



PRAIRIE STATE LEGAL SERVICES
Equal Access to Justice

THE PRAIRIE FIRE

The docket of noteworthy cases and
accomplishments of Prairie State Legal
Services, Inc.

May, 2020

ABOUT US

Prairie State Legal Services is the only provider of free civil legal aid in the majority of our 36-county area. We maintain eleven offices throughout our service area--in Bloomington, Galesburg, Joliet, Kankakee, McHenry, Ottawa, Peoria, Rock Island, Rockford, Waukegan, and our new West Suburban office in West Chicago. We provide legal services for low-income persons, people with disabilities and those 60 years old or older who have serious civil legal problems and need legal help to solve them.

EDITED BY:

David Wolowitz
Associate Director



A Note from Michael O'Connor, our Executive Director



The Prairie Fire is our periodic narrative report of the work of Prairie State Legal Services. These stories, kept short by design, offer a deeper understanding of the challenges commonly faced by low-income persons, and the role of civil legal services in helping our clients meet their basic needs. Most all of the cases you will read here are notable because they result in a significant outcome for the client or client community or because of the scale of the effort required to obtain a just result. Many involve an interesting legal or

factual issue, and have very sympathetic facts. Often, you will find something about the clients themselves that makes the case notable. You won't find many cases here that some find simple or routine, such as securing a divorce or representing a client in an eviction, yet Prairie State lawyers handle those cases every day and the impact for our clients and their families is often life changing. Prairie State is committed to providing high quality client centered service to our clients, and I am proud and grateful for the excellent work performed by all of our employees.

Prairie State staff members work to make sure that our civil justice system is accessible to all, particularly for people disadvantaged by poverty. However, we have the resources to meet only a fraction of the need, and so we are grateful for the many private attorneys who volunteer to help meet the need. These *pro bono* efforts enable us to serve far more clients and help to close the justice gap. Because volunteers are our partners in justice, we have included some case summaries where volunteer lawyers represented clients applying to Prairie State for help.

Although not a focus of this docket, the work of Prairie State Legal Services extends beyond representing individual clients. For example: our staff members provide community legal education and work to promote justice with client groups and with our colleagues in the organized bar; we collaborate, both formally and informally, with social service agencies that help our clients with non-legal problems; our Telephone Counseling Service, our intake and advice unit, provides legal advice for those many clients whom we cannot represent with extended service.

The current COVID crisis has plunged many people into poverty, and greatly increased the demand for civil legal aid. I hope these stories will give you a more complete picture of what it is to be poor and vulnerable in America today, and the important role of legal aid as part of the social safety net, especially as we enter this new era of unprecedented need.

The Prairie Fire is assembled and edited by David Wolowitz, Prairie State's Associate Director, who ensures these stories are told. Thanks, Dave, once again.

Mike

Foreclosure and Home Ownership

The Hardest Hit Program Offers Advocacy Opportunities to Save Clients' Homes

Client's Mortgage Reinstated Through Hardest Hit Program For Client with Disabilities. Client is 59 years old and divorced, unable to work due to physical and mental disabilities. The court entered a foreclosure judgment against her home by default. She had applied for the Hardest Hit Program, which could have avoided foreclosure, but was not expecting an answer for another six weeks. By that time her redemption rights would have expired and her home could have been sold in the foreclosure sale. PSLS helped the client with a Motion to Vacate the default judgment which gained time in the foreclosure process. We then advocated with the Hardest Hit program to expedite approval. With our advocacy, the Hardest Hit Program and the servicer approved the HHP application. The lender reinstated the client's mortgage with over \$15,000 of HHP funds. The Client's home was saved from a foreclosure sale and her equity was preserved. 19-0478603

Successful Advocacy with Hardest Hit Program for DV Victim Who Could Not Produce a Divorce Decree. Client, a domestic violence victim with a young child, was going through foreclosure. She applied for the Hardest Hit Program (mortgage assistance to avoid foreclosure) but was denied because she could not produce a divorce decree, as the estranged husband was dragging out the divorce. PSLS advocated with the state agency that administers Hardest Hit. The agency ultimately approved the client for the Program based on our showing that the client was a domestic violence victim and that her husband was not an owner of the property. The foreclosure case was dismissed. 19-0477996

