



THE PRAIRIE FIRE

***The docket of noteworthy cases and accomplishments of
PRAIRIE STATE LEGAL SERVICES, INC.
May, 2014***



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Administrative Office
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***Edited by:
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FROM OUR EXECUTIVE DIRECTOR...

The Prairie Fire is our periodic narrative report of the work of Prairie State Legal Services. It is our hope that these stories will allow you to gain a greater understanding of the challenges commonly faced by low income persons, and the role of civil legal services in helping our clients meet their basic needs. Many of the reported cases are notable because the legal issues are complex or because it required extensive or creative legal work to obtain a just result. Other cases might seem simple or routine, perhaps securing a divorce for a victim of domestic violence, or preventing an eviction, but the benefit for the clients is often life-changing.

Prairie State staff members work hard to make sure that our civil justice system operates with fairness for people in our 36 county service area who are disadvantaged by poverty. In that effort, we are assisted by volunteer attorneys who work in our offices as well as by volunteer attorneys who handle cases from their own offices. Without the work of these lawyers, Prairie State simply could not represent as many clients as we do. Because volunteers are our partners in justice, the case summaries you read here include some where volunteer lawyers represented clients applying to Prairie State for help.

Our accomplishments are impressive, as you can see by the “facts and figures” from our calendar 2013 year noted immediately after this page. I am proud that we are an efficient and effective organization, and that we serve a tremendous number of people every year. However, *The Prairie Fire* goes beyond the numbers to tell you about the people whose lives have been changed for the better by the work of our staff and volunteers.

It is equally important to realize that our work goes beyond representing individual clients. Those efforts need recognition, although they are not reflected in this docket. On a regular basis, our staff members provide community legal education, and work to promote justice with client groups as well as with our colleagues in the organized bar. We also collaborate, both formally and informally, with social service agencies that help our clients with non-legal problems. The work of the Telephone Counseling Service, our intake and advice unit, is largely absent from these pages. Telephone counselors are attorneys who provide critical legal advice for many clients whom we are not able to represent with extended service. It is often the only contact that these clients will have with a lawyer.

What you see in these pages is a story about the many complex problems that low income individuals and families often face in their daily lives. Far too many families remained mired in poverty, and roughly 1 in every 3 people in Illinois are eligible for our services. I hope that these stories will give you a more complete picture of what it is to be poor in America today, and the important role of legal aid as part of the social safety net. All of these stories would not have been gathered together but for the work of David Wolowitz, Prairie State's Associate Director, who ensures that these stories get told and that these cases get reported. Thanks, Dave, once again. ~ **Michael O'Connor, Executive Director**

FROM THE EDITOR...

Since 2000, Prairie State has periodically published this docket. Publishing the docket again this year, as in past years, can only be done with the collective effort of a lot of very bright, committed and hardworking staff and volunteer attorneys and Private Attorney Involvement Coordinators who produce the results you read about here. We recognize them in the attribution appearing in each case summary. But to me, what makes *THE PRAIRIE FIRE* so successful is the willingness of all of them to write about their work. I think you will greatly enjoy reading the case summaries. You can see that work reflected, too, in the Accomplishments section appearing at the front of this publication. I extend my sincere thanks and appreciation to my colleagues, who deserve all of the credit. ~ *Dave*

<i>Table of Contents</i>	<i>Page</i>
Accomplishments- Facts and Figures	5
Consumer/Bankruptcy	7
Disability/Social Security	11
Education/Special Education	14
Elderly/Seniors	15
Energy/ Public Utilities	17
Family Law/ Domestic Abuse	18
Foreclosure	22
Guardianship	30
Health/Medical	32
Homeless	33
Homeownership (Not Foreclosure)	35
Home Services Program	36
Housing/Fair Housing	42
Miscellaneous Cases	53
Public Assistance/ Food Stamps	54
Taxes	56

Accomplishments of Prairie State Legal Services, Inc. in 2013

In 2013, Prairie State Legal Services completed over 16,000 cases for clients.

Legal representation in court, administrative hearings and negotiations resulted in:

- **561 cases where we obtained protective orders for victims of domestic violence, sexual assault and family abuse.** These households contained **1,516** persons. The court orders protected against future abuse, but often resolved issues of child custody, visitation, support, possession of the home as well as prevention of harassment.
- **263 divorce cases that we completed for victims of domestic violence,** important to finalize custody, support & visitation and terminate the legal relationship with the abuser.
- **384 cases in which we prevented wrongful evictions or stopped illegal lock-outs by landlords.** These households contained **979** household members. These cases are important to help families avoid imminent homelessness.
- **280 cases in which we obtained favorable resolution of child custody issues.**
- **116 cases where we prevented mortgage foreclosures and enabled 289 household members to retain their homes.** 32 additional mortgage foreclosure cases protected the rights of the household and obtained financial settlements desired by the family.
- **33 cases resulted in guardianships of disabled adults.** In these cases, the adult did not have the capacity to make decisions needed for their care.
- **70 cases obtained or maintained medical benefits wrongly denied or threatened with termination by the government.** Many of these cases involve critical health care or personal care services for persons with severe disabilities.
- **15 cases prevented the involuntary discharge of nursing home residents.** Discharges usually occur when the bill is not paid (often due to financial exploitation by family members) or when the resident's disabilities present difficulties for the nursing home.
- **87 cases enabled low income households to live in affordable housing,** overcoming denials of admission to public housing or obtaining/maintaining housing subsidies.
- **73 cases in which we obtained or retained Social Security or SSI benefits for clients with disabilities or obtained/maintained food stamps or TANF (welfare) benefits,** to avoid hunger and otherwise meet basic human needs.
- **231 cases resulting in court awards of child support or maintenance.** Awards exceeded \$1,400,000 for 481 children.

- **10,701 cases in which we provided legal advice as the primary service to help clients understand their legal rights and responsibilities.**

Prairie State works to expand on these services through special grants and through the work of volunteer attorneys. In 2013, these additional services included:

- **Preparation of 377 powers of attorney documents**, allowing clients to select agents to make decisions, including for their health care, should the need for that arise in the future.
- **Preparation of 177 wills.**
- **Legal representation in obtaining 177 divorces for persons who were not victims of domestic violence.**
- **Representation successfully resolved 15 education cases**, involving admission to school, prevention of unwarranted discipline, and availability of alternative education.
- **Legal representation enabled 8 families to adopt children.**
- **Legal representation resulted in a favorable outcome in 90 tax cases on behalf of low-income taxpayers**, successfully resolving controversies with the Internal Revenue Service. Clients recovered **\$85,098** in overpaid taxes that the IRS returned. We also avoided (abated or reduced) client's tax liability in the amount of **\$1,403,635.00**.
- **Legal representation provided favorable outcomes in 66 rental housing cases that did not involve evictions**, including helping persons with disabilities obtain reasonable accommodations, requiring units to be habitable, and resolving security deposit issues.

[More....](#)

- **Legal representation helped obtain \$381,558 in annualized monthly public benefits for clients in need.**
- **More than 4300 persons attended community legal information presentations by Prairie State staff.** These are workshops to inform people generally about legal topics so they may avoid legal problems.
- **In 2013, we closed 16,138 cases.** Of the clients in these cases, 71% were female and 29% male. Approximately 4% spoke Spanish as their primary language, 95% spoke English, and the rest spoke Arabic, French, Urdu, Lao, Malayalam, Polish, Romanian, Russian, Serbo-Croatian or Vietnamese. By race, 1.6% Asian or Pacific Islander; 24.3% African-American; 10.2% Hispanic; 0.5% Native American; 61.6% White; 1.8% Other.

CONSUMER/BANKRUPTCY

Chapter 13 Strips Off Second Mortgage and Saves Client's Home

In Re J.S. (U.S. Bankruptcy Court, Northern District of Illinois). Our client, a single mom, was days away from foreclosure. She had just started a full time job with a regular paycheck (she formerly was a part-time hair stylist and waitress). But the sheriff's sale was fast approaching and even if she had a loan modification, the client still risked eviction from a default on a second mortgage and her condo association fees. We filed a Chapter 13 Bankruptcy for the client and stripped off the second mortgage. Even though the second mortgage company was notified of the bankruptcy and had the opportunity to file a proof of claim, they did not file one. The client remains in her home; she is enjoying her job and is current with the trustee. [13-0359257 \(M. Leuthner\)](#)

Chapter 13 Plan Gets Rid of 4 Liens and Over 180,000 Worth of Debt

In Re C.C. (U.S. Bankruptcy Court, Northern District of Illinois). The client bought a home when he returned from military service in 1972. The home was nearly paid in full when he refinanced it to pay for his medical bills. The husband had lived in the home for over 40 years and it was handicapped accessible. Moreover, the mortgage payment was less than comparable rents in the area. Nevertheless, the house went into foreclosure. Shortly before the foreclosure sale, the Army approved a pension for the husband. Even though family income increased, the mortgage company refused to offer them an affordable modification. The wife also had very serious medical issues and did not have any health insurance. Their medical bills were over \$183,000. They also had 4 liens on the home from their creditors. We filed a Chapter 13 plan, paying the full mortgage arrears and proposing 2% of the unsecured debt due to our clients' very modest budget. We also avoided all 4 judicial liens on the home. Even though all the creditors were given notice, only two creditors filed a proof of claim. We successfully challenged one of the claims because the creditor was unable to produce any documentation of debt. On the day of the hearing, the creditor withdrew its proof of claim. That left only one claim (from Nicor) for \$181 out of the client's total 183K worth of debt. The clients had been only days away from being homeless and kicked out of a home they lived in for over 40 years. They are still current with their payments to the trustee and well on their way to saving their home. [13-0359693 \(M. Leuthner\)](#)

Chapter 13 Plan Overcomes Property Tax Sale, Greedy Condo Association, and Other Issues

In Re L.J. (U.S. Bankruptcy Court, Northern District of Illinois). This was one of the most complicated bankruptcies our advocate had seen in 7 years of doing bankruptcies (*Editor's note: this long summary is interesting due to the many issues we had to resolve*). Our client and her brother inherited a home from their deceased mother, but risked losing it due to unpaid property taxes of about \$27K. The client had lost her job, went through serious health issues, but was now back working. We filed a Chapter 13 bankruptcy shortly before the redemption period was due to expire. We proposed to fund the Chapter 13 plan by selling the client's condo (she retained equity but had been evicted from the condo over a year ago) and using the proceeds to pay the back taxes. The client was about \$23K behind on the Condo Association fees.

We proposed a plan that was ultimately confirmed, allowing her time to sell the Condo and use the proceeds to pay off the taxes and the condo fees. We prepared a legal brief to convince the Court that a tax debt could be a valid claim to be considered in a Chapter 13 plan. However, we had to deal with the tax buyer who now had an interest in the home. Taxpayers have 2.5 years to redeem the property by paying the tax buyer all amounts due, including interest. Six months before the redemption period expires, the tax buyer is required to file a petition for a tax deed. Once the redemption period expires, the tax buyer may apply for an order granting the petition for a tax deed and obtain title to the property. Alternatively, the tax buyer may apply for a declaration that the tax sale was a "sale-in-error" for one of several statutory reasons, including that the taxpayer filed for bankruptcy after the tax sale but before the tax deed was issued. If the sale is deemed a sale-in-error, the County is required to reimburse the tax buyer the purchase price plus interest. We had to overcome challenges resulting from the fact that client's Condo was not sold until after the redemption period expired. For that reason, the County refused to accept our client's payment on the taxes. PSLs then sought and obtained a court order compelling them to accept payment. The tax buyer initially sought a tax deed, but then requested a "sale in error." A sale in error would have had a disastrous effect on our client since the lien would go back to the County and the County would likely pass the expenses to our client. We were able to avoid that outcome when the County got paid. We also succeeded in dismissing a proof of claim by another creditor because it was unenforceable in state court being beyond the Statute of Limitations. We also filed a motion for sanctions against the Condo Association because they sought an additional \$10K beyond what it listed in their Proof of Claim for a debt that was clearly owed pre-petition, and we successfully fought the Association's Motion for Turnover. Even when the client had a buyer for her Condo, we had an issue with the closing because the condo association was fighting for an amount above their proof of claim. This problem had to be solved or the buyer might be lost and the whole plan would be in jeopardy. We worked out a solution with the title company to escrow the disputed amount and corrected errors in the closing documents. [13-0359248 \(M. Leuthner and J.DeGrange\)](#)

Chapter 13 Plan Preserves \$50,000 Equity in Home, Saving it from a Tax Sale

In Re M.C. (U.S. Bankruptcy Court, Central District of Illinois). The client worked hard and paid off the mortgage on her home in central Illinois. However, due to a job loss, she fell behind on the property taxes. She worked odd jobs, including cleaning homes and collecting scrap metal. She went to EMT school to learn new skills. When she came to us, her property taxes had been sold and the period of redemption was going to end soon. She stood to lose her home and about \$50,000 worth of equity that she worked hard to save. We filed a Chapter 13 bankruptcy and client is paying off the principal of the property taxes in full, along with 100% of her other debt, over 5 years. Shortly after filing she also found work as a home health care aide. This case involved complicated property tax issues. There are many strict dates and notice issues which required an amazing amount of research into the property tax and notice issues. Through this case, we developed a handy guide to ensure all appropriate notices in tax sale cases. [13-0355203](#) (M. Leuthner and J. DeGrange)

Advocacy Reduces Unauthorized Toll-way Debt from \$2,000 to \$108

Client, a senior on a very limited income, gave her car to her granddaughter's husband for repairs. He drove the car for his own use and incurred toll-way violations totaling over \$2,000. Client appealed the assessment without success because the toll-way refused to recognize unauthorized use as a defense. She had no recourse against the husband because he moved to parts unknown. Client (pro se) filed suit against the toll-way under the Administrative Review Law. We advised the client to submit a non-standard settlement agreement form and attach proof of her income to see if the toll-way would reduce the amount owed. Indeed, they agreed to settle the debt for \$988.00, but informed client to expect suspension of her registration if she didn't pay it. The client still could not afford that sum, so we advocated with the toll-way authority, explaining that the client's circumstances, medical conditions, and lack of any other reliable alternate transportation for doctor's visits. We detailed her various expenses and the circumstances surrounding the toll-way violations. The toll-way reduced the amount owed to \$108, which our client is paying in installments. [13-0371299](#) (Y. Golay)

Chapter 7 Bankruptcy Discharges over \$250,000 in Medical Debt

The client was unemployed but received unemployment insurance benefits. He had medical bills totaling \$250K - \$275K, from various surgeries. He is diabetic and had no health insurance. We referred the client to a pro bono bankruptcy attorney (Dave Ward at Illini Legal Services) for representation in a bankruptcy. The attorney accepted the case and was successful in getting a bankruptcy discharge for the client. [13-0355328](#) (S. Helwich)

Chapter 13 Plan Reduced Car Interest Rate/ Payments Deferred

In Re V.D. (U.S. Bankruptcy Court, Northern District of Illinois). Client, a single mom with 2 kids, although poor, is charitable and regularly donates her time and food for the local food pantry. She insisted on a food donation at a Halloween haunted house she sponsored. She helped her son coordinate a school supply drive for school kids in an African country. Although able to get a loan modification on her first mortgage, the client could not stop the second mortgage from foreclosing. This is an excellent case to see the power of bankruptcy. We were able to strip off her second mortgage, and reduce the interest rate on her car. Her interest rate was 29% before the bankruptcy, reduced to 4.25 percent. Also, the bankruptcy gave her some breathing room when unexpected events happened. Her home was severely flooded in the April 2012 storms. Her furnace caught on fire and was destroyed. Her family is safe, but she needed to replace the furnace. We were able to defer three months of payments to the trustee, including the car payment, so that she could save for the repairs. [12-0351320](tel:12-0351320) (M. Leuthner)

