

THE PRAIRIE



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

September, 2002

**Prairie State Legal Services, Inc.
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THE PRAIRIE FIRE

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The Executive Director's Page

In these pages, you will have a chance to see some of the work that Prairie State staff members do on behalf of their clients and the low income community. While we often speak of low income individuals as though they are a homogeneous group, you will see that low income people have a broad range of problems, some life-threatening and some less serious. In no case, however, are these legal problems frivolous. Most often, they deal with critical issues involving safety, housing, custody of children, access to medical attention and freedom from abuse.

Prairie State staff members work each day in many capacities to make sure that our civil justice system continues to operate with a modicum of fairness, particularly for people who are disadvantaged by poverty. In our work, we are assisted by volunteer attorneys who work in our offices as well as by volunteer attorneys who handle cases from their own offices. Without the work of these lawyers, Prairie State would represent fewer low income people.

You will see here much written about clients for whom we have been able to provide extended representation in court or at administrative hearings. You will read about the work of our staff members in providing community legal education, our work with client groups and our colleagues in the organized bar, and our collaborations, both formal and informal, with social service agencies who help our clients with non-legal problems. Many more clients who come to us are now working at part-time or low-wage jobs. That means that some legal issues, such as child support and consumer-related matters, have assumed a new importance. While many of these cases are "routine," they are certainly not routine for the clients for whom this added income makes a critical difference in their lives.

The work of the attorneys in the Telephone Counseling Service, our intake and advice unit, is largely absent from these pages. These counselors screen all applicants for services, determine eligibility, and then provide legal advice for those clients whom we will not be able to represent with extended service. It is a critical service and often the only contact that clients will have with a lawyer. Recent changes in our system have assured that people with emergency legal problems will not have to wait as long on the telephone as they may have done previously.

Of particular note this year is the publication of an updated and expanded Senior Citizens Handbook. In a collaborative effort, a team of staff members who work helping seniors with their legal problems wrote this Fourth Edition of what has become a very popular and useful book. A Rockford advertising and marketing firm donated the cover design and the new logo.

Finally, *The Prairie Fire* tells a story about the many complex problems that low income individuals and families often face in their daily lives. I hope that these stories will give you a more complete picture of what it is to be poor in America, the richest nation on earth. All of these stories would not have been gathered together but for the work of David Wolowitz, Prairie State's Director of Special Projects, who each year ensures that these stories get told and that these cases get reported. Thanks, Dave, once again.

Prairie State Legal Services 2001

FACTS AND FIGURES

I. Who did we serve?

- We had 23,150 applicants (an increase of 1,105 applicants from the prior year)
- We accepted 15,756 applicants for services.
- The accepted cases were:

79%	Female	71%	White
21%	Male	20%	African American
		7%	Hispanic
		2%	Other
- We completed or "closed" 15,152 cases. These households contained 20,245 adults and 19,451 children.
 - 46 % of cases closed were family law matters
 - 20 % of cases closed were housing matters
 - 11 % of cases closed involved health or income benefit programs
 - 12 % of cases closed involved consumer matters
 - 11 % of cases closed involved a variety of other matters
- The Volunteer Lawyer Projects completed 594 cases.

II. What did we accomplish?

- In 2001, PSLS obtained 934 orders of protection that helped 1,252 adults and 1,623 children. (We obtained over \$50,896 in monthly child support and alimony)
- PSLS helped 10 nursing homes residents who were able to retain their residency when threatened with involuntary discharge.

- PSLS representation overcame the termination of utility services in 21 cases involving households with 38 children and 35 adults.

- PSLS prevented eviction in 185 cases which helped 335 children and 224 adults to retain their housing. Through negotiated settlements, we avoided imminent homelessness for an additional 134 households of 221 children and 198 adults, which provided them additional time to find alternative housing.

- Legal representation helped 43 households with family members who have disabilities to obtain needs-based SSI benefits, which exceed \$227,832 annually. These households contain 56 children and 66 adults. One time recoveries amounted to \$308,132. Staff prevented the wrongful termination of SSI disability benefits in 16 cases, involving households with 23 children and 22 adults. As a result of these cases, these households retained \$9,247 in monthly benefits (annualized \$226,321) and one time recoveries of \$8,100. Staff prevented the reduction of SSI benefits in 12 cases.

- PSLS helped 8 households to obtain or maintain Social Security Title II Disability benefits which provided annualized benefits of over \$31,140 and one time benefits of \$15,101.

- PSLS provided legal representation which enabled 51 households to obtain Medicaid benefits. An additional 14 households obtained Medicaid coverage for a specific service and we prevented a threatened termination of Medicaid in 2 cases.

- Legal representation by PSLS helped 15 families to obtain or retain TANF benefits. This helped the 32 children and 18 adults in these households to meet their basic human needs. We also helped an additional 12 households obtain or retain food stamp benefits which helped feed the 11 children and 16 adults in these households.

- PSLS staff representation helped 28 households containing 20 children and 43 adults to secure affordable housing which had been improperly denied.

We helped to enforce the legal rights of an additional 40 households which rely on public housing. These households contained 85 children and 52 adults. PSLS also enforced tenants' rights to decent habitable housing in 14 cases, serving 30 children and 16 adults.

- In 22 cases, PSLS staff and volunteers provided legal representation to obtain a legal guardianship of a disabled adult. There were 29 cases in which we successfully obtained legal guardianship of a dependent child.
- Prairie State staff and volunteers prevented 22 home foreclosures for households containing 20 children and 31 adults.
- Through staff and volunteers, PSLS completed 571 divorces which provided for \$65,374 in monthly support payments (\$784,494 annually) for 1,016 children, and an additional \$253,122 in one-time recoveries.
- PSLS representation in child support cases helped 87 households with 183 children and 100 adults to obtain \$47,698 in monthly child support (\$572,373 annually) and \$41,839 in one-time recoveries.
- PSLS helped 7 households to obtain private insurance or disability benefits which had been denied to them. This provided them with more than \$3,816 in one time payments and monthly benefits of \$13,159 (annualized \$157,908). There were 3 households for which PSLS prevented the illegal taking of employment benefits such as a pension. This resulted in recovery of more than \$16,929 worth of benefits.
- PSLS provided legal help to overcome suspensions or expulsions of children, primarily wards of the State of Illinois who had disabilities which were not appropriately addressed in their school systems.
- PSLS staff and volunteers completed 8 adoptions cases.
- Prairie State staff and volunteers were successful in 77 custody cases which required 2,631 hours of time. These cases also obtained \$5,798 in monthly

child support (\$69,572 annually) for 152 children and one-time recoveries of \$7,480.

- Prairie State staff and volunteers obtained or enforced a parent's right to visit his or her children in 23 cases.
- PSLS staff prepared 231 health care powers of attorney to enable elderly or ill persons to designate someone to make health care decisions should they become unable to make such decisions themselves.
- Prairie State stopped debt collection harassment of in 38 cases. Most of these clients were elderly.
- PSLS helped overcome illegal sales or warranties in 16 cases which helped clients to recover more than \$18,576.
- There were 6 cases in which PSLS helped households with loans or installment purchase problems resolving \$4,200 in annual payments and \$6,753 in one-time expenses.

The economic benefit to clients who received services from Prairie State is staggering. The total benefits (annualized) for clients in 2001 were \$5,342,275. Prairie State clients, already vulnerable because of poverty, disabilities age or abuse cannot afford to lose this support. Without the work of Prairie State, essential income, medical benefits and child support would have been denied.

CASES

CONSUMER LAW

1. **Durst v. W Construction** (Circuit Court of Marshall County). In a case funded under Title III of the Older Americans Act, we represented a client who hired the defendant to put a new roof on his house. The job was done very poorly. When it rained, the roof leaked and the client suffered water damage to much of the interior of the house. The client hired another roofing company to repair the damage. We filed a breach of contract suit against the defendant in small claims court, and won a judgment of \$1,842.25 for the client. (L. Luncsford)

2. **In re A.S.** (United States Bankruptcy Court, Northern District of Illinois). In a case funded with a HUD homeless grant, we represented a client who is a young woman residing in a transitional housing program. Although the client worked two jobs (one full-time), she had significant credit card debt and could not afford to make the interest payments. Her housing program required her to work towards debt management, so she could obtain the goal of being a candidate for housing in the private sector. We filed a bankruptcy petition on behalf of the client to have her debts discharged. Final disposition of case is pending, and we anticipate a discharge of her debts. (K. O'Brien)

3. **Adventist Health System Midwest Region v. Nolzco v. Clark** (Circuit Court of DuPage County). Our client is an Assistant Manager at a McDonald's restaurant, where his employer gave him health insurance coverage as part of his benefits package. Unfortunately, as a result of an action taken by the employer, there was a gap of several months in which the client was no longer covered under his health insurance plan. The client had no idea that he had this gap in his insurance coverage until he was admitted into the hospital during that 3 month period, for an emergency appendectomy. In fact, client's paychecks were still being deducted for his monthly health insurance premiums during the time he had no health insurance coverage. While the client was in the hospital, he incurred approximately \$15,000 in medical bills. Because client was unable to pay these bills, he was subsequently sued by the hospital. We filed a motion to strike a count of the hospital's complaint, which was based on an Accounts Stated theory, which motion was granted. We also filed an answer to the remaining count of the Complaint, which was based on a breach of contract theory. We denied that the hospital's charges were reasonable, and have since submitted discovery requests to the plaintiff designed to establish lack of reasonableness of the charges (although the burden of proving reasonableness is on the hospital.) We also filed a third party complaint against his employer, based on breach of contract. We obtained a default judgment against the employer, who has since moved to vacate the default. (L. Myers, D. Wolowitz)

4. **Panchal v. Steele** (Circuit Court of Kane County and the Illinois Department of Insurance). In a case funded under Title III of the Older Americans Act, we represented a married couple who had been sued by a doctor for medical services for \$22,300.00. Most of the disputed debt centered around a 1996 surgery on Mr. Steele. Blue Cross Blue Shield (BC/BS) did not pay Dr. Panchal's bill because they thought that Mr. Steele's worker's compensation case should have covered it. Even after Mr. Steele provided documentation to BC/BS showing that this debt was not part of his worker's compensation case, BC/BS still refused to pay the bill. They claimed that Dr. Panchal performed the surgery while he was employee of Fox Valley Medical Group which was a BC/BS HMO provider. Fox Valley Medical Group had since gone out of business and BC/BS denied responsibility for any bills that the Group had not paid. After several phone calls to BCBS, we were able to determine the above history. We then filed a complaint with the Illinois Department of Insurance, which began an investigation into the matter. BC/BS then decided to pay the full debt to Dr. Panchal. The lawsuit was dismissed with prejudice. (T. Grossman)

5. **Ford Motor Credit Company v. Fuller** (Circuit Court of Rock Island County).
In a case funded under Title III of the Older Americans Act, we represented an elderly woman subsisting on Social Security benefits. She believed she had co-signed a used car sales contract to help out a relative, but in fact she was the only signatory on the contract. The relative failed to make any car payments and the creditor repossessed the car. Our client did not receive notice of the intended sale of the repossessed car or any explanation of the deficiency claimed by Ford. Ford Motor Credit Co. sued client for \$10,714.24 plus attorney fees, costs and interest. We filed an Answer raising the defense that the sale of the automobile should be deemed "commercially unreasonable," and thus Ford was entitled to nothing more than the repossessed automobile itself. We also raised a counterclaim for money damages because Ford didn't follow proper procedures relating to notice and sale. As a result, Ford Motor Credit Co. agreed to drop its claim if we dropped our counterclaim. The settlement saved our client over \$10,000. (R. McCoy)

DISABILITY/ SOCIAL SECURITY

1. **In re B.F.** (Social Security Administration). In a case supported with Aurora 708 Board funds, we represented a 51 year old woman who suffers from diabetes, heart problems and osteoarthritis who had been denied SSI benefits. Her medical condition does not equal a listing. However, the combination of her impairments limits her to sedentary work. She has an 11th grade education and her work history is limited to unskilled work. We argued at an administrative hearing that our client should be found disabled using Vocational Rule 201.09 given her advanced age, her limited education and limited unskilled work history. The ALJ issued a fully favorable decision. (T. Grossman)

2. **In re C.G.** (Social Security Administration). We represented a client in an SSDI termination and overpayment case, and received a favorable decision from an Administrative Law Judge (ALJ). Since 1991, our client received Social Security disability benefits. Three years later, the client began a self-employment tax preparation business out of her home. In 1999, SSA advised our client that her disability had ceased due to substantial work and that she had been substantially overpaid in benefits. SSA alleged that client had used up her trial work period and her extended period of eligibility. The client appealed, but SSA denied the appeal through the reconsideration stage. SSA placed great reliance on the income tax returns of the business, which was in the client's name. At an administrative hearing, we proved that the client's 16 year old daughter had left school in order to do the majority of the work of the business and that the client could not have done this work on her own. The daughter described the work she did in the business, adding that she also took care of the household needs because of her mother's limitations. Based on these facts and our presentation of the SSA self-employment regulations, the ALJ determined that the client's disability had not ceased and her work did not constitute "substantial gainful activity." This successfully eradicated an overpayment of \$39,397.00, the total of client's and her children's benefits. (J. Bingham)

3. **In re J.H.** (Social Security Administration). We represented J.H. in a Social Security disability appeal and received a fully favorable decision. Our 54-year old client has chronic lower lumbar disease, Type II Diabetes, asthma, and congestive heart failure. As a long-haul coast-to-coast truck driver, he had severe chest pains while on a run to Barstow, California in January, 2001. He was hospitalized for several days for atrial fibulation. His primary care physician in Illinois told him to quit working and apply for disability benefits. SSA denied benefits. J.H. appealed, but was denied at the reconsideration stage. He requested a hearing and applied for representation at PSLs. While his appeal was pending, our client lost his home, his medical insurance and exhausted his 401K. We represented the client at a hearing before an administrative law judge in April 2002. In June, we received a fully favorable decision with an onset date of disability of January 2001. The benefit allotment has yet to be determined. (C. Andrews)

4. **In re C.N.** (Social Security Administration). We represented a 45-year old woman in a Supplemental Security Income (SSI) appeal, and received a fully favorable decision. Our client has limited intellectual ability, diabetes, and Reflexive Sympathetic Dystrophy. She had applied for SSI, but was denied. We represented the client at a hearing before an Administrative Law Judge. The ALJ found her to be disabled under the Listing of Impairments, specifically, 12.05 C, which is an IQ impairment with other physical and/or mental impairment. There was a Vocational Expert who testified at the hearing, but had little to say regarding available jobs. The ALJ wrote a fully favorable decision and reversed the denial of SSI. The client received back benefits for the past three years of around \$10,000, and is currently receiving SSI benefits. (L. Luncsford, D. Schroen)

5. **In re R.O.** (Social Security Administration). We represented a client in a Supplemental Security Income (SSI) appeal, and received a fully favorable decision. At the time PSLS began to represent the client in October 2000, she had already appealed a denial of her request for reconsideration, and she was waiting for the ALJ hearing to be scheduled. The client has heart disease (4 heart attacks prior to age 40), suffered several mini-strokes, and has asthma. As the client waited for her hearing date, she started to run out of money. Neither the client nor her husband were capable of working and her phone and electricity were in danger of being shut off. Concerned about the length of time without a hearing having been scheduled, we contacted the office of Ray LaHood, the client's congressional representative. Shortly thereafter, the client's hearing was set. In the meantime, the client's electricity was temporarily shut off. We assisted her in getting the electricity turned back on and also in keeping her phone on (in case she needed it for an emergency). At the hearing, the ALJ found our client disabled without a hearing on the basis of the evidence we submitted. He found the client to be disabled back to January 2000, her date of application. Her back benefits totaled \$11,130. (D. Schroen)

6. **In re J.K.** (Social Security Administration). We represented a 31-year old man whom Social Security found to have been overpaid, and we successfully removed the overpayment. Ten years ago, SSA had found our client to be disabled due to mental illness. Then, in 1998, he began part-time work. His mother, who also was his representative payee, reported the client's employment and income regularly, and completed the forms for continuing disability when requested. In July 2000, SSA notified our client that he was overpaid in the amount of \$8,649, allegedly due to work and earnings which SSA determined to be "substantial gainful employment" and subsequently terminated his benefits. At the time the client sought legal services from PSLS in December, 2000, the client was still without benefits. We discovered that the client's income in 1998 was below substantially gainful levels. On the basis of our discovery and argument, we at first successfully reduced the overpayment to \$1,575. Subsequently, we submitted a waiver request and succeeded getting the entire overpayment waived. (J. Bingham)

7. **In re P.W.** (Social Security Administration). In a case funded with a CDBG grant, we successfully represented a client whose application for Supplemental Security Income (SSI) benefits had been denied by the Social Security Administration. PW, a thirty-eight year old man, suffered from sleep apnea which left him extremely fatigued and sleepy during his waking hours. He also suffered from hypertension, obesity and chest pains. He had a ninth grade education and had worked as a machine operator and roofer. After we supplied additional medical evidence and a narrative report from his physician, the ALJ ruled favorably on the record at the hearing. The ALJ was influenced by our client's multiple impairments and the restrictions they imposed upon his ability to return to his past work and to do any gainful employment in the national economy. The ALJ commented that some 15 years earlier, he had ruled on a sleep apnea case, and that he found PW's symptoms most compelling. (L. McShane).

8. **In re P.B.** (Social Security Administration/Illinois Dept. of Human Services).
In a

case funded under a Lake County CDBG Grant for Advocacy Project for People with Disabilities, we represented a client whose application for SSI and SSD benefits had been denied. The client suffers from a rare neurological birth defect called Chiari Malformation, which generally manifests itself in mid-life. This client suffered a sudden onset of severe neck, back and head pain which rendered her completely unable to perform not only her past work as an Avon sales representative and office worker, but also many of her tasks as a mother to her 3 children. The client's pain was so severe as to keep her awake many nights and to cause her nausea. Nevertheless, the client had been turned down at the reconsideration stage before coming to Prairie State. A well-respected neurologist at the University of Chicago Hospital worked closely with us to develop the specific medical letters of opinion supporting the client's claim for benefits. We asked the Administrative Law Judge to rule in the client's favor without the necessity of a hearing, given the difficulties the client would have traveling to the hearing. The ALJ notified us that he agreed with the argument set forth in the written brief we prepared on the client's behalf. He granted benefits based on the medical evidence and legal argument, without testimony.