PSLS Advocates for Loan Modifications and Uses Creative Advocacy Approaches

PSLS Helps Senior Client Obtain Loan Modification to Save Home. Client is a senior citizen with a low fixed income. He was in foreclosure after getting behind in his mortgage payments due to a banking error, and was unable to get caught up. PSLS helped him apply for a loan modification. PSLS also asserted a defense and counterclaim in his foreclosure case - a violation of the Illinois Interest Act based on prohibited late fees and pre-payment penalties. The Illinois interest Act is very complicated and our Legal Help for Homeowners Program has done a fair amount of research on it. Client was approved for a modification that significantly reduced his monthly payment. He did not want to pursue his counterclaim as his goal of keeping the house had been accomplished. 19-0479023

PSLS Arranges a Short Sale of Client's Home and a Bankruptcy To Protect Client's Wages. Client is 80 year old senior who came to PSLS because Social Security was garnishing her wages. This was due to a default on a USDA mortgage loan on a home that she was no longer living in. PSLS advocated with USDA to allow client to do a short sale of that home. If short sale was not allowed, PSLS told USDA that we would file a Chapter 13 bankruptcy and force the house back onto USDA against their wishes. USDA approved the short sale. A volunteer attorney handled the closing which was a good collaboration between PSLS and the local bar association. Another volunteer attorney helped client file for bankruptcy because USDA was still garnishing client's income. 17-0432115

PSLS Prepares Its Own Loan Modification Document. The client is a married father and a veteran. His foreclosure had been resolved by an unaffordable loan modification agreement he felt forced to accept in mediation. Client fell back into foreclosure. PSLS was able to negotiate a new and affordable modification because there had been many errors committed by several different servicers in connection with his loan and the original offers of modification. During negotiations, the servicer claimed they don't do modifications and instead offered an onerous forbearance agreement (an agreement to postpone, reduce or suspend payments on the loan for a limited time). We advised the client not to sign it as it would have been unworkable and waived all of his rights. Instead, PSLS prepared our own modification document for the servicer to consider, while also posing several affirmative defenses. The servicer accepted the modification PSLS drafted. The client now has an affordable payment and is out of danger of foreclosure. 17-0439875

Other Highlights:

➤ PSLS helped client prevent a foreclosure, pursue a loan modification and obtain an IL Hardest Hit Program loan. The Client was married but living apart from her husband. Normally, this would require his involvement to obtain IL Hardest Hit approval. However, the Client had an order of protection against her estranged husband so we successfully advocated with IL Hardest Hit and the sponsoring agency to apply an exception in order to prevent discrimination against victims of domestic violence under the Illinois Human Rights Act. 19-0470517

➤ PSLS prevented a loss of client's home through foreclosure which was just days away from a Sheriff's sale and the end of his redemption period. This involved helping the client file appropriate motions and pleadings and challenging the bank's motion for summary judgment. PSLS filed a motion to stay the foreclosure proceedings to allow for the Client to be properly evaluated for loss mitigation options that would prevent foreclosure. Ultimately, client's home was saved with a loan modification. 17-0445527

➤ Our elderly client was facing an eviction from his condo for past due homeowner association (HOA) fees. The client suffered a stroke, has diabetes, had other on-going health issues, and was hospitalized for pneumonia. The HOA was demanding that the bill be paid in full, which the client could not afford. PSLS negotiated a payment plan with the HOA. We kept negotiating until the HOA came up with an offer that was affordable and which enabled the client to keep his condo and still pay his light and gas bills. 18-0465785

Bankruptcy

During the period of this report, PSLS handled bankruptcy cases to save clients' homes

Bankruptcy Helps Client Get Into Low Income Housing. The client whose only source of income was disability benefits, wanted to be able to move and put utilities in her name. Due to her large outstanding debt, she could not get into low income housing. A volunteer attorney filed a Chapter 7 bankruptcy for her. The Bankruptcy Discharge included over \$28,500 of debt which allowed the client to get into low income housing and put utilities back in her name. 19-0471907

PSLS Uses Bankruptcy to Help Client Get Current on Mortgage and Strip Second Mortgage. The client was behind on mortgage payments. He also had a second mortgage. PSLs filed a Chapter 13 bankruptcy which successfully stripped off the second mortgage (over \$59,000). He was able to become current on the regular mortgage. Including the second mortgage, PSLs discharged about \$71,105.22 of debt. We also advised client how to apply for the senior property tax exemption. 16-0416230

PSLS Saves Client's Home From Unpaid Property Taxes. Client was losing her home to unpaid property taxes. She fell behind on the taxes due to untreated diabetes. She also had a tax lien on her property for over \$10,000 (for un-filed tax returns for 2005). Our Low Income Tax Clinic filed her 2005 taxes proving she actually did not owe any taxes for that year, and removed the lien. Our Legal Help for Homeowners Program filed a Chapter 13 to handle repaying the property taxes. In this way, the client preserved the equity in the home. 16-0422164

