** In a case funded by a grant under the Victims of Crime Act, we represented a client who had an unsuccessful attempt to get an Emergency Order of Protection against her husband. This client speaks very little English. After the denial of her emergency order, she fled to a domestic violence shelter for safety. The next day, we met the client who was distraught and confused, not understanding why her order was not granted. Just a few days before, her husband had held a gun to her head and threatened to kill her. Previously, he had pushed her, choked her and forced her to have sexual relations with him. He frequently and repeatedly threatened to kill her. He works in the landscaping profession and has access to many large pieces of equipment which can grind up tree trunks. He told her that he would grind her up in one and no one would ever find her. We filed an amended petition for an Emergency Order of Protection, and re-approached the same judge who had turned her down initially. After a new hearing, the judge granted her request for Emergency Order of Protection, also giving her exclusive possession of the marital residence, effectively ending her need for shelter services. At the hearing for the Prenary Order, the Respondent agreed to dismiss the petition for order of protection which he had filed against our client. An agreed Prenary Order of Protection was entered in our client’s favor granting her a no harmful contact and stay away order, and continued exclusive possession of the marital residence. (Annette Caravagh)

3. **J.D. v. J.D. (Circuit Court of Kane County).** In a case funded by a grant under the Victims of Crime Act, we represented a client who sought an order of protection against her ex-husband. The youngest of their three children had returned from the most recent visitation with their father with severe bruising to his upper legs. The child stated that the father repeatedly hit him with a belt as punishment because he had sided his pants (he was being petty-trained). The elder children reported other disturbing methods of discipline used by the father on this child, including having the child sit outside in an unplowed hallway wearing only underwear and boots. The client immediately responded by taking the child to the doctor, and filing reports with the police and DCFS. We prepared a petition for an Order of Protection, and obtained an Emergency Order protecting the minor children from any further abuse and suspending all visitation effective immediately. Respondent appeared on the return date with counsel present, and an agreed 2 year Prenary Order of Protection was entered, ordering limited supervised visits with all of the children, counseling for the Respondent and a general no harmful contact order for the family. Respondent was ordered to attend parenting classes and counseling, and we continue to monitor his compliance. (Annette Caravagh)

4. **In re Adoption of Child of E.K. (Circuit Court of Tazewell County).** The client’s ex-husband and his wife filed a Petition for Adoption of her son, age 4, alleging abandonment. An adoption would have terminated all of her parental rights. The client had been in prison for four months, but was released. She had faithfully written letters to her son while in prison; had successfully completed Women at the Crossroads program there; and had remarried. Her life was back on track and she wanted to visit with her son. There was never any abuse of the child nor any DCFS involvement. E.K. tried repeatedly but unsuccessfully to call and visit her son, effectively being denied all visitation. Pro Bono Attorney, Jeremy Heiple filed an Answer to the Petition and was successful in stopping the adoption. The court dismissed the Petition for Adoption, but did so “without prejudice,” allowing the ex-husband to re-file the Petition at a later date. Recognizing the likelihood he would do that, Attorney Heiple filed a Motion for Reconsideration, asking that the case be dismissed with prejudice. The Court granted the Motion. Because the parties had divorced in Mason County, we referred the case to Land of Lincoln Legal Assistance to file a petition to establish her visitation rights. She now has opportunity to build a relationship with her son. Attorney Heiple spent 54 hours representing this client. (Sandra Ever, Pro Bono Coordinator, Jeremy Heiple, Pro Bono Attorney)
J.B. v. B.M. (Circuit Court of Mercer County). We represented a mother to defend against the father’s Motion to Modify Child Custody. In an original proceeding to establish custody in 1999, the court awarded custody of the child to our client. In 2001, the client also obtained an order of protection against the father because he abused her and the child. The father had struck our client repeatedly in front of the child, and subsequently pled guilty to a criminal battery charge. In June of this year, the father filed a motion to modify custody. The court gave the father temporary custody following a very short hearing in which the court allowed the father to present 4 witnesses, but allowed our client to present only herself as a witness. When we had the opportunity to put on a full case at trial, things went better. We proved that the father had a criminal history and lied in answers to our interrogatories. Specifically, the father lied about his criminal history claiming he had none. A record search found several criminal convictions, including the battery charge where my client was the victim, a conviction for evading and eluding police, two separate convictions for deceptive practices. Moreover, the father was unable to prove his allegations that my client practiced witchcraft, didn’t feed the child properly, and was abusive towards the child. The Court denied the Motion and awarded sole custody of the minor child to our client, with the other side receiving the visitation set by previous order. (With Delrick)
6. **J.D.K. ex rel. V.K. v. NL** *(Circuit Court of Peoria County)*: In a case funded with a Heart of Illinois CDR grant, we defended a child support collection case for a disabled client. Our client’s only income was Unemployment Insurance benefits for a limited time and then Social Security Disability benefits. The Attorney General’s office represented the mother and claimed that our client owed over $38,000 in back support. The mother had received over $43,000 in Social Security dependent benefits for the child on the father’s account. Since our client became unemployed and disabled, our client had never petitioned the court for modification of support or to apply the child’s Social Security benefits to his child support obligation. We represented our client in negotiations and at hearings to review his support obligation. Through negotiation, we succeeded in reducing the back child support amount by over 60%. The balance had already accrued before our client was found eligible for disability benefits. The Attorney General’s office agreed to a $20 per month payment on the balance. (Dan Smith)

7. **V.K. v. B.M.** *(Circuit Court of Lake County)*: Our client is a young, Spanish-speaking non-citizen, a mother of two small children. She had been married for about 5 years to a citizen who could easily have applied for immigration benefits for her, but she chose not to do so. Her husband had frequently been physically abusive, but in the last several months the abuse escalated. The client obtained an emergency order of protection after several recent incidents where he grabbed her by the throat, threw her around, pulled her by the hair, forced himself on her sexually, made threats to report her to immigration authorities, and threatened to kill her if she left him. We represented the client to obtain a plenary order of protection. Around this time, the client was served with summons for a divorce petition filed in Wisconsin. The petition falsely alleged that the children had been living in Wisconsin for about a year and that Wisconsin had jurisdiction of the children. The husband sought to dismiss our petition for an order of protection on that basis. Through discovery, we determined that the family had been living almost continuously in Illinois and that the husband was lying so that he could have the case heard in Wisconsin where he was living with his mother. After 3 afternoons of trial including the testimony of numerous witnesses, the court found that Illinois was the home state of the children, Illinois had jurisdiction of them, and there had been significant abuse. The court granted our client a two-year order of protection including temporary custody and child support. We referred the client to a local agency where she could receive assistance to self-petition for immigration benefits under the Violence Against Women Act. We also referred the client to Wisconsin Legal Aid, which has agreed to assist her to dismiss the Wisconsin divorce. (John Quintanilla)

8. **M.K. v. F.K.** *(Third District Appellate Court, Circuit Court of Kane County)*: In a case funded with a grant under the Violence Against Women Act, we represented a client, age 57, who sought an Order of Protection against her adult son, who was living in the client’s home. He had repeatedly called her vile and profane names and had repeatedly suggested that she commit suicide. Under great emotional distress, the client could not live with him in her home. Although there was no indication that the son had ever been physically violent with his mother, the trial court granted a Plenary Order of Protection to our client, ordering the son to vacate the house and to refrain from further contact with her. In denying so, the trial judge specifically found that the use of vile and profane language constituted “harassment” under the Illinois Domestic Violence Act. The son appealed to the Third District Appellate court, arguing that the mere use of profane language does not constitute “harassment” under the DVW Act and cannot serve as a basis for the issuance of an Order of Protection. The appellate court upheld the trial court, finding that the son’s conduct constituted harassment within the meaning of the Domestic Violence Act. (Michael O’Connor)
9. **In re the Marriage of J.W. and C.W.** Circuit Court of Peoria County. In a case founded with a grant under the Violence Against Women Act, we represented a client involved in multi-state litigation. Our client, her husband and their five year old child moved to Florida for 5 months. She fled to a domestic violence shelter there because he was abusing her. She then moved back to Illinois with the child. Her husband filed for divorce in Florida. We filed for divorce and child custody in Illinois. The judges in the respective cases, pursuant to the Interstate Child Custody Jurisdiction Act, dismissed the Florida case and ordered the case to proceed here. We negotiated a settlement so that our client maintained custody of her child; the father has reasonable visitation rights and the mother receives the statutory child support. (Dan Smith)

10. **K.T. v. J.B.** Circuit Court of Peoria County. The parties had a 4 year old daughter. Although never married and there had never been any court proceedings, one client (the father) had regular visitation with the child for the past 18 months. The mother became involved with another man, and started denying our client any contact with the child. The client wanted to maintain a relationship with his daughter. When the mother refused, we filed suit to establish paternity and to get visitation. After doing discovery and conducting negotiations with the mother’s attorney, we proceeded to trial. During the trial, an agreement was reached. An order of paternity was entered in which the mother was granted custody of the child, and each client’s visitation rights were specified. The parties are now cooperating well with each other. (Lori Lambford)

11. **P.W. v. M.T.** Circuit Court of McHenry County. We represented an Iowa resident, whose ex-wife obtained an order of protection in McHenry County. The order granted her custody of the child, denied our client visitation, and ordered our client to pay increased child support. The client had never had been in the state of Illinois. The parties had divorced recently in Iowa, and there had been recent petitions for orders of protection by both parties in that state. He had been granted an order of protection there restraining his ex-wife from abusing him or indeed coming near him. Her petition for order of protection had been dismissed by agreement of the parties or abandoned by her. The parties had joint custody of the child under the Iowa orders. Our client had physical custody of the child, and the child had never been in the state of Illinois.

We filed a motion to vacate the Illinois order of protection and to dismiss the case. We asserted that the Illinois court lacked personal jurisdiction over our client. The only allegation against our client was that he had made a phone call to her saying that if she came back to Iowa to regain custody from him, it would be a big mistake and that she may not walk away. We argued that Illinois courts may exercise personal jurisdiction over a non-resident defendant only if jurisdiction is proper under the long-arm statute, 735 ILCS 5/2-209 and if exercise of jurisdiction also is consistent with due process. The relevant section of the long-arm statute states that personal jurisdiction is proper if the non-resident defendant’s conduct results in “the commission of a tortious act within the state.” We argued that the phone call described by the ex-wife, even assuming it actually took place, did not rise to the level of a tortious act in Illinois. The only applicable tort would be infliction of emotional distress. Emotional distress must be so extreme and outrageous that a reasonable person could not be expected to endure it. We argued that the statement that the ex-wife “may not walk away” may mean something as benign as she may not walk away with sole custody. We also argued that even if jurisdiction could be found under the long-arm statute, jurisdiction could not be found under due process principles based upon one single phone call to Illinois. With regard to child custody jurisdiction, we pointed out that there was a current custody order in Iowa granting joint custody to the parties with alternating weeks of visitation with our client. Under the UCCJA, 735 ILCS Section 203, Illinois courts may not modify a custody determination made by a court of another state except under very limited circumstances, not present here. The judge granted our motion to vacate the order of protection and to dismiss the petition for order of protection. The Iowa court continues to
exercise jurisdiction over the case. We think this was a very important result because the ex-wife clearly was forum-shopping, and apparently abusing the Illinois Domestic Violence Act to circumvent the decisions of the Iowa court. (Linda Rothermel, Paige Hoyt)

12. **E.L. v. M.L. (Circuit Court of McHenry County).** We represented a 25 year old young lady seeking an extension on an Order of Protection that had been entered against her husband. He had been extremely physically abusive in the past and had recently been leaving her messages on her voice mail system indicating that he had not accepted that their relationship was over. Our client felt threatened by these messages and decided that an extension of the order would make her feel safer. By the time our client had come to us, the Order of Protection was set to expire in two weeks. We filed a Motion to Extend in time. The judge granted the Motion to Extend the order of protection for another two years. (Deepa Rajabi)

13. **B.C. v. D.P. (Circuit Court of Kane County).** In a case funded with a grant under the Victims of Crime Act, we represented a client who sought an order of protection against her husband after he punched her and broke her nose, beat her, raped her, and drove drunk with the children in the car. We obtained both an emergency and plenary order of protection. Respondent has since been arrested for violating the order. We took legal action to take his visitation away; the court found he poses a substantial risk to the safety and well-being of the children. Earlier this year he was found in contempt of court for failure to pay child support. The client is in divorce proceedings against husband. She is represented by an attorney who took the case pro bono through PALS pro bono divorce program. The Order of Protection case has now been consolidated into the divorce case with the client’s permission. (Anne Sherman)

14. **A.O. v. E.M. (Circuit Court of Kane County).** In a case funded with a grant under the Victims of Crime Act, we represented a refugee from Afghanistan who fled to Iran. The client, who speaks Farsi, and her two minor sons came to the U.S. 3 years ago from Iran. The respondent came to the U.S. this April and immediately began abusing the client, threatening her with knives daily. He punched her on two occasions, causing her to bleed from her nose. He tried to strangle her with a blanket. He slapped her and threatened her with a knife because he did not like the dinner she cooked. He constantly threatened to kill the client and her children and to have the client’s family in Iran murdered. He destroyed all of the client’s contact information for her friends and family. The children feared him and witnessed much of the abuse to their mother. We obtained an emergency order of protection. After extensive negotiations with the respondent with the assistance of a Farsi translator, he agreed to the entry of a 2 year order of protection which prohibits any contact with the client or the children, prohibits abuse, and prohibits him from coming to our client’s home. The children may call him if they want to see him but no visitation schedule was set. (Anne Sherman)

15. **J.T. v. R.T. (Circuit Court of Peoria County).** In a case funded with a grant under the Violence Against Women Act, we represented a woman whose relationship with her husband was full of emotional and physical abuse. The husband stole her money, cashed her Social Security checks, and manipulated property in her possession. He also physically assaulted her. She obtained an Emergency Order of Protection, pro se, which granted her the marital residence (apartment), a stay away Order, and an Order that prohibited abuse. The husband violated an interim order. Her husband entered her home and left a 22 inch rifle with a scope in her bedroom. She feared calling the police and telling the police this information because of her probation requirements. She threatened suicide when her husband came to her home with his new girlfriend and threatened to hurt her, and was
on a suicide watch as a result of the anxiety of the Order of Protection proceedings. We represented her to obtain a Personal Order of Protection. We also filed a Petition for Dissolution of Marriage and obtained an order dissolving the marriage. (Alivia Washington)