Another issue in the case concerned whether the client had sufficient quarters of work to qualify not only for SSI but also for the SSD program. Eligibility for the SSD program was important to this client to allow her to receive Medicare benefits. Our team of attorneys worked successfully to establish her work-quarter eligibility for SSD.

Additional problems arose for this client with the Department of Human Services. The client, her spouse and children were receiving TANF benefits from DHS to meet their expenses while waiting for approval of the Social Security benefits. Under current TANF rules, however, the client was required to participate in self-sufficiency activities. The Department insisted upon weekly meetings with the client at the DHS office in Waukegan (the far side of the County from the client's home) to discuss the status of the Social Security case and other unspecified steps the client supposedly could take to become self-sufficient. These trips to Waukegan were extremely burdensome for the client and it was unclear what could be accomplished with them. Our attorneys advocated vigorously with DHS to accommodate the client's disability. The Department agreed to meet with the client by phone or at her home, thereby substantially reducing the burden on her. Later, the Department decided to provide TANF benefits until the Social Security benefits started, without requiring the client to participate in any further self-sufficiency meetings. (L.Rothnagel, J. McGee)

9. **In re B.U.** (Social Security Appeals Council). When he was age 21 in 1997, B.U.

sought our assistance in his claim for Social Security disability benefits. He lived with his grandmother because his mother was deceased, and his father had made no contact with him since he was age 5. He had suffered from mental illness (bi-polar disorder and schizophrenia) since his early teens, and had only borderline intelligence. He made repeated attempts to work, but he was unable to cope with job pressures and he was always fired or quit within a short time. He had made repeated suicide attempts and had been hospitalized repeatedly. He began working in a sheltered workshop in 1997, but had great difficulty even in that setting. B.U. had originally filed his application for SSI benefits in 1994, alleging that he had been disabled since 1992. An ALJ issued an adverse decision in 1995. BU filed an appeal *pro se*, and in 1996, the Appeals Council remanded the case with instruction for the ALJ to evaluate the claimant's mental impairments.

It was at this point that B.U. retained PSLS and we represented him at a new ALJ hearing in 1998. The ALJ issued a decision finding that B.U.'s disability was due to drug and alcohol use, and that he was therefore ineligible (in 1996, the law was changed so that persons whose disability is due to alcohol or drug use became ineligible for benefits). In making this decision, the ALJ completely ignored much of the evidence, including the treating psychiatrist's statements that B.U. was abstaining from using substances, and that his mental illness was quite severe independent of any substance use.

We filed an appeal to the Appeals Council. In late 2001, the Council issued a fully favorable decision, finding that B.U. was disabled as of 1992. It is significant that B.U. was found to be disabled prior to reaching age 22, because he was thus eligible for SSDI benefits based on his deceased mother's earning record as a "disabled adult child". **The client was award monthly SSDI benefit of \$745.00 per month, and he received a retroactive lump sum payment of \$49,500.00.** He is using the money to purchase a home because his grandmother is now elderly and in poor health and B.U. will not be able to continue living in her home. (M. O'Connor)

EDUCATION

1. A.M. v. U 46 School District. In a case handled under our DCFS Special

Education Law Project, we represent a 12 year old boy with a learning disability. He was placed in DCFS custody after he assaulted a teacher while he was acting out. The client has since been placed in a self-contained behavior disorder school. The client's mother has 5 other children and is periodically homeless. The school conducted the original IEP (Individualized Education Program) meeting placing the child at the BD center without ever having notified DCFS. The mother was sent notification but she did not receive it because she was homeless at the time. DCFS had the client evaluated by a psychologist who stated that the client's current educational placement is not appropriate because the child has a learning disability and the behavior problems are the direct result of the client not understanding what is happening at school. We have contacted the school district and are in the process of attempting to arrange a meeting to discuss a more appropriate placement. (T. Grossman)

2. In re C.S., a minor v. Bureau Valley Alternative School (Kewanee School District)

In a case handled under our DCFS Special Education Law Project, we represented a 12 year old boy, currently a ward of DCFS, placed with a relative. During the 2001-2002 academic year, he was attending sixth grade at the Bureau Valley Alternative School. In November 2001, C.S. was expelled for alleged behavior problems. We contacted the school and demanded reinstatement, asserting that no expulsion could lawfully be done until C.S. was evaluated to see whether his behavior was related to a learning disability. (The school had previously stated it would not evaluate C.S. for special education services unless C.S. had problems in his current placement. When C.S. exhibited problems, the school reneged on this promise and went straight to expulsion.) As a result of our advocacy, C.S. was returned to school and offered special education services. The school was unwilling, however, to recognize C.S. as suffering from a learning, rather than behavioral, disability, despite psychiatric evidence of a learning disability. Prairie State appealed the labeling of C.S. as B.D., not L.D.; however, the matter became moot when C.S. was transferred to a more sympathetic school as a result of a change in his relative placement. (R. McCoy)

3. T. H. v. U 46 School District . In a case handled under our DCFS Special Education Law Project, we represent a 17- year old who is functioning academically at a 7th to 8th grade level. The school has denied that the client has a learning disability which requires special education services because the client has an average I.Q.. DCFS had the child evaluated by a psychologist who conducted educational testing and determined that the client does have a learning disability. We have been in contact with the school district and are trying to set up an IEP meeting to discuss the client's problems. (T. Grossman)

4. **In re C.L.M.** (Student Loan case). Our client owed \$6,553.44 to the Illinois Student Assistance Commission (ISAC) as a result of a judgment entered in 1988. This was for a student loan he took out in the early 1980's to attend beauty school. The client had completed the course and graduated from the school. Whenever he had tried to work in the past, he would receive garnishment notices, although he never had sufficient income for creditors to lawfully garnish his wages. The client was now receiving both SSD and SSI benefits based on disability and was afraid his benefits would be reduced to pay this debt. We sought cancellation of the student loan debt pursuant to federal regulations allowing such cancellation upon proof of permanent and total disability. In support of this claim, we showed that our client had special education classes throughout his school years, had an IQ of 72 and was suffering from anxiety. ISAC initially rejected our request, taking the position that the client had the intellect to have completed the course and had worked. They also asserted that being mentally incompetent is not cause for debt cancellation. We finally were able to convince ISAC that cancellation of the loan was appropriate because of permanent and total disability. (S. Heim)

ELDERLY

1. **P.C. v. V.B.** (Circuit Court of Lake County). In an elder abuse case funded under

Title III of the Older Americans Act, we represented an elderly veteran who had been enticed to marry a woman younger than he by 33 years. Unbeknownst to our client, the woman was a crack-cocaine user. She enticed him to take out a life insurance policy naming her as the beneficiary and threatened to kill him if he did not pay the premiums. She also hit him in the face without provocation on two occasions, one of which resulted in a bloody nose. He weighed 90 pounds when he was removed from the marital home to the VA medical center. He was in fear for his life from the wife and her friends. Prairie State filed for and obtained a judgment of divorce for this client. (L. Smith)

2. **Runyon v. Runyon** (Circuit Court of Livingston County). In a case funded under

Title III of the Older Americans Act, we represented a senior to obtain necessary orders of protection and a divorce. The client was married in 1956, but in 1992, he became disabled and required a wheelchair. At that point, his wife began to physically abuse him. By hitting or pushing him, the wife caused the client to have constant bruises on his arms and legs. In November 2001, the wife caused a head injury to our client that required multiple stitches. We obtained an emergency order of protection granting the client exclusive possession of the marital home. Although further hearings were postponed because the client required quadruple by-pass surgery, we continued to obtain interim orders of protection and ultimately obtained the plenary order of protection. We also filed for dissolution of marriage. The judgment was entered in February 2002. (J. Wolfe)

3. **In re N.B.** (Illinois Department of Human Services). In a case funded under Title

III of the Older Americans Act, we successfully prevented the client's discharge from a nursing home by winning a Medicaid case. Our client had received notice of involuntary discharge from Alpine Fireside Nursing Home because of an unpaid debt of \$11,000 due to the facility. The client also had a pending case for Medicaid. At the point Prairie State become involved, the client had resided at this nursing home for 6 months. The client's daughter (who had power of attorney) had used up what remained of the client's assets and applied for public assistance. She was overwhelmed by the process and had great difficulty putting the necessary asset information together. The daughter had spent \$25,000 to make necessary repairs to the client's house to prepare it for sale and had reimbursed herself from the client's money. We spent many hours putting together proof of the expenditures and were able to justify these expenses to IDHS, resulting in the client being found eligible for Medicaid. In the meantime, we succeeded in getting the discharge hearing postponed, and enforced the requirement that the client should not be discharged while her Medicaid application was pending. Once our client was found eligible for Medicaid, the discharge notice was withdrawn. (J. Bingham)

4. **In the Matter of L.M.** In a case funded under Title III of the Older Americans Act,

we successfully represented a client in his 80's retain Medicare-funded home health services. This avoided a nursing home placement. He is a paraplegic as a result of an accident occurring ten years ago. Although fully mentally alert, he required home health assistance to perform his basic activities of daily living. The home health agency providing those services notified him that Medicare would no longer cover his home services because, in the agency's opinion, he was no longer "confined to his home." After we advised our client of his options, he chose to continue to receive home health services while we made a claim to the Medicare home health intermediary and thereafter to IDHS for Medicaid, if that had been necessary. On our advice, the client fired the doctor certifying him for the home health services and reestablished his relationship with his former physician. Unlike the fired doctor, the former physician did not have ties to the home health agency. Our client had other health problems necessitating an extended hospital stay. After he was discharged, he obtained the services of a different home health agency, which has not raised the issue of Medicare coverage with him. At present, the client continues to receive home health services. If these had been interrupted, it would have precipitated an immediate health crisis, requiring our client to go into a nursing home -- an option he adamantly refused to consider. (S. Pick)

5. **In re Niece.** (Northern District of Illinois Bankruptcy Court). Our senior client resides in a nursing home. She gave power of attorney to her niece to handle her financial affairs. The niece spent several thousand dollars of client's money on herself and family members which did not benefit the client. The niece then filed for bankruptcy and listed client as a debtor attempting to discharge the debt. We filed an adversarial proceeding in the bankruptcy court claiming that the debt was non-dischargeable because of fraud. After we filed a motion for summary judgment, the niece agreed to a \$2,000 judgment being entered in client's favor. We received a \$2,000 judgment for our client. (G. Nyhammer)

6. **P.R. v. L.R.,** (Circuit Court of Kane County). In a case funded under Title III of the Older Americans Act, we successfully represented a woman with significant mental disabilities, enabling her to continue to supplement her near poverty-level Social Security benefit with a substantial monthly maintenance payment of several hundred dollars. The client, presently in her 60's, was divorced many years ago and awarded permanent maintenance because of her disabilities. When her former spouse went on disability, he unilaterally stopped paying maintenance and then filed a petition to terminate maintenance, even though his income remained substantially higher than our client's income. Our client sought our help when her then attorney sought leave to withdraw. We responded to the petition to terminate maintenance and filed a motion to establish an arrearage. After a hearing, the judge denied the petition to terminate, but did reduce the former spouse's periodic maintenance obligation by 25%. He also established an arrearage of several thousand dollars and ordered the former spouse to make payments to reduce the arrearage. We served a notice to withhold to have maintenance and arrearage payments withheld from the former spouse's Social Security benefits. (S. Pick)

7. **W.S. v. Lake Matherville Manor Apts.** (U.S. Department of Agriculture – Rural Development). In a case funded under Title III of the Older Americans Act, we represent a senior client who lives in Lake Matherville Manor Apartments, which provides subsidized housing through the Rural Development program. Management proposed to reduce the utility allowance granted its residents. The decision could have adversely affected the income of 24 senior households. Rural Development initially approved the changes to the utility allowance without the residents having been given proper notice or an opportunity to comment on the proposed changes. Prairie State successfully demanded that approval for the proposed changes be rescinded until residents' comments could be considered. On behalf of our client, we collected and submitted resident comments. We raised the issue that Lake Matherville Manor is unlawfully making residents pay for utility service to common areas while claiming that its utility bills have increased. We expect a final decision from Rural Development approving or disproving the decreased utility allowance by September, 2002. (R. McCoy)

8. **In re W.H.** (Social Security Administration). In a case funded under Title III of the Older Americans Act, we represented a 63 year old man who has been on Supplemental Security Income (SSI) since 1984, based on a diagnosis of Personality Disorder. In 2002, his name came up on a list of persons whose eligibility was going to be reviewed for possible medical improvement. Because our client had been on SSI for almost 20 years, there was limited medical information in his SSA file. As a result, SSA sent him a letter telling him to attend a consultative examination. Our client ignored the letter. His mental condition makes it difficult for him to conform his behavior to socially acceptable standards, and he has difficulty acting in his own best interests. The client also ignored the letter from SSA stating that his benefits would be terminated for failure to attend the consultative examination, and neglected to appeal within 10 days of the date of the termination decision. Had he done so, he would have been eligible for continued benefits pending an appeal.

We became involved in the case after his benefits were terminated. We appealed the termination and filed a request for continued benefits pending the appeal, stating that because of his mental condition, our client had good cause for missing the 10 day deadline. The local SSA office denied our request. We sought a reconsideration of that decision, arguing that SSA would more than likely find the client disabled given his age and the length of time he had already received SSI. The local office again denied our request. We then made a third request to the local office supervisor. After many telephone conversations and written pleas on the client's behalf, the supervisor ultimately approved our request for continued benefits pending appeal. Simultaneously, we worked with the disability review unit of SSA asking them to find the client was still disabled, without the necessity of a consultative examination. We provided documentation that the client was linked with Ecker Center, a mental health organization in Elgin. The SSA decided to grant our client continuing and permanent SSI benefits. (T. Grossman)

9. **In re B.M.** (Department of Housing and Urban Development). We successfully represented a senior lady obtain housing at the Christian Life Retirement Center (CLRC) in Rockford. It was apparent that CLRC denied her application based on her mental condition. After initial settlement attempts failed, we prepared and filed a Complaint at HUD, based on violation of the Fair Housing Act. HUD then sought to mediate. Ultimately, with assistance of HUD, we were able to settle. The CLRC put our client as number three on a waiting list, a position she would have advanced to had they placed her on the list at the time she filed her application. After the two in front of her suddenly were off the list, our client was admitted into an apartment within the Center. We assisted the client with the process. The client has moved in. As a result, the client withdrew her Complaint. (D. Lewandowski)

EMPLOYMENT/ UNEMPLOYMENT

1. **In re K.T.** (Illinois Department of Employment Security). Our client is a tool maker who was discharged from his employment for allegedly falsifying his time records and for not working a full 8 hour shift, as required. IDES denied his subsequent application for unemployment insurance benefits. He is totally deaf, signs, but does not do well at lip reading. He and another employee in a different department were the only two night shift employees. Under the employer's system, employees wrote in a notebook the time they started and finished individual tool-making jobs. The employer charged that client was not working a full 8 hour shift, as required, because the times our client recorded in the notebook did not add up to 8 hours. Because the client is profoundly deaf, we were able to have an in-person hearing, rather than the otherwise required telephone hearing.

At the hearing, the client participated through a sign interpreter. We presented evidence that the employer had not adequately trained the client on how the time records were to be completed and had not checked the time records the entire time client had worked for him until the day before the employer fired him, a period of about six months; that the employer had never warned the client about his time records; and that the employer was experiencing a downturn in business and often did not have enough work for the client to do. We argued there was no misconduct, and that the employer actually needed to terminate client due to a lack of business. The Referee found no intentional misconduct and reversed the claims adjudicator's decision. As a result, our client began to receive unemployment insurance benefits. (C. Ritts)

2. **In re K.S.** (Illinois Department of Employment Security Board of Review). We represented a client whose application for unemployment insurance had been denied by an adjudicator and by a Referee. The issue was whether the client had committed disqualifying misconduct. The client was a cashier who rang up only a portion of the items which a co-worker had purchased. As a result, our client was fired for theft, and the adjudicator held it was misconduct. The client maintained it was simply human error, by misusing the "quantity" key on her register. At the Board of Review, we argued that there were insufficient facts to establish misconduct. The client had been on the phone when the incident occurred; the co-worker had reported the matter as an error and was not charged with any complicity; and the total of items not charged was *de minimus* - less than \$10. The Board held that our client's conduct was mere negligence and that the employer had failed to prove misconduct as it is defined in the Unemployment Insurance Act. As a result, the client was entitled to benefits. (K. O'Brien)

3. **C.G. v. Three Oaks Montessori** (Illinois Department of Labor). The client had a

wage claim of about \$1,800.00 against her employer. The employer had stopped paying her, and she ended up quitting her job because of it. The employer asserted that the client had broken her contract. Because Prairie State does not usually handle cases of this type, we attempted to refer her case to a number of other legal service providers, including private law firms, several law school clinics, and a volunteer lawyer service. None of these providers would take the case. After doing some research, we agreed to represent the client. We prepared for the hearing and negotiated with the employer's attorneys (a well-known Chicago employment law firm). The matter was settled before hearing for a sum acceptable to the client. (J.McGee)

