



THE PRAIRIE FIRE

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

January, 2016



**Prairie State Legal Services, Inc.
Administrative Office
303 North Main Street, #600 Rockford,
IL 61101**

Edited by: David Wolowitz, associate director



FROM OUR EXECUTIVE DIRECTOR...

The Prairie Fire is our periodic narrative report of the accomplishments of Prairie State Legal Services. **This issue is for PSLS staff and Board. We are producing a shorter version for the public and for our network of organizations and funders that will be part of our “Report to the Community.”** The stories on these pages clearly convey the challenges commonly faced by our clients, and the role of civil legal aid in helping them meet their basic needs. Many of the reported cases are notable because the legal issues are complex or due to the extensive or creative legal work needed to obtain a just result. Other cases are seemingly simple and routine, such as securing a divorce for a victim of domestic violence, or preventing an eviction, but the benefit for our clients is often life-changing.

The Prairie Fire demonstrates in real terms how our staff members work hard to make sure that our civil justice system operates with fairness for people in our 36 county service area disadvantaged by poverty. In that effort, we are assisted by volunteer attorneys who work in our offices and 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 2014 year noted immediately after this page. I am proud that we are an efficient and effective organization and that we serve thousands of clients 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.

For our Prairie State staff, whether you are a lawyer, a paralegal, a Coordinator, an intake specialist, a secretary, a manager or hold any other position in our firm, please know that the work accomplished by Prairie State is due to your tireless efforts and involvement in the fight for equal justice. And for that, I thank you.

The cases on these pages were gathered together by David Wolowitz, Prairie State’s Associate Director. Thanks, Dave, once again for your work in making sure these stories are told.



FROM THE EDITOR...

Since 2000, Prairie State has periodically published this docket. As in past years, this can be done only with the collective effort of a lot of very bright, committed and hardworking staff and volunteer attorneys and Pro Bono 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. What makes it so special is how proud of Prairie State *you* will feel when you read these amazing case summaries. You can see the work reflected, too, in the Accomplishments section appearing at the front of this publication. I extend my sincere thanks and appreciation to all contributors, who deserve all of the credit.

~ *Dave*

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I. Accomplishments of Prairie State Legal Services, Inc. in 2014

In 2014, Prairie State Legal Services completed 14,921 cases for clients with 30,973 persons in these households. Legal representation in court, administrative hearings and negotiations resulted in:

- **517 cases where we obtained protective orders for victims of domestic violence, sexual assault and family abuse.** 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.
- **466 divorce cases that we completed including many for victims of domestic violence victims providing important court orders to finalize custody, support & visitation and terminate the legal relationship with the abuser.**
- **306 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.
- **41 (non-divorce) cases in which we obtained favorable resolution of child custody issues.**
- **81 cases where we prevented mortgage foreclosures and enabled household members to retain their homes.** 42 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.
- **92 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.
- **19 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.

- **82 cases enabled low income households to live in affordable housing**, overcoming denials of admission to public housing or obtaining/maintaining housing subsidies.
- **106 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.
- **190 cases resulting in court monthly awards of child support**. Awards exceeded \$1,218,261 for 402 children.
- **10,519 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 2014, these additional services included:

- **Preparation of 566 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 175 wills.
- **Representation successfully resolved 11 education cases**, involving admission to school, prevention of unwarranted discipline, and availability of alternative education.
- **Legal representation enabled 13 families to adopt children**.
- **Legal representation resulted in a favorable outcome in 93 tax cases on behalf of low-income taxpayers**, successfully resolving controversies with the Internal Revenue Service. Clients recovered **\$121,498** in overpaid taxes that the IRS returned. We also avoided (abated or reduced) client's tax liability in the amount of **\$1,910,519**.
- **Legal representation helped obtain \$313,344 in annualized monthly public benefits for clients in need**.

II. Case Summaries

CONSUMER/ BANKRUPTCY

Successful Post Judgment Proceeding Releases Lien on Client's Bank Account and Denies Turn-Over Order (*State Circuit Court*). Judgment creditor served client's bank with a Third Party Citation to discover client's assets, and bank placed a lien on client's account denying her access to \$2,500 in the account. We filed a motion to assert client's exemption rights (including her \$4,000 wildcard exemption) and represented client at the exemption hearing. The court released the lien enabling the client to pay her living expenses, and the Court denied the creditor's request for an order to turn-over the funds. ([G. Dolan, 140387877](#))

Court Dismisses Citation to Discover Assets and Exempts Client's SSI Income (*State Circuit Court*). A court had ordered our client to pay money to a former landlord. The landlord then served client with Citation to Discover Assets. Our client's only source of income was her Supplemental Security Income (SSI) through the Social Security Administration. She has struggled with homelessness and mental illness for years and was worried that the landlord would take her only income. She was concerned about the court process and did not understand the Citation. We represented her at the Citation Hearing, and successfully exempted her SSI income from being turned over to the landlord. The Court dismissed the Citation. ([M. Bardell, 15-0396323](#))

Chapter 13 Allows Clients to Catch Up to Arrears on Mortgage and Medical Debt (*U.S. Bankruptcy Court*). Client fell behind in mortgage payments due to her husband's large medical bills. Their lender denied a mortgage modification. Wife's promotion at work meant they could now afford regular mortgage payment if they were just allowed time to catch up on arrears. We filed a Chapter 13 bankruptcy that included a lot of past due medical debt, but more importantly it allowed them time to pay the mortgage arrears. They are current with the trustee and the regular mortgage payment. ([M. Leuthner, 14-0385519](#))

Chapter 7 Keeps Senior Client's Utilities On and Saves Her Section 8 Voucher (U.S. Bankruptcy Court).

Our client, a senior physically unable to work, lives on an extremely low fixed income consisting of Social Security, SNAP, and a very small pension. She remained housed due to a Section 8 voucher. She fell behind on water and electric bills and was unable to keep up payment plans. She was in imminent danger of having her utilities cut off, and thereby losing her Section 8 voucher. Client also had old debt from a mobile phone plan she had co-signed for her granddaughter and medical bills from a car accident. We filed a Chapter 7 bankruptcy in order to use the automatic stay to keep her utilities on and save her voucher. Although some issues still need to be resolved (meeting of creditors and motion to waive filing fee), client has kept her voucher, has remained in her home, and will be free from the old debts after she receives her discharge. (J. Thomison, M. Leuthner, 15-0402083)

Bankruptcy Improves Disabled Client's Health By Restoring Electricity To Home During Summer Heat Wave (U.S. Bankruptcy Court).

Our client, a disabled woman in her mid-fifties, was struggling to pay her electric and other bills on her limited income. During a summer heat wave, ComEd cut off her power as she owed them \$1,280 for charges going back three years, and client was unable to meet ComEd's demand for the entire payment. The heat caused some of her disabling physical conditions to worsen. We promptly connected client to a volunteer attorney, who quickly filed a bankruptcy and the very next day the electricity was turned back on. The client was able to have a comfortable home during the summer heat and a fresh financial start as well. (D. Michaels, 14-0381790)

Bankruptcy Petition Will Prevent Water Disconnection and Lien and Will Discharge Unusually High Penalties, Interest and Fees (U.S. Bankruptcy Court).

Our 80 year old client owns her home and has an outstanding water bill due to her City in the amount of \$70,000. Of this sum, only \$2500 is due for water service and the rest is penalties, fees, and interest. The city refused to negotiate a settlement and has threatened to disconnect her water and place a lien on her property. The bill continues to increase by \$7000 each month because of interest/fees/penalties. Client did not qualify for a reverse mortgage. We referred case to volunteer attorney Theresa Campbell for pro bono representation in a Chapter 7 bankruptcy. The Petition was recently filed, and the 341 creditors meeting has been scheduled. (W. Crouch, 14-0390423)

Discharge of Debts Enables Client to Afford Subsidized Housing (U.S.

Bankruptcy Court). The client lived with her partner who supported her for 27 years until his recent death. She did not own the house with him and the partner's brother asked the client to leave. She receives Social Security retirement income and looked into subsidized housing. She found a suitable apartment, but the landlord was concerned that she would not be able to afford it with her debts, which exceeded \$10,000. We referred the client to pro bono attorney D. Ward who obtained a bankruptcy discharge of debt for the client. ([S. Helwich, 15-0398163](#))

DISABILITY/SOCIAL SECURITY

Creative Appeal Packet Convinces Social Security to Reverse Its Denial of

Survivor Benefits for Child Client (Social Security Administration). Following the death of our client's father, Social Security denied survivor benefits because there was no proof of paternity. Client's father and mother were never married. We organized an appeal packet which included the father's funeral program which listed our client as his son, letters from the father to his son in which he acknowledged that he was the boy's father, and photographs of the father and son over the years. We also convinced the county coroner to preserve the blood sample taken during the autopsy to allow a DNA test if Social Security required one. After we submitted our appeal packet, Social Security approved our client's application without requiring a DNA test. Our client now receives over \$1,000 per month and received a back award in excess of \$20,000. This social security money offset the loss of child support and stabilized our client's family's income allowing them to meet their monthly obligations. ([A. Barr, 14-0376493](#))

ALJ Reverses Termination of SSI When Client Turned Age 18 (Social Security

Administration, Office of Disability Adjudication and Review). Client had been receiving SSI benefits as a minor due to learning and anxiety disorders, but received a termination notice when she reached age 18. Client continued to suffer from Severe Anxiety and PTSD but had discontinued seeing her Primary Care Physician (PCP) and had received no mental health treatment for a period of time. PSLS helped client obtain a new PCP. She began attending counseling sessions on a weekly basis and maintained appointment and medication compliance. The PCP diagnosed Anxiety, Bipolar, and Borderline Personality Disorders. PSLS then represented client at ALJ hearing and argued that client met the listing for Affective Disorders due to the combination of her impairments. ALJ issued a fully favorable decision. Client's benefits were not terminated, which resulted in an avoidance of an overpayment of over \$14,000. Client continues to receive monthly SSI benefits. ([Jessica Hodieme, 13-0357550](#))

Repayment Plan with Social Security Avoids Withholding of Client's Entire Disability Check for A Year (*Social Security Administration*). Client in his 50's was on Social Security disability for many years following a collision between his truck and an 11-ton earth mover. It is difficult for him to understand or follow instructions. SSA assessed a \$10,000 overpayment because his daughters had wrongfully received dependent benefits, and told client that his entire benefit check would be withheld for a year to recoup it. We called the local SSA office and created a list of simple steps for client to take, while completing the form for a waiver or a repayment plan. We developed a list of the documents he needed to attach to the form. We requested a repayment plan for \$100/month, which client could manage. The client could follow the instructions we provided, and turned all necessary documents to Social Security, which approved his repayment plan at just \$100/month. ([D. Michaels, 14-0375046](#))

Prairie State Wins Child Disability Case, With Huge Back Benefits Award, and Succeeds in Getting SSA to Approve Needed Expenditures (*Social Security Administration*). Social Security denied our 9 year old client for child disability benefits. He had borderline intellectual functioning, learning disabilities, ADHD, ODD, adjustment disorders, insomnia, and motor delay. We represented client at the ALJ hearing, submitting medical and school records and presenting testimony from client and his mother about his limitations. The ALJ issued a favorable decision and our client received \$13,744 in back benefits and ongoing benefits of \$679/month. Afterward, we advocated to Social Security to approve expenditures from his back benefit funds. Our client's pediatric specialist for behavioral treatment was 30 miles away and the family needed a car. He needed a bed, as his twin bed shared with his 12-year-old sister was affecting his sleep and concentration in school. His special education teachers were recommending at-home learning software, but the family did not have a computer. Social Security approved all of these expenditures for our client. ([C. Wintersteen, D. Michaels, 14-0374302](#))