16. **In re the Parentage of P.M.C. (Circuit Court of Lake County).** In a case funded by Chicago Department of Public Heath, we represented a 17-year-old disabled father who receives $710/month Social Security benefits. We had previously helped this client establish paternity with his two daughters. He was served with a petition to establish paternity and support for a 14-year-old child he never knew existed - the mother was married to another man during the time they had their brief affair. Although the mother had a second affair with a different man during the conception period, that man was excluded as the father by genetic testing. On the other hand, when the client submitted to a DNA test, it was determined that he was the biological father of the child. The client signed an admission of paternity and the case was continued for status. The client went to the local SSA office to apply for dependent benefits on behalf of his son, and was informed that the mother must apply as payer. He returned to court with this information, and with his benefits statement for benefit of the Assistant State’s Attorney. The case was again continued, and client decided he was no longer required to appear. Client came to us soon after receiving notice that a default order of support was subsequently entered setting child support at $600 per month plus medical insurance reimbursement. We immediately filed a motion to vacate and placed our contact person at the State’s Attorney’s office. We reached an agreed order to vacate the default support order. The agreed order provides that no current child support will be set because the client is receiving Social Security disability benefits. The client decided that he meant to try to establish a relationship with the boy, gradually. He knows where to come for help with a visitation order if he needs one. (Amy Weiss)

17. **E.E. v. J.K. (Circuit Court of McHenry County).** In a case funded with a McHenry County CRBG grant, we represented a disabled woman referred to us by the Legal Assistance Foundation of Metropolitan Chicago. Because she lived in Chicago and was too mentally disabled to take the train by herself, we conducted a telephone interview with her. Her ex-husband had filed a Petition for Child Support against our client. She was distraught at the thought of having to come to McHenry County, where the case was pending, with no means of getting there. Moreover, she had idea how to provide child support when her only source of income is SSI, which is only meant to provide a subsistence level income for one person. The income of SSI recipients is exempt from income execution, or other “legal process,” even for the collection of child support. We negotiated with the ex-husband’s attorney, who agreed to drop the Petition for Child Support. He required only that our client provide an affidavit swearing that her SSI is her only source of income. She did so, and the parties entered an agreed order dismissing the petition. The client was very happy with this result because she has an anxiety disorder, and the idea of having to take the train from Chicago to Woodstock by herself had been causing her to have panic attacks. (Deepa Prayats)

18. **D.E. v. J.K. (Circuit Court of LaSalle County).** In a case funded with a grant under the Victims of Crime Act, we represented a client who had broken up with a boyfriend after being together for 2 months. However, he still lived with her because he had no other residence yet. One evening, she came home to find him passed out on the couch and food was burning on the stove. He blamed her for burning the food, and looked for bullets to his shotgun, which the client had. That night she went to a friend’s house. He barged in by repeatedly calling, showing up at the friend’s house and driving over her clothes. Subsequently, after he had returned home, he screamed and yelled at her all night. She started packing a bag and he barricaded the door shouting “you’re not leaving.” She tried to push through, but he grabbed her by the wrists, pushed her on bed, and demanded that she tell him
where she hid the bullets to his gun. He threatened to kill himself and take her with him. (Rachel McIntyre)

19. **S.F. v. D.F. (Circuit Court of Grundy County).** In a case funded with a grant under the Victims of Crime Act, we represented a client to obtain a plenary order of protection against her husband. The respondent had kidnapped her with the help of his cousin. They took her to a hotel, where her husband raped her, threatened to kill her, and repeatedly punched her. Respondent had been leaving vulgar and threatening messages for her and her current paramour. We obtained a 2 year order of protection. (Rachel McIntyre)

20. **A.M. v. Y.Y. (Circuit Court of LaSalle County).** In a case funded with a grant under the Victims of Crime Act, we represented a client who had broken up with her boyfriend and the father of her 4 year old child. He was moving to Florida and came over to see the child before he left. While the daughter napped, the respondent took the client to the bedroom, and asked her to sit on the bed and shut her eyes very tight because he had a present for her. He lifted her shirt and started stabbing and cutting at her breasts and ribs with a knife. He choked her and told her that he had gone too far and must finish her off. Their daughter woke up and began crying. The respondent blocked our client’s escape attempt and pulled the door. He thrust the knife toward her, stabbing her in the hand, and she bled profusely. She took the knife from him and stated that she would do anything to work it out with him. She agreed to let him move back in. With their daughter, they headed to his motel to get his belongings. Once he was inside the room, she put the car in reverse and floored it. He ran out of the room and jumped on the hood of the car. She drove off, threw him from the car and drove straight to the police station. They then took her to the hospital. She had been cut on her neck, chest, arms, and hand. She needed a course of physical therapy due to loss of sensation in her fingers. He was arrested but was not charged. The State’s Attorney decided not to press charges because the witness stated that our client had “ran him over.” A local domestic violence advocate convinced the State’s Attorney to take a look at her house before dropping the case. They found the knife and blood all over the house, and charged him criminally. We represented client at the plenary order of protection hearing and obtained a two year order of protection. (Rachel McIntyre)

21. **In Re the Marriage of A.M. and Y.Y. (Circuit Court of Kane County).** In a case funded with a grant under the Violence Against Women Act, we represented a Jordanian immigrant who had been in the United States for less than a year. While pregnant with the parties’ third child, her husband abused her with a stick, saying that she was lucky she was pregnant or she would have been in worse trouble. He refused to take her for medical attention when it turned out she had an infection. We obtained an Emergency OOP and filed for divorce. In seeking a Permanent OOP, the husband claimed that Illinois courts had no jurisdiction over the case because he had already obtained a divorce in Jordan. The Jordanian divorce document clearly showed that it was obtained after we filed our divorce in Illinois. The court held a hearing and entered the Permanent, reserving the jurisdictional issue. The court ordered the husband to pay $200/week in child support and custody. Visitation was restricted due to a fear that the husband would flee the country with the parties’ minor children. Because the husband refused to surrender his passport, the judge restricted visitation to telephone contact only unless the husband arranged for supervised visitation to take place. (Kathleen Finn)

**GUARDIANSHIP**
1. **In re the Estate of Sister of J.M.** (Circuit Court of Rock Island County). Our client is a 60-year-old senior citizen. Her mother had a power of attorney over her mentally retarded older sister, but then the mother passed away. The client thought that when her mother passed away that the power of attorney transferred to her. However, when her sister had a bad fall, she was told by medical authorities that there was no agent. Because the client’s sister no longer had the capacity to give our client the power to act on her behalf, we contacted a volunteer attorney to seek a guardianship in our client’s name, to make appropriate decisions regarding her older sister’s personal affairs and health. Attorney Lumen E. Thompson accepted this case, met with client, discussed guardianship, arranged a physician exam of the ward. She prepared the pleadings, had 2 court appearances and the Court appointed our client as her sister’s Guardian of the Person. (Cherie Myers, Pro Bono Coordinator; Lumen Thompson, Pro Bono Attorney).

2. **In re the Estate of C.W.** (Circuit Court of Peoria County). In a case funded with a Title III grant under the Older Americans Act, we represented a 76-year-old minority woman, who needed guardianship of her 54-year-old daughter. She has always taken care of her and her business, but was having difficulties making legal decisions for her in relation to doctors, banks, etc. They live together in a subsidized apartment complex in Peoria, and are low income. The other family members help, but someone had to make decisions. We filed a guardianship Petition. The court appointed a Guardian ad Litem, an attorney, to look out for the person’s best interests (this is done in all guardianship cases in Peoria and Tazewell Counties). The GAL agreed she needed a guardian, and the rest of the family did also. The court granted our client a plenary guardianship over her daughter. We advised the client how to keep records and handle the daughter’s funds. (Lori Lawford)
1.  **Hevitt v. Office of Personnel Management.** U.S. District Court for the Northern District of Illinois, Eastern Division. In 2005 WL 589765, (March 11, 2005). Our client has muscular dystrophy, is completely dependent upon a ventilator, is almost completely paralyzed, and has a host of other complex medical problems. He requires 24-hour skilled nursing care. He has insurance through the Federal Employees Health Benefit (FEHB) program. Blue Cross Blue Shield of Illinois (BCBS-I), his FEHB carrier, paid for 24-hour/day nursing services in his home for years under a “flexible benefit” provision included in his federal health insurance plan. This flexible benefit gave BCBS-I the discretion to provide covered services in alternative ways. BCBS-I approved the home skilled nursing for our client as a cheaper alternative to the hospitalization he would otherwise have required (his Plan covered unlimited medically necessary hospitalization). In 2001, BCBS-I reduced our client’s home nursing services by a third (to 16 hours). When our client sought review of that decision, the carrier terminated coverage for services entirely, claiming that the care he received was “unusual” and therefore, not covered under the Plan. BCBS-I concluded that it had complete discretion whether to offer or withdraw the flexible benefit, and that its decision was not subject to further review. Nevertheless, our client sought review by the Office of Personnel Management (OPM), but OPM agreed with BCBS-I that its decision to terminate a flexible benefit was not subject to review. OPM also agreed with BCBS-I that the services our client received were covered in nature.

We filed a claim under Administrative Procedure Act, that OPM’s finding that the care our client needed was covered in nature was arbitrary, capricious and an abuse of discretion — an unexplained departure from the previous interpretation of this Plan. We further argued that OPM’s decision that BCBS-I had total discretion to terminate the flexible benefit violated the Rehabilitation Act, 29 USC §794(a), and its implementing regulations, requiring that federal benefits be provided to persons with disabilities in the most integrated setting appropriate to their needs. In this regard, we relied on the U.S. Supreme Court’s decision in Olmstead v. L.C. (see entry for Radziewski v. Marnam below under Vocational Rehabilitation and Home Services). The district court judge agreed with both arguments, and granted summary judgment for our client. The court directed BCBS-I to continue to fund home nursing services for our client. With respect to the claim under the Rehabilitation Act, the court relied on the 7th Circuit’s decision in Prairie State case designated as Radziewski v. Marnam, 383 F.3d 599 (7th Cir. 2004). (Sarah Megan, Bernie Shapiro)

2.  **In re VL.** The client called PSLs to discuss a debt collection matter, and spoke to one of our Telephone Counselors. During the course of the conversation, our attorney sensed that something else was wrong and asked VL if there was another problem. VL stated he was a paranoid schizophrenic and could not afford the medicine he so desperately needed or find a doctor to treat him. Our attorney went to an internet site, helpingpatients.org, and entered relevant information about VL to help him find any available medicine assistance programs. She learned that Eli Lilly offered a program that provided assistance for his medicine, but to access this program, his doctor needed to write a specific request. We informed the client about this program and referred him to Elgin Mental Health Center and to NAMI (National Alliance for the Mentally Ill) for assistance finding an appropriate doctor. We also eased his worries about the debt he owed, by advising him of his exemption rights and that he did not have any income that could be taken by a creditor. (Tiffany Harvey)

3.  **In re AR.** (Illinois Department of Human Services). In a case funded by Chicago
Department of Public Health, we represented a Haitian man who came to the United States more than 20 years ago. Although at some point he had petitioned for lawful immigration status as a refugee, he became a legal permanent resident several years ago, and began living in a nursing home paid for by Medicaid. Recently, he received a notice that his Medicaid benefits would be terminated because he was not an eligible U.S. Citizen or a proper Legal Permanent Resident. DHHS personnel told him that his Medicaid benefits had been granted in error and “should never have been approved.” We represented him in an appeal of this decision. Presumably, DHHS had decided to terminate the benefits because the client, although a Legal Permanent Resident, had been in the U.S. for less than 5 years. There is a rule that says that unless the person has been a Legal Permanent Resident for at least 5 years, then the person is not an alien eligible for Medicaid. However, the 3 year rule does not apply to Legal Permanent Residents who have been in the U.S. since 1996. The Policy Manual clearly states that “To meet the non-citizen requirements … the person must have been residing in the U.S. on 8/21/96 and currently be lawfully admitted for permanent residence.” At a pre-hearing conference, we reached agreement with the agency that the client should provide further documentary evidence of his residence in 1996. We provided affidavits from several family members regarding the client’s residence in the U.S., as well as Social Security and immigration records. Without going to hearing, DHHS reversed the termination decision and reinstated Medicaid benefits with no lapse in coverage. As a result, the client was allowed to stay at the nursing home and continue to receive much needed medical treatment. (John Quintonville)
4. *In re Nursing Home (Illinois Department of Public Health; Illinois Department of Public

Ad).* In a case funded with a grant under Title III of the Older Americans Act, we represented an elderly woman
residing in a nursing home. She has advanced dementia, and is only marginally competent. She had appointed her son as her agent
under a Power of Attorney. The Long Term Care Ombudsman contacted RLS when the nursing home issued a discharge
notice for non-payment of the nursing home bill. We represented the client in the discharge proceedings, and made it clear that we were
representing the woman, not the son/agent, even though the son was our primary contact. We learned that the unpaid bill was partially
due to the fact that the son/agent was keeping his mother’s pension income, rather than applying those funds to the nursing home bill.
When we confronted the son, he paid those funds to the nursing home. The unpaid bill was also partially due to the fact that, when the
client was first approved for Medicaid coverage 3 years before, IDPH had not granted backdated coverage. We helped the son to
assemble documentation indicating the correct amount IDPH should have paid. Surprisingly, IDPH agreed to pay the
additional amounts, bringing the account current. We secured several continuances of the proceedings to allow sufficient time to complete
the investigation and obtain the funds to pay the bill. The discharge proceeding was dismissed upon full payment. (Michael
O’Connor)

5. *In re VM (Illinois Department of Public Health; Illinois Department of Public Health).* In a case funded with a grant under Title III of the Older Americans Act, we represented an elderly woman with advanced
dementia residing in a nursing home. She had appointed her sister as her Power of Attorney for Property. Over the years, the
sister had sold the client’s home, car, and other assets, in order to free up funds to pay for the nursing home bill. When the client’s funds
were exhausted, the sister filed an application for Medicaid. IDPH required the sister to provide documentation of the disposition of
the sister’s income and assets over the prior 3 years. Unfortunately, the sister became ill and was unable to comply with IDPH’s
requests for information, so IDPH denied the application. The nursing home issued a discharge notice due to non-payment of the
bill. We filed an appeal of the Medicaid denial through IDPH, and an appeal of the nursing home discharge through
IDPH. The sister remained too ill to locate the required verifications. Because there were no other family or friends able to assist,
we sought the appointment of the Office of State Guardian (OSG) to handle the client’s affairs. Working in cooperation with
OSG staff, we presented IDPH with all of the information we were able to compile, and also notified them of the reasons for our
inability to provide further information. After several months, IDPH agreed to approve the Medicaid application and provide
retroactive coverage sufficient to pay the nursing home bill in full. The nursing home withdrew the discharge notice. (Michael
O’Connor)