Nursing Home Agrees to Dismiss Suit for \$20K Against Mother and Daughter After Court Grants Our Motion to Dismiss in Favor of Daughter

Nursing Home v. P.H. and R.M. (Circuit Court of DuPage County). A nursing home sued a mother and her daughter (both of them are our clients) for \$20,000 for services provided to the mother. The facility claimed that the daughter was liable because she had signed the nursing home contract as "resident representative" and that the contract provided that both the resident and representative were jointly and severally liable. We filed a Motion to Dismiss the daughter because the contract also had a clause regarding sources of payment which included only the resident's income/assets/resources. We argued that had there had been an intent to have the representative be personally liable, the contract would have included the representative's own income sources. We also argued that since the facility accepted Medicaid at the time of the client's residency, Medicaid law explicitly prohibit facilities from requiring that resident representatives/family members be personally financially liable. We submitted to the Court the Centers for Medicare/Medicaid Services (CMS) comments to the federal laws and federal regulations, and we submitted case law from several other states. These authorities all have held that facilities may not require payment from third parties and that the prohibitions apply to both private pay residents and recipients of public benefits. The Court granted our motion and dismissed the complaint with respect to the daughter/resident representative. After providing opposing counsel with documentation showing that the former resident is collection proof, the facility agreed to dismiss the case entirely. [13-0371466](tel:13-0371466) (Y. Golay)

DISABILITY/SOCIAL SECURITY

Garnishment of Client's Social Security Retirement Benefits Lifted

C.C. v. E.C. (Circuit Court of Will County). The client's only income was Social Security retirement benefits but had a support obligation for his minor child. The child's mother and DHS sought child support arrears, and obtained a garnishment order to withhold a portion of his Social Security retirement income. The client submitted proof to DHS that his son was receiving Social Security dependent benefits. DHS ignored this evidence and pursued the client for \$3500 in child support arrears. Even after the son turned 18, the garnishment remained in effect. As a result, the client's retirement income was withheld in monthly amounts ranging from \$300 to \$800, from his total monthly income of \$1200. We represented the client to stop the garnishment, submitting proof that, due to the son's dependent benefits and the garnishment amounts, the client had overpaid child support. We also took steps to suspend all future garnishments pending resolution of the child support issue by the court. It took a few months for the issue to finally be resolved, but it ended with the garnishments being lifted. DHS did admit that the client overpaid about \$1700 in child support and refunded that amount. [13-0365137](#) (M. Elgindy)

Case Filed in Federal District Court Appealing SSI Denial

B. v. C. (U.S. District Court, Northern District of Illinois). Client has a mental disability, suffering from Bipolar Affective Disorder, Anxiety Disorder, Attention Deficit Hyperactivity Disorder, and Borderline Personality traits. Her mental disorders interfere substantially with her ability to keep a job. We presented significant medical and lay evidence at the hearing in support of her SSI claim, including that of her treating psychiatrist who strongly supported her allegations of inability to work. Nevertheless, the ALJ found her to be not disabled. We filed an appeal to the Appeals Council, which was declined. We then brought suit in federal court to challenge the final agency decision. The main issues in the case are that the ALJ failed to properly evaluate and credit the treating physician's opinion, and that she also failed to properly consider the lay witness testimony at the hearing. We have filed our opening brief. [09-0261505](#) (E. Abarbanel).

Favorable ALJ Decision in Lupus SSI Case

In Re D.J. (Social Security Administration). The client, a foster child, was very sick, in and out of the emergency room, and homeless. Diagnosed with Systemic Lupus, she applied for SSI but had been denied at the application and reconsideration stage. We represented D.J. in her appeal at the ALJ level. We received a favorable decision based on the written argument we submitted to the ALJ. Although the ALJ did not find DJ to have met a listing, the ALJ found that she could not work under a Residual Functional Capacity analysis because of her frequent hospitalizations due to Lupus flares. DJ obtained a monthly benefit and back benefits. [12-0349299](#) (D. Conklin)

ALJ Reverses Termination of SSDI Benefits

In re A.D. (Social Security Administration). Client sought assistance to maintain her SSDI benefit, which she received as a child but which the Social Security Administration terminated when she became an adult. We represented the client at the ALJ stage. The client's education was through 11th grade. She had received special education and required speech development. She worked only one job, when she was 18, at Arby's for about 6 months, after which she was fired due to absences from illness. The client suffers from diabetes (insulin dependent), Crohn's Disease, migraines, vision issues, kidney infections, bone soreness, and joint issues. Client states that when she has a "flare up" due to Crohn's she cannot keep anything in and goes to bathroom every 10 minutes. She also has been diagnosed with bipolar and clinical depression. After a hearing in front of ALJ Halperin, we received a fully favorable decision, and client receives \$710 /mo. [13-0355452](#) (B. Owens)

PSLS Proves Client Not Over-Asset - Wipes Out SSI Overpayment Claim

In re M.M. (Social Security Administration). Our client, a senior, has income limited to Social Security Retirement and SSI. She received an overpayment notice from Social Security in the amount of \$4,816. The basis for overpayment was that client allegedly was over the asset limits. Her assets included a life insurance policy and bank accounts held in client's and her ex-husband's name. When the client did not appeal in time, her SSI benefits stopped. We filed a request for reconsideration and appeared at an informal conference with a Social Security case worker. Based on certain Social Security regulations and the information we submitted from Prudential Life Insurance Company regarding the value of the asset, Social Security determined that the life insurance policy is excludable as an asset in determining eligibility for SSI benefits. We also proved that while the client's name was on the ex-husband's bank accounts, none of the funds were hers and she no longer had the ability to access any of those funds. As a result, Social Security determined that those bank accounts should not be included as assets, either. Social Security waived the entire overpayment and restored client's SSI benefits. They also reimbursed to her SSI benefits for months that had not been paid. [13-0357776](#) (Y. Golay)

Name Change In Order to Qualify for Social Security Retirement Benefits

In Re J.C. (McLean County Circuit Court). Client was denied Social Security Retirement benefits because he had obtained a Social Security card and Social Security number under a fictional name in 1967, and lacked a birth certificate under his birth name. He had taken a fictional name because of criminal issues in his youth. As a result, his entire earnings record and insured status were based on that fictional name. Moreover, all of his identification documents used his fictional name. He had no documentation with his legal name. He could not request a birth certificate because he did not have the necessary identification. We obtained an Illinois State Police criminal background check of client using his fingerprints. His very old criminal history under his legal name came up but there was nothing recent. Client qualified for a name change because he did not have any criminal convictions in the last 10 years and none of his criminal convictions precluded a name change. We then assisted client by helping him legally change his name to the fictional name that he had been using since 1967. We achieved this by filing a Petition for name change with the McLean County Circuit Clerk. We then assisted client to obtain his birth certificate and he was able to qualify for Social Security Retirement benefits. [13-0355613](#) & [13-0365956](#) (A. Barr)

Successful ALJ Hearing After Appeals Council Remand

In Re D.M. (Social Security Administration). Our client is a 14-year old child with psychosis, paranoid tendencies, and major behavioral issues. Her diagnoses also include ADHD, obesity, depression, mental retardation, anxiety, seizures, ODD, learning disabilities, autism spectrum disorder, language and sensory disorders. Nevertheless, Social Security denied SSI. After the client lost her initial SSI appeal hearing, the Appeals Council remanded the case which was then set for another hearing before an ALJ through the Office of Disability Adjudication and Review (formerly known as the Office of Hearings and Appeals). We represented the child at this second SSI hearing, having arranged and submitted additional testing. The ALJ decided in favor of the child this time, and the client received a back benefit as well as on-going benefits. She recently received her first check. [13-0360479](#) (L. Luncsford)

EDUCATION/ SPECIAL EDUCATION

Following Expulsion Hearing, School Board Decides Not to Expel Client

In Re A.A. (Rockford Public School District). The district sought to expel our client, a middle school student, for the rest of the year. Client received the expulsion after he returned to school a day early from his suspension and refused to leave. The school considered him to be trespassing, which they treat as a zero tolerance offense. We requested that the school offer a conditional probation agreement (CPA), which would hold the expulsion in abeyance as long as the student did not commit any further serious infractions. If he completed the term of the expulsion without further infractions, the expulsion would not be on his record. However, the school refused to offer the student a CPA. We then represented the client at an expulsion hearing. Based on the hearing officer's recommendation, the School Board found that the school had not substantiated their allegations, and therefore did not expel the student. As a result, the student continues his education without an expulsion on his record. [13-0370441](#) (K. Thielbar)

Due Process Request Leads to Successful Mediation Result: Graduation Delayed and Client Maintains Special Education Services

In Re J.S. (Rockford School District). The client, age 19 and diagnosed with ADHD and learning disabilities, had been receiving special education services for most of his life. The school decided that he was ready to graduate from high school, which would terminate all special education services. The student and his foster parents did not believe he was ready to move on to college. He was reading at only a third grade level and had spent all of high school in a small, therapeutic school, so he had never been exposed to a larger educational environment. The client and his foster parents requested that the client be permitted to take some classes in the public high school with supports in place before moving on to a community college. However, the school denied this request and planned to go forward with the graduation. The foster parents requested an impartial due process hearing to challenge the graduation. By making this request, they were able to keep the student in school pending the outcome of the due process hearing. Prairie State then became involved, and we agreed to go to mediation with the school district prior to the hearing. At the mediation, the parties were able to come to a favorable agreement. It allowed the student to stay in school for the rest of the school year, and transition to the public high school for three classes each day, including an intensive reading class. [14-0372599](#) (K. Thielbar)

ELDERLY/SENIORS

Negotiated Repayment Agreement Prevents Sec. 8 Termination/ Reasonable Accommodation Request Leads to A Move to an Accessible Apartment

Client, a disabled senior, has mobility issues and memory loss due to stroke. She received notice from the DuPage Housing Authority (DHA) terminating her Section 8 voucher due to noncompliance with a DHA repayment agreement. Client had previously made the agreement with DHA after they discovered she had not reported Social Security benefits on her yearly certification. We successfully negotiated reinstatement of the repayment agreement. We convinced DHA that the failure to report was not deliberate or an attempt to commit fraud, proving the client's medical conditions as well as family tragedies that occurred at the time of the housing re-certification (daughter found murdered and sudden death of husband). The repayment agreement required that client come up with a lump sum payment and then monthly installment payments. We obtained funding from senior services to be applied toward lump sum payment. We then worked with client on a budget so that she could realistically make monthly payments. The client did so and finished paying off the debt.

A second issue concerned a reasonable accommodation request. Client's apartment was on the second floor of an apartment building. Due to client's mobility issues, she could not manage stairs and was in desperate need of a first floor unit. We submitted a reasonable accommodation request to DHA along with supporting documentation from client's physician requesting that client be allowed to transfer to an apartment on the first floor. DHA granted the request, the client found a first floor apartment and the DHA transferred her section 8 certificate. [13-0352104](#) (Y. Golay)

By Securing Grants to Pay for Repairs, PSLs Saves Subsidized Housing for Elderly Client

[Apartment Complex v. D.H. \(Circuit Court of McLean County\)](#). Our client lives on a fixed income and has a Section 8 Housing Choice Voucher. One of client's in-home aides damaged the garbage disposal in the apartment she has lived in for the past 12 years. The landlord repaired the disposal, but under the lease the cost of the repair was client's obligation. The landlord filed an eviction suit against client when she was unable to pay for those repairs. We then secured a grant from the Miller Foundation and another from the local elder agency PATH, to cover the cost of the repairs. We reached an out of court settlement agreement with the landlord that preserves Ms. H's tenancy, her Section 8 voucher, and, most importantly, her home in the community. [13-0358820](#) (M. Bardell)

PSLS Defends Client from Involuntary Nursing Home Discharge and Petitions for Guardianship

Nursing Home v. D.J. (Illinois Department of Public Health)/ In Re the Estate of D.J. (Circuit Court of Woodford County). Our 92 year old client's grandson held client's Power of Attorney and financially exploited her, allegedly converting \$96,000. The client's condition gradually worsened and she moved from an assisted living facility to the nursing home part of the facility. The grandson applied for Medicaid on the client's behalf, but it was denied because of the transfer of assets problem. The client was penalized for a period of about 18 months. Because it had not been paid, the nursing home issued an Involuntary Discharge notice. We are defending the client in that proceeding, which remains pending. We requested a Hardship Waiver Request, which HFS just recently granted. They will be paying the nursing home \$96,000! Issues regarding the client's competency arose, and ultimately, we filed a Petition for Guardianship, and the Office of State Guardian is now the client's guardian. We also served a demand on the grandson for the money he allegedly converted and have petitioned to terminate his Power of Attorney. [12-0349449](#) (L. Luncsford)

Successful Medicare Appeal Hearing Pays for Client's Stay in Skilled Nursing Facility

Appeal of J.L. (Department of Health and Human Services, Office of Medicare Hearings and Appeals). An ambulance transported our 96 year-old client to a hospital following a fall in her driveway and she was treated for a fractured pelvis. On the fourth day of admission her status was retroactively changed from "admitted patient" to patient in "observation status." At that time she was transferred to a Skilled Nursing Facility where she received rehabilitative care for several weeks. Based on the change in status from admitted to observation, the facility determined it would not submit the bill to Medicare for coverage, and billed the client over \$7,500. We obtained hospital records, researched and found abuse in the decision to place the client in observation status. We then requested that the Facility submit the bill to Medicare for a determination which would allow the client to file an appeal. The facility did so, but the client was denied Medicare coverage for the stay in the skilled nursing facility. We filed a Request for Redetermination, Reconsideration and a Request for Hearing before an ALJ. We represented the Client at that hearing. The Administrative Law Judge issued a fully favorable decision finding that the stay in the skilled nursing facility was covered by Medicare and that the Skilled Nursing Facility should submit a claim which would be considered timely. [11-0321287](#) (G. Dolan)

Nursing Home Agrees to Withdraw Notice of Involuntary Discharge and Permit Client to Spend Time Outdoors

J.P. v. Care Center (Illinois Department of Public Health). Our blind client received an involuntary discharge notice from the nursing home where he had been living for two years. He had repeatedly gone outside without staff supervision, but had done so because the staff was regularly refusing to let him go outside. We represented the client and attended various pre-hearing conferences with the Illinois Department of Public Health. We negotiated with the facility and we entered into a settlement agreement whereby the facility agreed to withdraw the involuntary discharge notice, and give the client supervised time outside every day. [13-0358471](#) (E. Samuel)

DHS Agrees to Reverse its SNAP Termination for Senior Couple and Avoid Future Terminations Based on Couple's Fluctuating Income

In Re L.L. (Illinois Department of Human Services). The Department kept terminating and restoring and terminating the Supplemental Nutrition Assistance Benefits of our elderly client and her husband, due to their fluctuating income and Social Security benefits. We appealed the most recent decision to terminate the benefits, and negotiated a favorable outcome with the Department. DHS reversed the decision and agreed to use an estimated amount of monthly income (instead of the fluctuating amount) to calculate the benefits to avoid the periodic terminations and so that the amount of food stamp benefits did not change every month. [12-0336012](#) (E. Samuel)

ENERGY/PUBLIC UTILITIES

Proof of Identity Theft Prevents Electric Utility Shut-off and Saves Housing Subsidy

Ameren sent our client an electric utility shut off notice based on a debt of \$1,200 for a past due bill at an address where he never resided. The client tried working with Ameren to resolve the issue and offered proof that he had never lived at that address, but they insisted that he was responsible for the bill. If his power had been shut off, it is likely that he would have been evicted from his subsidized housing. We negotiated with Ameren and demonstrated that the client was a victim of identity theft. Ameren removed the past bill from his account, so that his power would remain on. We also helped the client to run a credit report and to take other measures to protect his identity from future theft. [13-0364381](#) (E.Petri)