Chapter 13 Prevents Client's Eviction and Saves Her Life. Client, a senior in poor health, was losing her home due to unpaid condo association dues, fees, and penalties. PSLs filed a Chapter 13 bankruptcy shortly before she was to be evicted. She was able to repay the past due fees through the plan. But filing the Chapter 13 also helped save her life! Because she was not evicted, her mail delivery person noticed that she was not picking up her mail and asked for a well-being check. The client was seriously ill and bleeding internally. Client believes that the mail woman saved her life. She is now in an assisted living facility and is getting the care that she needs. 17-0434057

Other Highlights:

➤ Client was losing his home in foreclosure due to unpaid property taxes. PSLs helped him file a Chapter 13 bankruptcy to repay the taxes and handle other bills. When the client lost his job near the end of the case, PSLs worked out a repayment plan with the bankruptcy trustee by deferring some of the payments until he was 62 and could collect early retirement. At the end of the plan, in order to pay the trustee and a new round of property taxes, PSLs helped client obtain a grant from the Miller Foundation, a private family foundation that offers one-time assistance that can help our clients out of a crisis. 13-0354660

➤ A housing authority (HA) was terminating client's voucher for not scheduling an inspection. The client was avoiding scheduling because her electricity was off and she owed \$3500 to ComEd. A tenants failure to maintain utility service is a basis for termination the housing subsidy called a Section 8 voucher. We know that the loss of this housing places people at very high risk of homelessness. PSLs filed bankruptcy and got the electricity turned back on. Once the electricity was back on, the HA did an inspection, confirmed the electricity was on and withdrew its intent to terminate the voucher. Client was able to keep her Section 8 voucher. 18-0464838

Social Security and SSI (Supplemental Security Income)

PSLS Prevails in Multiple Appeals to Overcome Termination of SSI Benefits for Five Year Old Child. A five-year old child received SSI benefits due to multiple birth defects causing difficulty walking, doing fine motor activities, and forcing her to eat through a feeding tube. Nevertheless, Social Security terminated her SSI benefits, claiming that her health had improved, and her mom appealed. PLS represented the parents on the appeal and won. The child started receiving the full monthly benefit amount again and a back award of \$12,425. PLS also successfully appealed the size of the back benefit amount, gaining the client for four additional months of benefits. PLS also appealed a notice of overpayment and won again, because Social Security had calculated the overpayment too high and had to issue a refund. But for all this advocacy, the child would have been without benefits going back to August 2014. The father worked but his earnings placed the family at 50% of the federal poverty level. The disability benefits for this child helped the family meet her basic needs and pay for her medical and educational expenses. 14-0388914

Novel Argument Helps Client Receive SSDI. Client is a 39 year-old man on SSI with severe mental disabilities, including schizophrenia and an IQ of less than 70. SSI is a welfare program providing disability benefits to low income persons who do not have a work history to qualify for Social Security benefits. However, if it can be shown that the person became disabled before age 22 the person can obtain Social Security Disability Income (SSDI) benefits based on the earnings of a parent. His sister applied for him to receive the additional income based on his father's employment record. PLS helped the client appeal an adverse ruling on that application. We needed to prove that the client had a qualifying disability before the age of 22. However, we could find no medical records back that far. PLS argued that client must have had such a disability before age 22 by establishing that no one has such a low IQ that would have started after age 22, given no evidence of traumatic brain injury. Client now receives SSDI based on his father's record, This increased the funds available for living expenses. 18-0465976

PSLS Helps Stage 4 Lung Cancer Patient Get SSI. This client was homeless and had been diagnosed with stage 4 lung cancer, was denied SSI disability benefits. PLS discovered a mistake that a caseworker made on his initial application that had led to the denial. We completed a new application for SSI and asked SSA to expedite it due to the severity of the client's condition and that he was going through chemotherapy while living at a homeless shelter. Social Security approved the application 2 weeks later. Client then moved to a long-term care facility, which lead to SSA imposing an overpayment charge. We were able to get this overpayment waived on the grounds that the client timely informed SSA of his move to the long term care facility timely and that due to his homelessness he could not afford to pay back the overpayment. 18-0467833