**HOMELESSNESS**

1. *In re GB (Illinois Secretary of State: Insurance Company).* In a case funded under a
HUD Homeless grant, we represented a client who had been involved in an automobile collision. The other party made a $6,000
claim for damages with the Illinois Secretary of State. Because our client lacked liability insurance at the time of the collision, the
Illinois Secretary of State suspended the client’s license, subject to the resolution of the claim or the posting of bond to cover the damages.
The client needed her license to maintain transportation to her full-time employment. We negotiated a settlement to satisfy the damage
claim for $3,500. The client paid the amount with the Secretary of State. The other party’s insurer issued a written release and
satisfaction on the claim, and the Secretary of State reinstated the client’s driver’s license. (Kerry O’Brien)
S. v. MK (Circuit Court of Lake County). In a case funded with a HUD Homeless grant, we represented a client referred to us by NCHAAD, her drug treatment program. She was a domestic violence victim and living in Oxford House, transitional housing for women and children. Her abuser had obtained an Order of Protection against her until September 2006 which prevented all contact between the client and her three children, ages 2, 4 months and twin 7 month olds. The client wanted to reestablish contact with her children whom she had not seen for over three months. We filed a Motion to Modify the Order of Protection requesting supervised visits for the client with the children at NCHAAD. At this point the client had been attending her drug program four day a week for eight weeks. She was attending parenting classes, domestic violence prevention classes and was looking for work. In our Motion, we argued that contact with their mother would be beneficial for the children because the client had been their primary caretaker and there was a strong bond between them. After lengthy negotiations with the attorneys for the father, an agreed order was entered permitting supervised visits at the NCHAAD program twice per week. Visits began in January 2005. Soon thereafter, the client sent our attorney a card with a picture of herself and the three children during a visit. The letter says: “I am not sure if you really understand what it is that you represent to me and my family. With your help my little ones are back in my life…. Even if there was no more you could do for me, the fact that you rejoined us again is enough for me to be eternally grateful. With my deepest thanks and all my gratitude, I’ll never forget what you’ve done.” Unfortunately, the client dropped out of the NCHAAD program in March. We began looking for an appropriate visitation supervisor but Melissa disappeared and has not been heard from since April. (Beth Shay)

3. In re LW. The client’s mother died in 1999. Prior to her death, her mother had been receiving royalties from oil drilling on Texas land that she owned with her brother and sister. The royalties were to LW’s mother had been escrowed since her death. The attorney for the drilling company contacted the mother’s sister (client’s aunt) and asked about the mother’s heirs. The aunt put the attorney in touch with our client. The attorney told our client that he wanted proof that she was mother’s only heir. The client did nothing further because she did not understand what proof she needed. Sometime later, LW was a victim of domestic violence and came to reside in the Warmbath shelter where she met our attorney. We contacted the attorney for the drilling company and discussed what proof would be acceptable. We then prepared affidavits for the Aunt and Uncle to sign. Ultimately the Uncle refused to sign because of personal problems he had with LW. We then negotiated further with drilling company’s attorney and he accepted the Aunt’s affidavit and agreed to pay LW the entire amount of the escrowed funds. Subsequently, the client repeated that she had not yet received any money. We advised her to write a letter to the attorney asking for an accounting of the royalties since her mother’s death. We have had no further contact from the client. (Beth Shay)
1. **Anderson v. Housing Authority of Elgin; Casey v. Housing Authority of Elgin (Circuit Court of Kane County).** In early July 2004, the Housing Authority of Elgin notified 32 families that the rental assistance they received through the housing choice voucher program would terminate. Without any fault on the part of the 32 families, the HA had decided to end all of their leases. The Housing Authority claimed the actions were necessary because of federal funding cuts. Many of the 32 families were elderly or disabled or working parents trying to raise families on very low incomes. Prairie State represented several of them. All had rented their homes within the past several months based on the Housing Authority’s approval of their leases and guarantee of the substantial rent subsidy. All had used up their very limited resources to pay the security deposit and first month’s rent and move their families to the new homes. Without the voucher subsidy, they could not pay the full rent. Due to the HA action, they faced imminent homelessness. One of our clients was a wheelchair-bound quadriplegic injured in a car accident at age 14. Before receiving the voucher, she and her two children lived in a 4th floor apartment in a building where the elevator did not always work - leaving her unable to leave her apartment. Now, she faced the loss of a home that her landlord had specially modified to meet her needs. As a result of informal advocacy efforts by several sources, the Housing Authority agreed to revise its plan to terminate vouchers for those families headed by a disabled person or senior citizen. The Housing Authority continued its plans to terminate the vouchers of the other families.

In August, 2004, we filed a lawsuit for three families and obtained a temporary restraining order preventing the termination of benefits. The suit claimed that the terminations violated due process, and several requirements of the United States Housing Act. During a hearing several weeks later, the Housing Authority agreed to reinstate benefits for the three families. Meanwhile, the Housing Authority sent notice to several dozen more families that they too would lose their housing voucher subsidies because of projected federal funding cuts. We filed another suit raising the same claims on behalf of an additional 12 families who contacted us for assistance. As a result of our advocacy efforts, the HA reinstated the housing benefits for all of those families, although some families that had moved from their homes before contacting us suffered a period of homelessness. Earlier this year, the Sagert Shriver National Center on Poverty Law and Jenner & Block (who provided pro bono services) successfully negotiated with the Housing Authority to reinstate benefits of the remaining families who were not a part of the lawsuits, but whose housing voucher benefits had been terminated. (Kathy Bettcher, Adriana Barr, Sarah Megan, Bernie Sheplarski).

2. **McLean County Housing Authority Voucher Terminations for 64 Families Avoided.** In February, the McLean County Housing Authority notified 64 families that their subsidized housing assistance would end on April 30, 2005, due to no fault of their own. The HA said they had to do it as a result of a $300,000 shortfall in federal funding. Several families sought our help because they faced homelessness for themselves and their young children, and possible job loss if they lost their homes. Working with the Housing Authority, local community agencies, the United Way, and advocates from the Sagert Shriver National Center on Poverty Law, the National Housing Law Project, the statewide Housing Action Coalition, and the Center on Budget and Policy Priorities, we sought to restore sufficient federal funding to enable the MCHA to continue to fund the vouchers for these families. The U.S. Department of Housing and Urban Development (HUD) ultimately agreed to allow the HA to use $299,000 in unused reserve funds to avoid the terminations, an amount sufficient to continue to fund the vouchers that were under lease. Our clients were able to remain in their homes.

The funding crisis came about because of a sudden large increase in the number of vouchers the Housing Authority was administering. Before December 2003, the Housing Authority administered only 22 vouchers. After that, HUD was required to issue 198 new vouchers to replace the subsidized housing units lost by the sale of Lancaster Heights, a 198-unit multifamily...
housing complex subsidized under the Section 236 program. At HUD’s request, the Housing Authority agreed to administer the new vouchers. About 120 of the 198 new vouchers were used by Lancaster residents to remain at Lancaster. With HUD’s approval, the remaining 78 vouchers were issued to families from the housing authority’s waiting list. Funding losses for voucher recipients is a time-consuming process, but by August 2004, the Housing Authority had succeeded in leasing all 220 vouchers to eligible low-income families.

When HUD calculated the Housing Authority’s 2005 funding, however, it failed to take into consideration all of the new vouchers that were non-usable loss. Such failure violated the 2005 Consolidated Appropriations Act which directed HUD to fund housing authorities for 2005 based on their leasing and cost data averages for May, June, and July 2004, but it also directed HUD to adjust, as needed, the costs associated with first-time renewals of “tenant protection” type vouchers like the 198 vouchers the Housing Authority received in December 2003. The Housing Authority was short $830,000 a month needed to support its newly leased vouchers. When the Housing Authority asked HUD to make an adjustment, HUD initially refused. Instead, HUD suggested that the Housing Authority terminate vouchers, essentially making 64 families homeless. Through additional advocacy, HUD agreed to let the Housing Authority use $829,000 unspent 2004 funds for the new vouchers to avoid the terminations. (George Boyle, Sarah Meyers).

3. **E.A. v. Rockford Housing Authority (2nd District Appellate Court, Circuit Court of Winnebago County).** We represented a client who had received a Notice of Termination of her Section 8 benefits from the RHA. The RHA stated that the client had moved out of her apartment without following the proper procedures. The client appeared without counsel at an administrative hearing at the housing authority. A Hearing Officer sustained the decision to terminate the client’s Section 8 benefits. On behalf of the client, we filed a petition in the Circuit Court of Winnebago County for review of that decision by common law Certiorari. The circuit court affirmed the decision of the RHA. We filed an appeal to the Second District Appellate Court, arguing that the RHA had terminated the Section 8 subsidy for a different reason other than the one indicated in the notice. We also argued that the RHA did not prove the basis for termination as stated in the notice and had failed to prove any other basis for termination as provided in federal regulations. The Appellate Court agreed with our first argument and reversed the decision of the circuit court. The Appellate Court remanded the case to the RHA for a new hearing. (David Haydah)

4. **In re D.N. (Elgin Housing Authority).** We represented a client who was being evicted from public housing for violent criminal activity. This client has a history of mental health problems. Her new mental health medication had an adverse reaction. The client believed that she was in danger and that she had to leave her apartment. She believed that she should lock her door, but not to any threats, so she put on a black bra, hooked a J-clip of sidearm to the bra, took two kitchen cutting knives, and went to the Housing Authority lobby. While there, the client began yelling at a chair and made stabbing motions and eventually stabbed the chair. She then left the building. The police found client yelling on the ground outside and took her into custody. The police took her to the hospital because she was “not acting normally and acting like a 5 year old.” The client was entitled to a hearing at the Housing Authority as a prerequisite to any eviction. Before the hearing, the Housing Authority lawyer told us that the client could stay if we provided medical documentation that she was not a danger to herself or others. We obtained three weeks letters from her doctors. Nevertheless, the Housing Authority did not accept them, and continued to assert that she was dangerous. At the administrative hearing, the Housing Authority claimed it did not owe client a reasonable “accommodation” because she was a direct “threat.” Our position was that client was not a threat, and we used the doctor’s statements and eye witnesses to prove it. We also demonstrated that the Housing Authority had not met its burden of investigating or providing a reasonable accommodation. We won at the administrative

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hearing level. The Hearing Officer ruled that our client was not a direct threat and that she should have been given a reasonable accommodation instead of an eviction notice. (Adrian Bare)

5. **In re P.B. (Lake County Housing Authority).** In a case funded with an ESG Lake County grant, we represented a Section 8 tenant who received a letter from the Lake County Housing Authority threatening her with termination of her subsidy. They alleged: 1) that her brother was still living with her although he was no longer on her lease; and 2) that she was paying for the electricity in her building in violation of her agreement with the Housing Authority. The letter allegation was true. The letter informed the client that to continue her participation in Section 8, she and her landlord had to agree that she be reimbursed for the utility payments, and she had to provide proof that her brother was living elsewhere. The letter gave her until the end of the month to request an informal hearing. The client asked the landlord to reimburse her utility payments, and he refused, and was unable to provide any proof with respect to his brother’s residence. However, she did make a timely request for a hearing, and we represented her in that proceeding. We were able to obtain a letter from client’s father stating that the brother now lived with him, and despite his hearing nature, we were able to admit it as evidence at the appeal hearing. As to the utility issue, we produced Client’s lease, which nowhere required the landlord to pay for the electricity. Although Housing Authority documents placed this responsibility with the landlord, the client was never notified regarding the documents or the landlord’s responsibility with respect to utilities. The client testified that a few years before, some of her relatives had needed a place to stay. In return for an agreement by her to pay for the electricity, the landlord put them in the basement of the building where the client lived. The client testified that she thought she was paying just to provide electricity for the basement; she was unaware that she was paying for electricity for the entire building. When she became aware of the fact, she confronted the landlord, but he refused to change the utility back to his name. The relatives left not long after, but the client remained saddled with the electric bill. The client also testified to having suffered a several strokes, and being very prone to confusion and having difficulty dealing with practical problems. Our theory of the case was that a disabled, easily confused woman was victimized by a dishonest landlord, and that the failure to get reimbursed by the landlord was not her fault. The Housing Authority Hearing Officer issued an opinion in favor of our client. (Karen Baker).