ALJ Reverses Denial of SSI For Client With Seizure Disorder (*Social Security Administration, Office of Disability Adjudication and Review*). Client was unable to work due to seizure disorder, but had issues with medication compliance. With the neurologist, we helped client maintain and document medication compliance. We represented client at ALJ Hearing and argued that client met listing for Non-convulsive Epilepsy, and alternatively, that client was disabled due to missing two or more days per month from seizure activity, which the Vocational Expert testified would preclude him from performing any jobs in the National Economy. ALJ returned fully favorable decision granting client benefits. ([Jessica Hodierno, 14-0373175](#))

Client Having COPD and Asthma Receives Back Benefit Award Over \$25,000

(Social Security Administration). Social Security denied SSI to a homeless client through the reconsideration stage. A car mechanic by trade, client had to stop working around fumes because it aggravated his COPD and Asthma attacks, which had caused multiple hospitalizations. Because of his severe breathing problems, his movements were severely limited. After he waited two years for a hearing and after we submitted countless pages of medical evidence, Social Security approved his benefits in full from date of application! This resulted in lump sum payments totaling over \$25,000. These infusion of funds, along with his ongoing benefits, will house the client and make a huge difference in his ability to live a safe and healthy life. (J. Rhoades, 13-0362264)

PSLS Overcomes Previous SSI Denial to Win Adult Child's Benefits for

Client (Social Security Administration). Our client, a young single mom, had been on SSI since age 8 due to severe asthma. However, SSA terminated her SSI when she turned 21. After unsuccessful attempts to appeal and then work, client reapplied for SSI. This time, she was approved for disability due to anxiety and depression, but only prospectively at age 23. In other words, she was NOT approved for SSI while she was age 21 or 22. PSLs became involved to help the client get adult child's benefits (based on her father's work record). Her main goal in qualifying for child's benefits was to receive the better health coverage under Medicare. SSA denied the adult child's benefits due to a legal provision that required client to show she had been disabled continuously since age 22, i.e., there had to be onset by age 22 and no break in disability. We represented client in an appeal of that denial. One our challenges was to convince the ALJ that the prior SSI decision (holding that she was not disabled at age 21 and 22) was not dispositive. We presented evidence from the many medical records from her childhood referencing her depression, anxiety and even several suicide attempts that had not previously been considered by SSA. Since she also had numerous hospitalizations due to asthma and pneumonia, we proved that our client was disabled due to medically determinable reasons since age 14, without a break. The medical expert at the hearing agreed, and the case was won. SSA awarded client child's benefits going back to a time before she became an adult. As a result, the client was approved for Medicare right away, and began to receive a higher benefit than what she had received for SSI. (D. Michaels, L.Rothnagel, S.Megan, C. Wintersteen, 12-0346581)

ALJ Reverses Continuing Disability Review Finding That Child No Longer Disabled (*Social Security Administration*).

SSA had determined that our client, age 9, was disabled, and he was receiving Social Security disability benefits. He has a learning disability and a problem with his leg muscles which causes the tendons to be permanently "frozen," causing great difficulty walking. The client's case was subject to a routine Continuing Disability Review where client was found to no longer be disabled. We represented the client at his hearing before the Administrative Law Judge. The ALJ found the client to still be disabled based on his difficulty walking as well as his learning disability which is quite severe. ([B. Mutehart, 140372782](#))

EDUCATION/ SPECIAL EDUCATION

Successful Advocacy at MDR Prevents Expulsion and Improves Student's IEP

(*Local School District*). Our client, a high school student in foster care, received special education services. The school notified client he was being expelled for taking non-prescription pills to school, and giving some to another student, who then got sick was hospitalized. DCFS sought to transfer student to a residential placement in another District, but the original District was not willing to drop the expulsion. We requested a manifestation determination review (MDR) hearing and successfully advocated for the student at that hearing, as the IEP team determined that student's behavior was a manifestation of the disability. This meant student could not be expelled. We argued that the student's individual education plan (IEP) had not been implemented properly because the student was not supervised during certain unstructured time. After the review, we held an IEP review as per the regulations, which resulted in a change to the IEP requiring supervision during bathroom, ROTC and locker room. It appears our client will stay on pace to graduate in his new District next May. ([D. Conklin, 15-0394175](#))

Advocacy Avoids Expulsion for 8th Grade Student Permitting Enrollment in High School With Appropriate Special Education Services (*Local School District*).

Applying a Zero Tolerance policy, the school district sought to expel an 8th grade student for possession of a knife. Client brought it to school for self-protection because she had to walk home alone from school through a dangerous neighborhood. An expulsion would have prevented the client from entering high school in the fall. After we discovered that client had a mental health diagnosis never evaluated by the school, we successfully argued to the school board that expulsion was not appropriate. In lieu of expulsion, the board offered a 60-day diagnostic placement, taking her through the end of the school year, and allowing her to enter high school with her class, with appropriate services. Client has successfully completed her diagnostic placement and is enrolled in high school with an individual education plan that calls for on-going social work services. ([S. DiGrino, 15-0397816](#))

Successful Defense At Expulsion Hearing Prevents Expulsion of Student

Client (*Local School District*). Our high school client traded his BB gun with another student for a watch. The trade took place in the woods near the school. The other student, once found with the BB gun in school, stated it was our client's gun. The school sought to expel our client for making the exchange on school property, and therefore "possessing" the gun on school property. We represented the client at the expulsion hearing, where client testified that he was not sure whether they were on school property at the time and that he tried to prevent the gun from being brought into the school by telling the other student to leave it in the woods. After the hearing, the district administration determined that the school had not proven that the client violated their code of conduct, and declined to send the expulsion referral before the school board. As a result, the client was not expelled. ([K. Thielbar, 15-0400252](#))

ELDERLY/SENIORS

Court Evicts Abusive Son of Senior Client with Parkinson's Disease (*State Circuit Court*).

Our client, a senior with Parkinson's Disease, through her power of attorney agent, sought to evict her abusive son from her home (the son had been criminally charged, as well). There was no lease, but the son refused to leave. PSLS filed an eviction lawsuit against the son. At trial, the son produced a lease as well as a quit claim deed (in which the client had allegedly quit claimed her interest in the house to son). The judge entered an immediate possession order in favor of client against the son. The Court did not indicate whether or not he found the lease/deed to be fraudulent, but did find that the son was not credible, that he had a fiduciary relationship with client, and that he had taken advantage of her. ([E. Deucher, 14-0385621](#))

PSLS Helps Client Retain Social Security Retirement Benefits By Overcoming His Lack of Mexican Birth Certificate (*Social Security Administration*). Our client, a legal permanent resident, started receiving Social Security retirement benefits at age 62. SSA suspended benefits when he was unable to provide a birth certificate from Mexico. Immigration authorities had seized his birth certificate when he first entered the country, and his efforts to obtain a certified copy from Mexico were not successful. He then became a naturalized US citizen and obtained a US passport. Through an interpreter, we represented him to challenge the suspension of benefits. SSA did not consider the certificate of naturalization or the passport sufficient evidence and continued to insist upon an original birth certificate from Mexico. We argued regulations which instructed SSA that the documentation he had was sufficient to prove his birthdate. SSA then agreed to reinstate the client's benefits. Our client received a lump sum payments of benefits going back to the date of suspension. In addition, he continues to receive his regular monthly retirement benefits. ([C. Riefler, 140376247](#))

Court Dismisses Eviction Suit and Senior Client Retains Public Housing Through PSLs Advocacy to Obtain a Reasonable Accommodation (*State Circuit Court*). The local housing authority was evicting our senior client after she had fallen more than \$2,000 behind in rent. The client suffered from several mental and physical health deficits and was unable to manage finances on her own. Prairie State helped the client request a Reasonable Accommodation from the housing authority and helped client apply to have Visiting Nurses Association (VNA) as her representative-payee to pay future rent and repay back owed rent. The Housing Authority agreed to the accommodation request and voluntarily dismissed the eviction lawsuit. The client was able to maintain housing through our representation and to obtain new homemaker services through our referral. ([E. Hardy, 14-0374571](#))

Order of Protection Prevents Any Contact with Senior by Abusive Granddaughter and Requires Return of Property (*State Circuit Court*). This elderly client with dementia sought an Order of Protection against her caretaker granddaughter, who had stolen \$100,000 in cash and property from the client. After criminal felony charges were filed against the granddaughter, PSLs represented client to obtain a two year Order of Protection wherein the granddaughter agreed not to contact the client in any way, and agreed to return a list of personal property belonging to the client. The client's address was not disclosed to prevent the granddaughter from finding out where client currently lives. ([M. Wood, 15-0399473](#))

Stalking No Contact Order Against Neighbor Who Exploited Client's

Disabled Adult Son (*State Circuit Court*). Client, an 82-year old woman who was guardian of her disabled 59- year old son filed an Emergency Petition for a Stalking No Contact Order. The disabled son was harassed in his independent living placement and threatened by a neighbor there. The neighbor stole the disabled man's money and food and forced him to change the payee on a check which he then cashed and used for his own benefit. The neighbor held parties in the disabled man's apartment inviting his own friends who became drunk and loud. The client guardian learned of these facts only after she was contacted following a fire in the apartment during one of these parties. She warned the abuser to stay away from her son to no avail. PSLS filed suit against the abuser and obtained a two year order no contact order on behalf of the disabled son. ([G. Dolan, 14-0390525](#))

EMPLOYMENT/ UNEMPLOYMENT

Appellate Court Finds Client Not Guilty of Misconduct and Restores Her

Unemployment Benefits (*Illinois Appellate Court*). The State unemployment agency denied unemployment insurance benefits for our client, the mother of four minor children. They claimed that she did not qualify because she lost her job due to misconduct. Without a job and without unemployment benefits, she lacked the means to support her family. She and her children lost their housing and suffered other hardships. We represented the client in court to review the agency's decision. The evidence showed that the employer had warned our client about repeated tardiness - most of which were due to her children's illnesses - and told her that "next time" he would fire her no matter what the reason. The employer then fired her on a day that the client could not get to work on time because the roads were a mess due to widespread storm damage. As a result of the storm, communication lines were down so she could not reach her employer by phone or by e-mail. Realizing she would be late, the client returned home expecting to be fired, anyway. We argued in court that the employer had told her it would be futile for her to report to work late no matter the reason, and therefore she did not willfully violate a company rule. When the trial court ruled against our client, PSLS filed an appeal. The Appellate Court issued a decision fully favorable for our client, and fully accepted our argument. The disqualification was erased from the client's record, and her eligibility for unemployment benefits was restored. The appellate decision explains how the employer must show that the employee's conduct was willful and deliberate in order to constitute misconduct. ([L. Rothnagel,14-0381862](#))

PSLS Prevails at Board of Review and At Remanded Referee Hearing to Secure Client's Unemployment Insurance Benefits and a Large Back Award

(Illinois Department of Employment Security and Board of Review). Our client, a mother of four, worked as an office manager. She had requested vacation days to deal with property of her recently deceased father. After numerous attempts to clear her vacation request with the managing partner, she believed she had permission based on the partner's response. However, they fired her for allegedly failing to get her vacation request approved. On this basis, the firm protested client's application for unemployment insurance (UI) benefits, alleging misconduct. IDES denied UI benefits and client appealed. The referee allowed the employer to testify at length, but asked our unrepresented client only a few questions, cut off her testimony, failed to follow up on important issues raised during the client's testimony, and upheld the denial. PSLs appealed again and represented client at the Board of Review. Consistent with our brief, the Board of Review found that the referee failed to develop the record and remanded the case for a new hearing. We represented client at her second hearing, where the referee found that the client was not guilty of misconduct. He found that the client believed she had properly requested a vacation and therefore did not willfully violate her employer's attendance policy. The client became eligible for UI benefits and received a back award totaling \$15,000. ([J. Murphy, 14-0388328](#))

ENERGY/PUBLIC UTILITIES

PSLS Gets ComEd to Immediately Restore Life-Saving Electricity for Client Requiring A Breathing Apparatus

(Commonwealth Edison). Our client's son has severe asthma and needs breathing assistance treatments (which require electricity) at least three times a day. When ComEd disconnected client's electricity for non-payment, she submitted a medical certification by FAX to get utility service reconnected (she had to move out of her apartment temporarily to have access to electricity for her son). ComEd did not process the medical certification, stating they never received it. PSLs promptly supplied the client's fax confirmation sheet showing she faxed the medical certification a week earlier. They said they'd process it "in a few days." We pursued the matter with a supervisor, arguing the law that the utility must process medical certifications within 1 day of receipt. We persuaded ComEd to reconnect client's electricity that very day. ([E. Deucher, 15-0402511](#))

Receivership Action Restores Water and Gas Service to Multi-Unit Building and Results in Needed Building Maintenance (*State Circuit Court*).