PSLS Obtains Survivor Benefits for Child by Proving Paternity of Murdered Dad. The client was denied Survivors Benefits for her son who was 7 months old when his father was murdered in front of the family home. The denial was due to lack of proof of paternity. The dad had never signed a Voluntary Acknowledgment of Paternity and his name was not on the birth certificate. Because the dad's death was the subject of an open murder investigation, the coroner still had the blood/tissue samples. PSLS initiated a successful action to establish paternity using those samples and a DNA test. The client then won her appeal of the denial and will get benefits for her son until the son turns 18 or graduates from high school. The client received back benefits of over \$16,000. It had been difficult for the client to come up with the \$400 for the DNA testing so this outcome was life changing. 18-0450647

PSLS Proves Client's Disability Before Age 22 to Increase Benefits and Qualify for Medicare. Our client was 13 when diagnosed with Schizoaffective Disorder Bipolar type, but did not apply for or receive SSI until age 28. After her adoptive mother retired, she applied for a children's benefit on her mother's employment record, not only for the additional income, but to qualify for Medicare. SSA denied the children's benefit having determined that there was not sufficient evidence that the client had become disabled before age 22. We discovered that the client had been admitted to a psychiatric hospital four times for periods of acute mania or self-harm between the ages of 13 and 22. We located a doctor who treated the client as a teenager and provided evidentiary support that the client had a qualifying disability at that time. We found additional records showing a long childhood history of self-harm, delusions, hallucinations, emotional isolation, panic attacks and more. After filing an appeal and submitting all this evidence to SSA, the client received a fully favorable decision. Her monthly benefit was increased and she started to receive Medicare which meant her parents no longer had to pay for psychiatric visits. 16-0419924

PSLS Restores SSI Disability Benefits By Proving Home Should Not Be Counted as a Resource. Client has physical disabilities and limited ability to express himself. He lives 45 miles from the Social Security office. All of this caused him to be late appealing a termination of his benefits (the family's only source of income). He was allegedly over the resource limit based on the market value of a home that he was not living in. The client had bought the house for \$5400 years ago believing he could make it habitable, but he had never accomplished this. SSA also imposed an overpayment. PSLS successfully argued that the late appeal should be considered timely based on actions by SSA that contributed to the client's confusion. At the ALJ hearing, PSLS proved through photos and documents that the home had no value at all based on its deteriorating condition and being open to the elements. We presented tax deed case documents where the sale was declared in error because the residence was considered uninhabitable. We argued that the home was still client's principal place of residence and should not be a countable resource because he intended to return to live there, if possible. It was on this latter basis that the ALJ determined that the home should not be a countable resource. The overpayment was removed and the client became entitled to several months of back payments totaling over \$5,000, which the client used to get current on his rent and car insurance. 18-0457437

PSLS Reinstates Senior's Retirement Benefits That Had Been Stopped Due to Old Arrest Warrant.

Due to a 30-year-old outstanding warrant from another state, Social Security informed our senior client they would stop paying her retirement benefits and that she would owe approximately \$9,000 in back payments. This case was very important to client as she had lost her job and Social Security was her sole source of income. Her warrant was not from a violent crime; it was issued only because she had missed a court date. While Social Security was technically allowed to withhold her benefits for this type of warrant under their rules, she had a right to request a good cause exception to explain why the old warrant had never been satisfied. PSLS represented the client in making a good cause request. The client's retirement benefits were reinstated, the overpayment was removed and she received a back payment of \$23,384.00. Client reported that this will have a huge impact on her life. 17-0439989

PSLS Restores Client's and Children's Benefits By Proving That Her Employment was Subsidized.

The client received notice that her SSA disability benefits for herself and the dependent benefits for her children were being stopped because the client was allegedly engaging in substantial gainful employment (SGA). She was also charged with an overpayment. PSLS represented the client and filed a request for reconsideration because the employment was subsidized based on her disabilities, and therefore not SGA. A subsidized employment program provides income support to people with disabilities who cannot find jobs in the regular labor market. As proof, PSLS obtained a completed work activity questionnaire from the employer. The client obtained a favorable decision from SSA, the overpayment removed, and her benefits and her children's benefits were restored. 19-0472003