4. **In re N.S.** (Illinois Dept. of Employment Security). We represented a client who appealed the IDES denial of unemployment benefits. At a hearing before a Referee, the issue was whether the client engaged in misconduct as defined under Section 602A of the Illinois Unemployment Insurance Act. Specifically, the employer alleged that client, a striking union member, had laid down nails in front of a truck that crossed a union picket line. The client denied having anything to do with the truck incident and stated that he was fired because he was one of five members of the union's negotiating committee. Although the employer had the burden to prove misconduct under the Act, the employer did not have any witnesses. Instead, the employer made a motion to dismiss the IDES proceeding because a NLRB proceeding was going to occur within the next month and a half. The attorney for the employer argued that the NLRB would decide whether or not misconduct occurred under the UI Act and that the NLRB proceeding "is far more robust in terms of procedural and substantive due process than the IDES's appeal procedures." We made several arguments why the IDES proceeding should not be dismissed, including that: 1) the issues in the two proceedings are different; 2) the possible remedies are different; 3) the legal standards are different; and 4) in asking that the IDES proceeding be dismissed, the employer's attorney was asking for a continuance and continuances are only granted under 56 Ill. Adm. Code Section 2720.240 for certain "exceptional reasons." Employer's reason for deferring the IDES proceeding was not an "exceptional reason" under this provision. The hearing referee denied the employer's motion to dismiss. Since the employer did not have any witnesses and our witnesses provided consistent, credible testimony that client did not lay down the nails in front of the truck, the employer did not meet his burden to prove misconduct. The hearing referee awarded our client unemployment benefits. Subsequently, Laura Myers, our attorney on the case, received a subpoena duces tecum to testify at the upcoming NLRB proceeding and to provide the employer with "[a]ll documents that relate to the filing, investigation or appeal of any claim for unemployment compensation on behalf of [client]..." and with "all documents that relate to [his termination for employment.] We filed a Petition to Revoke the subpoena with regards to certain requested documents protected by the Attorney-Client privilege and the Work Product doctrine. The employer has appealed to the Board of Review, alleging that referee improperly denied his motion to dismiss the IDES proceeding. We plan on filing a written response. (L.Myers, B. Shapiro)

ENERGY/ PUBLIC UTILITIES

1. **In re L.B.** A pregnant client with another child retained Prairie State to remedy a utility problem – the city of Waukegan had shut off the water service to their apartment for non-payment. The landlord had violated his lease obligation to pay the water bill, even though the client was current on her rent. A major part of the unpaid utility bill concerned utility service to the unit for tenants who had occupied the property before the client moved in. Consistent with state law, we advised the client to seek to have the water account switched to her name, and if necessary, to pay the bill and then to deduct what she had paid from the rent. The client tried to get the city to restore water in her name. The city refused, relying on an ordinance requiring that the account be in the name of the property owner. The city had home rule status and asserted that its ordinance superceded state law. After verifying this to be correct, we successfully negotiated with the City to get the water restored, without the client having to pay the back bill. The City also agreed to put the account in the client's name, following our request for an accommodation based on the disability of a family member. The landlord has made no move to initiate eviction proceedings. (H. Goldman, L. Rothnagel)

FAMILY LAW/ DOMESTIC VIOLENCE

1. **Stumph v. Carney** (Circuit Court of Tazewell County). The father of our client's child sought to modify a joint custody order. The child lives with our client. His allegations concerned the child's acting out behavior. He alleged that the child's best interests would be better served in his custody since he was then re-married. The primary issues were whether there was clear and convincing evidence that a substantial change of circumstances had occurred and whether modification was necessary for the best interests of the child. A secondary issue was whether opposing counsel could obtain our client's counseling records. We filed a motion and memorandum to preclude discovery of those records. We argued they were privileged and that the privilege was not waived by her husband's participation in mediation and counseling. The court prohibited discovery of our client's counseling records. The judge granted our motion for directed finding dismissing the motion to modify custody at the conclusion of the father's case because he presented insufficient evidence to sustain his burden of proof. (D. Smith)

2. **Neltner v. Thomas** (Circuit Court of Peoria County). In a case funded by a grant under the Violence Against Women Act (VAWA), we filed a motion to enforce an order of protection. In violation of the order, our client's ex-boyfriend abused her and smashed her car with his truck. By our motion, we sought to recover damages for injury

to her and damage to her car and rental property. The judge granted a judgment for \$4,136 which we were able to collect for our client. (D. Smith).

3. **A.T. v. S.A.** (Circuit Court of Tazewell County). Our client and her husband are parents of a 1-year old boy conceived and born in Missouri. Our client had physical custody of the child in Missouri. The child visited with his father only a few times in Illinois. The father obtained a default judgment for divorce and custody in Illinois. He then went to Missouri and was able to get the police to assist him to take the child from our client. Our client's congressman referred her to legal services in Missouri who referred her to Prairie State. We learned then that our client and her "husband" are also first cousins. They had married in Florida because Illinois law does not allow marriages by first cousins. We filed a timely motion to vacate the Illinois judgment, which the court granted. The court also ordered the child returned to our client, declared the marriage void and ordered the father to pay the costs our client incurred in getting to Illinois, including motel and travel costs. The court so ruled because it determined it could not dissolve a marriage which was already void under Illinois law and because Illinois courts do not have jurisdiction to decide child custody for a child who has lived out of state his whole life except for brief visits to Illinois. Of particular help on the jurisdictional issue was a Prairie State case, In re Marriage of Miche, 131 Ill.App.3d 1029, 476 N.E.2d 774 (2nd Dist. 1985), where our client's position was similar to the opposing party's position in this case! (D. Smith)

4. **Goodman v. Goodman** (Circuit Court of Kankakee County). We represented a domestic violence victim in a kidnaping case, funded by a grant under the Violence Against Women Act (VAWA). In 2000, the client and her husband had separated for a few months. During that time, the husband intimidated the client into consenting to his demand that he take the child to visit his family in South Dakota, from whence he never returned. We filed for divorce and for a petition for order of protection. The judge denied the order of protection because he did not consider an abduction of a child to constitute "abuse" as defined in the IDVA. However, during divorce proceedings, the husband voluntarily consented to DNA testing and was excluded as the father. We promptly obtained a judgment of dissolution awarding sole custody of the child to the client and ordering the immediate return of the child. The husband retained a South Dakota attorney who then brought proceedings in that State. At an *ex parte* hearing, he made false allegations contesting the Illinois court's jurisdiction over the child, and obtained a guardianship order. The hearing was held without notice to the client or to Prairie State, even though the husband's South Dakota attorney knew of our representation in the Illinois proceedings. We helped the client to secure legal representation in South Dakota. On July 24, 2002, we had a telephonic hearing with the SD judge in which the court dismissed the guardianship petition and recognized our client's custodial rights. Arrangements have been made for the client to pick up the child. (L. Walter).

5. **Motozapo v. Motozapo** (Circuit Court of LaSalle County). In a case funded by a grant under the Violence Against Women Act (VAWA), we successfully represented a client to obtain needed benefits, as well as to obtain a divorce and protective orders. Her husband had been physically abusive to her during the marriage and then moved to another state, leaving the client alone with two children. Due to a disability, the client was unable to work and the family had no source of income nor were they receiving any sort of benefits. Her SSI had been terminated based on her husband's income. A credit union also was denying the client access to joint marital funds in an account there because she was not the credit union member. The client was granted a two year plenary order of protection. We obtained a dissolution of the marriage through a default judgment where we were able to get sole custody, child support and an order directing the respondent to pay the marital debt. We were able to assist the client to reinstate her monthly SSI benefits and to obtain a lump sum for back benefits from the time that the husband left the marital home. With our assistance, the client was approved for both food stamps and public housing and is currently receiving those benefits. We were able to convince the credit union to allow client access to the marital account and the client was able to take the funds out of the account to use for household expenses. In total, we were able to get the client approximately \$2,000 for her immediate use and monthly income of approximately \$1,000 to support her and her children. (L. Siena).

6. **BKM v. Wolford** (Circuit Court of McLean County). In a case initially funded by the United Way of McLean County, and presently funded under an Equal Justice Act grant, we represent the mother of a young son (P) and daughter (K), in a case that will determine the custody of K. The client and P have lived continuously Illinois since October 1999. Before then, they lived in the state of Florida. While there, a Florida court in a paternity action determined Mr. Wolford to be the father of both P and K. By agreed order, the parents had joint decision making authority, but the client was to be the primary caretaker of P and Wolford was to be the primary caretaker of K. By the terms of this order, the client and P were allowed to move to Illinois. Wolford and K remained in Florida. In August 2000, Wolford brought K to Illinois to live with her mother. The following month, he moved to Illinois, but did not reside with the client or the children. K remained with her mother and brother until February 2002, when the client served on Wolford a Petition to Modify Custody of K. Wolford immediately left for Florida, taking K with him, without the client's knowledge or consent. The Circuit Court in McLean County determined it had subject matter jurisdiction over the custody issues and personal jurisdiction over Wolford. At this point, there were simultaneous proceedings pending in the State of Illinois and the State of Florida. After the circuit court judges in Florida and Illinois consulted with each other, they determined that the Illinois was a more convenient forum. The action in Florida is stayed until further order of the court in Illinois. Presently, parties are attempting mediation, pursuant to local rule 105. (D. Maas)

7. **D.L. v. D.G.** (Circuit Court of Peoria County). The parties were divorced in August, 1999, while the client's husband was in prison for deceptive practices. The client was awarded custody of their child. When he was released, they attempted to reconcile but he returned to his previous criminal activities. She was afraid of being implicated and wanted a better life, so in July 2000, she moved to Georgia where she had found a good job, but without first getting leave of court. The ex-husband filed a Motion to Return the Child To the State of Illinois, in order to force a reconciliation. The court ordered her to return to Illinois with the child immediately. In compliance with the order, the client and the child went to live in Danville with her father. Unfortunately, she lost her job in Georgia because she was not able to get an extended leave of absence. Also, she left her other children from a previous relationship in Georgia with her family. On the client's behalf, a private attorney filed a Petition for Leave to Remove the Child. Later, on some poor advice of from that attorney, the client voluntarily dismissed that Petition. The ex-husband then served the client with a Petition for Temporary Visitation. The client's private attorney then withdrew from the case stating he had only agreed to assist with the removal case and would not assist with a contested visitation or child support case. At this point, Pro Bono Attorney Rodney Nordstrom entered his appearance for the client. He re-filed a Motion for Leave to Remove the Child from the State. In January , 2002, the Court entered an Order allowing the client to return to Georgia with her child, setting forth visitation, but reserving the issue of child support. In April, 2002, an Agreed Order was entered ordering her ex-husband to pay child support. Mr. Nordstrom spent 20 hours in representing this client. The client has now returned to Georgia where her fiancé and other children are still residing. She is receiving child support which will help her in maintaining her independence. We allowed her to escape the control of an abusive, controlling husband with an extensive background of fraud and deceptive practices. (Rodney Nordstrom, Pro Bono Attorney; S. Crow, PAI Coordinator)

8. **N.C. v. K.E.** (Circuit Court of Peoria County). Without benefit of marriage, the client N.C. had two children with K.E., but later separated from him. While K.E. remained in Peoria, the client and the children moved to Georgia, where they lived for 6 years. The children then moved to Illinois to live with their father, when the Georgia child protection agency intervened to protect the children from the client's then current boyfriend. The father obtained an Order of Protection against our client, granting him temporary custody. He also filed a paternity case. Although the father had told our client that he would return the children to her when so approved by the Georgia child protection agency, he refused when that time came. We filed a petition for custody in the context of the paternity case. Following negotiations, we reached an agreement which granted custody of the children to our client. They are now living in Georgia again. The father has extended visitation in the summer. (L. Luncsford)

9. **Hatfill v. Reeves** (Circuit Court of Peoria County). Having previously represented the client to obtain a divorce, we sought unpaid child support and leave to allow the client to move to another state with her current husband and children. The ex-husband who was

delinquent in his support payments is in the Navy, stationed in another State. We filed a Rule to Show Cause, which took many hearings to resolve. Under the Soldiers and Sailors Relief Act, there are many procedural safeguards and “hoops” we had to follow, and we had to deal with the Judge Advocate General’s Office several times. The Judge was very careful. Eventually, the court established a child support arrearage of \$3,589, and ordered support payments in the amount of \$77.25 per week. Later, we filed a Petition for Removal to Another State, to which the ex-husband consented. An Agreed Order was entered, and the client moved as allowed by the Order. (L. Luncsford)

10. **In Re the Marriage of Allen**, (Circuit Court of Mercer County). In a case funded under the Victims of Crime Act (VOCA), POP and the Equal Justice Foundation, we represented a client who was a homemaker, mother of five children, and a victim of unwanted sexual advances by her husband of 12 years. Prairie State obtained an order of protection on her behalf and filed a dissolution of marriage case. During the pendency of the dissolution case, the husband was sentenced to six years in the Illinois Department of Corrections system for sexually exploiting his teenage daughter. Prairie State helped the client to find counseling for the victim and the family and to obtain exclusive possession of the marital home. We also helped the client arrange public housing after she defaulted on a second mortgage, and we helped her receive public assistance, since her source of child support had been imprisoned. We filed a motion for a restraining order against the children’s paternal grandmother to prohibit her dissipation of marital assets. We are also opposing the grandmother’s petition for grandparent visitation. Finally, we have assisted the client with a Petition for Removal to Iowa, the location of the nearest public housing. (M. Graham).

11. **Pontillas v. Pontillas**, and **In Re the Marriage of Pontillas** (Circuit Court of Rock Island County). In a case funded under grants from VOCA, POP and Equal Justice Foundation, we represented a client, age 47, homemaker and mother of child now 26, who was a victim of domestic battery by her alcoholic 62 year old husband of 27 years. Prairie State obtained an order of protection and filed a dissolution of marriage case on her behalf. The respondent is retired and had been our client’s sole source of income (\$2,900 monthly). The client does not have much of a work history and is in need of maintenance to make the transition. Her husband has consistently attempted to control her through his access to the family income. We obtained temporary relief including: a no contact order; exclusive possession of marital home; orders that the respondent complete a 21-day treatment for alcohol abuse and a batterer’s education program; orders that the respondent pay the utilities, taxes, and mortgage payments on house; \$300 in temporary maintenance to client; an order to pay all outstanding bills by contracting with consumer credit agency; and finally, the client obtained use of the family automobile. The case is in negotiations towards a final settlement. (M. Graham)

12. **Telephone Counseling Case**. A client called the Telephone Counseling Service, stating that she intended to flee to a neighboring state with her son after her husband physically abused her severely, with a firearm. The client had been in Illinois for only one month before

that call, having previously lived with her child in the other state for about 6 months. A counselor advised the client about removal, abduction and orders of protection and referred her to the LSC program in the other state. Later, an attorney from the other state's LSC program called a PSLs telephone counselor to request that we represent the client in a custody case they expected the husband to file in Illinois. The matter was outside the office priorities and, after consulting the managing attorney of the PSLs Kane County office, the counselor declined to accept the referral. The client later called the telephone counseling service again, having been served with a notice to appear in Illinois on the husband's petition to require her to return the child, and for temporary and permanent custody. After hearing the content of the papers over the telephone, the counselor again informed the client that Prairie State could not represent her in a custody case, but advised the client with respect to jurisdiction, substantive issues, and *pro se* appearance for the purpose of objecting to jurisdiction and requesting dismissal of the matter. Her LSC program attorney called the Kane County office directly contending that jurisdiction clearly was in the other state's court where issues of custody and visitation were pending. The PSLs Kane County office decided to appear in the Illinois matter to object to jurisdiction. This case illustrates the range and flexibility of the counseling program, as well as the detailed coordination that is required between telephone counselors, Prairie State offices, other legal services programs and, of course, clients. Four telephone counselors and three PSLs office attorneys were involved in these communications, which resulted in a variety of services to the client. (J.Goode, A. Weiss, C. Herrmann, B. Shay, A. Moore, and K. Bettcher)

13. **In Re the Marriage of Parker** (Circuit Court of Whiteside County). In 2001, our client obtained an emergency order of protection against her husband. He then filed for divorce. We represented the client in both actions. The client sought to obtain custody of the minor child and to be able to move with the child back to Mississippi. We obtained those goals in the divorce, with her husband getting supervised visitation. She dismissed her order of protection action and moved to Mississippi. We later defended a Petition to Modify the child custody order which the non-custodial father filed while the child was with him for an extended summer visitation. The father alleged that the child's environment in Mississippi was seriously endangering the child's welfare. Our client denied all of the allegations. The father refused to return the child at the end of the visitation. We filed a Motion to Decline Exercise of Jurisdiction pursuant to the Inconvenient Forum section of the UCCJA 35/8 and 35/9. We asked the court to decline to exercise jurisdiction over the Petition to Modify because 1) Mississippi was the child's home state, 2) the child had a closer connection to Mississippi, and 3) the evidence concerning the child welfare was most readily available in Mississippi. Following oral arguments, the court declined to exercise jurisdiction over the Petition to Modify. The client returned to Mississippi with her daughter that day. (G. Farwell)

14. **H.R. v. S.R.** (Circuit Court of McHenry County). In a case funded under a grant from CDBG- McHenry Domestic Violence, we negotiated an agreed two-year order of protection on behalf of the client's minor children, to protect them from his wife's boyfriend. We then successfully defended it from attack by a Motion to Vacate. Following the parties'

separation, DCFS investigated allegations that the wife inappropriately hit the children, left them unsupervised, and endangered them due to alleged sexual abuse of one of the children by the wife's boyfriend. The child explained a redness and irritation in her vaginal area by demonstrating to our client and to the police how it was caused by the wife's boyfriend. With the help of Turning Point, our client obtained an emergency order of protection and the judge placed the minor children temporarily with the maternal grandparents. At that point, the client came to Prairie State. DCFS found sufficient evidence that the negligence and abuse by the mother were founded, but that there was insufficient evidence regarding the endangerment based on sexual abuse by the boyfriend. No criminal charges were filed against the boyfriend either. The client believed DCFS mishandled the investigation and we decided to pursue relief against the boyfriend at a hearing on the plenary order of protection. Before the hearing, we negotiated an Agreed Order of Protection, which prohibited either party from permitting the minor children to be in the presence of or have any contact with the boyfriend. Subsequently, the wife filed a Motion to Vacate the Agreed Order, which motion alleged fraud and duress on our client's part during the negotiations for the Agreed Order. We successfully defended against the motion. Divorce proceedings between the parties are pending. (J. Quintanilla)