FAMILY LAW/DOMESTIC VIOLENCE

Client Obtains Excellent Maintenance Award in Divorce to Fund Education

D.F. v. K.F. (Circuit Court of Henderson County). Our client was a respondent in a divorce filed by a very abusive husband, having had an existing plenary order of protection against him. She was undergoing cancer treatment and thus she was able to work only part-time. She needed financial assistance to complete her education and become a special education teacher. We filed a counter-petition and had an uncontested hearing on grounds. Following the husband's refusal to comply with our discovery requests, his attorney withdrew and the Court barred him from presenting evidence as to his financial ability to pay maintenance. In the eventual judgment for divorce, the client received the personal property she wanted and \$500.00 per month in maintenance for four years. During the court hearing, the husband threatened the client and became verbally abusive to the Judge, who promptly held him in contempt. The client was happy with the outcome as she felt she would be able to finish her education within the next four years. [13-0353959](tel:13-0353959) (T. Mergener)

Client Overcomes Disabilities to Obtain Order of Protection

M.L. v. A.L. (Circuit Court of Will County). We represented a disabled domestic violence victim seeking assistance with an order of protection and divorce. The client lost sight in one eye and hearing in one ear due to a brain tumor. She recently found out she had a tumor on her spine that could eventually lead to lost use of her hands and feet. Married for over two decades, she has suffered abuse at the hands of her husband for years, yet the Court denied her petition for an emergency order of protection. We then appeared in the case and obtained an agreed thirty-day interim order of protection. After a hearing which was wrought with difficulties due to the client's disabilities, the court granted a plenary order of protection. The client was grateful to have her husband out of the house and to feel safe again. Our office has agreed to file and represent her in a divorce action. [14-0372597](tel:14-0372597) (A. DeTellis)

Order of Protection and College Safety Plan Protects Client from Classmate

A.H. v. S.V. (Circuit Court of Peoria County). The client had ended a relationship with her ex-boyfriend when he started to engage in controlling behavior, demanding to know her whereabouts and interactions with others. Unfortunately, the client still had to interact with him because they were in the same college class. While they were working on a class project one evening at the college, he kept her from leaving the room and calling for help, and when she tried to leave he punched her in the stomach. We represented the client in an Order of Protection proceeding resulting in an agreed order that kept her ex-boyfriend from contacting her or coming near her. We also developed a safety plan for her with the help of the college for her safety while she was on campus. [12-0351713](tel:12-0351713) (E. Petri)

Client Prevails on All Issues in Divorce and Order of Protection

In re the Marriage of C.W. and M.W (Circuit Court of Woodford County). Our client's husband engaged in a long-standing pattern of abuse. It had recently escalated, including a violent attack against their 17 year old son. The husband had a history of bipolar disorder for which he refused medication, and his condition had worsened following a stroke. He also began exhibiting signs of extreme delusions. In fear for her safety and that of her children, the client obtained an Emergency Order of Protection. We helped client obtain a plenary order and then filed for divorce. We represented the client at a contested grounds hearing, and established grounds of mental cruelty. We later represented the client at a contested hearing on all remaining issues. The court ruled in client's favor on all matters, awarding her sole legal and physical custody of the minor children, imposing supervised visitation, requiring respondent to remove all personal property from client's residence by a date certain or forfeit his right to possession of the property, and admonishing respondent that despite his statements to the contrary, the marriage between the parties had been dissolved. [13-0357567](tel:13-0357567) (M. Cannon)

Client Obtains Multiple Types of Relief Against Abuser, Including Permission to Leave State with Parties' Child In Order to Take Job As Shipbuilder.

KH v. DD (Circuit Court of McLean County). Client and DD are the parents of a 4 year old son. After separating in 2009, Client filed for custody of the child, and was granted custody by agreement, with DD receiving visitation. DD used visitation exchanges as an opportunity to abuse and harass our client. Assisted by his new partner, DD physically attacked client in a McDonald's parking lot at a visitation exchange. We obtained a one-year plenary order of protection, but once that expired, DD began again to abuse and harass the client at visitation exchanges. She frequently needed police help to secure the return of the child after visitation. After a particularly tense exchange, DD battered client in the presence of the minor child and several witnesses. Once again, client filed for an order of protection and we represented her through several contested hearings. The Court ordered DD to attend a domestic violence assessment and undergo all recommended treatment, and ordered that visitation be supervised at the Bloomington Police Department until DD accomplished these requirements. We obtained an order for several thousand dollars in unpaid child support and child care costs, a detailed visitation schedule, and a clear order allowing DD to claim the parties' minor child every other year for tax purposes only if he remained current on child support and child care obligations. Our client completed training as a welder, and was offered a position as a shipbuilder with a firm in southern Mississippi. We then represented the client to obtain leave for a permanent removal of the minor child to Mississippi so client could accept this life-changing career opportunity. We reached a negotiated settlement agreement providing for permanent removal to Mississippi. [13-0357685](tel:13-0357685) (M. Wood and M. Bardell)

Order of Protection Against Sexual Abuser Modified from “No Unlawful Contact” to “No Contact”

T.B. v. R.K. (Circuit Court of Will County). Our client, a severely disabled 26 year old, obtained a pro se Order of Protection against her Grandfather who was sexually abusing her. On the advice of her grandmother, she had the language of the OP modified from "no contact" to "no unlawful contact." Later, contact with the grandfather led to more sexual abuse. Prairie State took the case and represented the client in an OP modification hearing, modifying the original OP back to "no contact." [13-0365764](#) (L. Ullman)

Client Obtains Order of Protection Requiring Visitation Be Supervised

K.H. v. B.P. (Circuit Court of McLean County). Client and opposing party are the parents of a minor child. Opposing party was obsessed with Client and serially physically and emotionally abusive, repeatedly disparaging her. After he restrained Client at knife point, in the presence of the minor child, on several occasions, Client filed an Order of Protection. We represented client in several hearings and obtained custody via a plenary order of protection, with all visitation ordered to take place at a supervision facility. [12-0343820](#) (M. Bardell)

Court Upholds Validity of Plenary Order Denying 3 Motions to Vacate

N.G. v. C.H. (Circuit Court of Kane County). We defended a previously negotiated and agreed Plenary Order of Protection after new defense counsel filed three distinct motions to vacate. We researched and prepared extensive responses to each motion, defeating them all after a successful oral argument. The Court upheld the validity of the agreed plenary order. Among other things, that order gave client temporary legal custody. Respondent intends to challenge permanent custody. [12-0344038](#) (A. Voss)

Abuse Leads to Change from Ex-Husband’s Liberal Visitation to No Visitation

M.B. v. J.B. (Circuit Court of Kane County). Ex-husband’s very liberal visitation order was causing the client’s children distress because he was continually abusive toward the client. After client filed a pro se Petition to modify visitation, the Court granted Prairie State leave to file an amended petition to include and emphasize various incidents relating to visitation. We prepared numerous exhibits and prepared the client to testify. We interviewed the children in anticipation of an in camera examination. We represented the client at trial, which resulted in an order of protection for both client and children, a complete denial of visitation pending completion of a psychological evaluation, and various other remedies. [14-0374574](#) (A. Voss)

Pro Bono Attorney Obtains Divorce for Client Suffering from Cancer

M.J. v. J.N. (Circuit Court of Will County). The client has cancer and is undergoing chemotherapy. Her husband was unfaithful and did not help her or take care of her. There are no children of the marriage and no assets. Due to the client's medical condition, it was unlikely that she would have been able to obtain a divorce on her own. The client came to one of our family law advice clinics. She met with a pro bono attorney and he advised her how to file a pro se divorce. The attorney determined that due to her illness, she would have a difficult time going to court so he requested that PSLS refer her to another pro bono attorney for representation. We referred client to Angela Henderson, who filed a divorce, obtained service by publication and obtained a default Judgment. The client was very appreciative. [13-0360873](#) (S. Helwich)

Sexual Abuse of Minor Leads to DCFS Finding and Order of Protection.

J.B. v. J.B. (Circuit Court of Tazewell County). We represented the client in proceedings for a divorce and an order of protection from her husband, there being allegations of sexual abuse of their minor daughter. The client and her parents began to notice the daughter becoming more aggressive and defiant. Then, the client found her husband and daughter in her bedroom, with her daughter buttoning her pants. The daughter made several statements implying penetration, and the client took her to the hospital. DCFS conducted an investigation and indicated Jessica's husband for sexual penetration and abuse of their daughter. We filed a Petition for Order of Protection and represented the client at a contested hearing. The Court entered the two year Order of Protection on behalf of both of the client's minor children. [13-0356143](#) (E. Petri)

FORECLOSURE

Second District Appellate Court Reverses Confirmation of Sale and Allows Client to Prove that Bank Violated HAMP By Not Postponing Sale

Chase Home Finance LLC v. R.N. (Appellate Court of Illinois, 2nd District). We moved successfully to deny confirmation of sale following a judgment of foreclosure. Chase then vacated its sale and solicited client to apply for a new HAMP loan modification. Without resolving that application as required by law, Chase again sold the home at judicial sale, and moved for confirmation. The client filed a new motion objecting to confirmation, and attached exhibits demonstrating that she made the application for HAMP. However, on the day of the confirmation hearing, the Court refused to hear the client's motion because it was not in the court file. The Court also denied client's request to continue the case, and promptly confirmed the sale. We appealed arguing that the Court's unwillingness to hear her properly filed and noticed motion violated her due process rights. The Second District Appellate Court held that the trial court erred in refusing to hear the Client's pro se motion to deny confirmation of sale pursuant to 735ILCS 5/15-1508(d-5). The Client should have an opportunity to establish by preponderance of the evidence whether she submitted an application for a loan modification and whether, in material violation of HAMP, the bank did not postpone the judicial sale of the home until after it had resolved the pending application. Reversed and remanded. [13-0352556](#) (J. Miller)

Court Vacates Prior Judgment of Foreclosure and Bank Then Dismisses Case in Response to a Motion to Dismiss

Wells Fargo Bank v. R.B. (Circuit Court of Lake County). The clients came to PSLs three weeks before their judicial sale date in a foreclosure action. They had previously paid \$10,000 to a scammer who advertised on the radio about assisting homeowners with foreclosure defense and loan modifications. Contrary to the scammer's representations, no attorney handled their foreclosure case or helped them modify their mortgage loan, but rather the scammer allowed Wells Fargo Bank to enter a default foreclosure judgment against them. Throughout the court process, the scammer continued to assure the clients that his "attorneys" were handling the case. When PSLs came into the case, we realized the clients had a defense given their FHA-insured mortgage loan, because the bank never held a face-to-face meeting or made a reasonable effort to solicit them for a face-to-face meeting as required by 24 C.F.R. 203.604(b). We filed a motion to stay the sale and a motion to vacate the judgment of foreclosure and sale and default order. The Court vacated the order of default and judgment of foreclosure and gave the clients leave to file an answer or otherwise plead. We then filed a motion to dismiss the complaint based on the bank's failures with respect to a face-to-face meeting. In response to our motion to dismiss, the bank dismissed the foreclosure action. [13-0359358](#) (D. Berland)

Clients Prevail to Receive Illinois Hardest Hit Funds to Cure Default and Negotiate a Lump-Sum Settlement of Their Counterclaims

CitiMortgage v. C.A. and R.A. (Circuit Court of Peoria County). Husband received unemployment insurance (UI) after being laid off. He informed his mortgage servicer, which did not offer any form of mortgage relief. By the time he started receiving UI, the clients were already a month in arrears and could not catch up on the mortgage payments. The servicer filed for foreclosure. The clients, working with a HUD-approved housing counselor, then applied for mortgage assistance by filing multiple Requests for Mortgage Assistance (RMA). The servicer never formally rejected the RMA's, but continually requested additional information. The Court referred this matter to the Peoria County Mediation Program citing concern for the delays in the process. At that point, the case came to PSLs. We were confident the client was eligible for FHA-HAMP (and other loss mitigation) given the client's income and the fact that the loan is FHA-insured. Mediation was unsuccessful due to CitiMortgage's failure to evaluate client for FHA-HAMP despite our advocacy. Back in court, we filed an answer raising several defenses and counterclaims revolving around violations of the FHA servicing regulations. Concurrently, we helped the client make applications to the Illinois Hardest Hit (IHH) Program. IHH denied those applications because there was allegedly no 20% reduction in income. We believed that clients were eligible for IHH because there had been a 20% loss of income due to no fault of their own, and that IHH had improperly evaluated the income. We successfully advocated for clients, the clients were approved and given funds to reinstate (over \$28,000). Citi accepted those funds and we pushed to dismiss the foreclosure. The default had been cured, leaving only our counterclaims standing. Eventually, we negotiated a lump-sum settlement of clients' claims and the foreclosure action and counterclaims were dismissed. [13-0352731](#) (J. Hodieme)

Work-Outs For Taxes and Insurance Forestall Foreclosure for Senior Client

Generation Mortgage Company v. B.R. (Circuit Court of Winnebago County). An 85 year old widow with a reverse mortgage, our client was being foreclosed because she was behind about \$3,500 in outstanding property taxes and insurance. We sought a grant through a local foundation to repay her arrears, but surprisingly she made too much money. Then, we sought to work with the bank to work out a repayment plan for the taxes. They were unwilling to do a repayment plan because they claimed they had offered her one when she first defaulted. So we escalated the case to HUD, who contacted the lender and got them to agree to a repayment plan. We then helped client restart her homeowner's insurance policy. We expect the foreclosure case to be dismissed as long as she keeps up with the payments. [13-0362013](#) (M. Rosenberg)

Client Wins Permanent Loan Mod with Big Reductions in Payments and Principal, a Dismissal of the Foreclosure Case, Big Tax Refunds, and Release of a DHFS Lien

US. Bank N.A. v. S.H. (Circuit Court of Kane County). The Client had applied for a loan modification but the servicer refused to consider her because she had not filed tax returns in several previous years. Although the client now made a decent wage, we determined that based on the client's income at the time, she had not been required to file taxes in those previous years. Nevertheless, our tax attorney helped her file back tax returns in order to recover tax refunds for some of those years. Based on these new returns, we had the client file a new application for a loan modification and she received a Trial Payment Plan (TPP). However, the client still had to deal with a child support lien placed on the property by Illinois Dept. of Healthcare and Family Services due to unpaid child support the client's husband owed to his first wife. We advocated with DHFS to remove the lien on the property because the client had purchased the home before she got married, and her husband was not on the title or the note. However, DHFS believed he was on title because he had signed the mortgage. After much negotiation, DHFS sent us a release of the lien and we recorded it, and sent a copy to the servicer. The client successfully completed her TPP and the modification was made permanent. As a result, the foreclosure was dismissed and the client saved her home. In connection with the modification, the client received a reduction of over \$450 in her monthly mortgage payments and received a principal reduction of over \$74,000. The client went from being significantly under water to having equity in her home in three years. The client is also eligible to receive a Pay-for-Performance Success Payment that goes straight towards reducing the principal balance on the loan as long as the client remains current on her monthly payments. These payments can be up to \$1,000 per year for up to 5 years. [12-0347493](#) (J. Miller)

Foreclosure Suit Based on Mechanic's Lien Dismissed

RBS v. S.H. (Circuit Court of Lake County). Plaintiff RBS filed to foreclose on client's home based on a mechanic's lien that Tropical Home Improvement (THI) had assigned to RBS. Our client did not have any other mortgages or liens on her property. Although THI did some home repairs, it never adequately completed the repairs and the work they did was haphazard. THI did not fix the repairs to our client's satisfaction, but rather, recorded a mechanic's lien against the property. Between the recording of the lien by THI and the filing of the foreclosure lawsuit by RBS, the Illinois Attorney General's office brought suit in Cook County against THI based on violations of various statutes including the Illinois Consumer Fraud Act. The AG's office obtained a default judgment against THI and the Cook County Court rescinded the mechanic's lien and underlying contract. We filed a motion to dismiss in our client's foreclosure suit, which the Court granted. We will be filing a Petition for Attorney's Fees. [13-0362664](#) (J. Luczkowiak)

Court Grants Motion to Dismiss Foreclosure Suit and Awards Attorneys' Fees to PSLS

US Bank Trust National Association, as Trustee v. N.G. (Circuit Court of Lake County).