PSLS Restores Retirement Benefits for Senior Client Who Farsi Language Caused a Miscommunication with Social Security. Our senior client who speaks only Farsi applied for SSA retirement benefits. He receives small payments totaling 455,000 Rials (about \$13/per month US) from a government subsidy program in Iran. During his oral application taken at SSA, he self-reported this income, but due to his limited English, SSA entered this income as a \$400/month foreign pension. This triggered a Windfall Elimination Provision (WEP), reducing his approved retirement benefits from \$723 down to \$297. Client could not obtain documentation from Iran to show the actual payment. PSLS represented the client in filing a Request For Reconsideration, and later a request for hearing with an ALJ. Because there was no proof available from the Iranian government, we had to get creative in putting together credible evidence of what those payments were. We submitted scholarly sources and news articles explaining the Iranian subsidy program, screen shots from the Iranian online portal where the subsidy payments are managed, and currency exchange information. PSLS also wrote advocacy letters explaining the nature of the subsidy program, the corrected exchange rate, and that WEP does not apply. SSA agreed to adjust the income amount and properly categorized it so that WEP no longer applied. Client received an increase from \$297 to \$723 per month in retirement benefits, and received back pay of \$5,398. 17-0436436

Other Highlights:

- Our client was deaf with an IQ of 70. PSLs successfully overturned a disability benefits termination by obtaining opinion letters from two therapists and letters from the job counselor at the sheltered workshop where client was employed. These letters demonstrated that our client did not have the ability to meet the demands of unskilled work, as he was unable to deal with coworkers and supervisors, and needed closer supervision and support than is available in competitive employment. Client retained his benefits. 15-0396674
- PSLs won a benefits termination hearing for a housebound client who relies on counseling from an agency to get through the day. Critical to winning was working with community support people from the agency who documented the client's severe anxiety and inability to function on her own. Client received back benefits and ongoing monthly SSI (\$771). 16-0430933
- Client, a retired public school teacher, collected Social Security benefits based upon her spouse's benefits. SSA imposed a large overpayment over \$23,000. Client requested a waiver of the overpayment, which SSA denied. PSLs represented the client at a hearing to challenge the denial. PSLs won the hearing by proving that SSA and not the client was at fault in causing the overpayment and that imposing an overpayment would cause a hardship to the client. SSA returned over \$4,000 that it had previously recovered. 17-0433238
- Our client is a child born with birth defects resulting in delayed cognitive, speech and gross/fine motor skills development. PSLs appealed a denial of child SSI disability benefits. After gathering and submitting medical evidence, school records and progress reports from each of her various therapies, and outlining the evidence in a detailed brief, PSLs proved the child met the listing of impairments as well as its functional equivalents. The child was approved for over \$26,600 in back benefits and an ongoing award of \$771 per month. 17-0435139
- Social Security terminated client's SSI benefits because they believed she owned a house in Cook County that she was not living in that put her over the SSI asset limit. PSLs proved identity theft and that the client was not the owner of that home. SSA reversed the termination, made the client eligible for continuing benefits and a back payment for the months they had stopped payment. 18-0454688
- Client is a senior with a severe bipolar disorder and major depression which affects her ability to concentrate on work. She had been let go from her long-time job as a part-time circulation desk attendant at her local library. SSA denied client's initial application which had found client was able to perform her past work. PSLs successfully got SSA to reconsider that denial. PSLs and a volunteer attorney obtained medical evidence for client as well as employment records detailing the client's disability. Client was approved for \$860 in monthly ongoing disability payments. 18-0465173

Other Income Maintenance

PSLS Succeeds in Reversing Termination of Medicaid and Significant Reduction in Food Stamps. Client appealed a notice from DHS reducing his SNAP (food stamps) from \$328 to \$15 per month. The notice also terminated his Medicaid benefits. At the hearing, PSLS proved that DHS failed to include shelter and medical expenses in the SNAP calculation. As a result, the client's SNAP benefits were restored nearly in full. PSLS also proved that the client met his spend-down for Medicaid and Medicaid benefits were reinstated. This outcome enabled client to purchase groceries and go to the doctor knowing his bills would be paid. 18-0465364

PSLS Helps Family Lacking Permanent Resident Status Get Public Benefits. Client is a U-Visa approved applicant. A U-VISA permits an immigrant without permanent resident status to stay in the country because he or she is a victim of crime and may be working with law enforcement. It is available to victims of human trafficking and domestic violence. She was applying for Food stamps, medical card, and TANF while awaiting her green card. The lack of permanent resident status was holding up her benefits. PSLS advocated with DHS to approve her case because the client qualified for these benefits even though she had not yet been granted a green card. As a result of our advocacy, the client and her two minor children were approved for food stamps, medical cards, and TANF. 18-0460373