15. **In re the Marriage of Agans** (Circuit Court of Knox County). Five years after the client obtained an agreed divorce judgment, her ex-husband (the "father") sought to modify that judgment. The father alleged that a DNA test which he had conducted on himself and on his seven-year-old child during a recent visitation revealed he was not the child's biological father. Although he knew the circumstances of the child's conception from the outset, and always knew there was a chance he was not the biological father, he nonetheless alleged fraud by our client. Prior to the DNA test, the father had made repeated attempts to avoid paying child support, and had been taken to court by the Department of Public Aid shortly after the initial divorce judgment had been entered. At that time, the father had tried to disclaim paternity, but was told by the judge it was too late. After we filed various responsive pleadings on behalf of our client to three versions of the petition and following discovery, the matter proceeded to hearing. A key defense was based on the statute of limitations. We alleged and proved that the father had not filed his petition within two years of learning that he might not be the father of the child. Fortunately for our client, the father admitted on cross-examination that he had previously raised his lack of paternity in a child support proceeding. We then showed that the hearing in question took place more than two years prior to the filing of his petition. The court found our client had proved her statute of limitations affirmative defense, and dismissed the petition. (M. Kelly)

16. **Cavanaugh-Smith v. Smith** (Circuit Court of Kane County). In a case supported with funds under the Violence Against Women Act (VOCA), we represented a woman who had been married for approximately seven years and had a five-year-old-daughter with her husband. The husband is a federal agent who carries a gun. In August, 2002, our client was

using the family computer and found websites containing child pornography, saved to some of her husband's "favorites." During the past year, the husband had been abusive to the client by doing such things as pushing, throwing things at her, taking keys from the ignition of her car as she was trying to leave, disabling a garage door, and using threatening and insulting language. After she found the sites on the computer, she called her husband to confront him. He became very angry and hung up on client. When she called back, there was no answer on the phone. She was concerned that he was on his way home and would be violent. A detective from the local police department called Prairie State at 4:30 p.m, explained situation and asked that we meet the client at her home. Staff attorney Amber Moore arrived at the home to find that police had it surrounded. She was admitted to the home, interviewed the client and drafted pleadings. In the meantime, the police had contacted a local judge who agreed to come to the police station at 7:30 p.m. to hear the petition. The judge granted the petition and awarded client among other things, exclusive possession of the residence. Local police confiscated the computer equipment and are conducting an investigation to see what is on the computer. The matter is set for hearing on a plenary order of protection. Client has since hired private counsel and has filed for divorce. (A. Moore)

17. **Prill v. Schuett** (Circuit Court of Kane County). In a case handled with VOCA

funds, we represented a client to obtain an emergency order of protection. This client was the perfect definition of a battered woman. She had little, if any, self-esteem and believed she was to blame for the respondent's behavior. She had a difficult time making decisions about her future and was not sure if she would go through with the order. To torture her, the respondent played drums and xylophone late at night and sang made-up songs about the client; he crawled around the house and jumped up to scare the client; he broke the heads off of figurines the client's mother had given to her and lined the heads up on the balcony and flicked cigar ashes on them. He followed the client around, rented different cars to follow her, and climbed onto the roof to watch her. After getting the protection order, we called her the next day to see how she was doing. When the client asked if this were her fault, we reassured her it was not. When we met a week later, the client had made an amazing transformation. She was confident and decisive and very strong. The client stated that our assistance and our phone call to her had made a huge difference in her situation because she realized someone cared and was "in her corner." She stated that if Prairie State had not been there to represent, assist, and support her, she would not have gone through with the process. The client ultimately decided to obtain an injunctive order requiring the respondent into mental health counseling rather than a full plenary order of protection. However, the real outcome of the case cannot be measured by the kind of order entered by the judge but rather by the strength, courage, and knowledge gained by this client. (A. Eden)

GUARDIANSHIP

1. **In the Matter of Charlissa, a minor** (Circuit Court of Rock Island County). We

represented a client to obtain guardianship over an unrelated 8-year old girl. The child had been removed from her mother's care at 2 weeks of age, and the child's father had not been seen for 6 years. The child's primary caretaker for those years was our client's own mother. When the child ran into some trouble in school, the client's mother asked the client to care for the minor. The minor child has an adult sister living in the Chicago area. The client and her mother made several trips to attempt to locate the sister to determine whether it would be appropriate to place guardianship with the sister. They were unable to locate the sister. The client sought and obtained temporary guardianship. However, the judge ordered that notice be published in Chicago where the father and sister of the minor child were residing. After a Notice was published and no relatives were forthcoming, the client obtained a full guardianship over the child. (Andrew M. Larson, Rock Island County Volunteer Lawyers Program)

2. **In re Minor Child** (Circuit Court of Peoria County). In a case funded under Title III of the Older Americans Act, we represented a client who had established guardianship of her great-granddaughter in 1996. The child's father filed a Petition to dissolve the guardianship, in which he claimed he never received a Notice regarding the guardianship. He claimed the child's best interests were for him to gain custody. The child, age 11, had lived with our client for most of her life. She was very afraid to live with her father. The case proceeded to trial, and the issues were divided into two parts: first, the validity of the guardianship, and second, the best interests of the child. The court entered judgment in our client's favor on the validity issue, and continued the case without setting a trial date for the second part, in order to allow the father additional time to prepare his case. Nine months have passed and the father has never requested a trial date, although he did establish visitation rights. We believe the father no longer intends to pursue custody. (L. Luncsford)

HEALTH/ MEDICAL

1. **In re C.L.L.** (Illinois Departments of Human Services and Public Aid). We represented a 43-year old woman suffering from Reflex Sympathetic Dystrophy Syndrome (RSDS), who applied for medical assistance from DHS. The DRU/CAU units determined that she was not disabled and therefore denied her application. We filed an appeal. We obtained additional medical evidence from U. of Chicago Hospital, the Mayo Clinic, U. of Iowa Hospitals and Clinics and a multitude of orthopedic, neurology, and pain clinics. With each submission, DRU/CAU repeated the finding of not disabled. However, DRU/CAU finally made a finding of disability after we submitted photographs of the client's affected arm, hand and legs, and submitted information from Social Security on RSDS. The client's medical coverage will be retroactive to August 1, 2001, thus covering approximately \$30,000 in incurred medical bills. (L. Ryan)

2. **T. B. v. IDHS, et.al.** (Circuit Court of Lake County). In a case funded by the Lake County CDBG Advocacy Project for Persons with Disabilities and the Health Law Project supported by various corporations, we represented a client who had been denied disability-related Medicaid benefits through the Illinois Departments of Public Aid and Human Services.

The case is now pending in the circuit court on administrative review of an adverse hearing decision at the administrative level. Initially, we represented this client at the Administrative Hearing. His eligibility for Medicaid benefits depended upon proof of disability. The client suffers from diverticulitis, for which he has had a colostomy; Hepatitis C; and liver cirrhosis with portal hypertension. As a result, he has a variety of symptoms including, pain, fatigue, and numbness in his extremities. His prior work was largely construction work, which he can no longer perform due to his impairments. Although we presented significant testimony regarding the client's ongoing pain at the hearing, the hearing officer denied benefits, finding the client was not disabled. We filed suit because we believed that the hearing officer erred in failing to give proper consideration to the complaints of pain. We filed a brief with the Circuit Court arguing in detail the errors made by the Departments in the consideration of pain. One of these arguments is that the hearing officer disregarded the complaints of pain because the doctors' reports did not include statements echoing the client's testimony of severe pain. Under Social Security Law, which the Department of Public Aid has adopted as the standard for determining disability in Medicaid cases, pain testimony is not to be rejected because of lack of medical evidence corresponding directly to that testimony, as long as there is medical evidence of a condition which could cause the pain alleged. In this case, we argued there clearly is medical evidence of conditions which could cause the pain alleged. Therefore, under Social Security Law it was error for the hearing officer to disregard the client's complaints of pain. Those complaints must be evaluated. In addition, we argued that the hearing office failed to consider evidence of other non-exertional impairments, such as numbness, again in contradiction to the Social Security law. Oral argument is set for October, 2002. (L. Rothnagel, L. McShane)

3. **In re P.M.** (Illinois Department of Human Services). In a case funded under Title

III of the Older Americans Act, we represent a 64 year old immigrant from India who is now a U.S. citizen. The client suffered from high blood pressure and diabetes, but had a stroke in October, 2001, and then a pulmonary embolism the next month. Both conditions required hospitalization for several days. He did not have health insurance. The client filed an application for Medicaid, which IDHS denied, stating that his medical condition could be expected to improve. We argued at the administrative level that the client should be found disabled, given his advanced age, limited work history and the fact that he was limited to sedentary work. After many submissions to the Disability Review Unit in Springfield, we were able to convince them that the client was disabled and they awarded him Medicaid benefits. (T. Grossman)

4. **Radaszewski v. Patla** (Circuit Court of DuPage County). The client (Eric) is a 21-year old, severely disabled person, who developed brain cancer about nine years ago and had numerous life-threatening complications. He requires round the clock private duty nursing in order to survive. After the family's private insurance was capped out, the client went on a special program of the University of Illinois called the Division of Specialized Services for

Children (DSSC), financed by the Ill. Dept. of Public Aid (IDPA). This program provided the client with approximately 16 hours/day of private duty nursing. After having been specially trained to perform specialized nursing services, his family provided the balance of his care, 8 hours/day.

The DSSC program is intended for children only and will not fund children after they turn 21. Eric turned 21 in August 2000. IDPA terminated him from the DSSC program and told his mother that the only option available was the Home Services Program, operated by the IL Dept. of Human Services, which provided funding for, at most, 5 hours/day of nursing. This was devastating for the family, since this meant they would personally have to provide about 19 hours/day of nursing care, which is beyond the family's capacity to provide.

We filed suit in both state and federal court challenging IDPA's action in denying continued coverage of 16 hours/day of private duty nursing. We argued that IDPA's actions violated federal Medicaid law, and also that it violated state law because they failed to provide services that were included in the Illinois Medicaid Plan. While the federal case was pending, IDPA amended their state medicaid plan to exclude private duty nursing as a covered service. HCFA, a federal agency, approved the change. As a result, the federal case was dismissed as moot. However, the state court action (and pending TRO) was not affected by this change, because under state law a state medicaid plan can only be changed if it is properly promulgated pursuant to the Illinois Administrative Procedures Act (IAPA). However, IDPA subsequently sought to comply with IAPA by publishing a rule change consistent with the change in the State Plan. We then amended our complaint in the state court case to allege a violation the Americans with Disabilities Act (ADA) and Sec. 504 of the Rehabilitation Act, as well as a violation of the IAPA. Because some of these claims were based on federal law, IDPA removed the case to federal court. In federal court, we moved to remand the entire case back to state court. The federal court retained the two federal claims but remanded the remaining claims back to state court. IDPA then filed motions for judgment on the pleadings in both state and federal court. Those motions are currently being briefed. A decision in the federal case is expected in August and decision in the state case is due in September. A TRO maintaining the 16-hours of private duty nursing has been in effect during the entire proceedings to date. We are hopeful that at least some of our claims will survive in both state and federal court, so that the TRO will remain in effect. If the TRO is lost, client will probably be forced to reside in an institution where the level of care will be inadequate for his medical condition. (E. Abarbanel, S. Megan, B. Shapiro)

5. **BMW v. Illinois Department of Public Aid** (Bureau of Comprehensive Health Services). Our client needed a motorized wheelchair/scooter to replace a manual one purchased by the Department in 2000. His current scooter was too large to use on any kind of public transportation or even in her apartment. Hoveround Corporation submitted to IDPA a request for prior approval of a more appropriate motorized wheelchair/scooter for the client. IDPA

denied the approval in March, 2002, and we appealed the denial. The reason for denial was: “The Department will not approve purchase of equipment if a client already has equipment which is adequate and sufficient to meet the client’s needs.” We represented the client at a pre-hearing conference in April. Based on that conference, IDPA informed us that they would consider prior approval if we provided additional evidence. We worked with the client’s treating physician to demonstrate the inadequacy of the manual wheelchair. Moreover, we demonstrated that the manual scooter had been approved when the client lived in Woodson, Illinois, a small town where public transportation was not available. While in Woodson, our client was able to keep doctor appointments, purchase groceries and maintain her independence because everything was located within a few blocks from her home. When she moved to Rock Island, the distances and the traffic patterns required alternative transportation. She went to the Metro Link Transportation Center for help, but learned that the size of her manual scooter prevented her access to either the ramp or the lift used on the public transportation buses and on the paratransit system. We also determined that the Rock Island transportation carriers meet American Disability Act (ADA) standards. On the other hand, the manual scooter exceeded standards quoted by accessibility specialists. We also provided a mobility evaluation done by Hoveround, which refers to the need to use a more appropriate vehicle to enter the client’s kitchen and bathroom and also cited the frequent falls our client has had with the old scooter. Our efforts were successful. On June 17, 2002, IDPA granted prior approval for the purchase of the Hoveround scooter. The vendor made its delivery to the client in June, 2002. (L. Ryan)

6. **In re M.B.** (Illinois Department of Human Services). In a case funded with a CDBG grant, we represented a client who had been denied medical benefits by the Illinois Dept. of Human Services (IDHS). Our client, age 20, suffered from the physical and emotional aftermath of a car accident in March 2001, which resulted in a fractured left pelvis and a fractured left foot. He was restricted in standing and sitting for extended periods of time and suffered severe depression, irritability, anger, isolation and extreme mood swings. We obtained medical records and narrative reports from his orthopedic surgeon, hospital and public health clinic psychiatrist and submitted these reports to IDHS for review at their Client Assessment Unit (CAU) in Springfield. Although it seemed likely that the CAU would not approve medical benefits for a 20-year old, we were successful. IDHS issued a favorable Notice of Decision, awarding the client medical benefits back to the date of his initial application and then backdated it another three months to December 2001. As a result, MB has been able to receive on-going medical treatment for both the physical and emotional pain from his accident. (L. McShane)

HIV/AIDS

1. **Doe v. Sodexo Corp.** (U.S. District Court for the Northern District of Illinois).
In

a case funded with a grant from the Chicago Dept. of Public Health, we represented a client who was employed briefly by Sodexo Corp., which was contracted to provide food services to a local school. He received compliments on his job performance, but when he came down with a cold and revealed his HIV status to his supervisor, he was told that he could no longer work there due to “liability reasons.” We filed administrative charges of employment discrimination with the Illinois Department of Human Rights and Equal Employment Opportunity Commission. After receiving a Notice of Right to Sue, we filed a complaint in federal court, alleging a violation of the Americans with Disabilities Act. To protect the confidentiality of our client’s status, we entered an Agreed Protective Order, and filed a motion for leave to proceed under a fictitious name, which motion was granted. After a period of discovery, the case was resolved with a cash settlement to our client. (S. Pick, D. Wolowitz)

2. **In re R. M.** (Illinois Department of Human Services). In a case funded by the Chicago Department of Public Health, we represented a man in his 40's living with HIV and severe mental illness. He applied for Medicaid but was denied, even after we submitted an independent psychiatric evaluation to DHS substantiating our client’s mental illness. We represented the client in a hearing before a DHS hearing officer. After taking the matter under advisement, the hearing officer issued a decision reversing the decision of the Determination Review Unit and instructing the local office to approve a medical assistance case for our client granting him full eligibility. Our client gained Medicaid coverage for his medical bills. (S. Pick)

3. **In re W. H.** (Social Security Administration). In a case funded by the Chicago Department of Public Health, we represented a man in his 40's living with HIV and chronic liver disease. He was living in a nursing home when he was referred to Prairie State. We represented the client at the initial and reconsideration stages of his Social Security Disability Insurance application. Social Security denied both even though Disability Determination Services was aware that our client was living in a nursing facility. After filing a request for hearing, we reviewed his medical records again and solicited opinions from his treating physicians on the severity of his liver disease, instead of focusing primarily on his HIV infection. After obtaining these, we submitted a request for a decision on the record to the Administrative Law Judge and obtained a fully favorable decision within a month of doing so. sentences.) Our client was awarded Social Security Disability Insurance benefits. (S. Pick)

4. **In re S. W.** (Social Security Administration). In a case funded by the Chicago Department of Public Health, we represented a client with HIV for whom Social Security had denied SSI benefits. The client was living with a relative, did not have a place of her own, and had minimal family supports. Some family members rejected her due to her HIV

status and treated her poorly. Medical evidence suggested that her HIV was under control. A back problem did not seem to be significant either. However, after meeting with the client several times, we suspected that she might be depressed. We got the client to agree to a psychological evaluation and scheduled an appointment for her to meet with the psychologist. At her appointment, the client apparently had great difficulty in completing some of the tests. At that point, the psychologist suggested that an IQ test be performed because the client may have mental impairments that were limiting her ability to understand and complete the psychological tests. The results of the evaluation showed that the client had a major depressive disorder and also a low IQ. Her IQ combined with the depression met a listing in the regulations. At a hearing in front of an Administrative Law Judge, we provided a copy of the psychological report and a written argument supporting a finding of disabled. The judge did not take any formal testimony from the client or our witness. He indicated that he would render a written decision in the matter. Several months later, the ALJ issued a favorable ruling, awarding the client a significant lump sum award and monthly SSI benefits. (M. Pierce)

HOMELESS

1. **L.H. v. Local School District; S.H. v. Local School District.** In a case funded by a HUD homeless grant, we represented two clients, both single women, who were homeless with children of elementary school age. Two elementary schools denied enrollment of the children for lack of a fixed residence in the school district. We obtained documentation of homelessness and shelter use of the families to establish residence in the respective school districts. In both instances, the schools enrolled the children after negotiation and submission of documentation that the clients had used local shelters. (K. O'Brien)
2. **D. H. v. D.S.** (Circuit Court of Cook County) (Illinois Secretary of State). In a case funded with a HUD homeless grant, we represented an elderly, homeless person who lives in his car. The client was involved in a simple “fender-bender” traffic collision, and did not have insurance. The opposing party filed a lawsuit against our client in Cook County, although neither party resided in Cook. Without obtaining service of summons on the defendant, the plaintiff obtained a \$2,000 judgment against our client. The judgment was filed with the Illinois Secretary of State, which in turn suspended our client’s driver’s license. We filed a motion with the court to vacate the judgment based on improper service, and a motion to transfer venue to DuPage County. After a contested hearing, the court granted our motion to vacate the judgment and the client’s driver’s license was reinstated by the Secretary of State. In the face of the court’s intention to transfer venue, the case settled for \$500. (K. O'Brien)
3. **Starks v. McCollough** (Circuit Court of DuPage County; DuPage County Housing Authority). In a case funded by a HUD homeless grant, we represented a client who is homeless with a child in elementary school. She was a former Section 8 housing participant who lost her Section 8 housing benefits when she could not pay her landlord. The father of the

child has a history of illegal drug activity, including a conviction for a drug offense. Although the client is no longer involved with the father, he has at times used the same public shelter as the client. The Housing Authority was reluctant about issuing a new Section 8 voucher to the client, because they were concerned the father might reside in the unit and sell drugs, and that the client had not paid her previous debts from the last time she was in the housing program. We negotiated with the Housing Authority to reinstate client to the Section 8 housing program if, in part, we would file a lawsuit against the father to bar visitation on subsidized housing grounds, and for child support. We filed such a lawsuit on behalf of the client. The Housing Authority has agreed to reinstate client to the Section 8 housing program. A final order on the lawsuit is pending. (K. O'Brien)