Client's home went into foreclosure when she became unable to make her FHA-insured mortgage payments. She wanted to save the house if possible, but needed a reduction in her payments so as to be affordable. The servicer was not providing her with any feasible options to remain in the home. Despite federal regulations requiring them to do so, before filing the foreclosure case, the servicer failed to make a reasonable effort to have a face-to-face meeting with the client. We filed a Motion to Dismiss under 735 ILCS 5/2-619, on the basis that federal regulations require servicers of FHA-insured loans to (1) make reasonable efforts to have a face-to-face meeting with the homeowner before 3 monthly installments become due and unpaid, and (2) monthly evaluate the homeowner for all loss mitigation techniques set forth in the federal regulations before 4 monthly installments become due and unpaid. Plaintiff did not challenge their failure to take these steps, but rather, claimed that the client's argument was an affirmative defense and argued incorrectly that a section 2-619 motion was not the appropriate instrument to bring this argument. Plaintiff also wrongly argued that the servicer in this case is exempt from complying with these federal regulations because their servicing office is located more than 200 miles from the subject property. The Court disagreed with Plaintiff's arguments and granted our Motion to Dismiss. The Court also ordered that no expenses incurred by the bank in connection with the foreclosure suit be charged to the homeowner or her loan account, and ordered the bank to pay PSLS \$6,456.00 in attorney's fees and costs. [13-0362162](#) (J. Luczkowiak)

Probate Action Saves Home from Foreclosure

PNC Bank vs. Estate of T.B. (Circuit Court of Tazewell County). Client's husband died without a will, and the family home was in his name only, not in our client's name. Because there was no will, the Bank filed for foreclosure on the home and refused to talk with the client. On top of losing her husband, the client, who had young children, was faced with losing their home. We arranged for volunteer attorney Karen Stumpe to file a probate case and the client was named as Administrator of the Estate. The volunteer attorney also assisted the client to assume the mortgage and to arrange for the dismissal of the foreclosure case. [10-0308640](#) (S. Crow)

PSLS Protects Foreclosure Sale Surplus Funds From Attachment By Outside Bank

One West Bank and Bank of America v. M.S. (Circuit Court of Lake County). Our client came to PSLS at the very end of his foreclosure case, shortly before eviction. He previously entered into a reverse mortgage, which was foreclosed allegedly based on his abandonment of the property. However, client had not abandoned his home, but remained in his property. Unfortunately, because the client had not participated in his foreclosure case in any manner whatsoever, we were unable to assist the client in vacating the foreclosure judgment. This case involved a rare situation in which the foreclosure sale resulted in a surplus. Bank of America entered in the case after the sale took place to recover the surplus. BoA was relying on other mortgage transactions it had with the client that were the subject of independent federal litigation for which client had private counsel. We appeared in the state case, extended the Client's amount of time to move out of his property, and stayed the disbursement of the surplus until the federal court case was decided. The federal court case settled, granting disbursement of over \$60,000 to our client. Although our client was wrongly foreclosed and lost his very valuable land, we were at least able to prevent Bank of America from wrongfully entering in the case and obtaining the surplus funds. [12-0348087 \(J. Luczkowiak\)](#)

Mediation Leads to Loan Modification and Dismissal of Foreclosure Case

BankFinancial FSB v. M.S. (Circuit Court of Will County). After client's husband was diagnosed with leukemia, his medical expenses and the family's reduced income led to a default on their mortgage payments. Client and her husband sought help from Hardest Hit Fund (HHF) and applied for a mortgage loan modification with their lender. After they were rejected for both, their lender filed a foreclosure action. Client's husband passed away less than a week before meeting with Prairie State. Client wanted to stay in her home, having shared it with her husband and children for 17 years. Moreover, her mortgage payment was significantly lower than what she would pay to rent another home or apartment in the area, and client could not afford market rent. We determined she should be able to qualify for a loan modification and agreed to represent the client in mediation. At the first session, the Mediator wanted to terminate mediation because he believed the client's income was too low to afford any modification. We demonstrated that although client's income was low, so were her property taxes and the principal balance of the mortgage. Counsel for lender eventually agreed that it was worth having the client apply for a modification. Client applied and was subsequently offered a modification, but the terms were not affordable. At the next mediation date the lender offered a lower, affordable payment. Client accepted, made three trial period payments, and signed the permanent modification agreement. The bank then dismissed the foreclosure case. [13-0354237 \(J. Murphy\)](#)

Client in Foreclosure Arranges Short-Sale to Dump Underwater House and Avoid Foreclosure Deficiency

Wells Fargo v. V.V. and E.V. (Circuit Court of Kendall County). The clients tried unsuccessfully to arrange a short sale, so we focused on saving the home. The clients had an FHA-backed loan. In contravention of FHA regulations, the lender had not arranged a face-to-face meeting with the borrowers in order to review their loss mitigation options prior to initiating foreclosure proceedings. We also had a defense regarding capacity, and raised these two defenses in our Answer. After we initiated discovery, an attorney that clients had hired earlier found a buyer to go through with a short sale. We reviewed the short sale terms and related documents. With a short sale, clients could rid themselves of a lot of debt: the balance on the note at the time of default was in excess of \$250,000, but the house appeared to have a value of only \$100,000. Therefore, we felt that it would be to the clients' advantage to be rid of this bad investment. On the other hand, the short sale required an early move out, and the client had not lined up a place to move to with his three children. The buyer in the short sale was in breach because he had not lined up financing by the agreed upon deadline. This gave us room to negotiate so that the client wound up with more time to move out of his home. The sale ultimately went through. The attorneys for the bank sought to dismiss the case without prejudice. However, because the defendant had utterly rid himself of any possible deficiency judgment and because he had no intention of returning to the house, we prevailed in our argument to the court that the order should dismiss the case with prejudice. Because of our efforts, we were able to rid the clients of \$150,000 in mortgage debts and hopefully, put them on more solid financial footing for the future as the husband seeks to continue his own education. [13-0352563](#) (D. Parikh and J.DeGrange)

Clients Approved for Illinois Hardest Hit Program – Favorable HAMP Modification Reinstated

Green Tree Servicing, Inc. v. L.P. (Circuit Court of Lake County). Client and her husband, with four children to support, obtained a very favorable HAMP loan modification. Afterwards, the client had a work accident leaving her unable to work and her husband's work hours were reduced. They fell behind in their HAMP payments. A foreclosure suit followed. Their income situation had improved somewhat by the time they met with us, and they strongly wanted to keep their home. We determined best course of action would be to reinstate and continue with their favorable HAMP modified loan. We determined that the clients were likely candidates for the Illinois Hardest Hit Program (IHHP), and that if they could catch up with the arrears, they were likely to be able to afford their mortgage going forward under the modification terms. They applied for IHHP shortly after meeting with us. We entered an appearance in the foreclosure case and filed an amended answer on clients' behalf. Clients were approved for IHHP, which paid the defaulted payments. Plaintiff reinstated the HAMP loan modification and dismissed the foreclosure case. [3-0359957](#) (T. Harvey)

Representation in Foreclosure Case Leads to Modifications of First and Second Mortgages

JPMorgan Chase Bank, N.A. v. J.K. (Circuit Court of DuPage County). Client, a 72 year old woman suffering from dementia, was ignorant of the family finances. Client's husband, who had recently died, handled all such matters. Client tried to apply for a mortgage modification to bring the loan current, but she was never able to complete the process. Having lived in the home almost 30 years, and due to her medical condition, the client and her doctor both felt that it was best for her to remain in the home as long as medically possible. Prairie State assisted client to find, gather and request the necessary documents and submitted a complete modification application. We also filed a motion to dismiss the foreclosure action based on standing issues concerning the ownership of the loan. Plaintiff was forced to amend its complaint, bringing the entire foreclosure process back to the beginning. Plaintiff subsequently filed a Motion for Summary Judgment along with a Loss Mitigation Affidavit asserting that the client had never submitted a complete modification package. Prairie State responded by proving that a complete package had been submitted and we included an affidavit from client's housing counselors verifying the contents and date of the application. Before the hearing on Plaintiff's Motion for Summary Judgment, the lender evaluated the client and gave her a trial period plan to establish a loan modification. She has paid four months on the TPP and has been told that the final modification is being prepared. In order to make the modification affordable, Prairie State worked with the client, the client's sister, and the holder of the client's second mortgage to modify her second mortgage as well. The second has already been modified and will reduce the client's payment on her second mortgage by almost 75%. [13-0353019](#) (J. Murphy)

Sheriff's Sale and Unlawful Attempt to Evict Tenant in Foreclosed Property Halted – Client Receives a Cash-for-Keys Settlement

The Sheriff of McHenry County posted an eviction notice to evict our client, a tenant in a foreclosed property, on a date certain. The client contacted us 3 days before that date. The Sheriff's office informed us that our client would be evicted pursuant to the order confirming the sale following a foreclosure judgment. However, the client was not a defendant in the foreclosure action and the order confirming sale did not list her or otherwise give the Sheriff authority to evict her. Furthermore, neither a supplemental petition in the foreclosure action nor a forcible entry and detainer action (eviction) had been filed against the client. Because the Sheriff lacked any legal basis to evict the client, we advocated with his office to cancel the eviction. The Sheriff's office refused to cancel the sale or the eviction without the consent of the third-party buyer. We contacted the attorney for the third-party buyer and threatened legal action in a letter outlining the relevant law regarding tenants in foreclosure. The attorney agreed to cancel the sale and we negotiated a cash-for-keys settlement. The Sheriff canceled the sale, and the client received a \$1,000 cash-for-keys settlement and a later move out date. [13-0369387](#) (D. Berland)

Court Grants Motion to Vacate Default Judgment and Stay Sale Based on Unlawful Denial of HAMP Loan Mod; Client Tries Again for HAMP Mod

PNC v D.M. (Circuit Court of Will County). A default judgment was entered against client before Prairie State filed an appearance. The client made several attempts to request a HAMP loan modification, only to receive a denial notice from PNC, which claimed to be the holder and owner of the note and loan. The notice stated that she was not eligible for a HAMP because "the investor did not participate in HAMP." We sent a Qualified Written Request (QWR) through bank's attorneys requesting ownership information. (A QWR is written correspondence that you can send to your servicer to ask for information relating to the servicing of your loan or to dispute errors about your loan). We learned the ownership was in a trust and that the master servicer was Wells Fargo, a signatory to the national settlement with five major servicers, and clearly a participant in HAMP. Based on this information, we filed a motion to stay the sale, vacate the default judgment and dismiss the case. The court agreed but allowed the plaintiff to file an amended complaint. We then filed a motion to refer the case to foreclosure mediation. The case is currently in mediation. The client continues to live in her home with her children. She is working with a housing counseling agency to acquire a HAMP modification. The HAMP request is still in underwriting. [12-0343602](#) (E. Nielsen and J. Prendki)

Quitclaim Deed From Estranged Husband Enables Client to Receive Loan Mod and Dismissal of Foreclosure Lawsuit

Homeward Residential, Inc v. C.K. (Circuit Court of Will County). The client learned from a notice attached to her door that a judgment for foreclosure had been entered against her and a sheriff sale scheduled. Prior notice had been served on client's husband, who never informed her of the pending foreclosure. After 40 years of marriage, client's husband had left her, causing client to fall behind on the mortgage. She had never handled finances before. Her widower son had recently moved into the home with his two minor children and wanted to help client save their home. By including her son's income, we believed client could qualify for a modification of her loan. With significant and speedy advocacy, Prairie State helped client to get her husband to execute a quit claim deed, relinquishing his interest in the home. By doing so, it permitted client and her son to apply for a modification without husband's participation. After the lender offered client a temporary payment plan, Prairie State was able to halt the sheriff's sale indefinitely while the modification process proceeded. Subsequently, client accepted a permanent modification of the mortgage, which will allow her, her son, and her grandchildren to stay in their home. The court signed an order dismissing the foreclosure complaint and vacating the judgment of foreclosure. [13-0366284](#) (J. Rhoades)

GUARDIANSHIP

Volunteer Attorney Helps Senior Mom Get Guardianship for Severely Disabled Adult Daughter

In re S.F. (Circuit Court of McHenry County). This senior client speaks only Spanish. The client wanted a guardianship for her disabled adult daughter, age 40. Disabled since birth with Down's syndrome and autism, the daughter receives SSI and Medicaid. She is unable to communicate or make decisions and needs 24 hour care. She had been well cared for by her family members, who had a rotating schedule in place for her care, all her life. The family was not aware of the need for a guardianship until the daughter was hospitalized and someone had to authorize treatment. We advised the client how to obtain a guardianship and how a guardianship works for the disabled person. We also gave the client the Physician Evaluation Form and information from Illinois Guardianship & Advocacy Commission and advised her that the form must be dated within 90 days of filing Petition for Guardianship. Once the client provided the completed physician's report to our office, we quickly placed her case with volunteer attorney John Gaffney, who speaks fluent Spanish. Mr. Gaffney completed the guardianship for the client without difficulty, and described her as "a delight" to work with. This case is an excellent example of how attorneys who handle pro bono cases through our programs can impact a family in a positive way that will truly benefit the family for years to come. [12-0350693](#) (D. Michaels)

Dying Client's Adult Daughter Gets Stand-by Guardianship of Minor Daughter to Prevent Rapist Father From Getting Custody

In re L.F. (Circuit Court of Winnebago County). Client has a 12 year old daughter who was conceived through rape. The father has threatened to take the child away from client. Recently diagnosed with terminal cancer, the client wanted to ensure that, after she died, her adult daughter would be able to raise her younger daughter, and that the father would not be able to take custody. We filed a petition for Standby Guardianship on behalf of the client, seeking to appoint the adult daughter as the younger daughter's guardian when the client was no longer able to provide care. The father came to court, but ultimately consented to the standby guardianship. The older sister was appointed standby guardian, and will be able to take over as guardian of the younger daughter when the client is no longer able to provide care. [13-0367898](#) (K. Thielbar)

Guardianship of Wife Enables Senior to Refinance and Avoid Foreclosure

In Re B.P. (Circuit Court of Winnebago County). Our client, age 74, is a caretaker for his wife, B.P., who has dementia. He has two mortgages on his house, and wanted to refinance them so that he could have one, more affordable payment. In order to do so, he had to get guardianship of his wife. We assisted client to get a guardianship of his wife. This in turn enabled him to refinance for a more affordable payment and avoid foreclosure. [12-0351523](#) (M. Rosenberg)

Telephone Counseling Service Advises On Unusual Guardianship Matter

The client sought guardianship of her 17 year old biological daughter. The client herself was only 17 years old when she gave birth to the daughter, and immediately gave her up for adoption. The adopting parent was the client's cousin who lived in Florida, and who allowed our client to maintain contact with her daughter throughout her life. Recently, the cousin wanted to return the daughter to Illinois due to disciplinary problems, and our client was willing to finally parent her daughter. The client sought to enroll her at the local high school but officials there would not allow enrollment unless the client obtained guardianship. The client also believed that she needed a guardianship in order to obtain Medicaid for the daughter, who has bipolar disorder. We advised the client that the school district could not require a court order of guardianship as a condition of enrollment and that such a requirement was contrary to Illinois law. Regarding the Medicaid issue, we advised the client that the state rules allow "caretaker relatives" to apply for a medical card for a minor child. Although the daughter was the client's biological daughter, legally she would be considered a first cousin once removed. First cousins once removed are considered 5th degree relatives under DHS policy. Since client met the definition of "caretaker relative," she could apply for Medicaid for the daughter. We also advised the client that if she wished to pursue a guardianship, she could not currently file in Illinois because the Illinois court did not have custody jurisdiction. Since guardianship cases are considered "child custody proceedings" under the UCCJEA, we advised the client that Illinois would have to be the "home state" and that the daughter would have to live here for 6 months, before she could file for guardianship in Illinois. [14-0376847](#) (M. Pierce)