6. **J.G. v. W.R. (Circuit Court of McHenry County).** In a case funded with a McHenry County Senior Citizens grant, we represented a client who was referred to us on the day that his landlord was to receive possession of the premises, following a default judgment in an eviction action. We filed a motion to vacate the default judgment, which stayed the immediate eviction. The motion was granted, and we negotiated with the landlord to provide the client adequate time to vacate the premises. The amount of rent owed is in dispute and that part of the case is on-going. (Geri Dolan)

7. **In re R.B. (Elgin Housing Authority).** We represented a client who received a notice from the Housing Authority that they were terminating her Section 8 housing benefits for her son’s actions. The Housing Authority claimed that client’s son was involved in violent criminal activity due to arrests for aggravated battery and mob action. We represented the client at an administrative hearing. The Housing Authority had discovered the arrests in a public records search for arrests cross referenced with Section 8 participants and household members. At the hearing, the Housing Authority did not tender any evidence other than those records. We objected to their admission as hearsay, and because there was a lack of proper foundation. Moreover, we advocated our position that the son’s actions did not constitute “violent criminal activity” as defined in the EHA Administrative Plan. We presented the client’s landlord as the only non-party witness and her testimony was that client and client’s son were model Section 8 tenants. We won at the administrative hearing level. The Hearing Officer ruled that our client did not participate in

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"violent criminal activity" as defined in the EAH administrative plan. (Adrian Barr)

8. J.A. v. R.H. We met this client (J.A) through our Hispanic outreach program in a collaboration with Neighborhood House. He had entered into a Contract for Deed for property owned by R.H. for a purchase price of $28,000, with payments of $840/month. R.H. assured J.A. that the home was free of major problems, so the client paid a $4,500.00 down-payment and signed the contract for deed. He did not have the house inspected due to lack of sophistication in real estate dealings. Upon moving into the house he found that water was leaking in the bathroom, so he changed the plumbing. The roof was in major disrepair and needed immediate replacement. The windows were rotting out and needed replacing. The gas furnace did not work properly so that J.A. was paying $400.00 per month in heating costs. The stairs were decaying and J.A. fell through the stairs causing serious injury to his leg. He did not have the financial means for major repairs. The Health Department inspected the house and told them they could not live in the house, so they moved in with J.A.'s mother. Later, the client found out that R.H. had a history of taking advantage of Hispanic neighborhoods by selling homes in disrepair. We referred the case to a pro bono attorney. Attorney Paul Giffin held negotiations with R.H.'s attorney over a 3-month period. He was able to negotiate a settlement involving a large cash payment to our client from the seller, representing a majority of the expenses incurred for the monthly payments, repair expenses, and J.A.'s hospital bills for the injury to his leg, and releasing our client from the contract. The parties each signed a Mutual Release. Our Hispanic outreach clinic has proved to be a valuable resource for the Hispanic community. (Sandra Crow, Pro Bono Coordinator; Paul Giffin, Pro Bono Attorney)

9. K.A. v. W.W. (Circuit Court of Rock Island County). W.W. spoke to two different attorneys in our telephone counseling service. She had just learned that her landlord had obtained an order to evict her based on non-payment of rent, and was planning to have the sheriff move her out of her apartment in 3 days. She was not able to move out in 3 days and claimed she had never received notice of any lawsuit. By using the Circuit Clerk's website, we determined that the landlord filed an eviction suit, that the client had been served, and that there was a default judgment granting the landlord possession of the apartment and $892.50 plus costs. We gave W.W. detailed information about how to file papers for a motion to vacate the default judgment (because it was less than 50 days old and W.W. denied having been served), how to get a hearing date for her motion, and how to notify the sheriff's office to prevent an eviction until the judge ruled on her motion. Two days later, the client told us that she filed the motion and served it on the landlord, but had failed to get a court date or to bring a copy of the motion to the sheriff. We told the client to do both of these things, which she did later that day. Although the court denied the motion based on the sheriff's return of service, W.W. was able to gain additional time to prepare to move rather than being evicted on only 3 days' notice. (Christine Wise, Judy Goodie)

10. W.C. v. Eastlake Management. We represented a client who lived in a subsidized Section 8 apartment, but who received a notice from her current landlord stating that she owed $1,532 in rent. She had lived in the apartment for only 6 months and her portion of the rent was only $153 per month. The other $858 per month was the subsidy provided through the Section 8 program. Previously, the tenant had lived in another Section 8 project-based apartment complex. After she moved to her present residence, the management of her former residence (Eastlake) continued to bill for rent under the Section 8 program, claiming that the tenant moved out without giving them written notice of termination of her tenancy. While there had been no written notice, the on-site manager there had known of the move because the tenant had turned in the apartment key to her. Eastlake improperly continued to take the Section 8 subsidy which meant it was not available for the client's tenancy at her present residence. When her current landlord was unable to receive that subsidy, they billed the client for the full rent. We decided to enter into
negotiations with Eastlake. We demonstrated to them that their lease was ambiguous about the requirement of providing written notice to terminate the tenancy. After Eastlake became convinced that we were not going to go away, they released the wrongly obtained subsidy back to HUB, so it became available for the tenant’s present home and she was able to clear up her current rental arrears.

(Lawrence Smith)
11. **In re S.C. (Lake County Housing Authority).** In a case funded with an ESG Lake County grant, we represented a client who had been renting a single-family home with the assistance of the Lake County Housing Authority through the Section 8 voucher program. Ms. H., her husband and several minor children had been living in their home for many years. Ms. H. has a learning disability. Her husband had become unemployed recently and was suffering from medical problems, making their financial situation difficult. The Housing Authority issued a notice stating that her Section 8 voucher benefits would be terminated for failure to report her son’s Social Security income for several years and demanding repayment of thousands of dollars. The client denied that she had been receiving that income for years, and denied the implication that she had tried to defraud the housing authority. The son’s income was a new development which she admittedly had failed to report at her last re-certification.

The client requested an administrative hearing to appeal the termination. If the family lost the section 8 voucher, given their financial situation, they would not be able to pay for housing. We represented Ms. H. at the hearing. We proved that although her son had been receiving benefits for several years, the benefits had been going to the biological father (from whom she was divorced). She became aware of the benefits and was made payable only after she applied for SSI for her son. We proved at the hearing that she had not been receiving those benefits for several years but only for a few months. The overpayment was not several thousand but only a few hundred dollars. With regards to the admitted failure to supply the correct information at the last re-certification, the client stated she did not report the dependent benefits because the Social Security Administration had told her that it was not income. The hearing officer acknowledged that Social Security frequently tells people that dependent benefits are not income. Further, we provided evidence that she had a learning disability and that although she had read the re-certification questions and answered them to the best of her ability, she did not know that she was supposed to give information about her son’s benefits. Based on the Fair Housing Act, we requested a reasonable accommodation of her disability, i.e., that she have an opportunity to repay any overpayment actually due and be allowed to keep her voucher. We argued that in many years in the Section 8 voucher program, she had never had any problems and had always been scrupulous about reporting changes in income. The hearing officer issued a decision indicating that the client had not been attempting to defraud the housing authority and that she should be given a chance to pay anything owed to the housing authority based on the income she actually received as payee for her son, giving her time to enter into a repayment schedule, and most importantly allowing her to keep the Section 8 voucher. (John Quintavalla)

12. **Rock Island Housing Authority v. P.H. (Circuit Court of Rock Island County).** In a case funded with a DCA grant, we represented a mentally disabled mother of two. Her only income was disability benefits. The client’s own mother at times handled the client’s finances due to her disability. The housing authority sought to evict the client for missing a single rent payment. Although the Housing Authority allegedly sent a 5-day notice, the Client did not recall receiving one. The housing authority filed an eviction action, without giving the client further opportunity to catch up on her rent. We made a demand to the housing authority for reasonable accommodations under the Fair Housing Act. We argued her mental disabilities impaired her ability to handle finances, as well as possibly impairing her ability to remember or understand the importance of the eviction notice that was allegedly sent to her. We requested that the housing authority allow her an opportunity to pay her past due rent, especially if the client’s mother would continue to handle client’s affairs. We negotiated an agreed court order with the housing authority, whereby client would keep her housing if back rent was paid and future rent was timely. Unfortunately, the client’s mother subsequently was late paying client’s rent, because she had to leave town for a funeral. The housing authority then sought to immediately evict the client again in the same lawsuit. We successfully argued to the court that, given the extraordinary circumstances of a funeral, the late payment should be excused. Client was thus able to keep housing for herself and her children. (Rob McCoy)
In a case funded with a DECHA grant, we represented a single mother who had one child and lived on a monthly income $507. The client lived in a private apartment where the ceiling partially fell in due to leaks in the upstairs apartment. She called the building inspector who told her that the conditions were so bad that she should have to move. However, the client needed time to find another apartment, and asked the landlord to make the necessary repairs. He refused. She then withheld rent payments and the landlord sought to evict her. We represented the client in the case. We raised the affirmative defense that the landlord breached the implied warranty of habitability, arguing that the conditions of the apartment were so bad that she did not owe the rent claimed. At trial, the judge largely agreed. He ruled that the client did not owe $500 of the rent owed, and that for the remaining rent sought by the landlord, the client could either pay it in ten days or move. The client elected to move. Our representation achieved additional time for the client to locate habitable housing and avoided liability for excessive rent charges associated with unsafe housing. (Rob McCog)
with a grant from the U.S. Department of Housing and Urban Development, we represented a client in an eviction lawsuit based on the client’s failure to make installment payments under a contract for deed. At one point, the client had owned the property in fee simple, subject to a mortgage. However, the client was facing foreclosure on that mortgage. She then sold the property to a real estate company which paid off the mortgage and entered into a contract for deed with the client. We defended the eviction with a defense that the transactions, both the purchase of home and contract for deed, were unfairly predatory on the part of the real estate company. The purchase price was $824,400, which was probably a fair price for home considering that client was in foreclosure. However, even though client’s mortgage payoff was just $154,000, she received no money whatsoever from the sale of the house. Although some of the closing costs were appropriate, most of them were paid to the real estate company and to a consultant with whom the company appeared to be acting in concert. If the home had been sold in a conventional real-estate transaction, the client could have expected to realize thousand dollars in cash from this particular transaction. In addition, the contract for deed called for client to make two years worth of installment payments totaling $56,000 for the right to buy the home back at the end of that time for the price of $809,383. The amount of the monthly installment payments were far in excess of the $4,600 monthly fair-market-rental-value for the home.

After much negotiation, we settled the case. After a period of time, the client agreed to give up possession of the home. In return, the plaintiff’s agreed to dismiss its claim for all of the unpaid installment payments that were due under the contract. Given the period of time the client had lived in the home without making any payments (over 10 months), the client effectively lived rent free in the property for that period. Given the monthly fair-market rental value of over $4,600, client thus recaptured over $76,000 of the equity she lost in selling the home in a predatory transaction. (Robert Terbitt)

V.S. v. Peoria Housing Authority (Circuit Court of Peoria County). We represented a client who was subject to a default eviction order (with an amendment for rent) obtained by the Housing Authority for non-payment of rent. The non-payment occurred when our client had no income. The PHA had failed to notify her that tenants with no income can obtain a federally required "financial hardship exemption" from paying rent. We filed a motion to vacate the judgment, claiming she did not owe the rent because she had no income, and because the PHA failed to notify her of the exemption. The court granted the motion. Unfortunately, the PHA also failed to credit our client for rents she did pay during the period she had no income, and we had to file an independent suit against the PHA to recover the overpaid amounts. The judge ruled against our client at trial of our affirmative suit, not being convinced that the PHA had the burden of advising the client of the financial hardship exemption. We filed a motion vacate the judgment from our affirmative suit. We asked the court to reconsider the matter in light of a newly announced HUD policy that backed up our position that the PHA had the duty to notify. Around the same time, the PHA also had demanded that our client pay an additional $10,000 in back rent (not alleged in the eviction suit). That amount was based on the
client's retroactive receipt of SSI benefits based on a period of months predating the finding of eligibility by Social Security. However, we demonstrated to the PHA that by law, lump-sum retroactive SSI payments do not count as income, and should not have been considered in the rent determination. Following our motion to vacate, the PHA saw the reasonableness of our position and wanted to end the dispute. They agreed to drop the eviction suit, give our client credit for the wrongfully charged rents, and erase the improperly charged rents of $810,000. (Dan Smith)

18. E.D. v. County Place Apartments. In a case funded under Title III of the Older American’s Act, we represented a 77 year old man with severe physical problems which make it difficult for him to walk far. At one time, his apartment complex had parking spaces assigned for each apartment. The spaces were located in front of and in close proximity to each unit. Unfortunately, the complex eliminated assigned parking. Mr. D. often had to park hundreds of feet away from his unit, and the walk was a severe burden, especially when carrying groceries. The complex offered to put up a handicapped parking space near Mr. D’s apartment; however, that space was available to anyone, making this solution unacceptable. We researched fair housing law and found support in the Fair Housing Act and regulations, HUD information, and case law to support Mr. D’s claim to a personal, reserved space close to his apartment. We contacted the attorney for the complex and supplied him with our authority. The complex went back to their policy of reserving spaces for apartments and painted the apartment numbers on the spaces in front of the units. (Dan Brehm)

19. Knox County Housing Authority v. M.M. (Circuit Court of Knox County). We represented a 69 year old resident public housing who began having problems with her neighbors and housing authority staff. She believed others were plotting against her and attempting to poison her. After several incidents with her neighbors, including one for which the police charged her with disorderly conduct, the housing authority sought to evict the client. The eviction notice alleged that she verbally abused, struck or threatened to strike several residents, including a threat to stab one, and that she threw a telephone receiver at a housing authority staff member. Although the client initially denied all of the conduct alleged against her, we determined the allegations against her likely were true and caused by a mental illness. The client proved to have had an extensive history of treatment for mental illness, but had been without treatment for some time. When we advised the client that federal and state anti-discrimination laws could provide her with a defense to an eviction case she would surely otherwise lose, she agreed to seek further mental health treatment. We asked the housing authority to suspend its efforts to evict her pending her mental health treatment, as a reasonable accommodation to her disability under the Fair Housing Act and Illinois Human Rights Act. The housing authority agreed, and the client resumed taking prescribed medications. Her mental health careworker reported the legal advice we gave Mary help lead her to comply with her treatment, and her conduct improved immensely. The housing authority was satisfied with this outcome, and dismissed its eviction case against her. (Mark Kelly)

PUBLIC ASSISTANCE / FOOD STAMPS

1. In re B.J. (Illinois Department of Public Aid). In a case funded with a HUD homeless grant, we represented a client who had been homeless for several years, and without any income. He had lost all of his possessions over the years, including all forms of identification. The client was prevented from filing any application for employment or public benefits, due to his lack of a photo-identification card or driver's license. We assisted the client to obtain the documentation needed to obtain a State
Identification card, including birth and school records. The client was able to obtain a State Identification Card, and used the identification to apply for an existing food stamp, a medical card, and public housing. He also applied for disability benefits and that application is pending. (Kerry O’Brien)

2. In re MGH. (Illinois Department of Public Aid). In a case funded with a grant under Title III of the Older Americans Act, we represented a senior client who owned a house in joint tenancy with her sister. The client’s sister became ill and moved into a nursing home, paid for by Medicaid. Many years later, IDPA placed a lien of $172,829.00 on the client’s home, the cost of the sister’s Medicaid funded nursing home stay. Our client had limited resources and badly wanted to refinance her home so she could pay off her debts. Given the IDPA lien on her home, mortgage companies were refusing to refinance her property. We entered into negotiations with IDPA. We convinced them that they had placed this lien in error according to their Policy Manual. The applicable policy states that IDPA will not seek a lien on a property where the client’s brother or sister lives, if the sibling has lived in the house for at least one year before the Medicaid recipient went into the medical institution, and the sibling has an equity interest in the house. That was exactly the situation of our client, she owned the property in joint tenancy with her sister, who went into a medical institution. She and her sister had lived in the applicable home for a number of years before the client’s sister went into the medical institution. Thus, IDPA placed the lien in error. Because IDPA agreed they placed it in error, IDPA filed a release of lien. The client was subsequently able to qualify for a reverse mortgage. Client was overjoyed that she had enough money to pay off her debts and extra money from the reverse mortgage. (L. Myers)