Our client's landlord failed to pay the building's water bill and gas bill, and those utilities disconnected service. After the landlord rejected PSLS efforts to work out these issues, PSLS filed a lawsuit against the landlord asking the Court to appoint a receiver to collect rents and maintain utility service. The Court appointed a receiver which immediately restored utility service to all five units in the building. The landlord then filed for bankruptcy and gave our client an eviction notice. PSLS prevented these tactics from having a significant impact on the receivership litigation by getting approval from the bankruptcy court to go forward with the receivership and convincing the landlord that he did not have the authority to evict client while the receiver was in possession of the building. The receiver also performed needed emergency maintenance, including fixing the hot water system, getting the drains working, and obtaining trash service for the building. ([M. Bardell, 14-0384430](#))

Discovered Documents in ICC Complaint Restores Client's Gas Service and Compels Utility to Cease Collection Efforts (*NICOR and the Illinois Commerce Commission*).

We represented client to dispute a utility shut-off based on an unpaid NICOR gas bill she received in 2015 for gas service allegedly provided between 1998 and 2001. Client has moved several times since then, and denies having ever previously received this old bill at any of her addresses. Despite demand, NICOR was unable to produce any of the allegedly previously issued bills. We filed a complaint with the Illinois Commerce Commission (ICC), while we researched whether the utility was estopped from collecting the old bill and whether client could seek equitable relief to restore her services pending the outcome of the ICC complaint. State law requires that a utility must bill for any utility service within 12 months after provision of that service to the customer. In reviewing client's documents, we came across NICOR bills between 1998 and 2015 that showed client's balance was zero. After bringing these documents to the attention of the ICC, NICOR agreed to stop collection and restore client's gas services. ([J. Miller and M. Elgindy, 15-0401150](#))

FAMILY LAW/DOMESTIC VIOLENCE

PSLS Obtains 2 Year Stalking No Contact Order for Client (*State Circuit Court*).

Due to her disability, client is extremely vulnerable to mistreatment and stress. She obtained an emergency Stalking No Contact order against another resident of her building. PSLs represented her for the plenary hearing. The client informed us that in addition to stalking, the resident also repeatedly forced her to engage in sexual contact allegedly against her will. We informed client that she could report these alleged crimes and of our willingness to assist her in that regard. We respected client's desire not to testify regarding those sensitive incidents unless determined necessary and kept those facts out of the pleadings until the position of the Respondent could be determined. We negotiated an agreed 2 year Stalking No Contact Order with remedies of preventing further abuse, requiring the stay away from client's person, apartment, entire third floor, and remain 15 feet away from client in any common areas. ([A. Voss, 14-0382120](#))

Court Denies Visitation for Gun-Toting Abuser in Granting Order of

Protection (*State Circuit Court*). Our client was in a long term relationship with her partner and they had a child together. There was a long history of emotional and physical abuse. The partner not only repeatedly verbally abused her and belittled her in front of their son, but left his guns within reach of the child. Following a plenary hearing at which we represented the client, the court entered an 18 month Order of Protection with a denial of all visitation. ([P. Zukowski, 14-0379426](#))

PSLS Obtains Multiple Relief for Client Including OP, Child Support, and Permission to Leave the State (*State Circuit Court*).

This case began as a Petition for an Order of Protection. The respondent harassed the client while she was pregnant, including stalking, over 100 calls and texts on certain days, and even a 911 call falsely stating that client was suicidal. After we negotiated an Order of Protection, we sought enforcement when the harassing behavior did not stop. After the child was born, the case involved ongoing litigation concerning visitation and child support. Eventually, client became engaged to her old boyfriend and wanted to move to California, so we expanded the case to include a petition for leave to move. The Court granted our removal petition and client was able to get away from her abuser and start a new life. ([P. Zukowski, 13-0353021](#))

Court Terminates Joint Custody and Awards Client Sole Custody of Daughter Sexually Abused by His Former Wife's New Husband (*State Circuit Court*)

Court). PSLS filed a petition to terminate a joint custody agreement and seek sole custody of a child. Our client alleged that the husband of his former spouse was sexually abusing the parties' teenage daughter. After this was disclosed, the former spouse initially cooperated with law enforcement, but then decided not to cooperate. In our petition, we also sought to limit her visitation rights. After a hearing, the court granted our petition to terminate the joint agreement, awarded sole custody to the client, and ordered supervised visitation. ([P. Zukowski, 13-0360441](#))

Highly Abusive Husband Flees State After Court Grants Client Order of Protection and Custody of Step-son (*State Circuit Court*)

Court). Client's husband kicked her, hit her with his fists and other hard objects including a boat oar and hammer, and dragged her by her clothing and hair. He threatened to light her on fire and sprayed her with barbecue lighter fluid. He also threatened her life while pointing a shotgun at her, brandishing a knife, and also threatened to kill her parents. After 13 years of abuse, our client decided to leave her husband and seek an order of protection. PSLS represented client to obtain her order of protection. The case was contested and went to trial. The judge granted a two year plenary order of protection prohibiting the husband from contacting our client. The court also granted our client physical custody of a step-son pursuant to 750 ILCS 60/214(b)(5) to protect him from abuse and to protect his well-being. After the hearing the husband continued to contact and threaten our client in violation of the order. The police were called and sought to arrest the husband but he fled to another state and continues to reside there leaving our client and her step-son safe. ([A. Barr, 150395067](#))

PSLS Establishes Paternity Posthumously Enabling Client to Obtain Social Security Benefits for Child (*State Circuit Court*)

Court). Our client's former boyfriend committed suicide while the client was pregnant. Our client had a DNA test done and it was determined that the boyfriend was the biological father of the child. However, our client was unable to add the father to the child's birth certificate without a court order. PSLS filed a posthumous paternity action on behalf of the client. The Court declared the former boyfriend to be the biological father of her child. As a result, the client was able to add the father to the birth certificate and obtain Social Security benefits for the child due to the father's death. ([T. Mergener, 15-0393932](#))

Court Grants Client Custody of Her Grandchild and other Relief, Limits

Parents' Visitation (*State Circuit Court*). Client, as primary caretaker and the DCFS foster placement since birth of her grandson, sought an order of protection and custody against the child's mother and father. The mother was addicted to drugs, moved in and out of the home, and was removed from the home by police after she hurt the baby. The father threatened and harassed the client. The client obtained orders of protection against both the mother and father of the child. The parties agreed in mediation to a supervised visitation order that included the father's agreement to submit to drug testing monthly and undergo a substance abuse assessment. After several hearings to review the respondents' visitation, the Court suspended the father's visitation for failure to attend visits at the supervision center. The parties agreed to a temporary child support order, and the case was set for trial on permanent custody and visitation. When the father did not appear, the Court entered an order suspending his visitation, granting our client permanent custody, making the temporary support order permanent, and granting our client leave to claim the child for tax purposes. ([M. Wood, 13-0371634](#))

Court Grants Order To Protect Blind and Weak Senior Client from Mentally Ill Daughter (*State Circuit Court*).

Our blind and very weak 85 year old client sought protection from her daughter who suffered from mental illness, but who refused all treatment. The daughter became increasingly abusive towards her mother, throwing vases and a pot of boiling water at her. PSLS represented the client to obtain a plenary Order of Protection for 2 years. At our client's request, the court noted she would be willing to modify the OP to allow visits between mother and daughter, once daughter got medical attention and was put on proper medication. Because of the OP, the daughter was hospitalized and later placed in a nursing home since she had nowhere to go and needed medical attention. ([M. Elgindy, 15-0399718](#))

PSLS Obtains 2 Year No Stalking Order To Protect Client From Co-Worker Who Had Rendered Him Unconscious. (*State Circuit Court*).

Respondent stalked our client and once beat him to a point of unconsciousness. The respondent was convicted of aggravated battery against client and was on probation but there was no contact order in place in the criminal case. Our client attended every court date on the criminal matter. Later, the Respondent became a co-worker of client and made a remark to client that he took as a threat. Our client reported the incident and the history with this man to his supervisor, and the respondent was fired. Our client filed for an emergency stalking no contact order and it was granted. Client then retained PSLS to represent him further on the matter. PSLS appeared in court at the first hearing and respondent wanted time to get an attorney. At the next hearing date he did not have an attorney. We negotiated with him and he agreed to a 2 year stalking no contact order. ([A. DeTellis, 15-0398606](#))

PSLS Collaborates With Navy to Empower our Client and Protect Her From Extremely Dangerous Naval Man (*State Circuit Court*).

Client sought order of protection for herself and her baby against her abusive husband, enlisted in the Navy. At the time of hearing for the plenary order, Respondent had been in pre-trial confinement related to military charges for physically, emotionally, and sexually abusing client, for violating a military protective order, and for witness tampering because he tried to convince our client to recant her testimony against him. The respondent denied the abuse and claimed that client was the aggressor. For the hearing, we subpoenaed police officer, an NCIS investigator, a navy attorney, and a client coworker. The plenary order was granted by default when respondent refused transport to court. The court denied a subsequent motion to vacate the default. The Court granted client child support, exclusive possession of home, custody of the parties' child, and denied visitation. During the case, PSLs collaborated with the military resources to keep our client supported and safe. The Respondent has since pled guilty on several military charges and been sentenced to federal prison. ([B. Owens, 14-0383073](#))

Immigration Papers Signed By Husband to Bring Chinese Spouse to U.S. Used to Obtain Spousal Support (*State Circuit Court*).

Client is Chinese and speaks no English. She married her American husband in China. The husband sponsored client as an immigrant to the USA, but became abusive to client after birth of their child. He prevented her from having access to the child and would stay in a separate part of their condo with the infant. When he became physically abusive, client filed for an Order of Protection. PSLs represented client in two OP cases. The first case, after a contested hearing, was dismissed because the judge did not believe that the client had been abused. Upon returning home, respondent again physically abused client. PSLs again represented, substituted the initial judge, and obtained a plenary OP. We also obtained an award of child support and spousal support. Our evidence included the fact that the husband had executed an affidavit of support, to support client, as a part of sponsoring client as an immigrant to the USA. ([M. Bardell, 15-0399565](#))

Adoption Leads to Increased Social Security Benefits and Better Standard of Living for Grandmother and Grandchild (*State Circuit Court*).