4. **In re the Matter of M.S., W.N., and J.P.** In a case funded under a HUD homeless grant, we represented three clients, each of whom had all their identification lost or stolen at the local shelter (a recurring problem at some shelters). They needed a replacement driver's license, an identification card or naturalization papers. One client needed a replacement driver's license to drive a cab, another needed identification and proof of citizenship to obtain Social Security benefits, and another to obtain work. We worked with each client to obtain the appropriate replacement identification documents they needed. Our successful efforts resulted in a cab driver with a new license, a senior citizen drawing his Social Security retirement benefits, and an employed homeless man. (K. O'Brien)

5. **C.A. v. Griffin and Smith** (Circuit Court of Lake County). In a case funded under a homelessness grant from HUD, we represented a mother of two young children who had fled from domestic violence and had moved to Lake County from Chicago. After living with a friend temporarily, she slept in the PADS shelters. Because our client feared that the shelter was unsafe for her children, she left her 2-year old child with a friend of a friend. This was done with the understanding that she could visit with the child as often as she wanted and that the arrangement was temporary until our client got back on her feet. Her other child stayed with someone else temporarily, but then moved back in with our client after she realized that the shelter was much safer than she originally believed. The client sought legal services when she was denied any visitation with the 2 year old, and was unable to contact the child or the woman watching the child, whose whereabouts were now unknown. Our office filed a legal action for return of her child, a habeus corpus case. The court ordered that both our client's friend and the woman who had possession of the child appear in court, with the child. The court ordered the friend to divulge the other woman's whereabouts. The judge determined that the woman had no right to custody over our client's child and ordered that the child be returned to our client. The child was returned. (M.J. Russo)

6. **In re R.C.** The client was a single mother of a 7 month old child. She had to move out of her rented apartment because of electrical fires in her heating ducts. The building safety inspector for the town where she lived turned off the power and summarily ordered all the tenants out of the building. The client initially stayed in motels for several nights, but had run out

of money and was staying at the home of various friends. The landlord had not made repairs to the premises and was threatening to throw the client's belongings out if she did not remove them from the premises, but she had no where to put them and could not afford storage. Through negotiation with the landlord, we obtained a payment to the client compensating her for the cost of her motel rooms and reimbursing her the rent that had been paid for the period in which the premises were uninhabitable. We also referred the client to a local social service agency which helped her find affordable housing and provided her with some financial assistance. With the payment we negotiated for the client and the assistance provided by the social service agency, she was able to move into an affordable and safe apartment. (G. Boyle)

HOUSING / FAIR HOUSING

1. **Park v. Davis** (Circuit Court of DuPage County). In an FED eviction case being funded under a grant from the U.S. Dept. of Housing and Urban Development (HUD), we represented a client living in a project-based subsidized tenancy. The client and her seven children faced homelessness if they were evicted. The eviction action was based on late payment of rent. We discovered that the client had been late 14 times in paying the rent in a two-year period. We filed a Motion to Dismiss based on an argument that the landlord waived the right to terminate the tenancy based on late payment of rent because he tolerated our client's conduct for so long. The court agreed and dismissed the case. (B. Torbett)

2. **Whispering Oaks v. S.F.** (Circuit Court of Lake County). We successfully defended an FED case, representing a 19-year old single mother with a newborn and another child aged 18 months. The Court granted our Motion to Strike certain alleged lease violations based on a waiver argument, since the client had paid rent after these violations had allegedly occurred. As a result, the only claim left to be tried was a single allegation that our client played her radio too loud at 4:00 p.m., on March 3, 2001. A review of the Security Officer's report in the landlord's file showed that he asked her to reduce the volume of her radio and she did so immediately. Nevertheless, the landlord would not dismiss the suit. After 10 months of motions, discovery, status calls, and canceled trial dates, the Landlord agreed to dismiss the suit. (H. Goldman)

3. **Whispering Oaks v. S.M.** (Circuit Court of Lake County). We successfully defended an FED against our client, a 45-year old man who had spent many years in prison for an act committed as a juvenile. He was residing in subsidized housing as his first post-prison residence. The landlord served a 10-day Notice of termination of tenancy on our client which alleged, verbatim and without any detail: "(a) Possession of Stolen Property; (b) Criminal

Activity; (c) Noise and Drug-Free House quotations.” The landlord subsequently filed an FED Complaint to evict the client. After appearing in the case, securing a change of judge, and serving discovery, we became embroiled in a lengthy series of discovery disputes, motions and trial delays. We served two Motions to Dismiss, based on faults with the Termination Notice. Even though these Motions were denied, the Court ordered the landlord to properly serve tenant with a new notice and to be more specific in that notice as to facts relating to lease violations. At some point, it became necessary to file a Motion to Compel Discovery, which the Court granted. We later had to file a Motion to Strike certain of the plaintiff ‘s claims when the plaintiff failed to properly answer discovery, which motion the Court also granted. Ultimately, the parties agreed to dismiss the case. (H. Goldman)

4. **Lake County Housing Authority v. C.C.** (Circuit Court of Lake County). In an FED

case funded by a Lake County Emergency Shelter Grant, we represented a recently employed single mother of four children living in public housing. The eviction was based on non-payment of rent that had increased because of the new employment. We were able to persuade the attorney for the housing authority to recalculate the rent in accordance with a provision of the federal regulations that requires the first twelve months of the income from new employment to be disregarded for certain families. It was determined that no rent was owed and the housing authority voluntarily dismissed the eviction case. Moreover, the client received credit for approximately \$2,929 in back rent paid plus approximately \$1,700 in reimbursement of overcharges. The housing authority has indicated it will conduct a recalculation for all its families who might benefit from this provision. (L. Smith)

5. **Mohon v. Kildair** (Illinois Appellate Court, 3rd District). Our client obtained a *pro*

se judgment for \$3500 against her former landlord for taking her belongings, including a nebulizer machine. We represented her on the landlord’s appeal which claimed that insufficient evidence supported the judgment. We prepared a bystander’s report based on our client’s recollection of the testimony presented which had not been recorded. We filed a brief on her behalf and made sure that an appeal bond was posted by an insurance company. The appellate court affirmed the decision in an unreported decision, ruling that the tenant could testify as to the value of her belongings. After the former landlord filed for bankruptcy, we were able to collect the judgment with interest from the company which insured the judgment on appeal. (D. Smith)

6. **N.N. v. Lake County Housing Authority** (Administrative Hearing). In a case funded by a Lake County Emergency Shelter Grant, we represented a working mother when the housing authority acted to terminate her federal housing subsidy (voucher). After our client’s relationship with a boyfriend had soured, he continued to come by and refused to leave. He was arrested several times. The client finally obtained an order of protection to keep him off the

property. However, the housing authority investigator and the Section 8 supervisor demanded that the tenant produce a copy of the boyfriend's driver's license or a copy of his lease to determine whether he was living there. When she was unable to provide those things, the housing authority sent a notice of termination of the subsidy. We appealed that decision and represented her at the administrative hearing. We objected to almost all of the Housing Authority's evidence as hearsay because the Section 8 supervisor and investigator brought no witnesses. The client had meritorious defenses although it was not necessary that she present them because no non-hearsay evidence was presented against her. Over objection, the hearing officer continued the matter for the housing authority supervisor to muster evidence but stated that the supervisor must give notice and full disclosure of its evidence before resuming the hearing. Six months later nothing has been initiated. The tenant and her children still enjoy the Section 8 benefit and are still living in the same home with the same landlord. (L. Smith)

7. **GMAC . v. D.B., et al.** (Circuit Court of Lake County). A mother with disabilities refinanced her home to pay off certain costs relating to her husband's bankruptcy. The husband was subsequently sentenced to a long prison term, leaving her unable to make the mortgage payments. GMAC initiated a foreclosure action and obtained a foreclosure judgment. The home was sold for \$1 more than was owed on the mortgage, approximately \$80,000 to \$100,000 less than fair market value. The client did not become aware of the foreclosure until after the home was sold because notice of the suit was given by newspaper publication only. Prairie State investigated and found that efforts to personally notify the homeowner were seriously deficient. We were able to get the court to vacate its order of foreclosure and approval of the sale. That allowed the client additional time to sell the home and recoup her equity. As a result of the court's vacation of the order of foreclosure, the client also has a right of redemption. The home is now on the market with a fair selling price. (L. Smith)

8. **Metroplex, Inc. v. Jones** (Circuit Court of DuPage County). In a case funded under a DuPage County CDBG housing grant, we represented a client in a second eviction action filed against her in less than one year. She lives in project based Section 8 housing. Management sought to evict the client because they were unhappy with the behavior of her adult son and grandson. They alleged these two were creating disturbances in the complex. However, neither the son or grandson resided in client's unit. Management argued that they were guests of the client and thus she was responsible for their conduct. After taking extensive depositions, we persuaded the attorney for plaintiff that the client was not responsible for the conduct of the adult children and that plaintiff would be unlikely to prevail at trial. They agreed to dismiss their law suit. (E. Abarbanel)

9. **Providence Management & Development Corporation v. Coleman** (Circuit Court of Lake County). In a case being funded under an IDHS Homelessness Prevention grant, we represented a 45- year old disabled veteran. He suffers from colon cancer since 1981 which resulted in a colostomy. He has a bad disc which causes constant pain. He has had several strokes, receives chemotherapy which leaves him weak, and oral medications. His diet is

extremely limited due to the colostomy. His income is limited to \$540/month from Social Security. Two years ago, the client received a Section 8 voucher from the housing authority. He got an apartment at Bethesda Village in Zion, which is subsidized housing for the disabled. The client mistakenly believed he was using his voucher. In August 2001, the client was served with a notice to terminate his tenancy for cause, which alleged disruptive behavior and complaints by other tenants that he had threatened them with physical abuse. The client denied the allegations, but determined to find a new apartment with his voucher. It was at that point that he discovered that his voucher had expired almost a year previously, without his having realized that fact. Without the voucher, our client would have been homeless if evicted and unable to afford another apartment. Given his medical problems, the client believed that homelessness meant that he would “die on the street.” We filed an appearance in the eviction case and engaged in discovery. We also contacted the Lake County Housing Authority (LCHA) and advocated for the re-issuance of the voucher. At first they said there was nothing they could do; Mr. C. would have to reapply and go to the end of the waiting list. But we were able to prevail upon a manager and supervisor to review the case and persuaded them to reissue a new Section 8 voucher. With a new voucher in hand, we reached an agreed order granting the landlord possession, but also rescinding the lease, leaving no eviction on his record. (J. Quintanilla)

10. **Franciscan Ministries v. Espinoza** (Circuit Court of DuPage County). In a case funded under a DuPage County CDBG housing grant, we represented a client who lives in project based Section 8 housing. His adult son was involved in selling drugs. The son does not live with client, but was arrested in the client’s apartment by the local police. When management learned of the arrest, it filed an eviction action, based on the client’s alleged violation of the lease concerning drug and criminal activity. However, after having issued a notice of termination of tenancy, management accepted client’s rent. We filed a Motion to Dismiss based on waiver due to management’s acceptance of rent after issuance of the termination of tenancy notice. Both parties fully briefed the issue. The landlord relied on the recent Rucker decision of the U.S. Supreme Court, which upheld the right of a landlord to terminate the lease of a tenant when a member of the household or a guest engages in drug-related activity, regardless of whether the tenant knew, or should have known, of the drug-related activity. However, we successfully argued this was irrelevant because we were not arguing that issue, but rather whether management waived its right to terminate because it accepted rent. The court dismissed the case based on the waiver argument. (E. Abarbanel)

11. **Zurita v. Conners** (Circuit Court of Lake County). In a case funded under an IDHS Homelessness Prevention grant, we defended a client in an eviction action. The client had a Section 8 Voucher. She moved into a house in November, 2001, but the lease she signed did not begin until December, 2001. She moved in based on the landlord’s representation that the Housing Authority would approve the unit for the Section 8 program right away. In fact, the

Housing Authority withheld approval of the unit until the landlord made certain repairs, and thus did not pay a subsidy for November. With knowledge that our client had not been able to pay the November rent, the landlord then signed the written lease in December and also signed a Housing Assistance Payment contract with the Housing Authority. Several months later, when the client still had not been able to pay all of the November rent owed, the landlord filed an eviction case based on that non-payment. With the assistance of Section 8, the client was current on all rent since the written lease had been signed, so the eviction was based solely on non-payment of November rent. Prairie State filed a motion to dismiss the landlord's case, arguing that there was no violation of the current lease and that the tenant could not be evicted for violation of a prior lease. We also argued that the landlord had waived any right he had to evict the tenant for non-payment of November rent. The landlord responded with a document titled "Addendum to Lease" which purported to be an agreement signed in late December with a payment schedule for the November rent. We replied that this document was ineffective to amend the contract, as there was no consideration, an essential element of a contract. The court ruled in favor of our client and dismissed the landlord's action for eviction. The client and her children remain in their home. (L. Rothnagel)

12. **Navarrete v. Murphy** (Circuit Court of Lake County). In a case funded by a Lake

County Emergency Services Grant, we represented a client who had rented an apartment at \$650 per month. When she moved in, numerous repairs needed to be made. The landlord promised to make them but failed to do so. After approximately six months, the client started withholding rent because of the deplorable conditions, including roach infestation, plumbing problems and holes in the walls. Roaches were plainly visible in the client's refrigerator, in her microwave, on the counter-tops in her kitchen and other places throughout the apartment. Because the client withheld rent for two months, the landlord filed an eviction action. The client came to Prairie State less than a week before her trial date. Because we believed that she had a good defense based on breach of the implied warranty of habitability, we asked both city and county building officials to perform inspections on an expedited basis. After receiving reports from the inspectors, we subpoenaed both of them for trial. When it became evident that one of the subpoenaed witnesses was not going to appear, the court issued a warrant for that witness' arrest and granted our motion for substitution of judge. At trial the following week, the court found that the landlord violated the warranty of habitability, and refused to enter any judgment against the client for the past rent. The court granted possession to the landlord, but allowed the client to remain in possession for an additional three weeks without any future rent having to be paid. This order gave the client the necessary time she needed to find another place to live and save money that would help her move into a new place. (M. Pierce)

13. **Villagebrook Apartments v. Lokshin** (Circuit Court of DuPage County). In a case

funded with a HUD grant, we represented a client who was being evicted from her project-based subsidized apartment. The apartment complex claimed that the client negligently allowed some teenage boys to drive her car and they damaged another tenant's car in the parking lot. The client claims the kids got her keys by stealing her purse. We filed a Motion to Dismiss based

on waiver because the landlord accepted rent after giving the client a 10-day notice. The Court granted our Motion and dismissed the case. (B. Torbett)

14. **Moline Housing Authority v. Aguilar** (Circuit Court of Rock Island County).

In

April 2002, our client's estranged husband attacked her in her home, in public housing. Although he had been banned from the Housing Authority property, the husband had followed her home, pushed his way in, pulled her hair and threatened to kill her. The client called 911 and had him arrested (he is currently incarcerated). The Moline Housing Authority initiated a forcible entry and detainer eviction action against the client for "allowing" a banned individual on the premises. Prairie State filed an Answer and Jury Demand, raising the affirmative defense that the plaintiff had violated the Fair Housing Act's prohibition on discrimination based on sex. The Housing Authority does not evict victims of violence by strangers, only victims of domestic violence who are disparately female. We have also raised the defense that client did not "allow" her husband access to the premises because his entry was against her will. Discovery has begun and a jury trial is scheduled for October, 2002. (R. McCoy)

15. **B.K. v. Housing Authority of Elgin.** Our client is a woman living on SSI

who

suffers from MS. High heat and humidity aggravate her symptoms to the point that she is unable to function. She received a donated room air conditioner from a friend and installed it in her apartment. Condensate from the air conditioner leaked into the apartment below, damaging another tenant's property. When the other tenant learned of our client's medical condition, she told her to continue to use the air conditioner despite the problem. The Housing Authority did not see it that way, accused our client of intentionally damaging property and issued a notice of termination of tenancy. We represented the client at an informal conference and a formal hearing under HUD public housing regulations. Testimony was taken from the client, her downstairs neighbor, Housing Authority personnel and a Sears repair person who had inspected the air conditioner without charge to try and remedy the leaking. The hearing officer at the formal hearing found for our client and against the Housing Authority, preventing them from pursuing further eviction proceedings. (S. Pick)

16. **Knox County Housing Authority v. Crosby** (Circuit Court of Knox County).

Our

client is a single mother with four young children, who works second shift at a nursing home and also goes to school. The housing authority sought to evict her for five alleged lease violations, the most significant being that her smoke detectors were found to have been shut off during an

inspection of her apartment. The client had defenses to each of the violations. Regarding the smoke detectors, she asserted the over-sensitivity of the detectors made it difficult to cook without temporarily disabling the detectors, and that the housing authority knew this was a common practice among tenants, but had not sought evictions based on the violations it discovered. Our office appeared at the return date on the summons, orally denied the allegations in the complaint, and agreed on discovery proceedings with opposing counsel. During discovery, the housing authority supplied a document showing that after terminating our client's lease, it had issued formal warnings to 20 other residents for disabling their smoke detectors, but sought no other evictions.