3. In re DDC. (Veterans Administration). In a case funded under Title III of the Older Americans Act, we are representing a 73 year old widow whose husband served in WWII. When he died a little over one year ago, Mrs. D received a widow’s pension to assist her with expenses. Unfortunately, this program is needs-based, and Mrs. D’s income was too high to continue to receive the benefit. During the first year, there are many expenses allowed from the care and death of the veteran, which made her eligible. However, after the first year, these expenses are no longer available as deductions and she was notified that her pension would stop. During our research, we discovered the VA’s Dependency and Indemnity Compensation program for surviving spouses of deceased veterans. One way to be eligible is for the veteran to have been continuously rated totally disabled for a period of 10 or more years immediately preceding death. The client’s husband was considered 100% service connected disabled and had been so for at least 10 years. We assisted Mrs. D in completing and submitting an application for the DIC program, and we are awaiting a decision. (Don Dick)

4. In re AEC. (Illinois Department of Public Aid and Illinois Department of Employment Security). In a case funded with a HUD homeless grant, we represented a client who applied for food stamps. IDPA denied the application on the basis that he had voluntarily quit his employment as a maintenance worker for City of Waukegan. The client also
received a denial of his application for unemployment insurance (UI) benefits because his employer claimed that he had not quit, but had been discharged for misconduct - not calling in to his employer 4 days in a row when he stayed home sick. The client appealed both decisions, and we agreed to represent him in both matters. We first represented the client at the telephone appeal of his unemployment denial. The client testified that on the first day, his boss sent him home, and that on the second day, he called in sick and left a message with his boss’ secretary. The client’s friend testified that she phoned in for him on the third day of his illness and that on the fourth day, she went in and spoke directly with his boss about it. She testified that the boss told her that the client must bring a doctor’s note with him when he returned to work. The client did not see a doctor, and when he returned to work on the fifth day he was told his employment was terminated. The employer did not call any witnesses. The Referee found in favor of our client because there was no evidence that he violated any employer policy and his actions did not indicate any willful and deliberate misconduct. That solved the UI problem, and he became entitled to UI benefits. Next, we had to resolve the food stamp problem. All we had to do was fax a copy of the Referee’s decision to the public aid caseworker. That decision made it clear that the client had not voluntarily left his employment, and IDRA then qualified the client for food stamps. (Both Amy)

3. In re A.E. (Illinois Department of Human Services). We represented a client who applied for TANF. At the DHS office, she set up a Responsibility and Services Plan. Pursuant to the Plan, she was to attend an appointment to set up a GED program later that same day. The client has 2 small children and told the caseworker that her mother would babysit for her. When she went to her mother’s house, the client discovered that Mom was sick and could not care for the children. The client called the school the same day to tell them the reason she could not attend, and she left a message for her caseworker to this effect. The following day, her TANF caseworker told her that DHS was denying her application for TANF due to her failure to attend the school appointment. Client appealed. At the hearing, we argued that the client had good cause for missing appointment. The client could not have confirmed mom’s availability to babysit while she was still at the DHS office because her Mom had no telephone. The hearing officer agreed she had good cause and client then received cash benefits for 3 months. But this is another client who found the DHS/TANF requirements so hard to meet, that she refused to apply again. (Joyce Bingham)

VOCATIONAL REHABILITATION HOME SERVICES

4. In re L.K. (Illinois Department of Human Services / Division of Rehabilitation Services). Part I. In a case funded by a grant from the Client Assistance Program of DORS, we represented a client receiving vocational rehabilitation (VR) services from DORS. The client has severe bipolar disorder, but is very intelligent, with a college education. She frequently obtains jobs, but has difficulty keeping them. She needs VR to maintain work because she can be a very difficult person with whom to work due to the primary symptoms of her disorder - manic episodes in which she has racing thoughts, grandiose ideas, and an inability to listen to those who are trying to advise her. As a result of these symptoms and frustration with the way DORS was providing services, she signed a paper agreeing to let DORS close her VR case. She immediately regretted signing it, but DORS had already issued a case closure notice. We assisted the client to file an appeal, and informed the DORS that the case should not be closed on the assumption of agreement. DORS held a hearing and the matter was set for a hearing. As a case settlement conference, DORS based case closure not only on the client’s agreement, but also on her supposed inability to benefit from VR services. We argued that, under applicable regulations, an ability to benefit from services is not a permitted criteria in determining eligibility for an individual who is disabled as defined by Social Security Act is it a basis for closing a VR case. The Department agreed to withdraw its case closure notice. Part II. We then worked closely with the client and DORS to establish appropriate VR services. Despite initial success, the relationship between client and agency broke down, in part due to the
client's mental impairments and in part due to DORS action. Subsequently, DORS issued another cease and desist notice, based on an inability to benefit from VR services. Indeed, the client's mental impairments made it extremely difficult for her to benefit. However, this was the same basis that we had earlier convinced DORS was inadequate to close a VR case for a person found disabled by Social Security. We filed another appeal, and advocated to ensure that services would continue pending the appeal. During that time, we continued to work with DORS to help her benefit from services. The hearing took place over the course of several days and included expert witnesses. We also argued that the Department had violated the ADA by failing to accommodate the client's disability. The client's psychologist testified specifically about the nature of the client's disability and the specific steps which could be taken with her most effectively. The Hearing Officer upheld the decision to terminate services. Based on the severity of the client's condition, her interests, and the expressed wishes of the client, we did not pursue an appeal. We were successful, however, in having kept the client's VR case open for an extra year and a half with services ending at least a portion of that time. (Linda Rothman)

2. Radziwon v. Maram (7th Circuit Court of Appeals). See 383 F.3d 359 (7th Cir. 2004). This is an update on a case pending for five years. It involves life-saving nursing services for our young client. Our client requires round the clock nursing care. He had brain cancer and suffered a brain stem stroke during cancer treatment. He survived, but has remained very medically fragile, needing 24 hours/day skilled nursing services. Initially, his family's health insurance covered round the clock skilled nursing services in his home. When this insurance expired out, he became eligible for Illinois' Medically Fragile Technology Independent Children program, a Medicaid waiver home and community based services program. He received nursing services in his home from registered nurses 16 hours/day. His parents, having received special training, provided care the remaining 8 hours/day. Illinois provided this level of services for him because it determined that the home nursing care cost less than care in the hospital setting it would otherwise require. As he turned 21, Illinois notified his family that in the Medicaid waiver program for disabled adults, he would be allocated funding sufficient only for 5 hours/day home nursing services. His parents, unable to provide 19 hours/day services for him, faced the prospect of placing him in some hospital level institution at Medicaid expense to get the medical care he needed to survive. The State refused to continue the 16 hours/day home nursing services when he turned 21 solely because of his age, not because of any change in his need or the in comparative costs to the State of the care he would need in an institution. We claimed that the State's willingness to cover the institutional cost, but not enough home-based care to enable him to remain at home, violates the integration mandate of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. In Olszynko v. L.C., 527 U.S. 591 (1999), the United States Supreme Court construed the ADA's integration mandate to preclude the "unjustified institutional isolation" of disabled individuals as unlawful disability-based discrimination. Under Olszynko, a state must provide community-based services for disabled individuals where treating professionals find that such treatment is appropriate, the affected individuals do not oppose community-based treatment, and placement in the community can be reasonably accommodated in light of governmental resources and the needs of others with similar disabilities. We lost at the pleadings stage before the District Court, but the Seventh Circuit reversed, stating that "Illinois's unwillingness to continue funding ... nursing care for [our client] at home postulates precisely the type of unjustified institutional isolation for him that Olszynko described as a form of discrimination prohibited by the ADA." The Court found that if the actual services our client was to receive in an institutional setting "add up to the equivalent of around-the-clock, private-duty nursing care" that he required to remain at home, he would be entitled to receive that same care at home under the integration mandate. The case has been remanded for trial to the district court, and the parties are discussing settlement. (Elisa Abraham, Sarah Nevan, Bernie Shapiro)

3. Adell v. Maram. (U.S. District Court, Central District of Illinois). This is one of a trio of cases we recently have brought based on the Supreme Court's decision in Olszynko v. L.C., 527 U.S. 591 (1999). The other two cases were Radziwon (see case description immediately above) and Moeller (see case description above under Health /
Medical / Nursing Home). This case is factually almost identical to the Pardoza case. We represent another young client who requires round the clock nursing care to survive. She contracted meningitis and suffered a brain stem stroke when she was 15 years old. She is on a ventilator, is almost totally paralyzed except for her eyes and mouth, and has other medical complications. She cannot speak. She received 24 hours nursing services in her home daily under the Medically Fragile Technology Dependent Children’s waiver program, as a cost-effective alternative to the hospital care the State otherwise would have covered. When she turned 21 in December, 2004, the State reduced this care by half in the adult home-based care program. We filed suit, using the same claims as described in the Pardoza case, and sought a temporary restraining order and preliminary injunction to prevent the reduction in life-saving nursing services pending the outcome of the litigation. The District Court granted the preliminary relief and the case is now in the discovery phase. Equis for Equality is our co-counsel in this case. (Sarah Meyner, Bernie Shapiro, Steve Gobelhansen from Equis for Equality).

NON-CASE ACTIVITIES

Prairie State Legal Services recognize the important role the organization and its staff play in the communities we serve. On the following pages we have highlighted some of the ways in which Prairie State is involved in promoting access to justice, which do not involve representing a particular client on a particular case.

BAR ASSOCIATION/ COMMUNITY LEADERSHIP ACTIVITIES

All Prairie State professional staff are members of the Illinois State Bar Association, and all attorneys are also members of their local bar associations. But beyond that, many of our staff are actively involved in their communities, either serving on Bar Association committees or serving different roles in various professional organizations, boards, agencies or committees. During the past year, the following staff have been active as noted below:

1. **Joseph Taylor, Executive Director** Joe serves on the IIBA Delivery of Legal Services Committee and as a member of the Illinois Coalition for Equal Justice.

2. **Catherine Kiehn, Supervisor Telephone Counseling Service** For over 7 years, Catherine has served as a board member of the Human Rights Committee of the Countryside Association for People with Disabilities. Countryside provides many services to people with disabilities living in Lake and northern Cook counties, including a work and training center and in-home respite. The Human Rights Committee is comprised of community members. It is the responsibility of the Human Rights Committee to help ensure that the people receiving services from Countryside are treated with the dignity they deserve and that their rights as individuals are protected. As a board member, Catherine did a presentation on the guardianship laws for disabled adults, and have provided Countryside personnel with a copy of Prairie State’s handbook for people with disabilities.
3. **Larry McShane, Paralegal, Waukegan Office.** Larry is a publicly elected member of the non-partisan Regional Board of School Trustees of Lake County. They have quarterly meetings, when needed, to hear parties with school boundary disputes and to issue rulings regarding those issues. He is also a member of the Waukegan Downtown Association which has monthly luncheons and presentations about the re-development of downtown Waukegan. Many elected officials, activist citizens and business leaders attend these luncheons.

4. **Connie Peterson, Secretary to the Executive Director.** Connie is a member and the president-elect of the Waukegan County Association of Legal Secretaries; she is on the Board of Directors for 2005/2006, and she serves as Vice-President and Chair of the Membership and Historian Committees.

5. **Marcy Heaton, Pro Bono Coordinator, Batavia Office.** Marcy is a member of the Delivery of Legal Services Committee of the Kane County Bar Association / Foundation. We continue to explore additional methods of providing legal services to the indigent of Kane County. Marcy is also the Chair of the Paralegal Committee of the Kane County Bar Association. She is a member of the Illinois Paralegal Association and a member of the Elgin Community College Paralegal program advisory board. For the past 13 years, Marcy has been the president of a not-for-profit organization, The Festival Choros in Palatine. She just “retired” from this position.

6. **Laura Meyers, Staff Attorney, Carol Stream Office.** Laura serves on the Board of Directors of Parents Alliance, which is a non-profit agency that seeks to find suitable employment for disabled persons. (Laura Meyers)

7. **Sandra Crew, Paralegal Coordinator, Peoria Office.** Sandy is a member of the Pro Bono Committee of the Peoria County Bar Association. Each year, the Committee takes on a new project to benefit our clients. This year, they did a drive to eliminate the long waiting list for non-abuse divorces. Members of the committee made contact with members of the bar to recruit more attorneys who would either take cases, or agree to be trained to take these cases. Several law firms agreed to take a large number of cases, including: Hejl, Register, Voelker & Allen (20 cases); Quinn, Johnston, Henderson & Peterson (20 cases); and Hechtle & Effelsberger (15 cases). Many individual attorneys also offered to help. Lisa Wilson, the PSPL Managing Attorney and Kirk Bode along with his paralegal Carolyn Aft lead a training at the law firm of Hejl, Register, Voelker & Allen, and held several trainings at the Prairie State office. As a result of this initiative, the Peoria waiting list for non-abuse divorces has been reduced from a 12 month wait to a 4 month wait. We expect that trend to continue.

8. **Elicia Tarkash, Managing Attorney, Carol Stream Office.** Elicia wrote an article entitled “A Practical Guide to Medicaid and Medicare” for the June 2005 issue of the DuPage County Bar Association Brief. She placed emphasis on the practical aspects of representation, such as how to successfully advocate for benefits for clients and how to file appeals. The article was helpful in introducing these two medical benefit programs to members of the bar unfamiliar with them. The article will also help to raise the profile of Prairie State within the DuPage County legal community. In addition, Elicia is a board member of the DuPage Federation on Human Services Reform. This is a social service policy and planning organization in DuPage County, which conducts studies and surveys on issues affecting low income clients. It then makes recommendations on how to better serve
The board reviews the work of the staff and makes suggestions on completed studies as well as studies to undertake in the future. The board consists of representatives of several social service organizations, government officials, and business officials. Egot believe this gives him a broader context and perspective on the work that he does at PSLS, while his participation lends a valuable perspective to the planning dialogue in giving input on legal services issues.

Linda Rothnagel, Managing Attorney, Waukegan Office
Linda serves on the Board of Directors of the Association of Women Attorneys of Lake County.