Our client is a grandmother who had been caring for her granddaughter since birth without support from the parents and was her legal guardian. The child's mother was in and out of their lives, constantly. The father was in the Peoria County Jail. The client has disabilities and was living on a fixed income, struggling to support herself and the child. Adopting the child would have made the child eligible for additional Social Security disability benefits, which would greatly improve their lives. Volunteer attorney R. Parker filed a Petition for Adoption and an Order for Adoption was entered. ([S. Crow, 14-0385719](#))

PSLS Changes Joint Custody to Sole Custody and Obtains Plenary OP After Court-Declared “Mental Defective” Threatens to Kill Self and Client (*State Appellate Court and State Circuit Court*). Per a divorce and marital settlement agreement, our client and husband (H) split custody of their 2 year old child 50/50. Two years later, H called the client to pick up the kids when they were under his care. When client arrived, she found that H had left their child (and a younger child from another relationship) unattended while he sat unaware in the bathtub, only to come out naked and attempt suicide in front of the children by swallowing an entire bottle of his mental health medication. The client took the children and called police, who found H in the bathtub again with a loaded revolver and found numerous other loaded guns in other rooms, which the police removed. After being taken to and released from the hospital, H threatened to get another gun and kill client. H was arrested, and while in police custody he threatened to kill himself, after which he spent a week in a mental health facility for evaluation. After client obtained an Emergency Order of Protection, PSLs took further legal action leading to a trial at which we adduced a tremendous amount of evidence. The Court granted client a plenary OP and full and sole custody of their child, gave H supervised visitation with the child and ordered H to pay child support. The Judge entered a separate order declaring H a "mental defective" and instructed the IL Department of State Police to revoke H's FOID card, and ordered H to sell all of his firearms. We represented client at a hearing on H's Motion to Reconsider, which the Court denied. H filed an appeal of the entire decision. We are representing client in the Appellate Court. ([M. Fitzsimmons, 15-0393794](#))

Pro Bono Attorney Helps Client Divorce Husband Who Sexually Abused Her Daughter (*State Circuit Court*). The client's husband molested her 12 year old daughter from a prior relationship. The client, who is Spanish-speaking, filed criminal charges, and as a result there is currently a warrant out for his arrest. While DCFS investigated the matter, the husband fled to Mexico. Spanish-speaking volunteer pro bono attorney M. Gorcowski filed a Petition for Dissolution of Marriage, and obtained a Default Judgment for Dissolution of Marriage on behalf of our client, after husband was served by publication. Although all issues regarding support and property are reserved, the client feels safe because she does not think that her husband will return due to the criminal case. ([S. Helwich, 14-0383257](#))

No Contact Order Ends Cruel and Damaging Stalking Behavior *(State Circuit Court)*

The respondent posted threatening and overtly sexual posts about our client on Facebook. He reached out to client's family and friends to gain information about her. Although they never had a romantic relationship, he pretended to everyone that they were former lovers, and spread vicious lies about her. Many people whom client knew assumed the lies were true. As a result, the client had to cease many of her social activities, and it also adversely affected her marriage plans. Based on her prior contact with this man, his prior criminal felony conviction for cyberstalking, his various times in jail and in mental health facilities, the client was distraught and worried what he would do to her. PLS represented the client after she had obtained an emergency stalking no contact order. During the course of the case, the respondent sent incriminating and nonsensical information to the Court and to PLS in an attempt to contact our client. At hearing, we introduced numerous exhibits and witnesses including a police detective showing his stalking behavior. The respondent wanted client to admit there was a relationship when none existed. At the conclusion of the hearing, the Court granted the Stalking No Contact Order for a period for two years. ([A. DeTellis, 14-0379558](#))

Appellate Court Reverses Trial Court's Denial of Order of Protection *(State Appellate Court and State Circuit Court)*

Client and husband have a 7 year old daughter. Our client's 11-year old daughter from another relationship has a severe developmental disability. PLS represented client to obtain a plenary order of protection from respondent, who kicked client in the stomach and tried to push the client down a flight of stairs. The judge refused to grant an Order of Protection but entered a no-contact order in the divorce case filed by the husband. During a visitation exchange, the husband tried to grab the younger daughter out of the car, and took the developmentally disabled daughter into the house and locked the door. He refused to turn the child over once police arrived, and a two and a half hour standoff ensued. The police eventually arrested him and he was charged with a Class 4 felony. We tried again to get a plenary Order of Protection. The incident had a serious psychological effects on the younger daughter, who is now afraid that her father will attempt to take her from her mother again, and that her father will hurt her mother. Following a trial, the judge refused again to enter a plenary order of protection. We appealed the trial court's decision to the Appellate Court, which ruled in our client's favor. ([J. Hunter, 14-0374476](#))

FORECLOSURE

Helping Client Obtain Affordable HAMP Loan Mod Results in Dismissal of Foreclosure Case After a Judgment for Foreclosure and Sale (*State Circuit Court*)

When our client was sued in foreclosure, he was unemployed and presented no defenses in his case. Initially, our only assistance was to help him prepare a pro se answer and explain the foreclosure and loss mitigation process. The court entered a Judgment for foreclosure and sale. Subsequently, client became employed part-time, and later employed full-time. We then expanded our assistance to help client apply for a loan modification and receive an affordable HAMP Tier 1 modification, reducing his payments by nearly \$350 per month. The case was ultimately dismissed after the loan modification was finalized. ([J. Luczkowiak; T. Harvey, 130369722](#)).

Foreclosure Dismissed Because Bank Failed to Observe FHA-insured

Mortgage Rules (*State Circuit Court*). Client fell behind on her FHA-insured mortgage loan after her husband died and she lost her factory job due to crippling arthritis. The bank failed to timely offer loss mitigation options required by federal law. Instead, the bank told her to apply for a loan modification when she started to receive disability benefits. However, by that time, more than 12 months had passed and she was no longer eligible for a modification. Had the bank properly evaluated her, it could have given her unemployment forbearance and accepted partial payments while her disability claim was pending. When the bank filed a foreclosure complaint, we filed a Motion to Dismiss. The Court ruled that the federal law violations in issue could not be the basis for a motion to dismiss. We filed an answer restating the violations as an affirmative defense. The bank moved to dismiss our defense, but the Court denied the bank's motion. The bank then decided to voluntarily dismiss the foreclosure and they refunded the client's filing fee. The client's current loss mitigation application package is pending. ([J. Miller, 12-0349008](#))

Mediation Results in Loan Modification, Dismissal of Foreclosure and Large

Settlement Check (*State Circuit Court*). Client, a veteran senior with disabilities, was the spouse of a deceased borrower. The house was in foreclosure. Mediation had been unsuccessful. Client wanted to modify and assume the loan. Additionally, deceased spouse had been awarded \$19,000 from a class action against the originator of the loan, but client could not cash the check because no estate had been opened up. We succeeded in getting the case referred back to mediation, during which the lender offered the client a modification. We assisted client to fill out the assumption paper work and execute the modification as the representative of the estate. We also negotiated to get the settlement check for \$19,000 signed over to client. Client's loan was modified and she was able to assume the mortgage. The foreclosure was dismissed. ([J. Miller, 13-0360739](#))

Prairie State's Review of Bank Servicing Guidelines Leads to Finding of Client's Eligibility for Helpful Loan Modification and to Saving His Home

(State Circuit Court). A respondent in foreclosure, our client was desperate to save his home, but had \$0 income, although he did have a pending SSDI application. We filed a Motion to Dismiss the Complaint because the attached mortgage document was incomplete. The Bank fixed their mistake immediately, and we then helped client file an answer. After the bank filed a Motion for Summary Judgment, the client received his SSDI award, including a large lump sum payment. When we contacted the bank, they originally said no loan modification options existed. We reviewed their servicing guidelines online, and because there was an applicable loan modification option, we advocated for it and helped client to apply for it, while advocating to avoid the entry of a judgment while the application was pending. Ultimately, client was able to reinstate the loan with the SSDI lump sum award while awaiting his loan modification to avoid accruing more and more fees, and the foreclosure suit was dismissed. Afterwards, the bank granted client a loan modification for three years, lowering his payment by nearly \$200 per month. ([J. Luczkowiak, 14-0384658](#))

Advocacy in Probate and Foreclosure Courts Enables Successor in Interest to Receive Loan Modification and Dismiss Foreclosure Case *(State Circuit Court)*.

Client's deceased mother was sole mortgagor, borrower, and title-holder for property in foreclosure. Client lived in his mother's home for 5 years making mortgage payments after her death, but then fell behind. The bank refused to talk to him about loss mitigation options because he was not the mortgagor, borrower, or owner. Client was entitled to the property through his mother's will. PSLS opened a probate estate, admitted the will to probate, named client as executor, and had an executor's deed issued. In the foreclosure, PSLS had client named as his mother's "Special Representative" and filed an answer raising several affirmative defenses and counterclaims, revolving around his mistreatment as a "successor in interest" to the mortgaged property, and alleging he should be considered for a loan modification. We successfully argued a contested motion to refer the matter to the County mediation program where we helped client produce all necessary loss mitigation information. With plenty of advocacy, client was allowed to modify the loan and the foreclosure was dismissed. PSLS also settled the counterclaims for several thousands of dollars. ([Jesse Hodierne, 12-0347147](#))

PSLS Restores Clients' Title and Obtains Compensatory and Punitive Damages Against Scammer Who Tried to Steal Clients' Home (*State Circuit Court*)

Our clients, a Spanish-speaking couple with six children, are homeowners who were at risk of going into foreclosure due to husband's loss of income. They became victims of a scam operation, under which the scammer promised our clients that they would acquire and restructure the mortgage loan to reduce the unpaid principal balance, thereby reducing their monthly payments and preventing a foreclosure. The scammer induced clients to quit claim their home, pay them \$5125 in fees, and give them a power of attorney. All signed documents were in English, and the scammer never gave translated documents to our clients. Although the scammer promised to restore clients to title after performing services, the scammer provided no services at all. PSLS filed a complaint to Quiet Title and for relief under the Consumer Fraud Act and a claim for Slander of Title. We obtained a judgment against the scammer. The Court declared the quitclaim deed to the scammer to be void and restored title to our clients by judicial deed. The Court ordered the scammer to pay back the \$5125 but also imposed punitive damages of \$10,000. We then recorded the deed to provide a clear chain of title for our clients. ([J. Miller and J. DeGrange, 13-0365454](#))

Discovery Admissions Lead to Great Settlement of Foreclosure Case (*State Circuit Court*)

In the last several years, the client received no less than 25 separate predatory loans from the foreclosing bank. These loans contained short terms, large lump sum “balloon” payments, high interest fees and rates, and were secured by her savings account. By rolling over these loans each time and repeatedly charging new finance fees, and by seizing cash directly from her account, the bank depleted \$25,000 worth of savings. A new loan bundled all remaining debt, secured by a mortgage on her home. The loan required an unaffordable lump-sum payment after only 10 months in an amount equal to 2 years of client’s annual income. When it became obvious that the client had not understood the terms of her loans, we helped her to undergo cognitive evaluations, which revealed a second grade reading level, a borderline IQ, and mild mental retardation. We filed a verified answer to the foreclosure complaint, asserted six defenses and multiple counterclaims. We conducted extensive written discovery and several depositions, through which the bank made numerous admissions, including that the bank should not have given any of the loans. Shortly thereafter, we achieved a favorable settlement under which the bank forgave all debt (over \$34,000), released the mortgage, released all other sources of security, and agreed to pay all of the client’s income tax consequences stemming from cancellation of debt. The foreclosure was dismissed, and the client was able to remain in her home with no debt or mortgage. The client now owns her home free and clear and can better live off her Social Security income in her home. Her income is exempt from collection and her homestead rights should allow her to protect her home as well. ([Jesse Hodierna, 13-0355280](#))

PSLS Saves Client's Home By Staying Foreclosure Sale and Obtaining Loan Modification Despite Lack of Divorced Spouse Signature (*State Circuit Court*).