Following a trial, the court found for the defendant on all the alleged bases for eviction. Specifically, the court found that the housing authority's failure to evict 20 tenants for committing the same violation as our client indicated as a matter of contract interpretation that the violation was not "serious" so as to justify a termination of the tenancy. Significantly, during our preparation of the case, we discovered that, contrary to the housing authority's assertion, local building and electrical codes did not require the "hard-wired" smoke detectors to be on an electrical circuit dedicated solely to them, and that placing the detectors on a circuit that also powered the refrigerator or bedroom lights would greatly minimize the problem of tenants failing to turn the power back on to the detectors after cooking. The housing authority has agreed to look into changing the wiring of the detectors. (M. Kelly)

17. **Reiman v. Schulz** (Circuit Court of DuPage County). The plaintiff is our client's uncle who is the trustee of a trust that controls the property where our client has resided for the past 45 years. The trustee filed an eviction action to evict our client, so that he could sell the house and apply the proceeds, allegedly for the benefit of the trust beneficiary and grantor, who is the client's father. Our client, however, is a contingent beneficiary of the trust because the property passes to her upon her father's death. The father, who is in his 90's, had expressed his desire that his daughter not be evicted against her will. Our client took the position that the father's circumstances were not so dire that it was necessary for his welfare to sell the house. The issues in the case were: (1) whether the trustee had the right to evict the client without appropriate written direction from the trust beneficiary, and (2) whether there was a sufficient reason to evict the client and sell the property such that the trustee was not breaching his fiduciary duty to the contingent beneficiary, the client. Following discovery, the case went to trial. The Court granted our Motion for Directed Finding, and entered judgment for our client. (D. Wolowitz)

18. **Telephone Counseling Case.** TT rented a two-story apartment on a written month-to-month lease in September, 2001. The apartment had been in terrible shape when he moved in. It took him a week to rip up carpet, lay new tile in the kitchen, and paint the whole apartment. The landlord promised TT that he would give him a break on the rent in exchange for the work that TT did, but never did so. Later, the bathtub leaked, causing the ceiling in one bedroom to fall in, and damaging a dresser and radio. The client failed to pay December rent on time and was counting on an award of back taxes that he believed were wrongfully withheld by the IRS. Having been told he could expect an advance on the award if he could show that he could not pay his rent, TT asked the landlord to provide him with a letter stating that he was behind in the rent. Instead, the landlord gave him a 7 day notice of termination of tenancy. The notice also said that if TT had not paid the amount due within 7 days, he had to vacate the apartment within 30 days.

In January, the landlord sued for eviction and back rent. When the local PSLs office was unable to represent the client on the eviction case, the counselor advised TT. She told him that given the 30 day notice on a month to month lease, the landlord did not have a great burden to evict him, but also advised the client that he should be entitled to a set-off against the back rent for his work on the apartment and the damage that the leaky pipes had caused. Presenting this defense in court, the court continued the hearing on damages to a date in March, but entered an eviction order for a date in February, based on non-payment of rent.

TT then told the counselor for the first time that the eviction summons had been served after he called the sheriff in January complaining about lack of heat in the apartment. This time, the counselor told caller how to file a motion to reconsider, on several bases, including that: 1) the eviction was retaliatory because of TT's call to the sheriff about the lack of heat; and 2) eviction was not proper because the court had not determined that there was rent owing, and 3) the eviction would cause extreme hardship to TT and his children, ages 7, 14 and 15. Our counselor walked TT through the form of the motion, the notice of motion, and the certificate of service. Given a short-time frame to the eviction date, the counselor advised the client how to set up an emergency motion before the judge. When she called the client back to see what had happened, the client said the clerk could not schedule a hearing before the eviction date, so TT called the judge at home to ask him to stay the eviction. The judge went to the sheriff himself, stayed the eviction order pending a hearing the next week, and gave TT his cell phone number in case anything went wrong over the weekend. At the next court date, TT's Motion for Reconsideration survived a motion to dismiss, and the judge stayed the order of eviction for a week. That gave the client time to hire a private attorney who was going to represent him at further hearings. (C. Longstreet)

PUBLIC ASSISTANCE/ FOOD STAMPS

1. **In re D.B.** (Illinois Department of Human Services). Our client is a 38 year old woman with 3 minor children. She suffers from several impairments, including a spinal disorder, rheumatoid arthritis, fibromyalgia, and depression. She lives in a very poor rural area with no public transportation, and she has no car. She filed an application for TANF in February 2001, and asked that she be exempted from being required to look for work due to her poor health. Moreover, she had little time available to search for work because she was receiving physical therapy 4 days a week for 3 hours, plus counseling and other doctor visits each week, and the shuttle van took 1½ hours each way to make the trip. DHS denied the work exemption request, and the client filed an appeal. Subsequently, DHS denied her TANF application due to her alleged failure to fulfill the work search requirements required in her Responsibility and Service Plan or “RASP.” We filed a second appeal challenging the denial of her application, not only because we believed the client should be exempt from work search requirements, but also because the Department had failed to perform a RASP. At the hearing on the two appeals, the hearing officer found that the client could not have violated a RASP which did not even exist. As a result of the decision, the client’s application was approved and she was awarded TANF assistance retroactive for about 8 months. We then worked with staff at DHS to develop a RASP which took into account the client’s poor health and treatment needs. (M.O’Connor)

2. **In re K.M.** (Illinois Department of Human Services). Our client is a divorced mother of three small children. She had been receiving substantial monthly child support and maintenance. The client attended school part-time at a community college in the hopes of becoming a nurse. Her ex-husband lost his job because of a drug addiction. As a result, our client suddenly had no source of income or medical benefits. She applied for TANF and Food Stamp benefits. When she applied, she was treated very rudely by the local DHS caseworker, who told the client that she could not go to school only part-time and would need to quit school and work full-time. The client did not know how she was going to be able to support herself because she did not have any previous training or experience which is why she had been receiving rehabilitative maintenance from her ex-husband. IDHS also denied our client food stamps because she was considered over-asset. IDHS failed to advise the client of her right to pursue child support enforcement through their agency. We filed an appeal on the client’s behalf and attended a pre-appeal conference. The IDHS supervisor apologized for the caseworker’s behavior. At the pre-appeal conference, we discovered that the client was only two credits short that semester to qualify for a student work deferment from IDHS. She was able to redo her schedule to come up with the additional hours. After the assets rules for the food stamp program were explained to the client, she was able to provide documentation demonstrating that she had spent down her assets. IDHS approved the client and her family for TANF, Food Stamps, Child Care payments and Medicaid. She was also signed up for child support enforcement services. (T. Grossman)

VOCATIONAL REHABILITATION/ HOME SERVICES

NOTE: These cases are funded through a grant from the Client Advocacy Program (CAP), a semi-autonomous division within the Illinois Office of Rehabilitative Services (ORS). ORS, which is a division of the Illinois Department of Human Services (IDHS), is legally mandated by the federal Rehabilitation Act to provide independent advocacy services for ORS customers. ORS provides services to its customers under either: (1) the Vocational Rehabilitation Program (VR), which is designed to help disabled clients obtain a specific employment goal, or (2) the Homes Services Program (HSP), which is designed to prevent the unnecessary institutionalization of disabled individuals who may be satisfactorily maintained at home. The funding drives a PSLS project which provides legal services and representation for persons with disabilities who are having problems appropriately receiving or who have been denied VR or HSP.

1. **In re the Matter of K.C.** (Illinois Dept. of Human Services). We represented an HSP client with mental illness and orthopedic impairments. The IDHS Office of Rehabilitation Services (ORS) closed the client's HSP case because the customer allegedly failed to cooperate with a Medicaid application, resulting in the denial of Medicaid. We appealed the case closure and we also appealed the Medicaid denial, both appeals to IDHS. Without the necessity of a hearing, IDHS approved Medicaid and agreed to re-open the HSP case. (S. Pick)

2. **In re the Matter of H.B.** (Illinois Dept. of Human Services) .We represented a VR client with visual impairments. ORS agreed authorize payment for cataract surgery in the client's Individual Plan for Employment (IPE). The client sought representation because ORS had failed to authorize payment for surgery in violation of its agreement. We met with the VR counselor in an effort to obtain the authorization for payment. The VR counselor agreed to do so, but did not follow through. We filed an appeal. Subsequently, ORS agreed to authorize payment, and completed the necessary arrangements with the medical provider to schedule the surgery. The client had a successful surgery and post-op. (P. Woodson Koffman)

3. **In re the Matter of G.B.** We represented a client of the VR program, who was also a client of an Independent Living Program. ORS denied the client payment for vocational school tuition. When ORS finally agreed to provide tuition, it refused to provide sufficient transportation or tutoring to enable the customer to benefit. We represented the client at an administrative appeal of these denials. While we were waiting for a decision following the hearing, ORS informally agreed to provide these services. However, ORS reneged when an adverse hearing decision was issued. We attended a meeting with ORS to discuss amendments to the IPE and advocated for compliance with previously agreed services, including transportation and tutoring. Instead, ORS decided to close the client's case. We filed another appeal and represented the client at the hearing on the issue of case closure. We received a favorable decision by the hearing officer to keep the case open. (J. Becker and S. Pick)

4. **In re the Matter of V.L.** (Illinois Department of Human Services). We filed an administrative appeal to challenge an ORS decision which inappropriately limited the services our client's child would receive under the Home Services Program. The decision simultaneously gave the child an inappropriately low Determination of Need (DON) score and based on that score, an inappropriately low Service Cost Maximum (SCM). Our client's 9-year old son, Michael, is moderately to mildly mentally retarded. He is blind in one eye with poor vision in the other, has severe asthma, and tracheomalacia, a disease which required a tracheotomy and implantation of a breathing tube which must be regularly cleaned.

Michael's condition is such that he requires constant care 24 hours a day. However, based on the DON and SCM determined by ORS, Michael was approved for HSP services (a personal assistant) limited to 6 hours a day, and for only 5 days a week. Our client was forced to provide care to Michael for 18 hours a day, and 24 hours a day 2 days a week. She soon found herself exhausted and her health deteriorating. She routinely got 3 hrs of sleep at most per night, and more than once went as many as 3 days without sleep. She requested more hours and received an unsympathetic response from ORS.

After the client retained Prairie State, in preparation for the administrative hearing, we asked Michael's pediatrician to score a new DON. He did, giving Michael a much higher score than ORS had done. It was our position that ORS had misinterpreted some of the scoring criteria. ORS had given Michael scores of zero for tasks that they did not think were appropriate to children, such as money management, laundry, and housework. However, the Ill. Adm. Code requires a zero score "if the inability to perform the task relates *only* to the individual's age." Since normal nine-year olds can, to some extent, handle money, help with laundry, and do housework, and Michael can do none of these things, he was clearly being underscored. ORS had also given Michael low scores for "unmet need for care," though there was a genuine question whether the client, in her exhausted state, could adequately meet Michael's care at all times. Following a hearing, the hearing officer issued an opinion giving Michael a significantly higher DON score and a significantly higher SCM, substantially increasing the hours of care paid for by ORS. (A. Baker)

5. **In re the Matter of R. M.** We represented a client of the VR program who has orthopedic impairments. ORS sent him a decision terminating his VR services, claiming that he is unable to benefit from such services. We represented the client at an informal review of his case with the ORS counselor. At that time, the ORS counselor agreed to reinstate the client's services. ORS agreed to provide assistance to the client to enable him to enroll in school at Illinois Central College. (D. Smith)

6. **In re the Matter of N. P.** (Illinois Dept. of Human Services). We represented a client of the VR program with a mental illness when ORS sought to terminate his VR services. Those services had included payment for college courses. Due to the extent of the client's disability, ORS believed that he would never complete his college course and therefore, would not benefit from VR services. The client appealed the termination of VR services, and we represented the client at the administrative hearing. We obtained a favorable decision for the client -- a reversal of the termination. ORS then sought to apply a new administrative rule to the client's case which it used to justify stopping payments for college. Under the rule, the client had to complete an Associate's Degree within a 3 year period, and ORS was predicting that would not happen. We advocated with ORS for what we believed to be the proper interpretation of the rule, and how a termination of this service before the expiration of the 3 year period violated the federal Vocational Rehabilitation Act. We prepared to file a lawsuit for administrative review of agency decision if client was denied academic services due to application of the rule in question, but we convinced the IDHS attorney of the correctness of our position. The client obtained a new written IPE, which provides for tuition, books, supplies for community college courses, and payment for uncovered medical services and medications. We assisted the client in complying with the requirement to apply for financial aid. We also assisted the client with registering for classes. We referred the client to transportation services. The client is doing well at the Community College. He got an "A" and appears to benefit from VR services. (V. Mangosing)

OTHER

1. **A. W. v. Cahaka Properties.** AW purchased her home from a local realty/management company through an FHA loan. The sellers were to make repairs before she bought the home. Upon moving into her home, she realized the promised repairs were not made. The roof was leaking, and had now deteriorated to the point that the roof was falling in the back of the house. A crack in the wall upstairs was now so large that one could see outside. The plumbing was leaking and there was little or no heat coming from the furnace. She repeatedly contacted the sellers, who completed only minor repairs. Prairie State referred AW to *pro bono* attorney Andrew Cassidy. Mr. Cassidy thought that fraud was apparent in this case, and was prepared to hire a professional home inspector to examine the property and identify any needed structural repairs. He was willing to file suit against the seller if necessary, but after spending 30 hours of negotiation, he successfully resolved the issues without litigation. All necessary repairs were made at the seller's expense to bring the home up to code. Because the seller was a management company, their staff made the necessary repairs. We were able to protect the client's investment and made sure that she and her children were living in a safe home. We also sent a message to the management company that they cannot take advantage of low-income people in our community. (S. Crow, PAI Coordinator; Andrew Cassidy, Pro Bono Attorney)

2. **E.M. v. J.S.** (Circuit Court of Peoria County). In a case funded under a CIAA Grant, we represented J.S.. She and her husband had moved to Illinois from Arkansas due to their failing health, in order to be near their daughter. When they were unable to obtain a mortgage in Illinois, their daughter and son-in-law (E.M.) agreed to purchase a property in Illinois for them. They reached an understanding that, although the mortgage would be in E.M.'s name, our client and her husband would make the payments. There was an oral agreement that upon full payment, E.M. was to sign a quit claim deed on the property over to our client. After our client made all of the payments on the real estate, E.M. procrastinated in signing a Quit Claim deed. At that point, the client's daughter signed her husband's name on a quitclaim deed.

E.M. filed suit to set aside this deed and asked to be awarded monetary damages for repairs he made to the house. He began breaking into the home and harassing the client and her husband. The police ordered him to stay away. E.M. also filed suit against a notary public who notarized the document without his presence. The client was represented by a private attorney who withdrew when her money ran out and her health continued to fail. Her husband passed away during the litigation.

After the client was referred to Prairie State, we referred the case to Timothy Howard, who agreed to represent the client *pro bono*. Mr. Howard filed a counterclaim under the Resulting Trust doctrine, asserting that E.M.'s interest of record was only as a trustee for the benefit of client and her husband since he contributed nothing to the purchase or maintenance of the residence. Following depositions, E.M. dropped his claim and in consideration for a dismissal of our client's counterclaim, he delivered a Quit Claim deed of his purported interest in the property. The client now owns her home free and clear of all claims after a lengthy and complex case. We have freed the client from her abusive son-in-law and the harassment she was having to endure. Attorney Tim Howard is be commended for being willing to step into the middle of a complex litigation. (S. Crow, PAI Coordinator; Timothy Howard, Pro Bono Attorney)

NON-CASE ACTIVITIES

BAR ASSOCIATION/ LEADERSHIP ACTIVITIES

1. **Elder Law Section Council.** Larry Smith of the PSLS Waukegan Office is a member of Elder Law Section Council of Illinois State Bar Association. This Section Council meets quarterly to discuss legal issues and litigation related to the elderly. This group is a longstanding committee of the ISBA which undertakes educational endeavors for the legal community and provides comments and recommendations to the Association with respect to laws and issues related to elder law. During the past year, Mr. Smith authored an article published in the ISBA Elder Law Newsletter, titled "Defending Disoriented Persons from Nursing Home Discharge for Non-Payment." (L. Smith)

2. **Paralegal Committee of Kane County Bar Association.** Marcy Heston, a paralegal in the PSLS Batavia Office, is a member of four committees of the Kane County Bar Association - Family Law, Delivery of Legal Services, Continuing Legal Education, and Paralegal. She is also the chairperson of the Paralegal Committee. The Paralegal Committee is in the planning stages for a seminar on "Representing The Hispanic Client." There will be two speakers from the Mexican Consulate, a local immigration attorney, and an interpreter. The seminar will be held September 24, 2002. (M. Heston)

3. **Delivery of Legal Services Committee of the Kane County Bar Association.** Tammie Grossman, the Managing Attorney of the PSLS Batavia Office, is a member of this Committee. Two years ago, the DLS committee decided to structure a program to increase *pro bono* participation by the KCBA members. This would be done by joining efforts between the KCBA, the Kane County Bar Foundation and PSLS. We decided that the KCBA would be the recruiting arm and would be responsible for recruiting members to take cases *pro bono*. The KCBF would be responsible for raising money to increase the number of *pro bono* cases currently accepted by PSLS. PSLS would be responsible for screening clients and matching clients to their *pro bono* attorney. The project is slated to begin in the Fall of 2002. It should increase the number of clients served by our *pro bono* program and should expand the types of cases that *pro bono* attorneys will handle. (T. Grossman)

4. **Knox County United Way Director's Group.** Tracey Mergener, the Managing Attorney of the PSLS Galesburg Office, currently is in a one-year term as the leader of the Knox County United Way Agency Director's group, which has monthly meetings. Ms. Mergener is responsible for running those meetings. After her term expires, she will then be the liaison between the agency directors and the Knox County United Way Board of Directors. (T. Mergener)

COMMUNITY LEGAL EDUCATION/ OUTREACH

1. **Prairie State Revitalizes Presence on the World Wide Web.** For several year now,

Prairie State has maintained a web-site containing basic information about its programs and services. Beginning in 2001, we had the web-site completely redesigned and dramatically improved. The new website www.pslegal.org addresses several different audiences, including:

- A. **Potential clients:** The web-site provides numerous online publications and links to other sources for legal information. The site also provides information on eligibility, case priorities, how to apply for services and information and maps for all Prairie State Offices.
- B. **Contributors:** For those who wish to make a contribution, there is information about the Campaign for Legal Services, online pledge forms, and links to a secure online donation portal.
- C. **Campaign leadership:** Leadership committee members have access to current office statistics, case stories illustrating the work of Prairie State, campaign progress reports and other information they can use when soliciting for contributions.
- D. **General public:** There are numerous opportunities on the web-site for individuals to improve their understanding of the work of Prairie State Legal Services. The number of visitors to the web-site rose from 2,858 in August, 2001 to 4,295 in July, 2002. During the same time the total number of page views per visitor doubled. Continued updates are planned in order to keep the general public, volunteers, donors and potential clients better informed about the work of Prairie State Legal Services. (C. Weickert)

2. **Internet Access to Legal Help.** Prairie State's redesigned web-site at www.pslegal.org features some of our newer legal education publications and will provide a way for persons to print them for their own use or that of their clients. Since it is far easier to update a publication on the Internet than to reprint thousands of copies, future publications will note that updated information will be made available on the web-site. The web-site also provides information about the types of services available, special projects, eligibility, and a means for potential volunteers or contributors to learn more about the organization. Prairie State has been working in collaboration with legal services providers throughout Illinois to create statewide resources. One such resource is www.illinoislawhelp.org. This site will provide a more comprehensive range of legal education resources and self-help materials for people throughout the state of Illinois. This Internet site will also include training information and will eventually include video streaming for certain educational materials. (G. Walsh)

3. **Published Article in Law Journal.** Mark Graham, staff attorney in the PSLS Rock Island Office, has published a research article, titled: "The Domestic Violence Option and Welfare Reform in Illinois," *Journal of Gender, Race & Justice*, University of Iowa (Spring 2002). The article, which is available through Westlaw and Lexis, discusses the adoption in Illinois of new TANF rules relating to "exception to work" and time requirement/cutoffs for victims of domestic violence. The article provides a history and analysis of the manner in which TANF has affected victims of domestic violence in Illinois. (M. Graham)

4. **Senior Citizens Handbook Revised and Expanded.** The Senior Citizens Handbook

is one of Prairie State's most popular publications. During the past year and a half, seven different PSLS attorneys and one paralegal contributed to the revision and up-dating of all twenty-five (25) sections of the *Senior Citizen's Handbook*, covering such subject matter as: age discrimination, health insurance, homeowners rights, landlord-tenant, marriage and divorce, Medicaid, Medicare, Nursing Home residents rights, Circuit Breaker, probate, protection from abuse, Social Security, SSI, public utilities, consumer law, food stamps, guardianship, health care decisions, financial decisions such as powers of attorney and living trusts, emergency financial assistance, veteran's benefits, and Aid to the Aged, Blind and Disabled. The revised handbook, available in September, 2002, is far more comprehensive and detailed than the original and we expect it to serve as an ongoing essential resource for seniors and their advocates. Contributing authors included: Tammie Grossman, Gail Walsh, Larry Smith, Steve Pick, Joyce Bingham, Lori Luncsford, Rob McCoy, Mike O'Connor, and Dave Wolowitz. Dave Wolowitz edited the entire Handbook, with assistance from Sarah Megan, Mike O'Connor, Chris Weickert and William Karr, a professional copy editor. The Handbook is also available on the Prairie State web-site, thanks to the work of Mr. Weickert. The writing of the revised handbook was possible only through the financial support provided by the Retirement Research Foundation. The Laurie J. Cohen Memorial Fund provided a portion of the cost for publishing this handbook. We also must thank the following organizations for their support which enabled Prairie State to publish and distribute this Handbook: Northeastern Illinois Area Agency on Aging, East Central Illinois Area Agency on Aging, Northwestern Illinois Area Agency on Aging, Western Illinois Area Agency on Aging, and Central Illinois Agency on Aging. The cover concept and design was donated by ColinKurtis Advertising and Design of Rockford. (D. Wolowitz, C. Weickert).

5. **Grandparents Raising Grandchildren.** With funding under Title III of the Older Americans Act administered by Northern Illinois Area Agency on Aging, we have been conducting seminars throughout the Rockford office service area regarding the special issues that face grandparents who are raising their grandchild. The seminars are geared either to professionals working with the aging population, or to the grandparents themselves. We have outlined the ways in which grandparents can obtain legal status with their grandchildren, to enhance the children's stability; discussed issues of the children's visitation with their parents; looked at planning for the future in the event of the illness or death of the grandparent; explained the various sources of financial assistance for the grandparents; and explained Illinois law regarding school residency and fees issues. The seminars have been helpful and informative to both service providers and the grandparents. Grandparents have been especially interested in issues regarding planning for the future, and advice regarding resolving problems surrounding visitation by the natural parents. Several families have sought our legal assistance for matters such as adoption and guardianship as a result of the programs. (C. Ritts)

6. **Guardianships, Powers of Attorney and Living Wills.** Tracey Mergener, Managing

Attorney of the PSLS Galesburg office, has provided extensive community legal education, addressing issues relating to obtaining powers of attorney and living wills and requirements for guardianships. She has given talks on this subject matter to the New Horizons Senior Center in Galesburg, to a support group of counselors at the Gordon Behhents Center in Galesburg, which is a senior day care center, and to a support group in Macomb. At each of these talks, Ms. Mergener also addressed the availability of services from Prairie State. (T. Mergener)

COMMUNITY RELATIONS AND INVOLVEMENT/ INTER-AGENCY ACTIVITIES

1. **Board of Directors of The Center for Ethics and Advocacy in Health Care.** Beth

Shay, a PSLS telephone counselor in Waukegan, is a member of the Board of Directors for The Center for Ethics and Advocacy in Health Care, a not for profit agency in Northbrook. She organized the Summer 2002 Student Internship which focused primarily on lobbying for FamilyCare, enrolling families in KidCare and exploring current issues in medical ethics, including the Oregon law on physician-assisted suicide and Darryl Strawberry's problems with the law and his cancer treatment. (B. Shay)

2. **CASA Advocates.** Marcy Heston, a paralegal/PAI coordinator in the PSLS Batavia Office, is a CASA dedicated to the best interests of the children who are the victims of abuse and/or neglect. These children have been taken out of their homes and placed in foster care by the Department of Children and Family Services. She currently has a case involving an adoption of five children by one foster family. CASAs are extremely beneficial to the children we serve. It allows their voices to be heard in court. Otherwise, decisions would be made affecting their lives and they would have no voice in matter. (M. Heston)

3. **Safe Harbor Family Crisis Center Board Chairmanship.** Mark Kelly, staff attorney in the PSLS Galesburg Office, served as Chairperson of the Board of Directors of the Safe Harbor Family Crisis Center. Safe Harbor is the domestic violence crisis intervention agency in Knox County. The board approves the budget for the organization, monitors grant-writing activities, engages in fund-raising, and has been planning to expand the organization's services to include a domestic violence shelter. Safe Harbor continues to be a well-respected part of the local social service community, to meet its obligations under its grants, and to make progress on its shelter project. (M. Kelly)

4. **Winnebago County Association of Legal Secretaries.** Connie Peterson,
Prairie

State's Administrative Secretary, is a member of the Winnebago County Association of Legal Secretaries. The Association offers the opportunity to network with others in the legal field, provides members with workshops and speakers, continuing legal education, community service projects, member recognition, and socialization. Over the years, Connie has been Chair of the following committees: Constitution/Bylaws, Bulletin, Program, Sunshine, and now Publicity. They have monthly dinner meetings (Executive Director Joe Dailing has been a guest speaker) and monthly Legal Education/Mini-Seminar lunch meetings (Rockford Paralegal Joyce Bingham also has been a guest speaker). Connie reports that It has been a great opportunity to meet people and share information about Prairie State and to raise awareness of the important work that we do in the community. She encourages everyone to get involved with similar professional organizations. (C. Peterson)

5. **Waukegan Township Walk for Seniors.** The Waukegan Township Supervisor invited Larry McShane, a paralegal in the PSLS Waukegan office, to participate in the Waukegan Township Walk for Seniors which will be held this September 2002. This Walk for Seniors is a fund-raiser where donors pledge an amount of their choosing to a volunteer walker. The walk is about eight miles long and involves many community groups, elected officials and citizens. The funds raised are used to help senior citizens who have special needs throughout the upcoming year. The goal for this year's walk is \$12,000. The Walk provides an opportunity for a PSLS staffer to meet other community members and share the work we do at PSLS. (L. McShane)

FUND-RAISING

1. **Campaign for Legal Services.** Contributions to the Campaign for Legal
Services

provided the resources to serve 2,945 clients for the 18-month period between January 2001 and June 2002. The Leadership Committees for the Campaigns supporting the Batavia, Bloomington, Kankakee, Ottawa, Peoria, Rock Island, Rockford and Waukegan offices raised a total of \$668,693. Uncertainty surrounding the events of September 11, 2001, and a serious decline in the value of stocks last year made it a difficult time to raise funds, but the Leadership Committees did not falter. These lawyers from the local community committed time and resources to champion the cause of access to justice. Over 100 attorneys are directly involved in the peer-to-peer solicitation that is part of the campaign. They take on the difficult task of asking their colleagues to make a gift. While the percentages vary from office to office, in the final analysis, individual lawyers and law firms continue to be the leaders in support for legal services. Individual attorneys and law firms account for 52.2% of total gifts, corporations 28.3%, special events 10.5%, foundations and trusts 4.4%, and individual non-attorneys 4.6%. All funds raised are used to provide services in the local community. The Campaign for Legal Services affirms the principles of democracy and ensures equal access to justice, by funding legal services for the poor, elderly and disabled. (C. Weickert)

2. **National Fund-raising Conference.** Director of Development and Communications

Chris Weickert was a presenter at the 2002 National Fund-raising Conference for Legal Services Programs in Scottsdale, Arizona. He presented on two topics, Rural Fund-raising and Fund-raising Software for Legal Services. The Conference, at which some 50-60 legal services programs were represented, was a three-day event designed to strengthen and grow funding for civil legal services programs serving low-income clients. Subsequent to the conference, Chris published an article in the September e-journal of the Fund-raising Project titled "Making the Most of Your Website to Raise Awareness and Money for Your Equal Justice Campaign." (C. Weickert)

3. **Legal Aid 2002.** Each year, the Peoria Office holds an event to increase funding

for their local service area. *Legal Aid 2002* was held on Friday, March 1, 2002 at the Par-a-Dice Hotel, East Peoria, Illinois. The Shysters, a band comprised of local attorneys Greg Bell, Fred Hoffman, Mike Lied, Keith Braskich, Jeff Krumpke and paralegal Deborah Pille provided the music. This year's event was attended by 319 people, despite very inclement weather, and we raised \$4,338.68. The band donates their time in a very unique way of providing *pro bono* services to our office. The Par-a-Dice Hotel is very generous in underwriting some of the expense of the lavish appetizer buffet that is available throughout the evening. Various local restaurants donated gift certificates for door prizes. This much awaited annual social event brings much needed funding to our service area. (S. Crow, Pro Bono Coordinator, and L. Wilson, Managing Attorney)

4. **The 10th Annual Legal Follies.** The Rockford office present its 10th Annual Legal

Follies to an audience of 1300 at the Rockford Theater on February 23, 2002. Entitled "Enchanting Tales of the Forest City," the show featured an hallucinogenic trip through Rockford precipitated by the accidental ingestion of lost evidence belonging to the Loves Park Police Department, by the Winnebago County State's Attorney, Paul Logli. He was guided on his trip by Witch Rozelda, played by the Honorable Rosemary Collins, which included an encounter with munchkins and the Mayor of Munchkinland, played by former Mayor Charles Box; a sword fight with Robbing Hood in Demokrat, played by the Honorable Ron Pirrello; a meeting with Winnebago County Coroner, Sue Fiduccia who elaborated on alternatives to divorcing a cheating husband; and a conversation with a cardboard Jim Ryan, which materialized into the real thing. The Steering Committee for the 10th annual show raised \$23,000 in sponsorships and with ticket sales, revenues for the event exceeded \$55,000, to benefit the Rockford office of Prairie State.

Plans are underway for the 11th Annual Follies which will be held February 15, 2003, at the beautiful Coronado Theatre in Rockford. Eighty volunteers were involved in some capacity with the event. Two hundred volunteers and guests attended a post-show party and appreciation event. Prairie State received extensive media coverage on both television and in the local newspaper. Thirteen hundred people saw the show and read in the program about the work of Prairie State. The show netted \$30,000 for the office. (C. Ritts)

5. **McLean County Bar Revue.** The entire PSLS Bloomington office helped put on the fourth annual McLean County Bar Revue, which was held at Bloomington's Radisson Hotel on April 25, 2002. Each year, local legal luminaries, politicians and other members of the community host this theatrical fund-raising event for the Prairie State Bloomington office. This year's theme was "A Bloomington Lawyer in King Arthur's Court" and featured performances by the mayors of both the City of Bloomington and the Town of Normal. The event was the most successful Bar Revue thus far, not only in terms of the funds raised, but also in terms of the good will generated for Prairie State and its work. (A. Anderson)

NEW PROJECTS

1. **The Hamilton Sundstrand Law Fellowship.** Each year Hamilton Sundstrand chooses a United Way agency to be the benefactor of a raffle for H-S employees, which raises between \$10,000-\$15,000. They choose three agencies to compete for the award. Each agency must design a project proposing how they would use the funds, and must make a presentation. H-S chose Prairie State along with two other agencies. We designed the winning project entitled, "The Hamilton Sundstrand Law Fellowship." The Fellowship enables us to hire a NIU law student for a year to help with our domestic violence cases. At the beginning of the Fellowship, the Fellow will be a 2nd year, 2nd semester student who would be eligible for a section 711 license at the end of the 2nd semester, and who would work for us from January –November, 2003, assisting victims of domestic violence with orders of protection and divorces. We are currently in the process of recruiting 2nd year students to apply for the Fellowship. The project has many benefits. First, we are getting the word out about Prairie State to many Hamilton Sundstrand employees. Second, every 2nd year student at NIU is receiving a job announcement, and may begin to envision the importance of legal services work. Third, the Fellow will get a first hand look at legal services and the problems confronting victims of domestic violence. Hopefully, we will be grooming a future legal services attorney, or at minimum, will instill a commitment in a young attorney to participate in a volunteer program as an attorney. Fourth, we will be able to assist more clients with the added staff. (C. Ritts)

2. **Illinois Equal Justice Foundation.** The Illinois Equal Justice Foundation has awarded a grant to PSLS under the Illinois Equal Justice Act, 30 ILCS 765/1 et seq. Prairie State will use the grant to provide increased access to legal services for residents of Livingston County and Woodford County, as well as areas of McLean County outside of Bloomington-Normal. This program has two aspects. First, we provide legal services to senior citizens to address problems affecting healthcare, to provide protection from abuse, to ensure continued income benefits, and to maintain housing. Assistance to senior citizens can range from assistance with obtaining or maintaining Medicare, to assistance with home loans, to assistance with nursing home care issues. Second, we provide legal services for victims of domestic violence, not only to protect them from further abuse, but also to resolve other issues which arise as a result of the abusive situation. PSLS Attorney Deborah Maas is available for consultation with individuals needing legal assistance under this grant at our Bloomington office, and also at the office of Mid-Central Community Action in Pontiac, Illinois. She also is available to give presentations on various legal issues related to the aspects of the program, such as powers of attorney, guardianships, living wills, consumer fraud, and orders of protection. For example, Deb has given presentations to: (1) the Alzheimer's Association at Heritage Manor in El Paso, Illinois discussing powers of attorney, living wills and guardianships; and (2) the Veterans of Foreign Wars Post 1559 and Golden Agers Group in Heyworth, Illinois, discussing powers of attorney, living wills and guardianships. She also participated in the Senior Fair on May 3, 2002 in Pontiac, Illinois. (D. Maas)

PLANNING, PRACTICES AND TECHNOLOGY

Courthouse-based Legal Help.

(1) For a number of years, Prairie State has had an attorney available at each session of the DuPage County Housing court in a collaborative effort with the court. At each session the Judge announces the availability of the Prairie State attorney for low income persons facing eviction. The attorney meets with interested persons and evaluates each case to determine whether there is a valid legal defense to eviction. We provide representation in meritorious cases for eligible persons.

(2) The Nineteenth Judicial Circuit (Lake and McHenry Counties) and Prairie State are working in collaboration to establish a Self-Help Center at the Lake County Courthouse. Prairie State secured funding from the Illinois Equal Justice Foundation which will be used to support staffing and development costs for the center. Plans call for the Center to open in November 2002. The Center will provide resources for people to learn how to handle certain types of cases without an attorney. The initial project will focus on making small claims court easier for people to use.