COMMUNITY RELATIONS AND INVOLVEMENT

The Prairie State Annual Report to the Community
The 2004 Annual Report to the Community focuses on the contributions of our volunteers. We are grateful for the opportunity to pay special tribute to volunteers Arlene Fatovic and Harold Goldman, two passionate advocates for equal justice who passed away recently. In addition, we highlight staff volunteers and pro-bono award-winning attorneys and firms. The 2004 Annual Report features client stories, a list of Prairie State offices, including a case breakdown by office, a financial report, and a Board roster. All contributors to Prairie State Legal Services during 2004 are listed, including foundations, corporations, government agencies, United Ways, and supporters of the Campaign for Legal Services. We are very pleased with the new look of this year’s Annual Report, and we hope you enjoy reading it. (Jeff Hammers)

COMMUNITY LEGAL EDUCATION/OUTREACH

Senior Outreach
With a grant from the DuPage Community Foundation, Maria George serves as our outreach coordinator for our senior project in DuPage County. Her primary responsibility is to increase awareness of available PSLS services to seniors, and of particular laws and programs affecting senior citizens. Too often, low-income persons with disabilities and the elderly are faced with problems without knowing that there is a legal service that can help them to resolve those problems. The outreach effort is helping to build a strong community network of available services to seniors and low-income persons.

Through her efforts (general mailings, phone calls, senior fair attendance, etc.), seniors, low-income persons, and social service agencies have been able to find a resource that can address their legal questions or at least provide an appropriate referral. In her general mailings, she explains our services and offers speaking presentations on what we do and our willingness to address specific legal issues. If more information is requested on a specific legal issue, Maria will coordinate the effort to have the staff attorney meet with that particular group. As a direct result of her efforts, our DuPage office has received numerous calls from seniors and agencies seeking legal guidance. Maria also keeps the local libraries, churches, and various community agencies stocked with copies of our pamphlets. (Maria George)
2. **Outreach to McHenry County Seniors**. With a McHenry County Senior Citizens grant, we expanded outreach to that county’s senior citizen population. We hired staff attorney Geraldine Delaney to run our new McHenry County Senior Citizens Legal Services Project out of our Woodstock office. Geri is dedicated to providing for the critical legal needs of the low-income senior population of McHenry County. She has become an active member of the McHenry County Senior Task Force networking with over fifty advocates for senior citizens from all areas of the senior support community. McHenry County Township provides office space to Prairie State to schedule appointments to accommodate seniors who reside on the east side of the county. Geri speaks to various senior community groups and distributes information and publications at senior events. The 8th annual Hearthstone Senior Fair will be held in Woodstock this September. This event attracts over 2,000 seniors from throughout the county. We are excited that for the first time Prairie State Legal Services will be a participant at the Fair. This event will provide an excellent opportunity to distribute our materials and Senior Handbook to as many seniors as possible. As a result of the Project, the Woodstock office of Prairie State has seen a marked increase in the number of seniors contacting our office and receiving legal assistance. (Geri Delaney)

3. **Health Care Advance Directives**. With a grant under Title XIX of the Older Americans Act, we have held numerous clinics to prepare Powers of Attorney for Health Care and Living Wills in the five-county area served by our Peoria office. Since June, 2004, we made 49 presentations to 1,104 persons. In the same time period, we prepared these kinds of advance directive documents for 151 persons who attended these clinics. The clients who have health care directives are more comfortable and at peace about end of life decisions and care. They feel their dignity at that time will be kept intact. (Lori Liverford, Henry VanderHeyden)

4. **Advance Directives for Care-giver Support Group**. Our Galesburg Managing Attorney was the guest speaker at Heartland Healthcare Center in Canton, Illinois for their care-giver support group. The group was interested in powers of attorney, living wills and advance directives. She provided the group sample forms and background information on the preparation and uses of the various forms. Moreover, she gave the group information about the services of Prairie State, and she furnished copies of our Senior Handbook. Many were very excited to receive the Handbook because it contains much information regarding issues the care-givers deal with on a regular basis. At the end of the session, she answered a variety of questions concerning legal matters confronting seniors, including issues related to advance directives and nursing homes. (Tracey Merenghi)

5. **Informational Fair**. Our Galesburg Managing Attorney participated in an informational fair at Moon Towers in Galesburg, which is a local senior residential center. Various social service agencies in the area had set up booths with informational materials available for the residents. By participating in the information fair, we were able to inform the seniors and other residents of the services available at our office and were able to answer some basic legal questions posed by the residents. Many residents were pleased to find out about our office and that we are available to help them with various legal problems. (Tracey Merenghi)

6. **Outreach at Homeless Shelters**. With funding from a HUD homeless grant, Kerry O’Brien visits homeless shelters for client intake and consultation. He visits two different homeless shelters each week, including one visit to an overnight shelter. This attorney visits over 20 different shelter locations annually. Since this outreach began five years ago, our client intake for the homeless has more than doubled. (Kerry O’Brien)
7. **Senior Outreach in Kankakee and Iroquois Counties.** Emily Howard volunteers several hours each week to perform outreach to senior citizens in Kankakee and Iroquois County. She has made presentations at many of the senior citizen housing complexes, congregate meal sites, and senior centers in these counties. In addition, she has contacted churches and other organizations in many of the small towns in our service area, greatly increasing our presence in those rural areas. (Mike O’Connor, Emily Howard)

8. **Senior Outreach in Kendall County.** With a grant under the Kendall County Senior Citizen Property Tax Levy, Larry Neff works part time for Prairie State performing outreach to senior citizens in Kendall County. That county, including the communities of Ogden, Yorkville, and Plano, is 70 miles from the Kankakee office. Before we hired Larry, it had been difficult for Prairie State to maintain a presence in those communities. Larry attends the monthly meetings of Kendall County agencies serving seniors, so that we are aware of local issues. Larry also performs regular outreach at senior centers and churches throughout Kendall County. Prairie State is serving far more Kendall County residents as a direct result of these efforts. (Larry Neff)
1. **Campaign for Legal Services.** The Campaign for Legal Services is a critical part of the funding of civil legal services. This year over 100 attorney volunteers, working together in local committees, gave their valuable time and resources to provide leadership for the Campaign for Legal Services which seeks to obtain financial contributions from attorneys to support legal services. Our volunteers strongly believe in the importance of equal access to justice. They demonstrated the depth of their belief by personally donating to the Campaign, and they ask their friends and colleagues to follow their example. The Campaign has been very strong this year, with many offices setting new records for funds raised. Between August 2004 and July 2005, volunteers generated nearly $360,000 in gifts, pledges, and in-kind contributions from 1,075 attorneys, law firms, and corporate and individual donors. Funds raised for the Campaign will provide the resources needed to close an estimated 988 civil legal cases this year. Funds are used to provide services in the communities in which they are raised. We are pleased to announce that this summer the Galesburg office launches its first ever Campaign for Legal Services. Good luck Galesburg! (Jeff Hamaker)

2. **Legal Aid 2005 (Peoria).** Each year the Peoria PSLA office holds a fundraiser to increase funding for our local service area. We held Legal Aid 2005 on February 25 at the Par-a-Dice Hotel, East Peoria, Illinois. The Shipters, a band comprised of local attorneys Greg Bell, Mike Led, and Keith Broskich, provided the music. Other band members include Guy Fountain, Jason Led, and paralegal, Deborah Wallace. At this year’s event, 350 persons attended and we raised $9,650. The band donates their time in a very unique way to provide pro bono services to our office. This year, Commerce Trust Company, a division of Commerce Bank, and the Par-a-Dice Hotel sponsored the lavish appetizer buffet that was available throughout the evening. The Shipters at Grand Prairie donated a $1,000 gift certificate, for which we sold raffle tickets. Various local restaurants donated gift certificates as door prizes. The event brings much needed funding to our service area. The fundraiser has become a much awaited social event, so it is a way of raising funds in a way that benefits everyone. (Sandra Crow, Pro Bono Coordinator; Lisa Wilson, Managing Attorney)
McLean County Bar Review. The Bloomington office hosted its Seventh Annual McLean County Bar Review on April 28, 2005. This year’s event, which took place at the Castle Theater, a newly renovated vintage theater in downtown Bloomington, was entitled “Hooray for Law-lyood” and was styled as an academy awards ceremony. Guests entered the theater via a red carpet and were treated to an evening of skits and performances featuring local attorneys, judges, paralegals and other members of the legal community, who volunteered their time to help raise funds for the Bloomington office. Film clips from movies portraying the legal profession were interspersed with the live performances. The event was a great success, raising more money for the office than any previous fundraiser and taking place before the first sold-out, capacity crowd to attend a Bloomington office fundraising event. “Hooray for Law-lyood” was not only a success financially, but also provided those who attended with an entertaining evening and a chance to celebrate together our community’s commitment to access to justice. (George Boyle, Jerry Fitt, Kathy Berg, Janet Allen, Anita Anderson)

Rockford’s Legal Follies 2005. A record crowd of 1,945 people bought tickets for this very popular annual fundraiser for the Rockford Office of Prairie State Legal Services. This year’s original show “Rockford on the Rocks” was performed in the Coronado Theater in downtown Rockford. The event included a pre-show party for donors to the Legal Follies and the Campaign for Legal Services, held in the renovated Art Deco apartments in the same building. After the show, we held a Cast Party at a local restaurant. Besides rave reviews from attendees, the show also raised slightly over $40,000 for the Rockford Office. (Joe Daiiling)

INTER-AGENCY ACTIVITIES

Internship /Kaplan College. For a period of approximately two months, we had an intern from Kaplan College work in our Galesburg office. The intern was finishing her degree in paralegal studies and was required as part of her course work to do an internship. The intern assisted the attorneys in case preparation, document drafting, and general case work. It also provided her with experience working in the legal field and with low income clients. She was able to have direct communication with clients and work closely with attorneys. (Tracey Mergener)
2. **Heart of Illinois Homeless Continuum of Care.** We are members of the Continuum, which consists of local agencies, businesses, and government entities organized to end chronic homelessness in the Peoria area. The Continuum seeks to provide individuals and families who are homeless or at-risk of becoming homeless with a more coordinated and proactive access to needed resources. Kendra Crew, our Peoria Office Pro Bono Coordinator, is a member of the Homelessness Strategic Planning Committee of the Continuum. This Committee works to develop and review/revision the long-term plan to end homelessness. In January, 2005, they took to the streets in the evening hours to do a count of homeless persons and to interview those who had come to the various homeless shelters. The purpose of the interview was to gather information about the reasons for their homelessness and the resources they needed to overcome their homelessness. Prairie State works each day to prevent homelessness by stopping illegal evictions, maintaining housing vouchers, attending grievance hearings and referring persons to appropriate agencies for additional support. By working together with other agencies, we can take advantage of all the resources available in a more holistic approach in making a difference in ending homelessness. (Kendra Crew)

3. **Safe Harbor Family Crisis Center / Money Management Board / Knox County Teen Court.** Tracey Mergener, our Galesburg Managing Attorney works with a number of local Galesburg agencies. She is a member of the board of Safe Harbor Family Crisis Center in Galesburg. She is also a member of the Money Management Board, which is sponsored by a group called Alternatives For Older Adults. The Board provides volunteers to look up with Social Security recipients to act either as their payers or as a bill payer to assist them with their finances. Tracey also is a member and volunteer judge for the Knox County Teen Court program. This is a diversion program for first time youth offenders in Knox County. (Tracey Mergener)

4. **“M-Team” meetings in DeKalb County.** Charlene Riffel, Staff Attorney in the Batavia Office, participates in monthly Multi-disciplinary “M-Team” meetings in DeKalb county. The group consists of elder services, including elder abuse, a bank representative to address financial exploitation, local law enforcement, social services and Prairie State Legal Services. Charlene provides a legal perspective to cases addressed by Elder Care Services. This involvement has resulted in a tenfold increase in number of senior case referrals to ILSP during the past year. The issues include elder abuse, one case requiring an order of protection, property matters relative to alleged abuse, public benefits, divorce, guardianship, and Powers of Attorney. (Charlene Riffel)

5. **Advisory Board of the local DHS / ADP office.** Elicot Abernabel is a member of this Board. It provides community input to the local office on issues affecting the delivery of services by the DHS / ADP office. This is an important activity for our office because it provides useful information about policy and personnel changes at the local office. It also offers a valuable vehicle to provide feedback to the local office administrator on the effectiveness or ineffectiveness of that office. (Elicot Abernabel)

**NEW PROJECTS**

1. **Fair Housing Initiatives Program.** With a grant from HUD, the FHIP project provides broad education and outreach activities with respect to rights under the Fair Housing Act and how to enforce those rights. Funding from
HUD a year to year. Our very successful initial project ran from April 1993 to April 1994. Although HUD did not immediately re-fund our application for continuation funding, HUD awarded Prairie State an $80,000 grant to conduct a Fair Housing Education Project in the 35-county Prairie State service area from January 1, 2005 through December 31, 2005. The project team consists of six Prairie State staff, located in the Carrol Aremen, Galilee, Washkappa, and Rockford offices. In this project, lead by Galesburg staff attorney Mark Kelly, we are delivering a series of informal legal education presentations at individual community-based organizations which separately work with one or more populations protected by the Fair Housing Act and with homeless populations, and which cumulatively cover all protected classes. We also are conducting three (3) broad-based public workshops (more extended formal training sessions) in Rock Island, Rockford and Peoria. These sessions, geared to be interactive with the audience, cover fair housing issues and related legal information of interest to renters. In addition, the project has developed two (2) new booklets that provide targeted Questions and Answers on Fair Housing. One is geared to issues faced by new immigrants and Hispanic renters, and the other to issues faced by the homeless or those at risk of homelessness, including battered women and people with mental disabilities. The booklets are being disseminated to tenants at the presentations and workshops, and to newspapers for publication in many of our communities. Also available to the general public is updated fair housing information we have placed on two important statewide legal information websites, www.jodegal.org and www.illinoislegalaid.org. Finally, the project is conducting a formal study of homeless persons and their advocates to determine the extent to which housing discrimination contributes to homelessness, and we will analyze and report the results to HUD. We have applied for a continuation grant from HUD for 2006. Anyone who wants or needs fair housing materials should contact Mark in our Galesburg office. (Mark Kelly, John Quintanilla, David Wolowitz, Lisa Elliott, George Bruce, Jeff Haimster)

2. **Senior Citizens Handbook** This Handbook is one of Prairie State’s most popular publications. Taking advantage of grants from McHenry County and from Northeast Illinois Area Agency on Aging, we are updating the Handbook, given changes in the law since its last publication in 2002. Moreover, we are adding new sections on the new Medicare Part D program (prescription drug benefits), supportive living facilities, and a number of other areas. We expect the new publication to come out this October. (Dave Wolowitz)