Client's divorce decree required former spouse to quitclaim the marital home to him, but that had not yet happened. When client fell behind on mortgage, bank gave a loan modification and client completed a Trial Period Plan ("TPP"). However, bank refused to give a permanent modification without his ex-wife's signature or quitclaim deed. Bank obtained a judgment on a foreclosure complaint and client came to PSLs on the eve of the sale. We promptly filed a motion to stay the foreclosure sale which the Court granted based on the above facts. Lender had client reapply for another modification, and this time the application included a recorded quitclaim deed. After client successfully completed the second TPP, the permanent modification documents still included his ex-wife's name and required that his ex-wife sign the documents. Client continued to make the modified TPP payments, but eventually the bank refused to accept them for lack of the ex-wife's signature on the modification documents and scheduled another foreclosure sale. Through advocacy, PSLs obtained for client a permanent modification agreement containing only his name and requiring only his signature. The foreclosure sale was then canceled a mere 2 days before it was to take place, and the permanent modification was finally complete the day after the sale had originally been scheduled. Client's home was saved and the foreclosure case was dismissed. ([G. Borges, 13-0368531](#))

Bankruptcy Enables Client to Qualify for Loan Modification With

Forgiveness of Principal (*State Circuit Court*). Client's property was significantly underwater, but PSLs agreed to represent Client in a foreclosure case and assisted him to apply for loss mitigation. The client eventually received a trial period plan, but was denied a permanent modification due to an unpaid judgment lien recorded against the property. We filed a Chapter 7 bankruptcy for the client and stripped the judgment lien, but also raised multiple defenses in the foreclosure action preventing the lender from completing the case while the client worked to increase his household income and deal with the subordinate liens recorded against the property. Client reapplied and received a permanent modification with over \$37,000 in principal forgiveness. Prairie State also got the second mortgage holder to voluntarily release its \$38,500 mortgage lien. Client is now current on his mortgage and the principal balance is approximately the current fair market value of the property. ([D. Berland, 11-0311301](#))

GUARDIANSHIP

Action Naming Client as Successor Guardian Permits Payment of Disabled Adult's Medical Bills and Communications with Her Doctors *(State Circuit Court)*

PSLS had previously assisted client's father to obtain guardianship of client's stepmother, but there had been no successor or co-guardian named. Client's father passed away, leaving no one as guardian. Client wanted legal guardianship of his stepmother to be able to access his stepmother's accounts, so he could pay her bills. He also needed to communicate with her doctors and caregivers. We referred the adult disabled guardianship case to a volunteer attorney T. Thienemann, who filed a petition for successor guardian in the previous case. The Court appointed our client as successor guardian. ([W. Crouch, 15-0402126](#))

PSLS Defeats Attempt to Get Guardianship of Client's Son *(State Circuit Court)*

Father of client's two year old child was in jail for domestic violence against our client and violating an Order of Protection. After being released from jail, the father went to live with his sister, who filed for guardianship of the child, even though the child had lived with client since his birth. PSLS represented client to oppose the Guardianship action which the father had obviously instigated. We filed a Motion to Dismiss the Guardianship Petition because the paternal aunt lacked legal standing to file for custody. The aunt contested the motion. The Judge agreed that our client was willing and able to make and carry out day-to-day child care decisions concerning the minor and dismissed the case allowing our client to maintain custody and possession of her child. ([A. Barr, 13-0370669](#))

Court Grants our Client Guardianship of His Autistic Adult Child *(State Circuit Court)*

As the father of a severely autistic son who recently turned 18 (but who speaks like a young child), our client wanted to set up an adult guardianship with himself as guardian. The son has learning disabilities, behavioral issues, and a low IQ. He has been in special schools, some of them residential facilities, for many years. The father's wife has brain cancer. Client and his family have been PSLS clients over the years for various issues. For example, our office resolved an issue involving the son's Individual Care Grant resulting in Medicaid coverage for \$17,000 worth of past-due medical bills. Volunteer attorney P. Kraft handled the guardianship case. Although the case was not particularly complex, our volunteer went the extra mile to file a motion to waive the appointment of the GAL or reduce the fees for the GAL. She completed the case and the guardianship was granted, which will no doubt be a great help to this family. ([D. Michaels, 15-0395967](#))

HEALTH/MEDICAL

Appointment of Guardian Needed to Stop Financial Exploitation of Senior and Prevent Involuntary Discharge from Nursing Home (State Circuit Court).

On PSLS advice, client appealed a nursing home notice of involuntary discharge of her mother, who had Alzheimer's disease. The mom received Social Security retirement, plus a pension. The money was automatically deposited into a bank account. Another family member had access to the bank account and was using the money for personal use and not paying the nursing home. We petitioned the circuit court to have the Office of State Guardian appointed to manage the mom's financial affairs. Client is disabled and was not competent to manage her mom's finances. The Court appointed the Office of State Guardian as guardian and they recovered the money from the family member and re-directed it to the nursing home. The nursing home withdrew its involuntary discharge. (M. Bardell, 14-0377477)

PSLS Forces Nursing Home to Withdraw its Involuntary Discharge Notice Based on Its Failure to Process Medicaid Reimbursement (Department of

Healthcare and Family Services). Client had been a Medicaid recipient for ten years. She received an Involuntary Discharge Notice from the nursing home where she had been a resident and receiving care for over one year. During that time, the nursing home had failed to process the Medicaid application for reimbursement for long term care and now sought to discharge client when she could not make payment on the private pay charges. We represented client in the appeal of the involuntary discharge. Prior to the hearing, we submitted a written request for investigation to the Payment Support Unit of DHFS. The investigators found that the Department had never received a claim for reimbursement from the nursing home. Presented with this evidence, the nursing home withdrew the Involuntary Discharge Notice. (G. Dolan, 14-0375738)

Advocacy at Two State Agencies Secures Medicaid and Avoids Involuntary Discharge from Nursing Home (Illinois Department of Public Health and Illinois

Department of Healthcare and Family Services). Client's niece was her agent under a Power of Attorney. The niece failed to make payments to the nursing facility which then served client with a Notice of Involuntary Discharge. Also, DHFS denied Medicaid benefits for our client because she allegedly failed to provide documentation. PSLS represented client on the nursing home eviction and on a Medicaid appeal. We addressed financial abuse by the agent-niece as she had stolen funds from client's retirement account. Our advocacy allowed the client to be approved for Medicaid (which paid for her care at the nursing home). The nursing home withdrew its Notice of Involuntary Discharge and client remained a resident there. The niece was removed as client's POA agent and client's sister was named as her new agent. Client decided not to pursue any action against the niece. (Y. Golay, 13-0365108)

PSLS Thwarts Multiple Efforts by Nursing Home to Discharge Client (*Illinois Department of Public Health*). Our client, a resident of the nursing home for 9 years with multiple mental health conditions but no history of rule-breaking, accidentally set fire to his room from smoking. The nursing home served him with a notice to involuntarily discharge him for it. We determined that the facility lacked necessary medical documentation to support that he was a health risk to remain at the facility, and we filed an appeal. The ALJ granted our motion to dismiss, scolding the facility for not having their documents in order before filing the discharge notice. In retaliation, the nursing home sought several ways to "catch" the client doing something for which they could discharge him. When the client picked up a lighter off the floor and it fell out of his pocket, they served him with another discharge notice, citing the same reasons, i.e., that he was a threat to other residents and the facility. When we again filed an appeal, the nursing home immediately withdrew their notice before the case went to hearing. The client is now seeking to voluntarily transfer from the facility but he feels vindicated because they tried so hard to get rid of him without any valid reasons. ([M. Elgindy, 15-0401907](#)).

HOMELESS

Discharge of Debts Through Bankruptcy Allows Client to Participate in Transitional Housing Program and Become Permanently Housed (*U.S. Bankruptcy Court*). Our homeless client and her minor children participated in the Families Transitional Housing Program. However, the Program threatened to terminate client's participation because client's debt to the electric company left her unable to have electric utility service in her own name, a program requirement. To avoid termination from the program, PSLs filed a Chapter 7 bankruptcy. The automatic stay provisions preserved client's tenancy in the transitional program. We then continued to work on her bankruptcy case to discharge the debt fully in order to eliminate it as a barrier to her search for permanent housing. After receiving the discharge order, we advocated for the client to secure admission to housing from a particular housing provider. The client and her family are now successfully housed. The discharge cleared her credit liability and allowed her to successfully move her family to a permanent housing facility. ([M. Cole, 15-0393671](#))

HOMEOWNERSHIP/REAL PROPERTY (NOT FORECLOSURE)

Client's Lawsuit to Collect on Property Tax Indemnity Fund Saves Her

Home and Equity (*State Circuit Court*). Our client, 59, suffered a traumatic brain injury. She lives alone on limited and fixed income. She is illiterate and not able to manage money or pay bills on her own. Her husband took care of their finances, and her annual property taxes went unpaid after he passed away. She subsequently lost her home (and almost \$100,000 of equity) to a tax deed, and was at risk of eviction. Each county in Illinois maintains a property tax indemnity fund to help certain homeowners from the harsh consequences of a property tax sale. The courts have broad discretion in awarding compensation. In making this determination, the court is to consider factors such as the homeowner's mental, physical, and financial status; comprehension of property taxes and the duty to pay them; diligence; credibility; and any fault or negligence in failing to pay. PSLS filed a lawsuit against the County Treasurer to force payment from the Indemnity Fund. We also reached agreement with the tax buyer to let our client rent the house while we petitioned the court for compensation from the indemnity fund instead of moving forward with eviction. The agreement assigned any award from the Fund over a certain amount to the tax buyer in exchange for deeding the property back to her. After extensive negotiations and trial preparation, the county board authorized a settlement agreeing to allow \$70,000 from the Fund, and the tax buyer agreed that would be enough to deed the house back to her. Her sisters are helping to ensure that her property taxes are paid in the future. ([T. Rout, 140383657](#))

HOME SERVICES PROGRAM (HSP)

This program through the Illinois Department of Human Services (IDHS) Division of Rehabilitation Services (DRS) provides a personal assistant (PA) or other in-home services to qualified persons with disabilities to avoid their institutionalization in nursing homes. HSP uses a Determination of Need (DON) tool to determine eligibility and services.