HEALTH/MEDICAL

Toothless in Waukegan: Suit Against DHFS Enables Client to Get Dentures

S.I. v. IDHFS and Julie Hamos, Director of IDHFS (Circuit Court of Lake County). Client received a pre-authorization from a DHFS authorized agent, approving a procedure for upper dentures at a cost of \$1,500. Six days later she had all of her upper teeth extracted in preparation for the upper dentures. Her follow-up appointment was scheduled for 3 months after that to allow time for her mouth to heal. However, just a day after the extraction, DHFS issued a notice to all its enrolled Dental Providers: under the SMART Act, the Department now would limit adult dental services to emergencies and that all open authorizations were to expire on an up-coming date that was before the placement of our client's upper dentures. Her dental provider denied any further services. The client filed a request for a hearing to the Bureau of Administrative Hearings appealing the denial of coverage for her dentures, and we represented the client at the hearing. DHFS issued an unfavorable final Administrative decision which confused the issue on appeal. On behalf of the client, we filed a Complaint for Review of Administrative Agency Decision in the circuit court. After negotiation, the parties reached a settlement whereby HFS agreed to immediately pay for the client's upper dentures. [12-0333218](#) (A. Weiss)

Favorable Outcome on Residency Issue in Individual Care Grant Case

J.K. v. Illinois Department of Human Services (Circuit Court of DuPage County). The Individual Care Grant program provides financial assistance to severely mentally ill children, either for residential services or in-home services. Our client received services in a local residential facility. DHS decided she was no longer eligible because her mother was no longer an Illinois resident, having temporarily moved to Maryland to take a temporary job. After losing an appeal, Client's mother filed an ARL complaint in court. PSLS filed a motion seeking an evidentiary hearing on the issue of residency. The judge agreed with our due process arguments and remanded the case to the state agency for an evidentiary hearing. We represented the client at that hearing at which witnesses were allowed to testify. The main issue at the hearing involved the residency of the client's mother. Our main argument followed the reasoning in the case that challenged Rahm Emmanuel's candidacy for mayor of Chicago. Rahm's challengers claimed he was not an Illinois resident because he had spent the previous several years residing in Washington, D.C. There were many parallels between our case and the Emmanuel case. While the hearing was promptly held, the decision was delayed inordinately, by more than a year. The hearing officer kept assuring us the decision would be issued soon. Finally, exasperated by the lack of results, we filed a motion asking the Court to find the client eligible for the Individual Care Grant program because DHS had failed to issue a decision in the case, in violation of the court's previous remand order. That seemed to do the trick: DHS issued a favorable decision shortly thereafter. [10-0299458](#) (E. Abarbanel)

HOMELESS

Advocacy Succeeds to Remove Driver's License Suspension by Eliminating Improper Child Support Arrears

In Re L.G. (Circuit Court of DuPage County)(Secretary of State). Homeless client gave custody of child to the father. The State moved to intervene in a parentage case to have client pay child support to the father. When client did not appear, the court granted the motion to intervene, but also set support of \$300 per month against client, imputed from minimum wage. Client then sent an email to the clerk of court saying she missed court because she was homeless. When arrears reached \$10,000, DHS issued notice to suspend her driver's license. PSLS filed a motion to vacate the order of support, on the theory that the order was void due to fact that no petition for support had been pending when it was entered, and alternatively, her email should be considered a timely filed motion to reconsider which stayed the order. We also filed an appeal with DHS on the license suspension, arguing they had to honor the automatic stay. The case resolved when the client found work, and the parties agreed to reduce support to \$100/month and arrears to \$1,200, the amount client was to receive as her income tax refund. When arrears were reduced to zero, we worked to remove the license suspension. [12-0336884](#) (K. O'Brien)

Court Vacates Its Own Unlawful Order and Both Reinstates and Increases Child Support for Client

D.W. v. A.H. (Circuit Court of Cook County). Client has 16 year-old son, and had been drawing child support for 15 years on a 1998 administrative agency order of parentage and support. In 2005, the father filed a lawsuit in Cook County seeking custody of the child, which the Court dismissed for want of prosecution. In 2012, the father filed a motion in the dismissed case requesting genetic testing, which the Court granted without any notice of the motion having been given to client. The parties submitted to testing separately. The father returned to court, again without notice to our client, and submitted unverified test results indicating he was not the father. On that basis, the Court vacated the 1998 parentage and support order. Without the support, the client could not pay her rent and became homeless. The client believed the father had sent an imposter to the test. The suspicion was plausible, because test results from the testing provider are usually accompanied by photographs of the parties taken at the time of the test. The results submitted by the father did not have either the provider's attestation or the photographs. We filed a motion to vacate the Court's order and restore the 1998 parentage and support order. The Court granted our motion, accepting our arguments that the father was barred by res judicata from attacking the 1998 case, and that it had no authority to order the test. The support was reinstated, with arrears added, and the client's periodic support payments increased from \$356 to \$529 (being withheld from the father's wages.) The client is scheduled to graduate from her transitional housing program. [12-0347491](#) (K. O'Brien)

Action Enables Homeless Client to Eliminate Child Support Arrears, Stop Garnishment of Social Security Benefits, and Obtain Housing

In re Marriage of R.P and N.R. (Circuit Court of DuPage County). The client is a senior, homeless man, whose sole source of income is Social Security benefits. He was subject to a child support order to pay \$500/ month. This support obligation was being paid in part by Social Security dependent benefits for the children and their mother, on the client's entitlement. The client, however, had a history of not always paying his portion of the support and he had run up a considerable arrears and interest of over \$20,000. As a result, the State intercepted his tax refund, he had to turn over a \$4,761 payment through a workman's compensation settlement, and the State garnished his unemployment insurance award and 1/2 of his own Social Security benefits. Although the client eventually paid all support and interest due (and arguably overpaid his support), the State continued to take \$500 from his monthly benefit check. This left the client with insufficient funds to afford housing. Moreover, his former wife brought a petition to seek additional payments for the college expenses of an emancipated child amounting to \$31,000 per year. We counter-filed with the Court a motion to quash the State's garnishment of the benefits, and to set arrears with credit for all payments that had been made, including the dependent benefits. As a result, the State voluntarily terminated the withholding. The Court set arrears and interest at zero, and applied the overpayment towards the child's college expenses. With the client having full access to his income, he was able to obtain housing. [13-0371759](#) (K. O'Brien)

Child Support Amendments Enable Client to Reduce Arrears, Establish a Payment Plan, and Restore Driver's License so that He Can Stay Employed

J.B. v. D.B. (Circuit Court of McHenry County). A homeless client living in his car suffered from depression but was on half-doses of his meds because he had so little money. He had been in an in-patient treatment program and was struggling to get his life back in order. Divorced with two children, he had a child support order in place. Out of work for almost three years, he had fallen behind on child support payments, which resulted in a suspension of his driver's license. He tried unsuccessfully to modify the child support order. Although he had found a job, he was unable to drive there due to the suspended license. PSLS represented the client to modify child support and set up a repayment agreement so that his driver's license could be restored. The client's divorce had been in McHenry County, and the ex-wife and children were also in McHenry County, so our McHenry office PAI coordinator placed the child support case with a seasoned volunteer, Peter Carroll. The Court considerably reduced the amount of past due child support owed, and issued a new, amended child support order to DHFS, including a payment plan. With the payment plan in place, we assisted to restore the client's driver's license so he could get to work. The children then were able to get the support they needed, and the client was able to move ahead without the burden of an unmanageable past-due debt and take steps to get his life back together. [11-0314204](#) (D. Michaels, K. O'Brien, L. Smith)

HOMEOWNERSHIP/REAL PROPERTY (not foreclosure)

Real Estate Contract Rescinded Due to Fraudulent Disclosure

Client signed an Installment Purchase Land Contract without the seller having made full disclosure of the problems with the property. She found the home on Craig's list for sale by contract for deed. She called the seller, who informed the client that the roof needed repair, that some wiring was bad, and that there were back taxes owed. Having been given the code for the lock box so that she could look at the home, the client believed the repairs could be easily made. After the seller provided the contract by fax, the client signed it and returned it by fax. The client paid \$600 down and agreed to pay \$430/month for 15 years. While the client was making the repairs, she learned from the City of Peoria Code Enforcement that there were numerous and serious code violations beyond those that had been disclosed and that she needed to hire a licensed electrician and plumber. The prior owner had ignored these violations for a long time and the City had scheduled a hearing on those violations. The client learned further that due to these violations, the home could be slated for demolition. None of these violations had ever been disclosed to the client, and she could not afford to pay licensed contractors to have the extensive work done and avoid demolition. At that point, the client came to Prairie State. Our PAI Coordinator referred the client to volunteer attorney Angela Evans who was able to negotiate with the seller a Mutual Settlement Agreement and Release of All Claims without litigation. The contract was rescinded and the opposing party paid the client \$600 to reimburse for the down payment. The client vacated the property without any further loss. [12-0346506](#) (S. Crow)

HOME SERVICES PROGRAM

State Appeals Trial Court Victories Finding that Due Process Prohibits HSP Termination Absent Improvement in Medical Condition or Other Circumstances.

E.L. v. Illinois Department of Healthcare and Family Services (Third District Appellate Court). The client developed cognitive and physical impairments as a result of a severe beating. He uses a wheelchair or walker to ambulate. He has fine motor issues that affect his ability to complete basic activities such as preparing his own food and grooming himself. Through the Home Services Program (HSP), a personal assistant came into the client's home for approximately 90 hours per month to help him with food preparation, bathing, grooming, laundry, grocery shopping, cleaning, and routine medical care. The Department of Human Services (DHS) through its Division of Rehabilitation Services (DRS) administers the HSP. Without these critical services, the client cannot live at home by himself. In 2012, DRS terminated the client's HSP services based on the way an evaluator scored a form known as the Determination of Need (DON). There had been no change in the client's medical conditions or circumstances since his prior year's evaluation by DRS which had given the client a high enough DON score to qualify for HSP. Prairie State represented the client at an administrative hearing appealing the termination decision. After the hearing officer upheld the decision to terminate services, Prairie State appealed the administrative agency decision to circuit court. We made a successful emergency motion to stay the administrative decision, enabling the client to continue to receive HSP services during the appeal. After briefing and oral arguments, the circuit court judge reversed the DHS decision finding it to be against the manifest weight of the evidence. The Court also found it arbitrary, and in violation of due process in light of the fact that there had been no change in the client's medical condition or circumstances and that DRS fails to take that into account when it re-evaluates its customers. The State of Illinois appealed the court decision, and the case is currently pending at the Third District Appellate Court. One argument Prairie State has consistently and successfully advanced in these cases is that substantive due process prohibits termination of HSP services absent an objective improvement in the client's medical condition or other circumstances. Since there is no Illinois case law on point, the appellate court decision stands to have wide reaching implications throughout the State. [13-0372129](#) (M. Wiesman, C. Williams)

Note: Soon after the State brought the above-described case to the Appellate Court, the State appealed a second HSP case to the Appellate Court on the same issue with a similar favorable ruling from the same trial court judge. We now have two Judge Albrecht decisions on appeal on this very important HSP issue pending in the Appellate Court.

Another Court: DRS Termination of HSP Services Violates Due Process Without Objective Improvement in Medical Condition or Circumstances.

M.W. v. Department of Human Services and Department of Healthcare and Family Services (Circuit Court of Kankakee County). Our 65 year old Client lives by herself. She has numerous disabling conditions, including arthritis, diabetes, chronic pain, neuropathy in her extremities, and a history of bilateral knee replacement. These impairments caused impaired balance, shortness of breath, pain, and limited movement. Client fell in her home several times. She also experienced frequent incontinence, which required her to change her clothes and bathe several times per day. In 2006, client began receiving services through the Home Services Program. Through HSP, a Personal Assistant (PA) came into client's home for several hours a day to help her with tasks such as bathing, preparing meals, and cleaning. These services allowed client to continue living in her home in the community despite her significant impairments. When DHS had last conducted its annual reassessment to determine client's continuing eligibility for HSP services, performing its Determination of Need (DON) assessment, DRS had assigned client a score of 34. The DON measures level of need and impairment for completing activities of daily living, and a qualifying score is at least 29. Yet, in 2012, even though client's living arrangements remained the same and her medical conditions had grown worse, DRS slashed her DON score to 9 and terminated her HSP services without explanation. Recognizing that client could not continue to live in the community without these critical services, Prairie State represented client in the appeal of the termination of her HSP services. Following an administrative appeal hearing, the hearing officer found that client had a DON score of 26 - significantly higher than the earlier score of 9, but still below the score of 29 required for eligibility for HSP services. Prairie State appealed this decision to Circuit Court and promptly filed a successful motion to stay the administrative decision, enabling client to continue to receive services pending appeal. After extensive briefing and oral arguments, the circuit court judge reversed the agency's decision. The court based its decision on its finding that DRS decision to terminate client's HSP services without any objective improvement in her medical condition or circumstances violated substantive due process under the Constitution. [12-0345167](#) (M. Wiesman)

Court Rejects Drastic Reduction in Client's HSP Benefits Where Neither Client's Circumstances Nor HSP Rules Had Changed.

M.B. v. Illinois Departments of Healthcare and Family Services and Human Services (Circuit Court of DeKalb County). Our client has multiple severe impairments, including autism and heart disease. He is not able to communicate or to perform any activities of daily living. The administering agency, the Department of Rehabilitation Services (DRS), has approved MB as a participant in the HSP since 2002. He lives with his father, who serves as his personal assistant (PA). Because of the round the clock care that MB needs, his father has not been able to accept any other work. In a 2010 re-evaluation for services, MB's DRS counselor cut his HSP monthly service plan (cut the PA's service hours) by one third, even though his condition had not improved and his circumstances had not changed for the better. The client appealed, but the final administrative decision reduced the service plan hours even further. In representing MB on judicial review, we argued that the decision violated the HSP rules in existence. But we also argued that the agency decision was actually premised on unpublished policies in violation of the Illinois Administrative Procedure Act and the requirement that public benefits be administered pursuant to ascertainable rules. These unpublished policies treated HSP customers differently when their PA's were family members as opposed to customers with unrelated PA's. We also argued that the reduction in the service plan was arbitrary to the point of a denial of due process, since neither MB's condition nor his circumstances had changed.