**PRIVATE ATTORNEY INVOLVEMENT**

1. **John C. McAndrews Award** Prairie State nominated Reg Weiler, one of our pro bono attorneys in Kane County, for the John C. McAndrews Award. The Illinois State Bar Association sponsors this award, giving it to one individual attorney and one law firm for their outstanding pro bono activities for the year. Mr. Weiler has spent countless hours on pro bono cases and recently completed a nine day trial for one of our clients. Mr. Weiler won the McAndrews award for an individual attorney. Mr. Weiler is the second Kane County Pro Bono attorney who has been honored with this award. (Mary Iselin)

2. **McHenry County Bar Association Legal Aid Program 2004–2005** Our Weekend Office continues to coordinate pro bono efforts with the McHenry County Bar Association Legal Aid Program. In the past year, we placed 37 new cases with volunteer attorneys, in addition to those cases continuing in progress. On June 28, 2005, Ruth Ann Schmidt of the Illinois Coalition for Equal Justice presented four awards to outstanding volunteers, who not only volunteered
their time and talents so graciously, but who consistently went the extra mile for their indigent clients. Those volunteers were: Stephen Haugh, Matthew R. P. Perone, Jr., Edmund Foley (Pearls & Quesin) and the law firms of Brummer & Zabowski (Scott W. Brummer and Paul A. Zabowski). Also recognized at the award luncheon were all of the 49 attorney volunteers from the McHenry County Bar Association. The McHenry County Legal Aid Program is moving forward with the addition of new volunteers to replace a few of those that have removed their names from the volunteer list. The volunteers serve clients who seek out Prairie State Legal Services for assistance every month by calling out telephone counselors or by using the walk-in legal clinic held every Tuesday in Woodstock. The types of cases we place with volunteers include domestic violence divorce cases, bankruptcy, and home foreclosures cases. Many more clients seeking help with bankruptcies have sought out assistance through the Legal Aid Program than in the previous year. (Janet Doughlas)

3. Brown Bag Seminar. Every committee of the Lake County Bar Association is charged with presenting a brown bag lunch seminar each year on a legal topic of interest to the bar. The Legal Aid Committee is the committee which oversees the Volunteer Lawyers Program. Prairie State’s Linda Rothnangel, Larry Smith and Susan Perlman have been active members of that committee. This past May realized the first assignment to the Legal Aid Committee to present a brown bag seminar. The topic was the availability of attorney fees in small consumer cases. The goal was to educate the bar on the availability of fees in these cases and thereby increase the number of attorneys willing to accept small consumer cases on a fee basis. We also hoped to increase the number of attorneys accepting these cases on a volunteer basis through the VLP. We had the assistance of Chris Marder, an attorney in private practice in Lake County who regularly handles consumer cases. Approximately a dozen attorneys in Lake County attended the event. We presented information on Illinois’ Consumer Fraud and Deceptive Business Practices Act, the Truth in Lending Act, Illinois’ statutes to protect tenants from improper utility hook-ups by landlords whereby tenants unknowingly pay for electricity for common areas in a building; Illinois’ Security Deposit Return Act; and many, many, many more consumer protection statutes with fee provisions. We also presented information on practical steps to take in seeking fees. Attorneys who attended the presentation said they found it very helpful. Prairie State does not have the staff to handle these consumer cases, so we consider that the development of a consumer bar is critical. We hope to repeat this program in McHenry County in the fall and have shared the materials with other Prairie State offices in the hopes that they will present similar programs in their counties. (Linda Rothnangel, Larry Smith)

4. DeKalb County Pro Bono Project. In the past year, we have recruited eight attorneys to take pro bono cases. We currently have 48 attorneys willing to take cases for us. In the last 12 months, we made 30 referrals. Pro bono attorneys closed 24 cases. Three client applicants were eligible for the Alternative Fee Program, which the project began in 2004. In these cases, an attorney may agree to negotiate their hourly fee or retainee agreement with the client if the spouse has a yearly income in excess of $40,000, or there are marital assets of $20,000 or more, or there is a pension or retirement benefit of $20,000 or more. The attorney may also agree to represent the client pro bono and seek fees from the spouse. Every year the DeKalb County Bar Association holds a Playday - a dinner preceded by an afternoon of golf. It is scheduled this year for August 18. We will provide a token of our appreciation to each attorney who has accepted a pro bono case since our last recognition ceremony. (Marge Beamer)
5. **Kankakee County Pro Bono Awards.** In May, we presented Pro Bono awards to 22 attorneys for their outstanding pro bono work performed over the past year. The event took place at the annual Kankakee County Bar Association luncheon. We presented Rebecca Scalise with a plaque, awarding her “Volunteer Attorney of the Year.” She has been a member of the Volunteer Lawyer Project since 2000. She has handled many cases and spent 20+ hours on pro bono cases. The local newspaper printed Becky’s photograph and a story about her pro bono work. (Nancy Hinton)

6. **Law Day Luncheon – Rock Island.** The Law Day luncheon was held on May 2, 2005. Cherie L. Myers, Project Coordinator for the Volunteer Lawyer Project presented the Volunteer Attorney of the Year awards. Chief Judge Jeffrey O’Connor assisted. The awards went to attorney Kimberly N. Fuller of Cogley, to the Gilman & Stengel law firm, to the Farber Law Office, and to Andrew M. Larson of Larson & Groek Law Offices. Ms. Fuller and Ms. Larson both received the awards for their hard work and dedication to representing our low-income clients through the Volunteer Lawyer Project. Attorneys attending the Law Day Luncheon have an opportunity on that day to volunteer for the Volunteer Lawyer Project, if they are not already signed up. Also, we give out PILS mugs, pens, calculators etc. to volunteers for Rock Island County as a token of appreciation for the assistance that they provide. (Cherie Myers)

**PLANNING, PRACTICES, AND TECHNOLOGY**

1. **Keyp’s Prime Case Management System.** Prairie State has gone through a major revision of our case management system. With the upgrade to Prime in May of this year, we have greatly enhanced our ability to serve clients and manage casebooks. Throughout our organization, we are now using one single online database rather than 10 individual ones that were not on the internet. Venture Technologies, our ASP, has worked diligently with us in this endeavor. The ability to work with the data on the internet at increased speed allows our staff to quickly complete an application for services or perform a conflict check. The increased functionality allows our staff remote access to our database from outreach locations, such as senior centers and court houses. We can run comprehensive reports for fundraisers and generate casebooks using features such as timekeeping and calendaring. Gail Walsh and Chris Weggend were instrumental in getting the new system in place and they continue to customize and improve it daily, to better suit our needs. It has been a huge learning experience for our staff, but they have adjusted well and deserve enormous credit for keeping a positive attitude during this somewhat stressful time. (Chris Weggend, Gail Walsh)

2. **Students at Prairie State Waukegan Office.** We were very impressed with the help we had from a several incredibly bright students this summer. Tiffany Farber from Northbrook, who had just finished her first year of law at Valparaiso, worked every afternoon all summer. She did lots of things for us, including legal research and factual investigation on kids’ disability cases (she is interested in education law and kids’ issues). Richie Wynn, from South Carolina, is going to be a senior at Dartmouth (ranked in the top ten universities in the country). He worked for us for over 2 months doing all sorts of legal and non-legal research, including on disability and family law cases. Jennifer Bernstein from Dickinson College is a young woman from Lake County. Working full days all summer, she also did a lot of factual investigation and some legal research. (Linda Rothmayer)

**PILS-Sponsored Clients**
1. **Kankakee Office Clinics.** We have an uncontested divorce clinic. We identify clients who seek assistance in obtaining a decree, where the issues are not complicated. For example, there can be no contest with respect to child custody, no PPO's and no pension issues. There is a waiting list, and we handle about 7-10 clients per clinic session. We conduct the initial interview, and then working with a pro bono attorney, we prepare the pleadings. Nancy Hinton then follows all of the cases to make sure we obtain service or publication, and then schedules a prove-up hearing. The judge sets aside a block of time and the pro bono attorney handles the prove-up hearings for all of the cases. We have been doing these clinics for many years now in Kankakee and Iroquois counties, with very few problems. Second, we have been doing Parent of the Child clinics in Kankakee county. We have had two clinics working with the senior program at Provena St. Mary's Hospital. They advertised in their correspondence with seniors that we would be present to give advice and prepare POA documents at their outreach location at a local mall. We brought a laptop and printer and saw as many client’s as we could in the 4 hours available. We were overwhelmed with the response at each clinic. We plan to repeat the clinic every 3 months. We have also done 2 POA clinics at a local church that has a very active seniors program. We have come to the church during their monthly potluck lunch meeting, and using the laptop, we prepared POA’s for anyone interested. Our volunteer senior outreach worker, Emily Horder, has handled the scheduling and assists in document preparation. (Mike O'Connor, Nancy Hinton) 

2. **Evening Walk-In Clinic in Waukegan.** The Volunteer Lawyers Program of the Lake County Bar Association and Prairie State Legal Services (which administers the VLP) have been operating an evening walk in clinic in Waukegan for over a year. The clinic uses staff members as well as volunteer attorneys and translators. There are walk in hours for those who have trouble reaching the POA telephone counselors, and there are also scheduled appointments for those who work and cannot come in during the day. Many of those who volunteer are bilingual, and the clinic is advertised widely in the Hispanic community. One exciting aspect of the clinic has been the number of times a volunteer attorney has walked out of the clinic and has retained a case for follow-up. Although this is not the intention of the clinic, the volunteers often find the cases so compelling that they leave the office with file in hand to continue work on the matter. (Linda Rothweiler)

3. **Kane County Pro Se Divorce Clinic.** Our Batavia Office conducts telephone intake of clients wanting divorces in Kane County. When a client is interviewed, we determine whether the client fits the parameters of a Pro Se Divorce Clinic. These parameters include: 1) the client is abused and/or there are children of the marriage living with our client; 2) the spouse is incarcerated, or the whereabouts of the spouse is unknown. The object is to provide a simple default divorce; and 3) a child support order is already entered. With the assistance of a Pro Bono attorney, we conduct these Pro Se Divorce Clinics bi-monthly. These clinics are funded by the Kane County Bar Foundation and the Kane County Pro Bono project. We have developed a packet of materials that includes
all the documents required to complete a default divorce in Kane County. There is also a very detailed instruction sheet for the client to follow. The attorney goes through the entire packet and assists the clients in completing as much of the paperwork as is possible during the clinic. The attorney then goes through the instruction sheet to explain the process of filing the case, obtaining court dates, and registering for the KIDS program which is a requirement in Kane County. Since the pro se divorce clinics began, we have had 190 clients attend these clinics. The pro se clinics continue to be successful as shown by the number of clients who are able to complete the case and get their Judgment of Dissolution of Marriage. (Marcy Heston)
4. **DuPage County Power of Attorney/Living Will Clinic.** Jeff Kabik, who has been a volunteer attorney at our office for over ten years, conducts a monthly power of attorney/living will clinic at our Carol Stream office. Clients, who are mostly seniors, are scheduled for the next available clinic session. Jeff then gives a half hour presentation regarding the legal aspects of powers of attorney and living wills. He then makes himself available to meet individually with those who wish to have Jeff draft a power of attorney and/or living will for them. If there are a large number of clients at the session, staff attorneys will assist Jeff by meeting with clients and drafting the document (S). We use a questionnaire, the answers to which are plugged into a computer program, which then produces the living will or power of attorney document for the individual client. The attorney reviews the entire document to make sure it accurately reflects the client’s wishes. This clinic has been operating effectively for over ten years. It is very effective in that it provides a service that is highly valued by the older population of our service area. It also serves to make Prairie State more visible in our community. And, finally, we are able to provide this service using primarily volunteer attorney time. We now have another attorney running similar clinics. His name is Christopher Nile, and he is conducting the clinics at the York Township offices. (Elsie Atebanle)

**TRAINING**

1. **Prairie State Legal Services Basic Litigation Skills Training.** Sometimes known as “New Lawyer Training,” this is an irregularly scheduled (but usually bi-annual) event where Prairie State’s latest class of new lawyers have an opportunity to get out of the office and into a retreat setting for four straight days of intensive “how to do it” skills training. Held at Bishop Lane Retreat House outside of Rockford, we conducted the training this past April for 15 new attorneys (one of them is more experienced, but missed the training last time around). Led by Bernie Shapiro and Dave Velowitz, the new lawyers had the benefit of 14 additional, experienced Prairie State advocates who came in to help train at various points over the course of the four days. The training covers such diverse topics as client interviewing, case planning, motions, depositions, negotiations, evidence foundations, objections, and direct and cross examination. The training requires the active participation of the new lawyers. Using hypothetical case materials and exercises, they must perform many, many times. They have the opportunity for lots of personal contact with the trainers and receive significant feedback and instruction from them. (Bernie Shapiro, Dave Velowitz)

2. **National Institute for Trial Advocacy.** As a training event funded with a grant under the Violence Against Women Act, we sent staff to a training sponsored by the National Institute for Trial Advocacy (NITA). The Department of Justice and the Office of Violence Against Women visited the tuition charge to NITA. Staff members at targeted agencies. Our staff learned helpful trial advocacy skills and had the opportunity to deal with important evidentiary issues. Our staff reported that the training was effective in providing additional skills to work with victims in their most vulnerable state. They gained confidence was gained and better advocacy skills. (Alicia Washington)

3. **Miscellaneous Training Materials for Staff** The Director of Special Projects: a) analyzed the extensive amendments to Individuals with Disabilities Education Act (IDEA) and prepared a report for all staff; b) advised staff re amendments to the Human Rights Act; c) kept staff up-to-date on the IDEIA; d) prepared and circulated an analysis of changes in law with respect to grandparent visitation rights; e) analyzed changes in law with respect to
4. **Training for Domestic Violence Shelter Volunteers.** In an activity funded with a grant under the Victims of Crime Act, we provided training in connection with Safe Passage, the domestic violence shelter in DeKalb. Each year, Safe Passage conducts a 3-day training for volunteers. This past January, one of our attorneys presented on the issues of paternity, custody and visitation as they relate to the Illinois Domestic Violence Act. She has done several similar presentations in past years, and has built a good relationship with the shelter starting with the several years she volunteered there as a law student. (Amber Moore)

5. **Training on Medicaid & Medicare law for the ISBA.** Eliot Abcarian conducted this training in Chicago on November 3, 2004. The training was geared toward solo practitioners who may have some occasion to be familiar with Medicaid and Medicare issues. This was an opportunity to provide information to the private bar about these important areas of the law. Not only will this be helpful to many low-income clients, but it also brings Prairie State to the attention of people who may not have heard of us. (Eliot Abcarian)

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**SPECIAL PROJECTS AND SERVICES**

**THE TELEPHONE COUNSELING SERVICE**

The Telephone Counseling Service provides most of Prairie State’s advice and intake services. The Service was launched in November, 1990 and expanded in 1999 to provide such services for all PSLS offices. In 2002, we added our new Galabeg service area. The service is currently staffed by 17 lawyers, each working half-time. At the present time, one of the lawyers is fluent in Spanish and assists callers who are Spanish-speaking only.