Client's Care of Grandson Not a Basis to Terminate HSP Benefits (*Illinois Department of Human Services*). IDHS/DRS sought to terminate HSP client based on the allegation that she was no longer qualified as a person with disabilities because she cared for her 6 month old grandson. We represented this client at an in-person administrative hearing. The client testified that she did not "take care" of her grandson, but rather that she would hold him while the child's parents were out of the room. We established that IDHS did not present any credible and admissible evidence at hearing that our client was taking care of her grandson, and even if she had, such activity was not a terminable act. The hearing officer agreed with our arguments and overturned the decision to terminate this client's needed HSP care. ([A. Weiss, 150398335](#))

Victory at Administrative Appeal Reverses DRS Action Disallowing Use of a Personal Assistant. (*Illinois Department of Human Services*). We represented client in his administrative appeal of DRS decision disallowing use of a Personal Assistant of his own choice. The agency was forcing him to use an unwanted homemaker services agency. DRS decision stemmed from unsubstantiated allegations that the PA had committed abuse against him. Client denied all allegations of abuse, and wanted to continue use of his PA because they were able to communicate and get along well despite his aphasia. He was concerned about having a stranger come into his home to provide assistance, given his limited ability to communicate verbally. On appeal, we provided evidence that client is able to safely and adequately manage a personal assistant, and further proved that there was no credible evidence of abuse by the PA. The decision of DRS was reversed and client's service plan now allows for personal assistant hours, with the personal assistant of his choice. ([E. Petri, 14-0385299](#))

Court Reverses Termination of HSP Benefits for TBI Client Whose Condition Had Not Improved (*State Circuit Court*). This Client was an HSP customer for 19 years, following a car accident that left him with a traumatic brain injury. Following a new DON assessment, DRS terminated client from the program. We appealed the termination and represented the client at his administrative hearing. We submitted a report prepared by the client's psychiatrist showing that the client's condition had not changed significantly in several years. When the final administrative decision upheld the termination of his benefits, we filed suit in circuit court, appealing the administrative hearing officer's decision. We filed briefs in support of our complaint and represented the client at oral argument. We received a favorable decision in circuit court, reversing the administrative hearing officer's decision and ordering DRS to reinstate the client's HSP benefits at the level he received prior to termination. ([M. Wood, 140375866](#))

Hearing Officer Reverses HSP Termination Based on Assets and DON Score (*Illinois Department of Human Services*). DRS terminated client with multiple physical and mental disabilities from HSP for not scoring high enough on the DON assessment, and also for being over-asset for the program. The asset determination was based on a house that the client had quitclaimed to her daughter. Client had owed more on the mortgage of the house than the house was worth. Client had a PA to help her with everyday activities since 2001. In the prior DON reassessment, the client had scored a 34 (one needs to score a 29 to be eligible). At the new reassessment, she only scored a 20. We represented the client at the administrative hearing to appeal the scoring and termination of her HSP services. In regard to the asset issue, we proved that the client did not own the house in question, and that even if she did, she owed more on it than it was worth, so it was not an asset. In regard to the DON score, we established that the counselor did not properly consider all of the client's disabilities and limitations, and we submitted additional medical evidence to show that the client required PA help. After 1.5 days of hearing, the hearing officer reversed the HSP termination. The hearing officer also determined that, based on the client's abilities, her DON score should be 36, making her eligible for services. ([K. Thielbar, 14-0380890](#))

FAIR HOUSING

Prairie State maintains a Fair Housing Project (FHP) in 6 counties whose mission is to combat unlawful housing discrimination by housing providers in the rental, sales and lending markets. The Project represents persons whose provider discriminated against them because of their characteristics protected under federal or state law, and frequently files complaints with the U.S. Department of Housing and Urban Development (HUD). Those complaints are often referred to the Illinois Department of Human Rights (IDHR) for investigation and resolution. The Project uses fair housing testers to investigate whether particular providers are treating members of certain classes differently than others.

FHP Compels Landlord to Permit Installation of Handrail for Outside Steps

(Negotiation). Client tried for over 6 months to get approval from housing management to install a step and handrail outside of his unit. Client had secured a Township grant to pay for the modification that would enable him to safely navigate the steps. Neuropathy in his feet made it difficult to go up and down the two steps to his unit. The property owners refused to provide approval. Eventually, the clients lost the funding to build the modification. The Fair Housing Project negotiated with the property owners to pursue client's legal right to such a modification. The owners claimed that the problem was insurance. When pressed to provide more information from the insurance company, the housing provider agreed to allow the installation on condition that the install be removed when clients leave. However, the law allows this condition only with respect to the interior of the premises. The FHP corrected the owners' misinformation and eventually wrangled begrudging approval from the property owners to allow our clients to modify the front steps. With the help of a Center for Independent Living, the clients secured new funding and installed the new step and handrail. The FHP worked closely with the CIL and the contractor to arrange for installation before winter arrived. ([A.J. Young, 14-0387915](#))

FHP Restores Access to Community Room for Seniors in Subsidized Housing

(Negotiation). Client is a senior with disabilities who resides in a subsidized housing complex for senior and disabled tenants. Management was restricting use of the facilities by locking the bathroom in the community room and placing extreme restrictions on the use of the community room. Our FHP is working with the Shriver Center who has filed a complaint against the complex for interfering with the residents' right to organize. However, following a demand from the FHP, management of the housing complex restored access to the restroom and relaxed the restrictions on use of the community room. ([M. Cannon, 15-0395563](#))

Great Settlement of IDHR Complaint Based on Landlord's Refusal to Accommodate Request to Move to Mold-Free Unit (*Illinois Department of Human Rights*). Client, a single mother with two kids, had requested that her landlord move her to a unit that was free from mold and moisture. Client had several disabilities (fibromyalgia and depression) and one daughter had asthma. The mold and moisture worsened these health conditions in the family. The FHP formally demanded this accommodation and sought to facilitate the transfer through the Section 8 program. Although the landlord initially agreed, he refused to follow through with the needed paperwork for the new unit. The FHP filed a complaint with HUD based on the landlord's refusal to grant a reasonable accommodation. The Client ultimately settled the case with a monetary benefit to the family (\$15,000), mandated fair housing training for the landlord, and revised policies and procedures for tenants who request accommodations in the future. ([A.J. Young, 13-0365914](#))

PSLS Overcomes Eviction Order By Securing a Reasonable Accommodation from the Housing Authority (*Housing Authority*). Client has TBI due to a bicycle accident, breaking his neck and bruising his brain. He suffered from memory and comprehension impairment. As a result, he failed to comply with a repayment plan he had entered into with the Housing Authority as a condition of a court order dismissing an eviction case. The Housing Authority then refiled and obtained an eviction order against the client. Our investigation revealed that client had named a fellow tenant as his payee, who was not paying the rent or even keeping records of what happened to the money. We helped the client terminate the payee relationship and we immediately made a reasonable accommodation request to the Housing Authority explaining client's memory and comprehension limitations. We asked them not to enforce the eviction order and to give us time to get a qualified payee and a lump sum towards the full amount owed. We stated we would help the client obtain a grant from a foundation so the client could make a large lump sum payment on what he owed to the Housing Authority. We anticipated that the establishment of a qualified payee would ensure the client would not get behind again. The Housing Authority agreed. We arranged for a professional payee and then obtained Foundation funding which covered most of the outstanding debt. The new payee made payments in satisfaction of the Agreement, and client remained housed. ([J. Quintanilla, 13-0369964](#))

PSLS Heads Off Eviction of Senior from Subsidized Housing Where No Good Cause Existed. (*Negotiation*). Management of large apartment building informed our senior client with disabilities that they were not going to renew his lease. The client wanted to stay and could not understand why they wanted him out. Management refused to give him a reason and stated that if client did not voluntarily move out by the end of the lease term they would initiate an eviction case. We contacted the property manager and objected to their attempt to terminate the client's tenancy without good cause, based on the type of subsidy this housing provider is receiving. We provided their attorneys with legal information establishing the illegality of the termination. As a result of our intervention, the property owner did not file an eviction and instead offered client a new lease. The client remains housed. (J. Quintanilla, 15-0392845)

HUD Complaint Against Landlord Engaged in Familial Status Discrimination Results in Great Settlement Terms (*Illinois Department of Human Rights and Illinois Human Rights Commission*). Our client, a Naval service man and his wife contacted a real estate agent for help finding a single family home to rent for the family, which included three children. They found a house they were interested in renting, and clients were prepared to sign a 3 year lease. However, the homeowner's daughter (also a real estate agent) asked how old the children were. When she found out, she sent an email to the client's agent putting the rental in doubt, saying that the owners were worried that kids are quite messy at that age. Our Fair Housing Program helped clients file a fair housing complaint with HUD against the owner, their daughter, and the realty company. HUD referred the case to IDHR, and IDHR investigated. The Illinois Human Rights Commission approved a settlement and issued an order under which the owner agreed to pay clients a cash settlement totaling \$4,000. In addition, the owners agreed to write clients a letter of apology, and the real estate office agreed to take fair housing training. (J. Quintanilla, 13-0366688)

PSLS and Habitat for Humanity Partner to Repair Client's Home and Avoid Eviction (*Municipal Court*). Client is a senior who suffered a massive stroke. Due to his inability to perform routine repairs and lack of money to hire anyone to complete them, the city Code Enforcement department cited our client's home for building code violations due to a collapsing roof over his porch and some other minor problems, and the City served our client to appear in Municipal Court. Our FHP coordinated with Habitat for Humanity to get the repairs made at no cost to client, and worked with the City to create a reasonable time line to have the work completed. We appeared in court with client at City Hall and requested a reasonable accommodation of more time for client to complete the repairs. The Court granted the request and client was able to remain in his home. (M. Cannon, 15-0393348)

FHP Stops Realty Company from Discriminating Based on Marital Status

(Illinois Department of Human Rights). Our client found an apartment that she and a male roommate were interested in renting. However, the management company refused to rent to two persons of the opposite sex unless they were blood relatives or married. The company had printed this policy on their application materials and on their website. Our Fair Housing Program put a stop to the illegal discrimination represented by this policy. We filed a complaint with IDHR alleging marital status discrimination in violation of the Illinois Human Rights Act. Our client settled with the management company which agreed to pay the client \$1,500.00 in damages, change its policy, attend fair housing training, and run a fair housing rights informational poster in several community newspapers. (M. Cannon, 14-0373817)

Client with Post Traumatic Stress Disorder Obtains Needed Accommodation

(Negotiation). The client is a veteran with PTSD who had suffered a stroke. As a result, he had a frequent need to lie down and was unable to handle being in a room full of strangers. The subsidized housing complex where our client lives was performing massive renovations to a number of their units, including that of our client. During construction, the tenants had to vacate their units from 8am until 6pm each day, and the complex made a community room available for the residents during those hours. Due to his disability, this accommodation was not acceptable for our client. Our FHP sought a reasonable accommodation of alternate living space while his apartment was being renovated. We successfully negotiated with the housing provider who allowed client to temporarily reside in a vacant apartment in his complex while work was being done on his apartment. (M. Cannon, 14-0377542)

PSLS Gets Extension on Section 8 Voucher for Bed-Bound Client

(Public Housing Authority). Client was a bed-bound head of household who obtained a Section 8 voucher from the Housing Authority and sought an apartment that would accept her subsidy. Her time had expired to find a new place to use her voucher, and thus the voucher expired. We made a reasonable accommodation request to the PHA for the voucher to be restored and that client be given extended time based on the limitations on finding a place to live imposed by her being bed-bound. The PHA approved the request and restored her voucher and gave her a 60 day extension, along with additional assistance to help her find a new place to live. (K. Pinter, 150395630)

HOUSING

PSLS Saves Client's Public Housing Using Expert Handwriting Analysis (*City Housing Authority*). Client with disabilities lives in public housing. The Housing Authority gave him a notice to terminate his tenancy based on a letter to the property manager which they believed our client had written. The letter contained threats and expletives, signed with the client's name. The client vehemently denied that he wrote the letter, and appealed, claiming that someone else must have written it. Prairie State hired a forensic document examiner to perform a hand-writing analysis and provide an expert opinion on whether or not the client had written the letter. At the administrative hearing, the document examiner provided a detailed explanation supporting his opinion that the letter could not have been written by the client. As a result, the hearing officer overturned the Housing Authority's decision to terminate the client's tenancy, and the client remains housed. ([J. Quintanilla, 14-0387101](#))

Client Preserves Tenancy As Landlord with Shoddy Accounting Practices Unable to Prove Back-Rent Claim (*State Circuit Court*). Landlord filed eviction suit against Section 8 voucher holder claiming \$4147 in back rent, and instructed their attorney not to settle the case. We represented client at trial, disputing the amount owed, and forcing the landlord to prove the exact amount of the debt. The landlord could prove nothing other than they have shoddy accounting practices. Although the court entered judgment for plaintiff for the back rent in the amount of \$42, we successfully argued that \$42 was a *de minimis* breach and the judge refused to give the landlord possession. Client paid off this small judgment and preserved her tenancy and Section 8 voucher. ([A. Weiss, 14-0382418](#))

PSLS Succeeds in Getting Homeless Client With Disabilities Into Public Housing (*Public Housing Authority*). The PHA denied client's application for public housing. He was homeless and had been in and out of the shelters. He had recently started a part time job, and was hoping to work more hours once his housing situation stabilized. PSLS helped client in his appeal of the denial and represented him at an administrative hearing with the PHA. We obtained and submitted evidence to prove the denial was wrong. Among other things, we proved the unreliability of a negative reference from a former landlord, we proved his employment, and we overcame an allegation of substance abuse. Client has a learning disability, which would have made it difficult for him to gather the necessary paperwork and submit the additional information on his own. Ultimately, the PHA approved the client for housing, and he moved into his new apartment shortly thereafter. ([E. Petri, 14-0379922](#))

PSLS Uses Tax Documents to Avoid Eviction and Complete Annual Re-Certification at PHA (*Negotiation with Public Housing Authority*).