The circuit court reversed the decision reducing MB's hours, finding that the DRS counselor used her own rules of thumb and policies to treat MB differently from other HSP participants because he lived with his father. The court carefully analyzed the HSP regulations, and found that the counselor's and the hearing officer's rationales for reducing the hours violated the HSP regulations. The court also noted that there was no rule change that DRS could point to or to any change in MB's circumstances that could justify the reduction in benefits. The court directed that MB's previous service plan be restored. Unfortunately for this beleaguered family, DRS has since conducted another re-evaluation and has again reduced MB's hours. We are representing MB in this latest case also. [10-0308951 \(C. Riefler\)](#)

Following a Hearing and Lengthy Delay, DHS Issues Favorable HSP decision In Response to Demand Letter

In re L.A. (Department of Healthcare and Family Services, Department of Human Services). Client applied for assistance from the Home Services Program, but was denied services on the ground that she did not receive a high enough score on the Determination of Need (DON) evaluation. We represented client in an appeal of that determination. Although a hearing was promptly held, the Department did not issue its decision until many months later. We communicated several times with the hearing officer who commiserated with my client but claimed he had issued his recommended decision promptly and that it was the fault of the DHS director. We then sent DHS a demand letter threatening litigation over the delay. That turned out to be what worked: the final administrative decision was issued the day before our deadline. Better still, the decision was entirely favorable to our client, finding she was eligible for services under the HSP program. Client then received appropriate HSP services. Advocates should bear in mind an administrative rule which requires the Department to issue its decision within 90 days of the client's request for a hearing, excepting any delays caused by the client. 89 Ill.Admin.Code §510.80(j)(6). [11-0318245](#) (E. Abarbanel)

Although Client Initially Forced to Choose, Court Action Enables Client to Retain Both HSP Services and Developmental Disability Services

C.P. v. IDHS and IDHFS, et al. (Circuit Court of DuPage County). Client has a diagnosis of Down's Syndrome. Her sister (also her guardian) had been caring for client in her home since their parents died in 1996. Client's sister had given up her career and had become her personal assistant under the Home Services Program through the Division of Rehabilitation Services (DRS) since 2006. The client also had received Developmental Disability (DD) services since 1998 that allowed her to attend a community workshop to learn how to read, write and engage in certain other skills. All was well until DRS issued an HSP termination notice stating that the client was not allowed to have both DD and HSP services because the services were provided under two different Medicaid waiver programs. Client was going to have to either give up the HSP services that allowed her sister to care for her or the DD services that was helping her quality of life immensely by helping her to read and write and have community outings. We represented client in her HSP termination hearing, arguing that HSP rules as written do not allow for the termination of client from the program for the reason stated. Nevertheless, the hearing officer issued an unfavorable decision, which we promptly appealed to the circuit court. The circuit court agreed with us on the legal issue, reversed the termination and remanded the case to DRS for a new hearing. At that point, DRS agreed to continue client's HSP services obviating the need for a new hearing. Client and her sister are thrilled that her services will continue as they have been since 2006. [12-0340515](#) (L. Myers)

Court Reverses HSP Termination - DRS Must Consider Past DON Scores and Whether There Had Been Any Change in Client's Circumstances

J.L. v. IDHFS and Julie Hamos (Circuit Court of Lake County). The client suffers from MS, fibromyalgia, anxiety and depression. For 2 years, she had been a recipient of the Home Services Program, under which the State pays a personal assistant to help client with needed activities of daily living. The Illinois Department of Human Services Division of Rehabilitative Services (DRS) administers the HSP. After a new evaluation, DRS terminated the client from HSP by giving her a low Determination of Need (DON) score. Recipients need a score of 29 on the DON to be eligible for HSP. In making this evaluation, DRS had not considered the client's previous DON scores that were above 29, nor did they make any determination that there had been any change in our client's circumstances or improvement in her medical condition. After receiving an unfavorable final decision from a hearing officer on appeal, she sought help from Prairie State. We filed a Complaint for Review of Final Administrative Decision in circuit court. We argued that: 1) the DRS failure to provide client with reasons for her termination in its notice violated the department's own rules and constitutional due process; 2) DRS failure to consider whether there had been any improvement in client's medical condition or circumstances that would justify a change in services made the termination an arbitrary action contrary to Constitutional due process of law; and 3) the hearing officer erred in finding that the client had a DON score limited to 27 points. After oral argument, the court ruled in our client's favor, accepting our first two points. Specifically, the Court found that the notice was improper and violated due process because it did not provide specific reasons for the termination in services. More importantly, the Court held that when scoring the DON, DRS was required to consider whether there had been any improvement of her circumstances or medical improvement, and further, had to consider the previous DON scores. The Court reversed the final administrative decision. The termination was set aside, and client remains eligible for HSP. [12-0342719 \(A. Weiss\)](#)

Rules Regarding Scoring of Mini-Mental Status Examination Lead to Reversal of HSP Ineligibility Determination

In Re M.M. (Department of Healthcare and Family Services, Department of Human Services). A recipient of Home Services Program services for many years, our client had a personal assistant in his home to assist with various activities of daily living. He is morbidly obese, and suffers from severe psychiatric disabilities including borderline intellect (mental retardation per Social Security's definition), depression and seizures. He also has physical limitations resulting from severe migraines, diabetes, neuropathy, carpal tunnel syndrome, anemia, sleep apnea, and has been diagnosed with a brain cyst. He is barely able to walk, and gets around mostly by using a motorized scooter. The client has no family to offer him any kind of support or assistance. DHS/DRS terminated the client's HSP benefits following a new evaluation. We represented the client at a hearing appealing the termination. DRS had assigned the client a low Determination of Need (DON) score below the qualifying score of 29. However, DRS had improperly calculated that score. Regulations state that the Mini-Mental Status Examination (MMSE) cannot be administered to persons with mental retardation or related conditions that results in impairment of a person's general intellectual functioning (89 Ill. Admin Code Section 679.20). A related rule at Section 679.30 addresses scoring such a person, and states that the person should then receive an additional 10 points added to his or her DON score, which had not been done in this case. The client should NOT have been administered the MMSE during any of his re-determinations, and should have been granted an additional 10 points in his score total as a result, which would have brought the score for his last re-determination to 31. Therefore, his Home Services should not have been terminated. At the hearing, we presented our argument about the MMSE scoring. The hearing officer adjourned, but did not close the hearing, to enable the parties to work on the issue. As a result, we reached an agreement with DRS adding 10 points for the MMSE on the redetermination in question. That brought the client's DON score to 31, and therefore DRS determined client to be eligible for services. Both the action terminating services and the appeal were withdrawn. We also assured that it be noted in the DRS record that the client has low IQ and that he should not be administered mini-mental exam during future evaluations but given the automatic extra 10 points. DORS agreed to this result and flagged his case so it would be handled correctly in the future. [12-0333415](#) (D. Michaels)

HOUSING/ FAIR HOUSING

PSLS Preserves Client's Subsidized Housing Benefits and Tenancy Through Two Separate Court Actions.

P.S. v. Waukegan Housing Authority (Circuit Court of Lake County). The client received a Section 8 termination notice for failing to comply with an unaffordable repayment plan, and an appeal at the Waukegan Housing Authority upheld the termination. We filed an action in circuit court for review by common law certiorari. While that case was pending, the landlord sued our client in a Forcible Entry and Detainer eviction action for non-payment of rent. Following our Motion to Dismiss, the eviction case was voluntarily dismissed. We received a favorable decision from the court in the case against the Housing Authority. That court reversed the final decision of WHA and ordered them to give client affordable repayment plan in compliance with HUD directive Notice PIH 2010-19(HA). [13-0356613](#) (S. DiGrino)

Fair Housing Project Files HUD Complaint Alleging Race and Familial Status Discrimination - Testing Evidence Reveals Discriminatory Treatment

A.H. v. Landlord (U.S. Department of Housing and Urban Development). Client complained of discrimination by landlord because of her race (mixed), her boyfriend's race (African American), and because she is pregnant. Client's sister has a mental disability and lived at same complex in a different apartment. Client served as her sister's Personal Assistant under the Home Services Program. When the landlord found out that client's father is African-American, that client's boyfriend is African-American, and that client was pregnant, he threatened to evict. Landlord told the sister that if he had to pursue eviction, he would ban client from the property, forcing sister to get a different personal assistant. The sister has heard him use racial slurs and other negative statements about African-Americans. Client and sister felt forced to move out. Our Fair Housing Project investigated the race discrimination claims by sending fair housing testers to the property. The Project conducted two tests to see how the client's landlord treated prospective tenants of different races. One test executed by female testers revealed familial status discrimination when the landlord told both the protected and control tester that the building was "adults only." In the second test with male testers, the housing provider allowed the Caucasian tester to view the property without asking for identification, but required the protected tester (African-American) for identification and also tried to steer that tester to a different rental property. Our Project filed a complaint to the U.S. Department of Housing and Urban Development (HUD) on behalf of the client, her fiancé, and her sister. HUD referred the case for investigation to the Illinois Department of Human Rights. The fair housing testing evidence substantially strengthens the case. Without that evidence, the case would have been a he said-she said case. [13-0363968](#) (A.J. Young, J. Popaja)

The Case of the Dog That Wasn't There

Orlando Northbrook Estates v. C.T. (Circuit Court of McLean County). Client with disabilities faced an eviction lawsuit from subsidized housing. The landlord alleged that our client breached his lease by allowing a dangerous breed of animal on the premises at least three times despite being warned that Rottweilers were prohibited (the landlord had a "three-strike rule"). Client admitted that his guest did bring a Rottweiler on the premises once, but that it did not happen ever again. The client acknowledged receipt of a warning, but insisted that he complied with the lease thereafter. We interviewed the landlord's witnesses and determined that their stories were not credible. One witness stated that her cat alerted her that a Rottweiler was on the premises and logged a complaint without actually seeing the Rottweiler. The other witness stated she saw the dog in the dark from a significant distance and vantage point. Those facts made it seem impossible to ascertain what she claimed to have seen. The case was set for bench trial, but it was settled before trial. The landlord dropped his suit, allowing client to stay in his subsidized unit. [12-0341487](#) (A. Barr)

Fair Housing Project Files HUD Complaint Against Landlord Imposing “Adults Only” Rules in Mobile Home Park

P.C. v. H.D. (U.S. Department of Housing and Urban Development). Client has lived in the same mobile home park for 30 years, and currently lives there with her 10-year-old son. Respondent in the above action has been the owner of the park for many years, but over the past few years has begun to take discriminatory actions against families with children. Client filed 2 familial status discrimination claims against him in the past, but has always settled those claims before they were investigated. In July, 2013, Respondent brought client "park rules" that said that park is "adults only" and children must be confined to their own yards or the common yard. Client filed a complaint with HUD and then consulted with Prairie State's Fair Housing Project (FHP). The FHP is representing the client in that action, initially representing client during the interview with the Illinois Department of Human Rights, the investigating agency. We obtained through IDHR a finding of substantial evidence that discrimination occurred, enabling the case to proceed. The FHP has issued a settlement demand for monetary emotional damages and attorney's fees. [13-0364419](#) (J. Quintanilla)

Fair Housing Testing Evidence Supports HUD Complaint Against Apartment Complex that Denied Client with PTSD to Have a Service Animal

V.B. v. Apartment Complex, et. al (U.S. Department of Housing and Urban Development).

Client is a female with disabilities who suffers from Post-Traumatic Stress Disorder and anxiety and who lives with an emotional support animal. Needing new housing, she approached a housing provider and asked for a reasonable accommodation to waive their “no pets” policy and was turned down. The agent with whom the client spoke asked client why she had a support animal when she wasn't in a wheelchair or blind. Our Fair Housing Project conducted testing that supported the client's story and then filed a housing discrimination complaint with HUD for the client. Once opposing counsel learned of the testing evidence, opposing counsel asked PSLS for a settlement offer. The settlement is pending in the administrative agency, but includes monetary damages for client, attorney's fees for PSLS, fair housing training for respondent's employees, and a written reasonable accommodation policy for respondent. [13-0364536](#) (K. Grubb)

PSLS Wins Eviction Trial With Key Witness Testimony Showing That Client Did Not Violate Guest Policies in Lease.

Burnham Management v. D.P. (Circuit Court of Will County). Client lives at a project based section 8 apartment Complex. She was very much aware of the guest pass policy. Under that policy, it was tenant's responsibility to request a guest pass and if management allowed the guest, then management would issue a picture ID guest pass. The tenant was also responsible for the conduct of the guest. The client requested a guest pass for a friend, and management approved the request. However, she did not go to the office to get the pass because she learned that her friend planned to go another building in the complex. It was the friend's intent to see his children who lived in that other building, even though there was another man with the mother of his children who threatened to kill him. Our client warned her friend not to come to the apartment complex. He ignored her and went to the building with a butcher knife, avoided security and got into an altercation with the man that had threatened him. He was arrested after the police took him down with a taser. The apartment complex issued client a 10 day notice to quit, claiming her guest had created the disturbance in violation of the lease. We represented client at trial. The friend who had been arrested, an admitted gang member, was the key witness, and a great one. He testified that he was aware that there was a man at Evergreen that had threatened his life. He admitted to trespassing by avoiding security. He admitted that he had a knife, got into a fight, was tasered by the police and was arrested. He admitted to every detail of Evergreen's story EXCEPT to having a guest pass. He testified that he didn't have a pass and knew he was not a guest. The judge found him credible and was impressed with the client's knowledge of the rules regarding guests at Evergreen and believed that she followed the rules. The court's judgment was in favor of the client. [13-0364786](#) (J. Prendki)

Collaboration between Telephone Counseling Service and Courtroom Project Attorney Helps Client Avoid Eviction from her Condo

Condo Association v. D.L. (Circuit Court of DuPage County). The client and the Condo Association entered into a payment plan requiring client to make payments of \$500/month until her unpaid assessments were paid off. A dispute over the timing of the payments lead the Condo Association to claim that the client missed her payment for October, while the client was trusting that the first payment was not due until November, 2013. On this basis, the Association filed an eviction action against client for nonpayment of assessments. The Association offered a new payment plan which required the client to sign it the day she called our Telephone Counseling Service, as there was a scheduled court date. The client wanted to know if she should sign the new plan, and whether she should also pay her regular assessment for January, 2014. We advised the client regarding her rights and the Association's rights in connection with the proposed payment plan. We also advised client about the possible outcomes if she did not sign the plan. The advice addressed the time she would have to pay off the arrears or else face eviction, and the circumstances under which the Association could rent out her condo to someone else. Our Telephone Counseling attorney suggested additional language on the plan that that required a stay of enforcement of any judgment entered as long as she remained in compliance with the plan's terms. The client consulted with our attorney in housing court, who added the additional language and the client signed the plan, enabling a stay on the eviction case. [14-0372744](#) (K. McNally, R. Sojka)

Successful Defense to Eviction Based on Rescission of Lease Agreement Enables Client to Retain Housing Subsidy

C.T. v. D.F. (Circuit Court of Winnebago County). The client was a Section 8 tenant who had transferred her voucher to a new property, and client planned to move to the new apartment with her subsidy intact. The client and her current landlord entered into a written Agreement for Mutual Rescission of Lease for the client to move out at a designated time. The Agreement released all claims and stated the landlord would refund the Security deposit. It also stated that in the event the client did not vacate by the agreed date, any additional rent due would be deducted from the deposit. When the client did not move out by the designated date, the parties then entered into a side agreement to let client stay past the agreed date and use the Security deposit, pro rata, for the additional days. However, the Landlord filed an eviction action against our client based on non-payment of the last month's rent. Any court eviction would have threatened the client's continued right to the subsidy. We represented client in the eviction case, defending on the basis of the Agreement. The Court ruled in favor of our client allowing her to keep her Section 8 subsidy. [13-0366968](#) (K. Devin)

PSLS Locates Funds to Defeat 5 Day Notice and Wins Trial on 10 Day Notice

Active Real Estate v. T.M. (Circuit Court of Lake County). Client with disability living in subsidized housing disputed the landlord's rent claim, believing rather that the landlord owed the client money. Her reasons included payments the landlord had not applied, and rent adjustments the subsidy manager failed to make due to a job loss. After discovery, we determined that client did still owe a substantial amount of money (over \$1,000) and that the client's disability led to her misunderstanding. Client looked but was not able to find any other subsidized housing for her large family. The landlord then issued a 5 day notice based on the unpaid rent, and a 10 day notice for violation the terms of the lease, i.e., that the client had a dog without permission. The landlord was not willing to extend the time to pay because of the long history with client being behind in rent. Although the client was not able to get rent assistance from usual sources on her own within the time frame of the 5-day notice, PSLs identified a church that was willing and able to timely write a check for the amount owed. However, the case went to trial on the 10 day notice. We represented the client at trial and won on a waiver argument because the client had the dog, with the landlord's knowledge, for a considerable period of time. [14- 0374838 \(J. Quintanilla\)](#)