New clients initially are directed to the Telephone Counseling Service. A caller seeking legal assistance from a PSLS office calls the local office phone number. An automated attendant greets the caller, then asks whether the call is about a new matter. If so, the call is forwarded to an automatic call distribution system, which transfers calls in the order made to the first available counselor. If all counselors are speaking to clients, the system places the calls in a queue. While waiting, callers hear music and, at regular intervals, messages encouraging them to wait to speak to a counselor. When the counselor takes the call, the counselor uses Knup’s Clients for Windows database program to check for conflicts and to determine eligibility. Once eligibility is determined, the counselor discusses the caller’s situation. On the notes field of the computer program, the counselor records the facts, any advice given, and the disposition of the matter. For callers who need advice or a referral only, the counselor provides complete service. For those who have legal problems that do not fall within our office priorities, the counselor will provide advice and referred. She also will mail to the caller any pertinent self-help materials generated by or available to PSLS. For callers who require further representation on problems within office priorities, counselors provide appropriate immediate advice, and transmit the intake information to the appropriate service office for further service either through the local office staff or the volunteer lawyer program.

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The Counseling Service has been a tremendous success in providing advice to clients who otherwise will get no assistance with their legal problems. It has also improved our ability to identify and respond to emergencies very quickly. Unfortunately, demand for the Counseling Service far exceeds our current capacity and many callers get busy signals. We have made revisions to our phone system to ensure that callers who have the most serious legal problems affecting their basic human needs get talk to one of our lawyers. We are planning some additional measures to improve our services to all those seeking help.

**NEW SPECIAL EDUCATION PROJECT**

Since 1994, PALS 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, which has a contract with Land of Lincoln Legal Assistance Foundation. PALS sub-contracts with Land of Lincoln to provide legal services throughout our entire geographical service area.

All children referred to PALS 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, the client is 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 PALS 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 JEBE, or mediation; 8) representation in 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. It is not a pre-requisite for acceptance of the case that the child be eligible for or receiving special education services.
Since April, 1995, PSLI has maintained a project to deliver legal assistance at no cost to persons who are HIV or who have AIDS. Eligible clients under this Project must demonstrate an income at or under 200% of the federal poverty level, must document their medical status, and be a resident in one of the PSLI counties where Project services are available. At the present time, the Project serves all PSLI counties, except Kane, Kankakee, and Livingston, and includes Will County. Project funding comes from Title I and Title II of the federal Ryan White HIV CARE Act. Funds are administered by the Chicago Department of Public Health for an 8-county extended metropolitan area around Chicago (the so-called “collar counties”). Funds for the remaining counties are provided by several different regional HIV consortia. These consortia are programs administered by the Winnebago County Health Department, the Peoria City/County Health Department and the Rock Island County Council on Addictions.

The Project addresses client needs for assistance in civil legal matters such as: (1) housing and landlord problems; (2) health care and insurance issues, including Medicare and Medicaid; (3) estate 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. In all cases, the client’s rights to confidentiality are respected at all times.

Breadth based outreach is conducted about the availability of services. The intake process is flexible and responsive, accommodating disabilities and cultural conditions. As with many PSLI projects, accommodations are made 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, nonjudgmental 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 is 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 care management.

LEGAL SERVICES FOR DORS CUSTOMERS

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 (IDHS). Specifically, the project serves persons who are seeking either:

(1) Vocational Rehabilitation (VR) services to obtain a specific employment goal, provided by DRS 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 DORS, which is legally mandated by the federal Rehabilitation Act to provide independent advocacy services for DORS customers. The legal services available from this project allow CAP to appropriately meet this legal mandate. It allows DORS 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 DORS customers, the normal financial eligibility criteria does not apply in the determination of eligibility for PILS services. PILS accepts all referrals from CAP, except to the extent the matter complaint is frivolous or 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 on behalf of DORS customers seeking VR or HI services directed to DORS counselors, supervisors, service providers, or other interested or involved parties; (3) representation at Hearing Appeals; (4) representation at the Director's Review Level; (5) exact action, including Complaints for Review by Common Law Centennial. We also provide program advice to CAP and DORS on systemic problems and issues that adversely affect clients. Finally, PILS will provide information to clients about outside resources and will make appropriate referrals, to the extent that needed services are not appropriately delivered by PILS.

FAIR HOUSING INITIATIVES PROGRAM (FHIP)

With a grant from the U.S. Department of Housing and Urban Development (HUD), the FHIP project provides broad education and outreach activities with respect to rights under the Fair Housing Act and how to enforce those rights. Funding from HUD is year to year. Our very successful initial project ran from April 1993 to April 1994. Although HUD did not immediately re-fund our application for continuation funding, HUD awarded Prairie State a grant to conduct a Fair Housing Education Project in the 35-county Prairie State service area from January 1, 2005 through December 31, 2005. The project team consists of six Prairie State staff, located in the Carol Stream, Galesburg, Waukegan, and Rockford offices.

In this project, lead by Galesburg staff attorney Mark Kelly, we are delivering a series of informal legal education presentations at individual community-based organizations which separately work with one or more populations protected by the Fair Housing Act and with homeless populations, and which cumulatively cover all protected classes. We also are conducting three (3) broad-based public workshops (more extended formal training sessions) in Rock Island, Rockford, and Peoria. These sessions, geared to be interactive with the audience, cover fair housing issues and related legal information of interest to renters. In addition, the project has developed two (2) new booklets that provide targeted Questions and Answers on Fair Housing. One is geared to issues faced by new immigrants and Hispanic renters, and the other to issues faced by the homeless or those at risk of homelessness, including battered women and people with mental disabilities. The booklets are being disseminated to trainers at the presentations and workshops, and to newspapers for publication in many of our communities. Also available to the general public is updated fair housing information we have placed on two important statewide legal information websites, www.pLEGAL.org, and www.ILLinoisLEGAL.org.

Finally, the project is conducting a formal study of homeless persons and their advocates to determine the extent to which housing discrimination contributes to homelessness, and we will analyze and report the results to HUD. We have applied for a
continuation grant from HUD for 2006. Anyone who wants or needs fair housing materials should contact Mark in our Galesburg office. (Mark Kelly, John Quintanilla, David Wolowitz, Lisa Elliott, George Bruce and Jeff Hamaker)
This project is an extension of services which DCFS offers to families in connection with its Extended Family Support Program. That Program of DCFS is designed to provide short-term support and services to individuals who have been providing care to related children outside the welfare system. The idea is to keep children who do not have protective needs out of state custody by providing the family with supports needed to maintain the children’s living arrangements. One of those supports is legal assistance to obtain guardianships.

When a care-giver in the Extended Family Support Program seeks to obtain legal guardianship over a related child or children, DCFS may refer the care-giver to PILS to provide legal representation for that purpose. This is done only where the guardianship is not expected to be contested by other parties. Currently, the project is available only in the following counties: Bureau, LaSalle, Marshall, Peoria, Putnam, Rock Island, Tazewell, and Woodford.

When such a referral is made to PILS, a PILS attorney will pursue a legal guardianship through the circuit court, provided there is no conflict of interest and that a guardianship is permitted by statute and is otherwise appropriate under the circumstances.

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) health care and insurance, including Medicare and Medicaid; (2) Social Security; (3) elder abuse and financial exploitation; (4) housing issues; (5) missing 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 health care. As resources permit, a range of other services are offered. The project is available throughout the Prairie State service area.

With funding from the U.S. Department of Justice under the Violence Against Women Act since 1999, 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 24 counties served by the following offices: Rockford, Peoria, Rock Island, Illinois, Ottawa, and Rock Island. Services for victims include: obtaining emergency orders of protection or temporary 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;
assisting in matters relating to housing. This funding has allowed us to serve hundreds of additional victims per year. Unfortunately, we did not receive continuation funding beyond September, 2005.

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 PILS 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. Related topics included interviewing, counseling, safety planning for clients, client management, and negotiation. Additional topics also included the following: direct and cross examination, evidentiary foundations, record keeping, timekeeping, and courthouse procedures. Ethics and professional responsibility were also frequently addressed, including confidentiality, the attorney-client relationship, client perjury, and conflicts of interest. In the clinical component, students assist victims of domestic violence. While most of the students’ legal work involves assisting clients in obtaining emergency and plenary order of protection, the students provide other legal services to victims. Such representation can involve assisting clients with divorce, custody, support, visitation, property and housing issues.

Since the inception of the project, on-site legal assistance has been provided to victims at the Kane County courthouse and at three domestic violence program offices.
LOCAL PROJECTS

KANE COUNTY DOMESTIC VIOLENCE PROJECT

Special funding from the Illinois Criminal Justice Information Authority under the Victims of Crime Act (VCA) enables Prairie State to offer full-time services to victims of domestic violence right at the Kane County Courthouse. The project has a full-time office at the courthouse to provide legal assistance to persons seeking orders of protection under the Domestic Violence Act. Services to obtain orders of protection are focused on low-income persons meeting PRLS eligibility guidelines, although advice is provided to victims regardless of income. Two full-time and one part-time attorney assist more than 400 residents of Kane County each year.

MEDITATION PROJECT IN ROCK ISLAND COUNTY

Special funding from the Illinois Criminal Justice Information Authority under the Victims of Crime Act (VCA) enables Prairie State to offer emergency services to victims of violence residing in the service area of the Rock Island and Ottawa offices. Emergency services include order of protection or other types of restraining orders, and emergency custody and visitation changes related to abuse. The funders prohibit use of its funds for representation in divorces. Clients must meet standard PRLS eligibility guidelines.

LAKE COUNTY HOMELESS SERVICES PROJECT

This special project seeks to help homeless residents to stabilize their lives through the provision of legal services to address key legal problems. The project operates under a grant from the Department of Housing and Urban Development (HUD). A full range of services may be offered to persons who meet the HUD definition of “homeless.” Generally, this includes residents of Lake County who are residing in a shelter or in a place not generally used as a dwelling (a car, tent, etc.). In some cases, persons who are at imminent risk of homelessness may qualify under the project. A referral from a program serving homeless persons is helpful, but not required. Project attorneys may be able to assist homeless residents in obtaining child support, orders of protection, government benefits, housing, or other legal needs that affect a homeless person’s ability to secure housing. Our project attorney is available to handle many different types of cases under the project. The grant also permits PRLS to conduct extensive outreach to connect with the target population. The project attorney offers presentations at a number of shelters around Lake County, such as The Haven, Gateway, Samaritan House, and A Safe Place. The project attorney is Beth Shay.

DUPAGE COUNTY HOMELESS SERVICES PROJECT

This special project provides legal services, in non-criminal matters, to homeless persons in DuPage County. The project operates under a grant from the United States Department of Housing and Urban Development. To qualify for services, a person must be living in a place not meant for human habitation, such as on the street, in a car, or an abandoned building. Persons can also qualify by residing in a homeless shelter, in transitional housing for homeless persons, by being a victim of domestic violence, or by facing certain eviction within seven days, with no housing prospects. Verification of homeless status, such as a shelter or social worker, may be required. Services shall address legal remedies to issues which present a barrier for the client to obtain adequate and affordable shelter.
Such services may include matters concerning public housing admissions, child support, public benefits, income, domestic violence protection and divorce. Client intake is being handled at shelter sites in Wheaton, Lombard, Glen Ellyn, Lisle and Bloomingdale. The project attorney is Kerry O’Brien.

**DUPage County Housing Court Project**

This project places attorneys in all sessions of housing court to provide representation to persons threatened with homelessness in DuPage County. Project services include representation of eligible clients in court and before administrative agencies, and legal counseling. The Project benefits approximately 2,700 individuals per year. It is funded with Community Development Block Grant (CDBG) funds. The efforts in court are primarily directed toward preventing evictions and the illegal lock-out of tenants. A PILS attorney is situated directly in the courtroom, in order to be available for immediate representation of tenants undergoing the eviction process. At the beginning of each session, the judge announces that free legal representation is available from the project attorney. The project attorney meets with all individuals who seek assistance, determines whether the individual is eligible and provides advice concerning the best way to proceed. If there appears to be a meritorious defense to eviction, an appointment will be set up at the PILS office. The judges will postpone the proceedings where we agree to represent the client to allow PILS sufficient time to prepare. PILS will undertake full legal representation where it is warranted by the facts and the law. This includes representation at trial and pre-trial. The project represents low income homeowners undergoing foreclosure, and provides representation before administrative agencies to secure government benefits (or prevent their loss), including federally subsidized housing benefits. Such representation frequently means the difference between homelessness and living in decent housing.
OTHER LOCAL PROJECTS

Prairie State receives funding from other sources to maintain additional projects similar to those described above. Such projects include:

DuPage County Disability Advocacy Project
Lake County Disability Advocacy Project
Lake County Homelessness Prevention Project
Lake / McHenry Counties Healthcare / Domestic Violence Project
(Senior Project Sponsors: The Abbott Laboratories Fund and Baxter Healthcare Corporation)

McHenry County Disability Advocacy Project
McHenry County Senior Citizens Legal Services Project
McLean County Domestic Violence Project
McLean County Disability Advocacy Project
Rock Island County Post-Decree Project
Rock Island Homelessness Prevention Project
Rock Island 708 Project for People with Mental and Developmental Disabilities

Grandparents Legal Assistance Project
(for grandparents age 60 and over)
(not available in certain counties served by PSLS offices in Galesburg, Peoria, and Rock Island)

Caregiver Legal Assistance Project
(for persons caring for persons age 60 and over)
(available only in Lake, McHenry, Kane, DuPage, Kankakee, Kendall, and Grundy Counties)

For more information on these projects, please contact the appropriate PSLS office.