Public housing client sold products for companies, including Avon, which had a practice of not issuing tax documents unless the sales representative turned a profit. The Client had not made any profit. When it came for her annual re-certification, the Client did not have the tax documents she needed from these companies. The PHA threatened to evict her. We resolved the case by convincing the PHA we would help Client fill out a Request for Tax Transcript from the IRS so that PHA could have proof of what was reported to the IRS. The PHA agreed to give our Client additional time to provide necessary tax documentation. She also received help on her taxes from Prairie State's Low Income Tax Clinic. Client was able to get all the necessary documents in the additional time and she maintained her housing. ([J. Miller, 15-0395412](#))

Creative Advocacy Overcomes Rejection of Application and Allows Client to Obtain Subsidized Housing (*Negotiation*).

A client with severe mental and physical disabilities, including traumatic brain injury, was sued in eviction court for missing a rent payment. The case was dropped after she agreed to pay the rent owed plus the landlord's court costs and attorney's fees. At the end of her lease term, the landlord refused to renew her lease. We advised her that a private landlord is not legally required to renew her lease so we provided her with resources to find another apartment, including subsidized housing options. However, our client's application for an apartment at a project-based subsidized complex was rejected because of the previous eviction case. We negotiated with the landlord of that complex and succeeded in getting him to reconsider client's application because she was never actually evicted -- a case had been filed, but it was voluntarily dismissed after she paid in full what was owed. Based on our advocacy, the subsidized landlord accepted her as a tenant, and allowed our client to move in a week before her lease started so that she could also be completely out of her old apartment before that lease expired. We also helped to arrange for the client to get a representative payee to manage her disability benefits so she could avoid future financial issues. ([C. Wintersteen, 14-0382535](#))

PSLS Secures Reversal of Termination of Client's Rent Support Under Rental Housing Support Program (*Public Housing Authority*). Client, a single mother of three young children, receives TANF public aid income. As a TANF recipient, her rent is paid under the Illinois Rental Housing Support Program (RHSP) which is administered by the local PHA. Because TANF sent recertification materials to the wrong address, client missed a TANF recertification deadline and her TANF benefits were terminated. Client recertified as soon as possible but had to wait two months for TANF benefits to be reinstated. In the meantime, client was unable to pay her rent and accrued late fees. An understanding landlord was willing to allow the client to sign a re-payment agreement and even allowed her to change units within the same complex when her apartment suffered a water pipe break. After client moved, the PHA mailed client a notice terminating her RHSP benefits, citing a PHA-created rule that any amount owed to the landlord is grounds for termination. Unfortunately, the PHA mailed that termination notice to her old address, and client did not receive it until 3 weeks later, after the deadline for filing an appeal. PSLS prepared a due process complaint and then successfully negotiated with the PHA to allow an appeal hearing. At the hearing, we argued that the PHA rule to terminate RHSP for ANY amount owed to the landlord was overly harsh and not consistent with Illinois law or with any other subsidized housing rules which provide, at the minimum, an opportunity to remedy amounts owed for rent with a 5 day notice. We also argued that the landlord was willing to work out a repayment agreement and that a termination was overly harsh. The PHA decided to give the client time to sign the repayment agreement. Client did so and the PHA overturned the RHSP termination. Client kept her housing subsidy. ([K. Devin, 15-0397313](#))

PSLS Avoids Eviction of a Client with a Section 8 Voucher by Securing Rental Assistance (*State Circuit Court*). Client was employed and has a Section 8 Housing Choice Voucher. As a result, she must pay a portion of her rent which is calculated from her income. Client fell behind in rent when she hurt herself and was not able to work during the same month her child support stopped because the children's father was laid off. The landlord sued her in eviction court. Through negotiations with opposing counsel, we learned the landlord wanted rent paid but otherwise did not want to evict our client because she was a good tenant. We collaborated with a local social service agency that has a rental assistance program. With our help, the client received rental assistance which paid her debt in full. As a result, the eviction case was dismissed and client was allowed to continue living in her home. This case was even more important because if client had been evicted she would have lost her Section 8 Housing Choice Voucher and her two children would have faced extended homelessness. ([A. Barr, 150400129](#))

Post-Eviction Efforts Help Stabilize Client in Poverty for First Time. This client lost her job during her recovery from a fall down the stairs at home, and fell into poverty for the first time in her life. She was evicted for non-payment of rent. She had a good notice defense that would have stopped the eviction but she was *pro se* and unaware of this defense. We referred client to several resources for low-income people that she was not familiar with, including public benefits, charities, and mental health support. Shortly before the eviction date, client's landlord threatened to haul away all of her belongings if she did not vacate on time. The client had found a new apartment to move to and a new job nearby, but could not move yet lacking enough money to cover both the first month's rent and security deposit. We negotiated with the new landlord to accept a payment plan over several months on the security deposit as long as she came up with the first month's rent. Based on our sponsorship, client received a Miller Foundation Grant to pay for her first month's rent. These efforts enabled the client to move out before the eviction date and start her new life and new job elsewhere. Client is now financially stable again with her new job. (C. Wintersteen, 14-0384366)

Successful Eviction Defense Saves Client's Subsidized Housing (State Circuit Court). Subsidized apartment complex sought to evict client and her four minor children based on allegations that client's 13 y/o son "harassed" a fellow tenant by calling her names, that he had threatened to kill another tenant's cat, and that client's adult son was an unauthorized occupant in her apartment. At trial, plaintiff put on no evidence of alleged unauthorized occupant and did not have any first-hand evidence of the name-calling incident. We established through several witnesses that the incident of alleged "harassment" amounted to name-calling between kids and that the threat to the cat was in response to the other tenant's threats to kill the son and the son's entire family. The Court held that plaintiff did not meet its burden to prove a lease violation and dismissed the complaint. (B. Owens, 14-0388137)

Advocacy for Schizophrenic Client Results in Dismissal of Eviction Case and Time to Secure More Appropriate Housing (State Circuit Court). Client with schizophrenia and other mental disorders pulled fire alarm at public housing complex in middle of the night due to hallucinations. The Housing Authority sought to evict the client for that reason. The Housing Authority rejected our reasonable accommodation request, and unfortunately at trial, the Court agreed with the HA. However, due to our advocacy in connection with our reasonable accommodation request, the client had significant additional time to search for alternative housing before being evicted. The client was able to stay in his apartment for over six months at which point the client (with assistance from his family) found appropriate independent supervised housing. Client returned possession of the public housing unit and our negotiations with the HA lead to an agreement by the HA to dismiss the eviction case. (A. Doyle, 15-0392935)

Client Gets Help from Pro Bono Attorney To Obtain and Enforce Judgment Against Landlord *(State Circuit Court)*.

After paying the first month's rent and security deposit on a home she rented off Craig's List, the client found her basement flooded, the pipes having burst. The landlord did not fix the problem. She called Code Enforcement, which cited the landlord for many violations, including a faulty electrical box. However, Code Enforcement also declared the property uninhabitable and told her she must move. She did so, but the landlord refused to return her security deposit. The client filed a pro se small claims complaint for return of the security deposit and won a default judgment. The landlord then hired an attorney to vacate the Judgment. We referred the case to volunteer attorney C. Cullom who represented client at trial. The Court ordered the landlord to return the amount of the security deposit (\$550.00). Even then the landlord refused to pay the full amount, and our volunteer had to return to court, pursuing a non-wage garnishment against the landlord. In that way, the client recovered the rest of the security deposit, plus interest in the amount of \$269.50. Together, this amount of money made a very large difference in the life of a low income person. ([S. Crow, 14-0376513](#))

Tenant in Foreclosure Avoids Eviction and Has Ideal Outcome *(State Circuit Court)*.

Client lived in her father's house for 12 years with her four children. The father paid the mortgage while she paid the utilities and otherwise maintained the property. After he died, the executor of the estate stopped paying the mortgage. The lender took the house back through foreclosure and sued our client in eviction court to remove her as a "tenant." Meanwhile, our client obtained a Housing Choice (Section 8) voucher, which she could use to move to a rental property with her children. But an eviction on her record could have caused a loss of her voucher. We represented client in the eviction case, and achieved an ideal outcome for her through settlement. She got extra time to move out of the house, and the lender agreed to seek no monetary damages of any kind and dismiss the eviction case. The court records were sealed. By avoiding an eviction judgment, our client did not lose her voucher. She and her family got a fresh start with no eviction case on record and with a rental house affordable with their voucher. ([C. Wintersteen, 15-0393282](#))

PSLS Sets Aside Default Judgment, Then Wins Motion to Dismiss *(State Circuit Court)*.

Client was late to her eviction hearing and Landlord obtained a default judgment. We drafted a Motion to Vacate which the Court granted. We then filed a Motion to Dismiss based on the fact that the Client had a contract for deed under which she had paid over 20% of the purchase price. By law, the case should have been filed as a foreclosure, not a standard eviction. The Court granted the Motion based on the language in the Illinois Mortgage Foreclosure Law that filing a foreclosure under these circumstances is an exclusive procedure. ([A. Simmons, 150401825](#))

PSLS Files a Forcible Entry and Detainer Action Against Client's Abusive

Son (*State Circuit Court*). Our client's son and girlfriend and his 2 pit bulls moved into client's house but he stopped paying rent. One of dogs then put someone in the hospital. The son also became verbally and emotionally abusive to our client. PSLs served the son an eviction notice. When he refused to leave the property, we filed a forcible entry and detainer action against the son. At the contested hearing, the judge gave our client possession and ordered the son to be out of the home by a specific date. ([T. Mergener, 15-0393375](#))

PSLS Succeeds in Getting Eviction Dismissed without a Judgment for Rent Despite Client Missing Agreed Move-Out Date

Having financial problems following the death of her husband, our senior citizen client was being evicted for failure to pay rent for two months. Although her landlord served her with a 5 day notice, he refused to accept the rent when tendered during the 5 day period. Since the landlord's interest was possession and client's interest was in preserving her limited funds for a new apartment, we worked out a settlement for client to move out by a certain day without any further rent due. The client was unable to move out until three days after the agreed move out date, and the landlord then sought an order for the full amount of rent due. We were ready to proceed at trial because we had proof that the landlord refused to accept her rent. On the eve of trial, the landlord dropped the case, and the eviction case was dismissed. Client had sufficient funds to pay her security deposit at her new apartment. ([M. Elgindy, 15-0397130](#))

Client's Section 8 Voucher Reinstated Due to Housing Authority Failure to Follow Federal Regulations and Own Administrative Plan (*State Circuit Court*).