Hearing Officer Overturns Housing Authority Termination of Tenancy On Insufficient Evidence

K.M. v. Housing Authority (Lake County Housing Authority). Client lived in public housing. Her niece, who did not live with client, graduated high school. Client wanted to allow niece to have a party to celebrate the graduation. Niece invited some friends over, but a number uninvited people came. The client then kicked out the latter group. Shortly thereafter, there was a shooting in the parking lot. The Housing Authority gave client a 30 Day Notice to Terminate Tenancy on the basis of criminal activity. We represented client at a Housing Authority hearing. Hearing officer found that there was not enough evidence to connect the shooting to the party, and overturned the termination. [12-0351240 \(E. Deucher\)](#)

False Rent Claim Leads to Voluntary Dismissal of Eviction Action

Pierson Hills v. T.P. (Circuit Court of Peoria County). Client lives in subsidized housing with 3 minor children. We represented client in an eviction case based on nonpayment of rent. However, client's portion of her subsidized rent has been at zero for over two years due to loss of job. Yet, the property manager told our client frequently that she owed money and terminated the tenancy. We filed an answer and affirmative defense to the eviction complaint. The matter was set for trial, and we negotiated a settlement. The landlord voluntarily dismissed the case before trial. [13-0369793 \(M. Wood\)](#)

Fair Housing Project Convinces PHA To Reverse Section 8 Termination

Local public housing authority (PHA) terminated client and family from the Housing Choice Voucher (HCV) program for failure to submit her infant's birth certificate and Social Security number within a year of the child's birth. Under their HCV Plan, the PHA cannot terminate a participant for failure to supply the birth certificate or Social Security number, although HUD regulations require a PHA to terminate for failure to provide those documents within a year of the child's birth. Although the PHA had requested the documents, it had never notified client of the requirement or the consequences for non-compliance. Moreover, the client claimed never to have received notice of the termination or of a right to a hearing. She did not find out she had been terminated until the landlord contacted the PHA because it had not been paid. We demanded client's reinstatement to the HCV program and that the PHA provide a hearing because she never had received notice. We also demanded additional time to provide the documents because the delay in providing the birth certificate was allegedly due to unlawful discrimination by the hospital where the child was born. The hospital appeared to delay the processing of the birth certificate because the client was in a same sex relationship at that time (client and spouse were married out of state, but considered civil partners under Illinois law, and both were legal parents of the child in question). Although our investigation of the sexual orientation discrimination claim was inconclusive, we negotiated these demands with the PHA. We also contacted the U.S. Dept. of Housing and Urban Development (HUD) about the case and the PHA's actions. HUD contacted the PHA and pressed them to reinstate the client into the HCV program. The result was that a family of 8, including 6 minor children, remained housed, and the client's voucher was reinstated. [12-0346895 \(J. Quintanilla\)](#)

Lawsuit Prompts Housing Authority to Reinstate Client's Voucher

K.B. v. Waukegan Housing Authority (Circuit Court of Lake County). Client is a single mother of two young children and a Section 8 voucher recipient through the Waukegan Housing Authority ("WHA"). A police officer observed a young man walking near client's home, smoking what appeared to be marijuana. The young man finished smoking and then entered Client's home. The officer arrested the young man and reported the incident to the Housing Authority. The WHA provided client written notice that her voucher would be terminated due to "criminal activity by household members." Client had no knowledge of the young man's activities prior to arriving at her home and she was cooperative with the police. The young man was not a household member but merely had been stopping by client's home to say goodbye before returning to Temple University for fall semester. Client appealed the termination without representation. WHA upheld the termination decision based on the alleged criminal drug activity. Prairie State filed a lawsuit for review of the administrative decision, asking the court to reverse WHA's decision to terminate Client's voucher. We also filed a successful Emergency Motion for Stay that secured Client's voucher benefits pending the court decision. We reached agreement with WHA under which WHA agreed to reinstate Client's voucher permanently. [13-0367687 \(B. Owens\)](#)

Fair Housing Project Successfully Gets PHA to Reinstate Client's Section 8 Voucher and Landlord to Return Security Deposit

Our client, an elderly woman, was a participant in the Housing Choice Voucher program. She used a walker or a wheelchair due to significant mobility problems. By writing letters and leaving phone messages, she had asked the local public housing authority (PHA) for permission to move her voucher because her apartment was inaccessible, explaining her need for accommodations. The PHA never responded to her or returned her calls. However, due to the accessibility issues, the landlord offered to let her move to one of his other units which, although not perfect, was more accessible. Some months later her landlord notified her that he had not been paid by the PHA. She contacted the PHA and that is when she found out that she had been terminated from the HCV program for abandoning her original unit. She was given no appeal rights. She then contacted Prairie State, her goal being to get her voucher back. The client subsequently moved again, but the landlord, who had never recovered the lost PHA payments, decided not to return her security deposit. We demanded that the PHA restore the client's voucher, alleging that they had violated the client's fair housing rights by ignoring her verbal and written requests for a reasonable accommodation, and by issuing an unlawful termination notice. As a result the PHA reinstated the client's voucher, but refused to make back payments to the landlord because he had never informed the PHA of the change of unit. We made a demand on the landlord for return of the security deposit, and he complied. [12-0342125 \(J. Quintanilla\)](#)

PSLS Saves Client's Tenancy and Section 8 Voucher By Winning Eviction Trial and Proving that Client Not Connected to Gun Violence and Drugs

Ludwig and Co. v. C.J. (Circuit Court of Lake County). Client has a Section 8 voucher, renting an apartment at a local apartment complex. Her husband, who does not live with her, came to visit her and their children. When he was leaving, he got shot in the parking lot, but fortunately survived. No suspect was ever identified. Subsequently, the landlord issued a 10 Day Notice to Terminate Tenancy on the basis of: 1) criminal activity (husband getting shot), and 2) husband's use of marijuana on the premises (a police officer stated he smelled marijuana smoke in the car that husband got shot in). We represented client in the eviction case at trial. The Court granted judgment in favor of our client and client was not evicted. The Court accepted our arguments that there was insufficient evidence to show that marijuana was smoked at the premises (it could have been smoked before the car was driven to the apartment) and that neither client nor her husband had responsibility for his getting shot. As a result, the client got to keep her Section 8 voucher. [13-0354345 \(E. Deucher\)](#)

Two Prairie State Offices Work Together for Re-Issuance of Housing Choice Voucher by Negotiating With Two Different PHA's and a Landlord

In April 2013, the client and her three children moved from East Moline to Waukegan to be closer to client's ill grandmother. Their Section 8 Voucher through a public housing authority (PHA) in East Moline ported to a PHA in Waukegan. She alerted the latter PHA to certain defects and problems with the Waukegan home. The landlord failed to fix the leaking sinks or toilet, but the PHA took no action to force the landlord to make the needed repairs, despite client's repeated requests. The bathroom sink and toilet ran continuously and could not be completely shut off. The water bill for 4 months came to \$807.22. The PHA issued a notice instructing client to pay the entire water bill and place the account into her own name, and threatened termination of her voucher if she failed to do so. The landlord eventually replaced the bathroom sink, but made no other repairs. The client sent a letter to the PHA notifying them of her intent to vacate the premises because she could not afford the high water bill and did not feel responsible for the amount owed. In the interim, client's grandmother died and client requested that the PHA allow her to port her voucher back to the East Moline PHA. Receiving no response to the request, the client returned to East Moline where she had better access to healthcare, family support, and had a waiting job.

Soon thereafter, the Waukegan PHA mailed a program termination notice to client's Waukegan address. The client did not receive it until a week later. She called the Waukegan PHA on the last day to request a hearing, but was told that she could not orally request a hearing and must submit the request in writing, in person. The client had no way to get to Waukegan to personally submit this written request and thus missed her appeal deadline. PSLs then submitted a request for hearing, which the Waukegan PHA denied as "untimely." They also denied a request from the East Moline PHA to re-port the voucher back to them. We worked with the East Moline PHA to see if they could issue a new voucher for the client. They agreed, provided the water bill with the Waukegan landlord could be resolved. Unlike the Waukegan PHA, the one in East Moline did not expect client to pay for the entire water bill. We successfully negotiated an agreement with the landlord regarding the water bill, under which the client paid half the bill and be held harmless for the remaining amount. We submitted an Application for Hardship Assistance through the Miller Foundation and were granted assistance in an amount to cover client's water bill responsibility. The landlord signed a waiver regarding the remaining water bill charges and ultimately the East Moline PHA approved client for the Housing Choice Voucher program, and re-issued a new voucher for her new residence. [13-0367109](#) (M. Fitzsimmons, L. Smith)

Landlord Settles 2 Lawsuits with Fair Housing Project Paying Monetary Damages and Providing Reasonable Accommodations for Our Blind Client

P.K. v. Rockford Faust LP, et al., (Circuit Court of Winnebago County). Blind client lived in an apartment building that accepts rent payments only by check or money order. Due to her disability, client does not maintain a checking account and has trouble walking to the currency exchange to get a money order. Moreover, client lost the services of a personal assistant. Client requested a reasonable accommodation to pay rent either by cash or through debit from the card to which her SSI is deposited each month. Client also requested that management read any important notices to her because she cannot identify or read the documents they deliver to her under her door. Management refused both requests, and proceeded to evict Client when she was late with rental payments. Our Fair Housing Project wrote a reasonable accommodation letter and delivered it at the first return for the eviction case. Management denied the reasonable accommodation requests and refused to dismiss the eviction case. We filed affirmative defenses in the eviction case. We also filed an affirmative lawsuit in Chancery and a TRO to stay the eviction proceeding due to the denied accommodation requests. After a settlement conference with the judge, the parties settled and the lawsuits were dismissed. Under the agreement, the client is allowed to pay her rent via a bank transfer and management now provides messages affecting her tenancy in recorded format. In addition, the Defendants paid \$1,000 to Client in the form of forgiven rent and a check. Finally, Defendants' staff completed fair housing training at HOPE Fair Housing Center. [13-0368274 \(A.J. Young\)](#)

Client Wrongly Accused of Criminal Activity Saves Her Section 8 Voucher and Her Life By Winning Appeal of Housing Authority Termination Action

While the client was on a shopping trip with various family members, an adult in the party was arrested for shoplifting. The Housing Authority gave client a Section 8 termination notice citing "criminal activity." Contrary to federal regulations, they provided no supporting information and failed to give client a copy of the police report. We represented the client at a hearing appealing the termination. Just days after the PHA hearing, the client was attacked by an abuser in her apartment. Our client killed her abuser in self-defense. She was not criminally charged. However, she immediately began receiving death threats from the deceased's family members. She needed prompt resolution of her Section 8 voucher so she could have it ported out of the State as she hid from those seeking retribution. Fortunately, Prairie State won the hearing, the client got to keep her voucher, and we assisted the client to successfully get the voucher ported out of state, enabling client to avoid any further death threats. We also advocated with the Housing Authority to remedy their faulty procedures for dealing with a criminal activity termination. We brought the relevant federal regulations and the HUD Handbook to the hearing as proof of their violations of the procedure. [13-0354261 \(K. Baptiste\)](#)

PSLS Defeats Two Housing Authority Attempts at Eviction and Uses an Earned Income Disregard to Drastically Lower Amount of Back-Rent Claim

H.A.J. v. F.M. (Informal Grievance Hearing, Public Housing Authority). Client is a senior who was being evicted for unpaid back rent. The Public Housing Authority (PHA) claimed he owed that rent because he failed to report a new job before his recertification. The PHA claimed that his rent would have increased by about \$175 each month from the time he got the new job and they sought this back rent in the amount of \$3,150 for the last 18 months. We prevailed at trial because the Housing Authority was unable to explain how he owed rent, given that he was always current on the rent amount stated in his lease. When client received another written notice to terminate his lease for the same reason, we made a timely request for an informal grievance hearing. The Housing Authority still went ahead and filed another eviction case against him in court. We again represented client to prevent his eviction. We succeeded in getting that case dismissed due to the fact that the client had made a timely request for an informal hearing which had not yet been scheduled. The informal grievance hearing was then held, at which we demonstrated how the PHA had incorrectly calculated the back rent amount. As a long-time unemployed person (before getting the job), the client qualified for an Earned Income Disregard. For rent calculation, he was entitled to have all his earned income disregarded for one year and for the second year after working, only 50% of his income should be used to calculate his new monthly rent amount. We used a statute to show that the right to claim the Disregard is unaffected by the client's failure to report the job. After agreeing to apply the Earned Income Disregard, the PHA determined that the client owed only \$150 in back rent. Moreover, his future rent payments decreased by about \$100 for the next 6 months. [13-0369725](#) (M. Elgindy)

Section 8 Termination Reversed, As PSLs Proves Client Not Guilty of Alleged Violent Criminal Activity

PHA v. N.T. (Informal Grievance, Public Housing Authority). The PHA terminated client's Section 8 voucher for alleged violent criminal activity. She had applied to port her voucher from Peoria to Bloomington in order to finish her bachelor's degree, after a decade long hiatus from college. The PHA denied the port, and the client got into an argument with a PHA employee relating to the denial. Within a month the PHA told her it had found police reports showing she was a violent criminal, and terminated her Section 8 voucher. We represented the client at an informal grievance hearing. Discovery revealed there had been four incidents, none of which had a nexus to the rented unit and only one of which resulted in a criminal charge – misdemeanor trespass. At the hearing, we presented testimony and other evidence to establish that the incidents did not amount to violent criminal activity. We also objected (hearsay) to police reports offered to prove that the incidents had occurred. The Hearing Officer reversed the termination decision and reinstated client in the voucher program. [13-0372073](#) (C. Newman)

PSLS Defeats \$10,000 Rent Claim and Gains Months for Client's Tenancy in Challenge to Post-Foreclosure Eviction

Lender v. K.T. (Circuit Court of Will County). Client was a defendant in an eviction action. He had stopped paying rent to the landlord after finding out that person no longer owned the home. He received a notice of non-payment for \$10,000 in back rent. We learned that the property was now owned by the lender that purchased the home at a foreclosure sale. We filed a motion to dismiss the eviction case because plaintiff had not provided client the notice required by Section 5/15-1508.5 of the Foreclosure Act, informing the tenant of the foreclosure and change in ownership. The statute provides that failure to provide that notice means that plaintiff cannot collect rent or file a non-payment eviction. Nevertheless, the court denied our motion to dismiss and then denied our motion for reconsideration, and then evicted the client. We filed a motion for reconsideration under Section 5/2-1203(b) of the Code of Civil Procedure which automatically stays enforcement of the judgment. The States Attorney refused to require the sheriff to recognize the automatic stay, so we filed a motion to stay enforcement pending a decision on our motion for reconsideration. After the court upheld its decision, the client retained the Lawyers Committee for Better Housing which filed a notice of appeal. Thereafter, the plaintiff agreed to dismiss the case against the tenants in exchange for a specified move out date. The client and his wife and four children were able to stay in the home for 10 months without having any liability to pay rent for that period. [13-0352787](#) (E. Nielsen)

PSLS Provides Limited Scope Representation to Tenant in Eviction Case and Educates Court on Revisions to Supreme Court Rule 137

Client was a defendant in an eviction action that her landlord filed for nonpayment of rent. The landlord failed to serve her proper notice because he served the five day notice on a person who was not a tenant. The landlord also failed to attach a copy of the lease agreement to his complaint. Because these were procedural defenses rather than substantive ones, PSLs decided to provide limited scope representation. PSLs prepared a motion to dismiss for improper service and failure to attach the lease agreement. Client then filed the motion, but when she appeared to argue it, the court became aware that Prairie State assisted her with the motion to dismiss. The Judge called our office and requested our appearance. Because our firm was not making an appearance in the case, we took this instance as an opportunity to discuss with the judge an attorney's ability to assist a self-represented person under Supreme Court Rule 137(e) by drafting or reviewing a pleading, motion, or other papers without making a general or limited appearance in the case. The Judge had been unaware of the rule so we provided him a copy of the updated Rule 137. The Court appreciated this information. [13-0370726](#) (T. Dennis)