(3) In the fall of 1997, Prairie State began the Domestic Violence courthouse project based in the Kane County Courthouse. The County Administrator provided Prairie State with office space where the attorneys offer on-site services each day. More than 800 persons seek help in domestic abuse cases each year from this office. Demand for help in domestic violence matters has increased by more than 20% in the last year alone. While Prairie State has sought additional sources of support to add staffing for this project, the opposite has occurred. Department of Justice funding will expire in December 2002 with the possibility of renewal not occurring until June 2003. This will require the elimination of one attorney position. Funding from the Illinois Criminal Justice Information Authority has remained stable, but with increasing costs Prairie State cannot provide the same level of services. Prairie State is seeking volunteer attorneys to help with this project. Unfortunately, eligibility for project services will be limited due to the lack of resources. (G. Walsh)

PRIVATE ATTORNEY INVOLVEMENT (PAI)

1. **Pro Bono Awards in Kankakee County.** On May 1, 2002, the Kankakee County Bar Association held their annual Law Day Activities, titled "Shadow a Lawyer." Nancy Hinton, the PAI Coordinator in our Kankakee Office, presented Pro Bono awards to approximately 17 attorneys for their outstanding *pro bono* work performed over the past year. Tina Olton was awarded the "Volunteer Attorney for the Year." She has been a member of the Volunteer Lawyer Project since 1989, and we presented her with a plaque. We had media coverage, a local newspaper printing Tina's picture and a story about her *pro bono* work. (N. Hinton)
2. **Cooperative Effort with Deere and Company.** John Deere and Company requested the assistance of the PSLS Rock Island office to help form a *pro bono* policy within their corporation, and to arrange referrals of *pro bono* cases to their attorneys. Mr. Marc Howze, an attorney with Deere, met with Cherie L. Myers, the PAI coordinator in our Rock Island office, who provided information regarding malpractice insurance and also provided VLP program attorney registration forms. PSLS Managing Attorney Gretchen Farwell attended a luncheon meeting at Deere and gave a presentation to their attorneys regarding the services that PSLS attorneys provide and the services currently provided by volunteer attorneys. As a result of this effort, Deere and Company has established a *pro bono* policy and we are pleased to announce that we have received 7 new volunteer attorney registration forms from attorneys at Deere. With the help of current volunteer attorneys, our Rock Island office will coordinate training sessions in the areas of law of interest to our new Deere volunteers. (C. Myers)

3. **Pro Bono Attorneys of the Year Awards in Peoria and Tazewell Counties.**

Each

year Prairie State presents awards in Peoria and Tazewell Counties to attorneys for outstanding commitment to *pro bono* activities. In Peoria County, the awards were presented at the Law Day luncheon at the Pere Marquette Hotel in Peoria. There, we presented awards to Sumner Bourne as the Pro Bono Attorney of the Year and to Quinn, Johnston, Henderson & Pretorius as the Law Firm of the Year. Sumner Bourne was honored for being the only attorney for many years assisting our clients with bankruptcies and complex collection issues. We provided to all attendees a list of all attorneys who performed *pro bono* services, and thanked them for their work. In Tazewell County, the award was presented at the Lincoln Day Banquet at the Chateau on the Lake, in Pekin. There, we presented the award of Pro Bono Attorney of the Year to Kirk W. Bode. Kirk has been a long time volunteer and supporter of our services. (S. Crow)

4. **DeKalb County Pro Bono Project.** This PAI Program is almost 20 years old.

Because the attorneys retiring and moving out of the service area are roughly equal to the number of new recruits, the total numbers of *pro bono* attorneys in DeKalb County tends to remain about the same from year to year. Currently, we have 51 volunteer attorneys. Most of our cases involve family law, but unfortunately, less than half of the 51 handle family law. Since last fall, Marge Branson, the PAI Coordinator for DeKalb County, has attempted to call every one of the attorneys who do not currently have a *pro bono* case, in an effort to reduce the number of applicants on the waiting list. In the past 12 months, we have been able to refer 25 cases and close 13 cases. Closing reports indicate that *pro bono* attorneys spent approximately 130 hours on these cases. As we usually do year to year, we recognized the efforts of our volunteer attorneys who have taken *pro bono* cases during the past at the annual DeKalb Bar Association Playday, where we presented a small token of appreciation. This year the event took place on August 9, 2002. (M. Branson)

5. **The Kane County Pro Bono Program Conducts Pro Se Divorce Clinics.**

The Pro

Bono Program of the Kane County Bar Association, in cooperation with Prairie State, held four Pro Se Divorce Clinics and is in the process of scheduling more. These clinics, which seek to enable clients to obtain a divorce without representation, benefitted a total of 15 clients. In each case, there were no children, the respondent could not be located, or the respondent was incarcerated. A local *pro bono* attorney conducted the sessions. We explained to the clients how to complete the various forms, what needs to be filed with the court clerk, what needs to be signed by the judge, and how to proceed with the publication or service. This enabled us to serve clients in a shorter period of time than would have been possible if they waited for an attorney. In the past year, the Kane County Pro Bono program has been able to recruit 24 new volunteer attorneys. There are now 185 attorneys involved in the program. (M. Heston)

6. **Winnebago County Volunteer Attorney of the Year.** The Rockford PSLs office

recognized its Volunteer Attorney of the Year at the Winnebago County Bar Association Law Day Luncheon on May 1, 2002. Kim Timmerwilke was this year's winner. Kim undertook representation of a client whose husband had died and left her as the beneficiary of a modest life insurance policy. The husband's father convinced her to use the money on a down-payment of a house for her and the children of the marriage, but to put the house in his name. She was to make the mortgage payments on the house. She consented to this arrangement, bought a house and moved in. Shortly thereafter, the father-in-law demanded that she vacate "his" house. Kim took up this cause, and brought an action against the father-in-law and logged 65 hours on the case. Although our client ended up moving from the house, Kim got much of the down-payment back for our client. (C. Ritts)

PSLS SPONSORED CLINICS

1. **Powers of Attorney for Health Care/ Living Wills Clinics.** With funds provided

under Title III of the Older Americans Act, we have held numerous clinics in Peoria's Tri-County area to prepare Powers of Attorney for Health Care and Living Wills. Since June 2001, we have completed 18 clinics which have benefitted 96 clients. In addition, we made presentations to various groups regarding the services from Prairie State, particularly services for seniors. Specifically, we made sixty-six (66) presentations to 1,387 persons. We gave pamphlets to 242 meals-on-wheels recipients, and to 35 nursing home social service directors. Persons with health care advance directives are more comfortable and at peace about future health care and end of life decisions. They feel their dignity at those times will be kept intact. Outreach is extensive to seniors in the Peoria office area. (L. Luncsford, H. VanderHeyden)

2. **Spanish Advice Clinic and Small Claims Advice Clinic in Lake County.** Each clinic

meets once a month staffed primarily by volunteer attorneys under the supervision of Larry Smith, a senior staff attorney in the Prairie State Waukegan Office. The clinics have been ongoing since 1996. We serve all persons who walk-in and are otherwise eligible. (L. Smith)

TASK FORCES

1. **Statewide Family Law Task Force.** The Statewide Family Law Task Force met as

a group at the Reddick Mansion in Ottawa on October, 2001. Approximately 20 people attended. Issues discussed included case law, legislative updates, domestic violence and immigrants. (G. Farwell)

2. **Statewide Senior Task Force.** Larry Smith of the PSLS Waukegan Office is the Co-Chairperson of Statewide Senior Task Force. This is a longstanding group of mostly legal aid attorneys who meet 3 times yearly and exchange the latest information in legal issues, laws, regulations and strategies to address legal problems for senior citizens. (L.Smith)

TRAINING

1. **Elder Law Training for PSLS Staff**. With funding from the Retirement Research Foundation, PSLS conducted a two-day major training event on December 4 and 5, 2001, for the benefit of Prairie State staff, covering a broad array of elder issues. Twenty-seven (27) staff including both attorneys and paralegals attended this event. The first day of the event was entitled “**Keeping the Client’s Home: Legal issues which threaten home ownership**” and presented a hypothetical case situation involving a door-to-door home improvement scam and a predatory loan and mortgage foreclosure, and presented hypothetical loan documents signed by a senior. The trainers described how to evaluate such documents and discussed the issues, claims, defenses and strategies in connection with the scam and foreclosure, including a discussion of the new Illinois Anti-Predatory Lending Rules. A second session provided additional training on reverse mortgages and real estate tax relief. Day Two of the event was entitled “**Helping seniors to obtain the services required to remain in their homes.**” On that day, during a third session, we provided training on Medicaid home health care benefits, the Community Care Program, the right to services in the most integrated community setting, Medicare Home Health benefits, and other means of financing home care. The fourth session provided training on guardianship and alternatives to guardianship for decision making assistance, and on preventing Elder Abuse, neglect and financial exploitation. PSLS produced a comprehensive set of training materials on each of the subjects presented at the training. The training provided to Prairie State staff as a result of this project has enabled the organization to enhance the expertise of staff in key issues facing senior citizens. (G. Walsh, D. Wolowitz, L. Smith, S. Megan, J. Bingham, S. Pick, M. O’Connor)

2. **Litigation Skills Training.** Prairie State held a 4 day training event for its latest class of new lawyers at Bishop Lane Retreat House near Byron, Illinois, in March, 2002. A group of experienced litigators provided an intensive and practical skills training experience for some 17 new lawyers. The training requires the participants to perform on their feet many times. The ratio of trainees to trainers is low, so there is opportunity for lots of personal contact with trainers and significant feedback and instruction from them. The goal of this training is to assist the new lawyers in developing and improving their skills in client interviewing, developing a case, drafting pleadings, using formal and informal discovery, negotiating, successfully introducing various items into evidence at an evidentiary hearing, making objections, and conducting direct and cross examination. Principal trainers were Bernie Shapiro and Dave Wolowitz, with assistance from Joe Dailing, Eliot Abarbanel, Gretchen Farwell, Judy Goode, Sarah Megan, Tracey Mergener, Mike O’Connor, Marcia Pierce, Linda Rothnagel, Dan Smith, Larry Smith, Rose Willette and Lisa Wilson. (D. Wolowitz)

3. **Client Board Member Training.** Verlene Mullen, Maria Glisson and Marge Donaghue, all Client members of the Prairie State Board of Directors, attended a three day client training sponsored by the Georgia Clients Council.

SPECIAL PROJECTS AND SERVICES

THE TELEPHONE COUNSELING SERVICE

The Telephone Counseling Service provides most of Prairie State's advice and intake services. The Service was launched in November, 1996 and expanded in 1999 to provide such services for all PSLS offices. In the past year, we added our new Galesburg service area. The service is currently staffed by 17 lawyers, each working half-time. Two of the lawyers are fluent in Spanish and assist callers who are Spanish-speaking only.

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

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

DCFS SPECIAL EDUCATION PROJECT

Since 1994, PSLS has maintained a special project to deliver legal services to children, between the ages of 3 and 21, who are wards of DCFS, and who need legal services to secure and protect their rights to special education and related services. Funding for this project comes from the Illinois Department of Children and Family Services, which has a contract with Land of Lincoln Legal Assistance Foundation. PSLS sub-contracts with Land of Lincoln to provide legal services throughout our entire geographical service area.

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

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

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

In 1999, the project expanded to include referrals from DCFS of cases in which their wards are subject to expulsion by their local school districts. It is not a pre-requisite for acceptance of the case that the child be eligible for or receiving special education services.

HIV/AIDS LEGAL SERVICES PROJECT

Since April, 1995, PSLS has maintained a project to deliver legal assistance at no cost to persons who are HIV+ or who have AIDS. Eligible clients under this Project must demonstrate an income at or under 200% of the federal poverty level, must document their medical serostatus, and be a resident in one of the PSLS counties where Project services are available. At the present time, the Project serves all PSLS counties, except Kankakee, Iroquois and Livingston. Funding for the Project comes from Title I and Title II of the federal Ryan White HIV CARE Act, and from funds made available through the Housing Opportunities for Persons With AIDS (HOPWA) Act. Funds are administered by the Chicago Department of Public Health for an 8-county extended metropolitan area around Chicago (the so-called “collar counties”). Funds for the remaining counties are provided by several different regional HIV consortia. These consortia are programs of the Winnebago County Health Department, the Rock Island County Health Department, and the Peoria City/County Health Department.

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

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

LEGAL SERVICES FOR ORS CUSTOMERS

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

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

All clients eligible for legal services under this project are collectively referred to as “ORS customers”. This project serves every county in the Prairie State service area.

Funding for this Project comes from a contract with the Client Assistance Program (CAP), a semi-autonomous division within ORS, which is legally mandated by the federal Rehabilitation Act to provide independent advocacy services for ORS customers. The legal services available from this project allows CAP to appropriately meet this legal mandate. It allows ORS customers an alternative to CAP advocates (non-attorneys) for consultation and representation. Finally, it provides CAP personnel and advocates a resource for legal consultation.

For ORS customers, the normal financial eligibility criteria does not apply in the determination of eligibility for PSLS services. PSLS accepts all referrals from CAP, except to the extent the customer complaint is frivolous or there is a conflict of interest or other ethical problem.

The scope of work under the Project includes: (1) providing legal information, counsel and advice; (2) advocacy and negotiation services on behalf of ORS customers receiving VR or HSP services directed to ORS counselors, supervisors, service providers, or other interested or involved parties; (3) representation at Level I and Level II Hearing Appeals; (4) representation at the Director’s Review Level; (5) court action, including Complaints for Review by Common Law Certiorari. We also provide program advice to CAP and ORS on systemic problems and issues that adversely affect clients. Finally, PSLS will provide information to clients about outside resources and will make appropriate referrals, to the extent that needed services are not appropriately delivered by PSLS.

DCFS GUARDIANSHIP PROJECT

This project is an extension of services which DCFS offers to families in connection with its Extended Family Support Program. That Program of DCFS is designed to provide short-term support and services to individuals who have been providing care to related children outside the welfare system. The idea is to keep children who do not have protective needs out of state custody by providing the family with supports needed to maintain the children's living arrangements. One of those supports is legal assistance to obtain guardianships.

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

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

SENIOR CITIZENS' PROJECT

Prairie State receives special funding from Area Agencies on Aging through Title III of the Older Americans Act to provide legal services to persons age 60 and older. Senior citizens in that age group are served regardless of income or assets. However, project services are focused to serve the needs of senior citizens who are in the greatest social and economic need. Typically, cases in the Project surround such issues as: (1) health care and insurance, including Medicare and Medicaid; (2) Social Security; (3) elder abuse and financial exploitation; (4) housing issues; (5) nursing home issues; and (6) legal assistance to preserve the personal autonomy of seniors. Project attorneys assist seniors in preparing Powers of Attorney or living wills and counsel couples when one spouse requires nursing home or home health care. As resources permit, a range of other services are offered. The project is available throughout the Prairie State service area.

DOMESTIC VIOLENCE VICTIMS' CIVIL LEGAL ASSISTANCE GRANT PROGRAM (VAWA)

With funding from the U.S. Department of Justice under the Violence Against Women Act, we are able to expand direct legal assistance to domestic violence victims on a range of civil law issues impacting on victims' abilities to provide a safe, secure, and stable living environment for themselves and their children. Currently, we administer this project in 20 counties served by the following offices: Rockford, Peoria, Batavia, Kankakee and Ottawa. Services for victims include: obtaining emergency orders of protection or plenary orders of protection, or both; obtaining some other protective order; providing advice or brief services on a family matter; obtaining a divorce; obtaining, preserving or increasing child support; obtaining a public benefit; assisting in matters relating to housing. This funding allows us to serve hundreds of additional victims per year.

Under this project, we also have collaborated with Northern Illinois University (NIU) College of Law to establish a for-credit experience for third year law students that includes clinical experience and classroom instruction on law and domestic violence issues. Students provide advocacy services to victims of domestic violence and gain practical experience representing victims of abuse in Order of Protection hearings and other related matters under the supervision of PSLS attorneys. The law school class and corresponding clinical program started in January, 2000, and has continued through the present. In the classroom component, topics focused on the substantive and procedural law in Illinois relating to domestic violence and divorce. Related topics included: interviewing, counseling, safety planning for clients, client management, and negotiation. Additional topics also included the following: direct and cross examination, evidentiary foundations, record-keeping, timekeeping, and courthouse procedures. Ethics and professional responsibility were also frequently addressed, including confidentiality, the attorney-client relationship, client perjury, and conflicts of interest. In the clinical component, students assist victims of domestic violence. While most of the students' legal work involves assisting clients in obtaining emergency and plenary order of protection, the students provide other legal services to victims. Such representation can involve assisting clients with divorce, custody, support, visitation, property and housing issues.

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

LOCAL PROJECTS

KANE COUNTY DOMESTIC VIOLENCE PROJECT

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

VICTIMS OF CRIME ACT (VOCA) PROJECTS IN ROCK ISLAND AND OTTAWA OFFICES

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

LAKE COUNTY HOMELESS SERVICES PROJECT

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

DUPAGE COUNTY HOMELESS SERVICES PROJECT

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

DUPAGE COUNTY HOUSING COURT PROJECT

This project places attorneys in all sessions of housing court to provide representation to persons threatened with homelessness in DuPage County. Project services include representation of eligible clients in court and before administrative agencies, and legal counseling. The Project benefits approximately 2700 individuals per year. It is funded with Community Development Block Grant (CDBG) funds. The efforts in court are primarily directed toward preventing evictions and the illegal lock-out of tenants. Each session, a PSLS attorney is situated directly in the courtroom, in order to be available for immediate representation of tenants undergoing the eviction process. At the beginning of each session, the judge announces that free legal representation is available from the project attorney. The project attorney then meets with all individuals who seek assistance. The attorney determines whether the individual is eligible and will provide advice concerning the best way to proceed. If there appears to be a meritorious defense to eviction, an appointment will be set up at the PSLS office. The judges make a practice to postpone the proceedings where we agree to represent the client to allow the PSLS attorney sufficient time to prepare. After the appointment and an investigation, PSLS will undertake full legal representation where it is warranted by the facts and the law. This includes representation at trial and pre-trial. The project also represents low income homeowners undergoing foreclosure, and provides representation before administrative agencies to secure government benefits (or prevent their loss), including federally subsidized housing benefits. Such representation frequently means the difference between homelessness and living in decent housing. The project attorney is Bob Torbett.

Income Guidelines: We can advise, represent, and negotiate for housing court clients whose incomes are up to 187.5 % of the federal poverty level. We can provide advice only to clients whose incomes are above that level but no greater than 80% of the Median Family Income, the CDBG income standard. We do not charge any fee to clients.

OTHER LOCAL PROJECTS

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

- DuPage County Disability Advocacy Project
- Lake County Disability Advocacy Project
- Lake County Homelessness Prevention Project
- McLean County Domestic Violence Project
- McLean County Disability Advocacy Project
- Rock Island County Post-Decree Project
- Rock Island Homelessness Prevention Project
- Rock Island 708 Project for People with
Mental and Developmental Disabilities
- Grandparents Legal Assistance Project
(for grandparents age 60 and over)
(not available in certain counties served by PSLs offices in Galesburg,
Peoria, and Rock Island)
- Caregiver Legal Assistance Project
(for persons caring for persons age 60 and over)
(available only in Lake, McHenry, Kane, DuPage Kankakee, Kendall, and
Grundy Counties)

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