Client was a participant in the Section 8 Voucher program when her oldest foster child was arrested for events that occurred away from their home. Client asked the Housing Authority (HA) to have him removed from the lease because he was twenty years old, no longer in client's care and her foster relationship had terminated. The HA refused and terminated client's participation in the Program. We represented Client at the administrative hearing, arguing that the HA's administrative plan expressly permitted a family to continue to participate if the offending family member is removed. The hearing officer upheld the decision to terminate the voucher, refusing to consider any of the mitigating circumstances, and citing the HA's zero tolerance policy for criminal behavior. We filed suit under common law certiorari. Through negotiations under which we explained how the opinion was contrary to the Code of Federal Regulations and the Housing Authority's administrative plan, the HA agreed to settle the case and reinstate Client's voucher. ([C. Whalin, 14-0387274](#))

Accommodation Request and Favorable Court Order Allows Client to Retain Public Housing (*State Circuit Court*). Client is an African-American male with a history of mental disabilities. The Housing Authority was evicting him from public housing due to a fight that occurred with another tenant, caused when the other tenant hurled a racial epithet at our client. The Housing Authority (HA) filed an eviction suit against our client for “criminal conduct.” We proceeded under a fair housing theory by making a reasonable accommodation request that the HA allow the client to stay in his apartment if he agreed to treatment for his mental disorders that make him more prone to explosive outbursts. The HA ignored the reasonable accommodation request, leading the Court to reject the HA’s motion to summarily rule in its favor. The Court agreed with PSLs that the HA had to address the reasonable accommodation request. While the case was waiting for trial, the client was involved in no further incidents and continued his treatment as he said he would. This helped during negotiations. Ultimately, the HA agreed to allow the client to keep his housing through a reasonable accommodation. ([A. Doyle, 14-0378506](#))

PSLS Obtains Mutual Rescission of Lease to Protect Client’s Section 8

Voucher (*Negotiation*). Client is seventy-eight year old senior, with very strong anxiety and depression. She received a termination of tenancy notice from her Section 8 landlord (LL). This was a concern because an eviction would result in the loss of her voucher. Client had lived in this apartment with a Section 8 voucher for over 22 years. She believed that the LL had decided to evict her in retaliation for a demand for payment of medical bills resulting from a slip and fall, which the LL paid. Client was willing to move but sought a mutual rescission, so that she could keep her Section 8 voucher. We negotiated towards this end, hoping that the LL would find no need to file an eviction case. After we learned the LL directed his attorney to file an eviction suit, but prior to its filing, we informed LL’s attorney that if such a case were filed we would make a jury demand and file a motion to dismiss due to their failure to follow the legal requirements to terminate a Section 8 tenancy, and in particular due to their lacking “good cause.” We also convinced the LL of the superiority of the terms of the applicable HAP contract (an agreement between the housing authority and the LL to pay a subsidy to the LL). Based upon these negotiations, LL agreed to sign a mutual rescission of the lease. This in turn allowed the local housing authority to issue papers to client allowing her to use her Section 8 voucher in a new apartment. Client located a one bedroom duplex that provided lawn care and snow removal, and is happy in the new accommodations. ([K. Finn, 14-0389646](#)).

MISCELLANEOUS CASES

Prairie State Saves Faultless Client From Having to Pay Back Over \$300,000 in Pension Benefits (*Illinois Municipal Retirement Fund*). Client is a retired senior who had worked for municipalities and paid into the Illinois Municipal Retirement Fund (IMRF). After retirement, he began to receive his pension but went back to work part time as a custodian/crossing guard for 15 years. Client then retired again, whereupon IMRF conducted an audit. They discovered that his final employer never reported his working or earnings to IMRF. When client began working for the new employer, his IMRF pension should have been suspended. Since it was not, IMRF told client that he was overpaid \$330,000 in pension benefits and he would have to repay it. Prairie State represented client at an administrative hearing before the IMRF board. The board decided that the overpayment amount was actually \$270,000, and that because client was not at fault in causing the overpayment (he had no duty to report his working), they would recoup the overpayment from his current pension at an amount of only \$1 per month. ([E. Deucher, 14-0384421](#))

Client Receives Pardon from Illinois Governor! (*Clemency Petition*). Client wanted expungement of old criminal charges so that she could qualify for more affordable housing. One of our volunteer attorneys reviewed the charges and determined the client was not eligible for expungement or sealing. Although filing a Clemency Petition in her situation was a long shot, the attorney filed a Clemency Petition on the client's behalf. Following a hearing in Springfield before the Parole Board, the Petition was granted, and 5 years later, the Governor signed a Clemency Order, permitting expungement of all charges. We took the client to lunch to present her with the Pardon from the Governor. ([S. Crow, 15-0399630](#))

Blind Client Obtains U.S. Citizenship! (*U.S. Department of Homeland Security, Citizenship and Immigration Services*). Our client, originally from Africa, came to us as a legal permanent resident. He needed assistance with applying for citizenship. He had been shot in the head in the 1990's, leaving him with permanent disabilities. He is blind and unable to leave his home and cannot travel on his own. One of our volunteer attorneys traveled to Chicago with client and helped him through the application and other steps of the naturalization process to obtain citizenship, culminating in the client taking his oath of citizenship. The client is very grateful as he would not be a citizen of the U.S. without our assistance. ([S. Crow, 14-0373971](#))

PSLS Helps Disabled Veteran Save His Home and Resolve Property Tax Issues Through a Chapter 13 Bankruptcy and Through Tax Exemptions (*U.S. Bankruptcy Court and County Treasurer's Office*). Client served in Vietnam and as a result developed severe Post Traumatic Stress Disorder. He struggled with it for many years and was homeless for a time until he became his father's caretaker. When his father passed away, he bought the father's home. He fell behind on the property taxes, unaware of the property tax exemptions available for him. He could not pay them due to the high interest, and the County sold the property taxes, giving the tax buyer an interest in the property. We helped him apply for several tax exemptions including homestead, senior, and disabled veteran. We also filed a Chapter 13 bankruptcy to pay the debt without additional interest over 3-5 years. The client is presently in a Chapter 13 and is repaying the property taxes. Because he applied for the property tax exemptions, the assessed value of his home is less than the value of his exemptions, so the net result is that he had no tax liability for certain years. We were able to save his home and he has been donating his time to volunteer for the Veterans Hospital. ([M. Leuthner, 14-0376376](#))

PUBLIC ASSISTANCE/ FOOD STAMPS

PSLS Wins Administrative Hearing and Reverses Agency Decision to Deny Client a Medical Barrier Exception to the TANF Work Requirement. (*Illinois Department of Human Services*). Client receives TANF but has difficulty with the work requirement due to her severe anxiety as well as physical disabilities. The client applied for the medical barrier exception to the TANF work requirement but DHS denied the exception, finding that she was not disabled. The client appealed, and PSLs represented the client at her administrative hearing to challenge the denial of her application for the medical barrier. At the DHS hearing, the client testified to both her physical and mental limitations. The hearing officer reversed the agency decision. DHS adopted the decision and granted the client her medical barrier to the TANF work requirement. ([B. Mutehart, 15-0398619](#)).

TAXES

Prairie State maintains a Low Income Tax Clinic (LITC) that provides free legal advice or representation for PSLS clients having tax disputes with the Internal Revenue Service (IRS). Examples of services available from the Clinic include: placing clients in currently notcollectible status, negotiating offers in compromise, representing clients in tax court, pursuing available collection alternatives, responding to IRS notices, contesting classifications and assessments, challenging fraudulently filed returns, preparing requests for innocent spouse relief, and working to retrieve tax refunds that were unlawfully withheld.

Successful Offer in Compromise Reduces Client's Tax Debt by \$35,000

(Internal Revenue Service). Client's employer fired her because of a medical condition. She was unable to find a new job and began taking retirement distributions to pay her living expenses. Client ended up owing approximately \$45,000 in back taxes because of the retirement distributions, but was unable to pay the amount due. PSLS submitted an offer in compromise on behalf of the client. The IRS accepted the client's \$5,000 offer as settlement of the \$40,000 tax debt. ([M. Recar, 14-0379952](#))

LITC Settles Tax Debt and Secures Withdrawal of Tax Lien (Internal Revenue

Service). Our clients had a number of life issues that resulted in several years of tax debts and a federal tax lien on their house. They wanted to settle with the IRS. The lien is the government's claim against the real estate, based on failure to pay a tax debt. The Wife became legally blind and was not able to continue working, and then she received a cancer diagnosis. The Husband had both legs amputated before ultimately passing away due to a heart attack. Due to the hardships, we settled the tax debt through an Offer in Compromise while Husband was alive, and after his passing, helped the surviving spouse to obtain a withdrawal of the notice of federal tax lien. ([A. VanSingel, 13-0355302](#))

LITC Successfully Removes Outrageous Civil Penalty Imposed by IRS

(Internal Revenue Service). Taxpayer was trying to get a modification of her mortgage so she could remain in her home. However, the bank could not verify her income because she had unfiled tax returns, and instructed her that she needed to file an income tax return. Her sole source of income is Social Security, and in preparing her returns, she listed the amount of taxable Social Security income as "unknown". For reasons that defy logic and basic decency, the IRS then assessed a frivolous return civil penalty against the client in the amount of \$5,000. The Clinic intervened to request abatement of the penalty based on reasonable cause, which was summarily denied (again defying logic and basic decency). We successfully appealed the denial, and removed the civil penalty from the client's account. ([A. VanSingel, 13-0369467](#))

LITC Proves Self-Employment Income In Order to Get IRS to Release

Refund (U.S. Tax Court). Client was a single father providing the sole source of support for two minor children. His tax return showed that he was due a refund of over \$4,000. However, the IRS froze the refund pending the outcome of an examination of that return. The IRS position was that the client had no income for that year. The client, however, was actually self-employed that year but was unable to provide records showing his income and expenses. His customers paid him mostly in cash and never issued any income documents (i.e. 1099-Misc) that would have shown those payments to the IRS. PSLS filed a petition with the U.S. Tax Court to prove that the client had income. By obtaining a rent ledger from client's landlord, we proved that client paid rent. PSLS also obtained information from Catholic Charities which provided rental assistance to client for the first few months of the year. The information from Catholic Charities showed that client was self-employed. PSLS settled the client's case with the IRS a few days before trial. The client received a refund for the tax year in the amount of \$3666, almost a full concession from the IRS. ([M. Recar, 13-0352973](#))

LITC Wipes Out Over \$17,000 in Client's Tax Liability and Helps Her to Become Debt Free (Internal Revenue Service and Illinois Department of Revenue).

Attorney K. O'Brien was representing a homeless client on matters unrelated to tax. However, he referred her to the Clinic because she had some tax debts and un-filed returns for several years, and was nervous about the implications of owing the IRS. The Clinic got the client into filing compliance and successfully submitted an offer in compromise and settled a \$19,950.84 tax liability for \$2,340.00, which she partially funded through a hardship withdrawal from her 401(k). This case is a good example of PSLS attorneys working with each other to provide holistic representation. Before PSLS got involved, she was homeless and owed the IRS, and now she is in stable housing and is debt free. ([A. VanSingel, 14-0377641](#))