MISCELLANEOUS CASES

Pro Bono Assistance Helps Local Non-Profit Change Its Name and By-Laws In Order To Better Position the Organization to Receive Grants

A local non-profit organization for the blind and visually-impaired wanted to make changes to their by-laws and to change the name of their organization. They had been denied a grant through United Way, and wanted to be in a better position to receive much needed funding in the future. Revisions to the by-laws and their name would better describe their services since they implied services only to the blind, whereas the organization also served the visually impaired. The organization's clients are low income and most receive public benefits of some kind. The organization does not charge for its services. The organization lacked the resources to retain a private attorney to prepare and file the documents. The law firm of Westervelt, Johnson, Nicoll & Keller agreed to assist them once Prairie State accepted the case for a *pro bono* referral. The law firm amended the Articles of Incorporation and changed the name to reflect that its services for both the Blind and Visually Impaired. The law firm drafted notices of special meetings to vote on the amendments to the Articles of Incorporation and the bylaws to be sent to the members and directors and drafted a certificate of adoption of amendments to the bylaws to be kept with the corporate records. The firm notified the Illinois Department of Revenue of the change in name of the organization and asked it to issue a new tax exemption letter in the new name of the organization. The agency is now in a better position to receive grants for their much needed services in the Peoria area. Prairie State commends this law firm for their extensive *pro bono* work on behalf of this organization. [13-0361358](#) (S.Crow)

Courts Grant Petitions for Expungement of Criminal Convictions

- 1) ***People v. W.C. (Will County Circuit Court)***. Client had been convicted of a felony drug possession charge in 2005. He satisfactorily completed his probation after his conviction. This conviction was a barrier to obtaining rental housing. Client had recently married, but his new wife's landlord denied him permission to move into her apartment because of the conviction. We determined that client was eligible for expungement given that he had only one conviction and it was for a qualifying offense. We prepared the petition and had client submit to a drug test, which the statute required. We then filed the Petition, which the Court approved. [12-0351879](#) (L. Myers)
- 2) ***People v. P.B. (Livingston County Circuit Court)***. Client was put on probation in 1985 for shoplifting a carton of cigarettes. She has had no further legal problems. The client wanted to expunge the matter in order to get better jobs with her CNA license. Prairie State accepted the case for *pro bono* referral. Brian Gabor, an attorney in Livingston County, represented her and filed a petition for expungement. The Court approved the petition. [13-0368359](#) (V. Smith)

PUBLIC ASSISTANCE/ FOOD STAMPS

Food Stamp Overpayment Decision Reversed

In Re A.P. (Illinois Department of Human Services). The Department notified our client that she had an overpayment of \$1,144 in SNAP benefits for a 5 month period. She appealed on her own and at a hearing, the parties reached an agreement. The client agreed to withdraw her appeal and DHS agreed to waive the entire overpayment because client was incarcerated and did not receive the benefits. Shortly after that agreement, client received notice that not only did DHS not honor that waiver, but they were now charging her an overpayment for a 29 month period for a total of \$4,649. Client appealed that overpayment and we represented her at the hearing. Our evidence showed that client was arrested in April 2010 at home, but left behind her SNAP card along with her Social Security Card and another ID. Several of client's family members and family friends had access to the home. At the hearing, client testified that she was incarcerated and did not receive any of the benefits. She testified she had no way of knowing who had access to the card because there were a lot of people who could have had access. She testified that she did not recertify and tried to cancel her case. She testified that she did not give her card or PIN. DHS testified that someone used the LINK benefits and that someone recertified for client, never in person, over the phone or by mailing in an application. The Hearing Officer found that DHS did not prove that client had recertified, and that the client did not receive the benefits. The Hearing Officer therefore found that Client did not owe the overpayment.

[13-0370113](#) (B. Mutehart)

PSLS Proves DHS Error and Increases Client's SNAP benefits by over 800%

In Re R.I. (Illinois Department of Human Services). Our client, a senior, applied for SNAP benefits when her husband died. She qualified immediately for the maximum amount because she had no income whatsoever. Within a few months, she began receiving Social Security Widows benefits of about \$1200/month. She timely reported the increase in her income and DHS decreased her SNAP benefits from \$200/month down to \$15/month. The client appealed the decision because her income did not warrant such a drastic reduction. Based on her new income and our own calculations of her housing, utility, and medical expenses, PSLS concluded that the client should qualify for \$180 worth of benefits and the State's calculations were wrong. Because she continued to receive her full SNAP benefits throughout the appeal process, DHS kept telling client that she better drop her appeal or face a large overpayment. We represented client at an informal conference before her appeal hearing and explained our calculations. The parties reached agreement, under which DHS would pay SNAP benefits at \$165/month both retrospectively and prospectively, and client agreed to drop her appeal. The client was very happy with this result. [13-0365262](#) (M. Elgindy)

PSLS Prevails at Hearing and Saves Food Stamp Benefits for Tanzania Refugees Accused of Intentional Food Stamp Violations

In re J.H. (Illinois Department of Human Services). Client and family, refugees from Tanzania, began getting SNAP benefits in 2007 when they arrived in this country. The family shopped at the nearby Food Mart, a small corner store, which accepted the family's LINK card. The State later terminated the store from participating in the food stamp program because the store illegally gave cash to customers in exchange for food stamps. While investigating that case, the State found receipts given to our client in what they deemed excessive amounts, leading the State to conclude that the client participated with the store in getting cash for their food stamps. He received a notice from DHS of "Suspected Intentional Food Stamp Violation," which if upheld would disqualify him from SNAP for 1 year and place a terrible burden on the family.

The DHS case was based on the fact that the family made purchases in large amounts using their LINK card, but that due to the store's limited inventory and other characteristics, they concluded that food purchases could not have accounted for all of these purchases and that the clients must have taken cash in addition to food. The client never even knew that it was possible to trade food stamps for anything other than food. He was completely unaware of that until being accused of it. In addition, his family routinely spent money on food out of their earnings in addition to fully using the benefits on their LINK card each month for food. We represented the client at the hearing, put on testimony from client, wife and family friend (all through an interpreter), and cross-examined the State's witnesses. Although it was the State's burden of proof at the hearing to prove an intentional violation, our task was to show the reasonable likelihood that the clients would have spent these sums on food, and why they shopped at this particular store instead of at the Jewel supermarket, where the client worked and where food was cheaper, but which was a much greater distance from the client's home. To a considerable degree, our evidence was culturally-based and related to the family's experience at the refugee camp, but it was also based on the family's lack of transportation to manage shopping at Jewel. We proved it reasonable that this family had spent \$80-\$90 at the corner store on 3 separate occasions without having traded Food Stamps for cash. The DHS hearing officer issued a decision finding that no intentional program violation had been committed. The client and his family continued to receive the full amount of their food stamps without disruption. [13-0358262](#) (Y. Golay)

TAXES

PSLS Tax Clinic Reduces Tax Lien By Over \$24,000

In Re M.Z. (Internal Revenue Service). Our client was a non-filer for several years, and the IRS issued to him a Notice of Federal Tax Lien (NFTL) in the amount of \$26,406. The client was a struggling independent contractor as a satellite cable installer, and had significant business expenses that would have reduced the tax liability had he filed proper returns. He dropped off a decade worth of expenses at our Low Income Tax Clinic. An unsavory task, to say the least, but as we peeled off layers of records much like an onion, we were able to prepare returns and fix a decade of liabilities. As a result, the liability was reduced to just over \$2,000. This came at a good time, since the client stood to receive an inheritance from his father. Had he not sought the Clinic's help, much of the inheritance would have gone to the IRS for an overstated debt. The Client paid off the reduced debt, and the IRS released his NFTL. The client was so happy with services that he donated a monetary gift to the Clinic. [12-0351393](#) (A. VanSingel)

IRS Approves Offer in Compromise Reducing \$25,000 in Tax Liability

In Re A.S. (Internal Revenue Service). Our client had a litany of medical issues, including multiple heart attacks, stents, and diabetes. She took money out of her 401k pension in 2007 to pay medical bills, and as a result, incurred a significant tax bill. Our Low Income Tax Clinic submitted an "Offer in Compromise" (OIC) for the client. In considering an OIC, the IRS will take into account the taxpayer's income and expenses. We had to be very careful in the offer, because the client lived with her husband, who had outside sources of income (Social Security, pension). The Husband was a non-liable party, which means the IRS will pro-rate the income/expense allocation between the parties and only consider the client's pro rata share. We were able to convince the IRS that the client had a 1:1 income/expense ratio, which avoided her having to pay a significant amount for the OIC. As a result, the Client abated nearly \$25,000 in tax liability, and was incredibly grateful, given her medical woes. [13-0360886](#) (A. VanSingel)

Tax Clinic Abates over \$52,000 in Tax Liability For Paralyzed Client

In Re B.B. (Internal Revenue Service and Franchise Tax Board). The client has a very positive outlook on life despite being paralyzed and having an incurable illness. He was a non-filer for several years, and accumulated state (CA) and federal tax debts. We submitted an Offer in Compromise, which succeeded to abate more than \$14,000 in tax liability for 2004 and \$38,000 for 2005. We were also able to negotiate a settlement with the state of California's tax authority, compromising the state tax debt for the same years. As a former client of the PSLs DuPage Office in non-tax matters, this client exemplifies the holistic legal services that Prairie State provides. [12-0338970](#) (A. VanSingel)

Tax Clinic Eliminates Entire \$32,000 Tax Debt and Obtains \$7,500 Refund For Client Who Fell Out of Filing Compliance

In Re D.E. (Internal Revenue Service). Client had a tax debt dating back to 2003. Because of the debt (all of which was defensible) he fell out of filing compliance. He did not file returns for 2005-2012, and as a result missed out on significant refunds over the course of those years. By simply filing tax returns, we were able to abate \$32,000 in tax liability and obtained \$7,500 in refunds to the client. [12-0342934](#) (A. VanSingel)

IRS Finds No Balance Due After PSLs Submits Tax Returns to Contest IRS Tax Debt for 2008 and 2009

In Re K.L. (Internal Revenue Service). Homeless client with disabilities on Social Security received notices from the IRS stating she owed a tax debt for 2008 and 2009. She was living out of her car and occasionally staying with friends. Our Tax Clinic investigated and found that the IRS prepared and filed its own returns for the client for tax years 2008 and 2009. In those years, the client had cashed out stocks that she owned, which she sold at a loss. However, because she did not file her own tax returns for these years, the IRS treated the sale price of the stocks as a gain and assessed tax due. We proved through information obtained from the brokerage that the stocks were sold at a loss and, therefore, she owed no tax from the sale of the stocks. We prepared her 2008 and 2009 amended tax returns, showing the loss. Once the returns were processed, the IRS determined that the client did not owe any tax for 2008 or 2009. [13-0365438](#) (M. Recar)

Tax Clinic Amends One Tax Return and Files Two More that Client Failed to Submit, Resulting in Complete Pay Off of \$10,000 Tax Debt

In Re J.A. (Internal Revenue Service and Illinois Department of Revenue). Client owed \$10,685 in back taxes to the IRS for tax years 2007 through 2010. She also owed the state of Illinois back taxes. During these years she was struggling with substance abuse issues and now she was getting her life back in order. Client prepared her own return for 2010, but failed to claim the child tax credit even though she was entitled to the credit. The client failed to file any tax return for 2011 and 2012. The Tax Clinic amended her 2010 tax return, claiming the \$3,000 child tax credit and prepared her 2011 and 2012 tax returns, showing refunds of approximately \$3,000 and 7,516, respectively. Once these returns processed, her IRS tax debt was paid off. In addition, most of her state tax debt was also paid off with these refunds through offsets. The client should be able to get any refund she is due for 2013. [12-0338318](#) (M. Recar)

Tax Clinic Overcomes Client's Long History of Filing Non-Compliance

In Re D.Z. (Internal Revenue Service and Illinois Department of Revenue). Client had a long-standing history of non-compliance with tax filing requirements, despite an equally long history as a professional cleaner. Since she did not file returns, she was hurting her eligibility for Social Security retirement and other contribution-based Social Security benefits. The Clinic prepared the client's returns for the past decade, which gave rise to a significant tax liability. However, we also submitted a successful Offer in Compromise, and settled the debt for a mere \$100. The Clinic also educated the client on her filing obligations, and she is now taking steps in the right direction. She filed on her own for tax year 2013, having made estimated payments throughout the course of the year. As a result, she will not have any tax liability for 2013. Although putting the client into compliance is costing her money, as opposed to doing nothing, she sleeps much better at night knowing she is securing her future, and is very appreciative of all of the help that we have provided her. [13-0356112](#) (A.VanSingel)

Tax Clinic Settles \$2,000 Tax Debt for \$100 and Restores Client's Full Social Security Benefit Amount

In Re R.J. (Internal Revenue Service). Client received notice that Social Security was reducing her benefits because of a federal tax issue for tax year 2010. Her Social Security benefits were only \$659 per month before the reduction. In 2011, her tax preparer filed a fraudulent 2010 tax return by making up self-employment income without client's knowledge. The made up self-employment income resulted in a refund, which the preparer skimmed. Client did not realize the return was incorrect until she was received notice of the Social Security reduction. To fix the tax problem and the Social Security problem, our Tax Clinic amended the 2010 tax return, taking off the self-employment income and refund. This resulted in a balance due of around \$2,000. Since client was not complicit in the tax fraud, we submitted an Offer in Compromise and succeeded in reducing her tax liability to \$100. The IRS accepted the offer. This outcome also permitted client to reinstate her full Social Security benefit amount. [12-0346731](#) (M. Recar)

Tax Clinic Successfully Appeals Denied Offer in Compromise for Ill Client

In Re L.S. (Internal Revenue Service). Clients submitted an Offer in Compromise (OIC) on their own, and waited endlessly for an examiner to review it. The Offer was problematic because it did not properly address the clients' IRA and the equity in the home. The IRS eventually denied the OIC. We appealed the decision, which was sent back to the IRS Centralized Offer in Compromise Unit. PSLs supplied the necessary additional information and we succeeded in getting our offer accepted for \$2,000. Client is very sick, and the relief was very helpful for his wife who is taking care of him. [13-0363133](#) (A.VanSingel)

Tax Clinic Helps Non-Filer Reduce Tax Debt By Over \$24,000 and Prevent a Notice of Federal Tax Lien By Proving Casualty Losses

In Re J.W. (Internal Revenue Service). Client had several years of tax deficiencies due to non-filing. During that time, the client's house burned down and he suffered casualty losses. The client initially owed \$25,000 and was facing a Notice of Federal Tax Lien (NFTL) which would have crippled his credit and employment possibilities. The Tax Clinic filed the missing returns, which were quite complex because of the casualty losses, three separate Schedule Cs, and a Schedule E for the portion of his house that he rented. We reduced the client's tax liability to \$875 and prevented the NFTL. [13-0364062](#) (A. VanSingel)

Representation At Audit Helps Recently Widowed Client Reduce Tax Debt from \$12,000 to \$1,700

In re A.M. (Internal Revenue Service). Client's husband passed away, and a few weeks later, the IRS audited her. The initial exam proposed a liability of \$12,000. We represented the client in the following exam, and reduced the liability to \$1,700. The client was extremely grateful, and said that the whole process would have been very difficult, and she was already going through a lot through the loss of her husband. [12-0346197](#) (A. VanSingel)