PSLS Defeats in Court Claim by DHS that Client Committed Fraud. The Department of Human Services (DHS) charged the client with an intentional program violation, claiming that she committed SNAP (food stamps) fraud. If the allegation were upheld, she would lose SNAP benefits for 12 months and would have to pay back what DHS claimed was fraudulent. PSLS represented client at an administrative hearing, which we lost. We then represented her in court to appeal the administrative finding, which we won. DHS claimed that client had used her SNAP card at a convenience store that was disqualified for trafficking. They also arbitrarily deemed the charge on the card to be "excessively large." We argued successfully in court that the evidence they presented at the hearing did not rise to the level of "clear and convincing" required by the statute. The client kept her SNAP benefits and was not assessed a 12 month penalty or an overpayment. 16-0417761

PSLS Uses DHS Rules To Restore Elderly Client's SNAP Benefits. An older adult with disabilities contacted PSLS when Illinois reduced her SNAP benefits from \$192 per month to \$15. The woman had moved into the home of her ex-spouse to care for him after he had a surgery. When she did that, DHS counted the ex-spouse's income. The client appealed and sought legal counsel from PSLS. PSLS did some research and found that a person who meets the status of elderly and disabled and lives with others can be a separate SNAP unit. That means that the ex-spouse's income and assets do not affect the client's eligibility or benefit amounts for SNAP. PSLS provided the policy manual information to the client and explained how to present it at the pre-hearing conference at DHS. The client's SNAP benefit was restored to \$194 and she got a supplemental allotment of \$355 to help in the interim until the change took effect. This is an example of how legal advice can have a major impact. 19-0482447

Housing Discrimination

PSLS receives grants from the US. Department of Housing and Urban Development to investigate and enforce fair housing laws in several counties in our service area.

PSLS Gets Relief for African-American Client after Filing Discrimination Complaint Against Police. This African-American client lived with her boyfriend and her children. The police and the chief of police had a pattern of harassing the client and her children. In one instance he even called her the N-word while issuing her a ticket. He also told her to “get out of my town.” The police pressured her landlord to evict her pursuant to the village's nuisance ordinance. PSLS filed a fair housing complaint with the Department of Housing and Urban Development (HUD) on behalf of the client. We argued that the nuisance ordinance was being enforced in a discriminatory way because the police enforced it more stringently against African Americans. We also argued that the chief's use of the N-word was a discriminatory statement that interfered with the client's housing because it did not make her feel welcome in her community. Over many years of litigation, the case made its way to the Illinois Human Rights Commission, where we eventually reached a settlement. We obtained substantial financial compensation for the client. The chief of police also had to attend a fair housing training. 11-0324085

PSLS Achieves Great Settlement of Fair Housing Complaint for Client with Seizure Disorder. Our client has a seizure disorder and cognitive impairments. Her landlord said, "If I had known you were disabled, I never would have rented to you." The landlord banned our client's partner, who also has a disability, from coming over to the unit, saying that he and client are "not of [his] caliber." Finally, the landlord issued client a 10-Day Notice that complained the tenant had a seizure disorder requiring a call to 911 and that the client's condition has not been disclosed to the landlord (such disclosure was not required). Our Fair Housing Project helped our client move within the Housing Choice Voucher program but also filed a fair housing complaint against the landlord with HUD under the Fair Housing Act. HUD referred the case to the Illinois Department of Human Rights (IDHR) for investigation. IDHR issued a finding of substantial evidence concerning the discriminatory statements claim and filed a complaint with the Illinois Human Rights Commission. This led to a settlement where our client accepted \$10,100 in damages, and the landlord was required to undergo fair housing training. 16-0416503

PSLS Wins Reasonable Accommodation Request for Client with PTSD to Allow Her Emotional Support Animal. Client lives in subsidized housing and suffers from PTSD. She purchased a dog to help her feel safe and to comfort her due to severe anxiety and depression. Client had the pit bull registered as an emotional support animal and requested a reasonable accommodation with her landlord. The landlord denied the request and filed an eviction action against her due to a lease violation for having the pit bull. PSLS helped client request an informal grievance hearing with Housing Authority and represented client at the informal grievance hearing. The hearing officer reversed the landlord's action and granted her reasonable accommodation request. Client's section 8 eligibility was preserved and client and her dog are able to stay in her apartment. 18-0460823

Landlord Grants Client a Reasonable Accommodation After PSLs Appears In Fair Housing Complaint Case. Client is subject to ocular migraines and anxiety or panic attacks. She had just moved into her apartment with a service dog, which had been trained to alert her to such attacks. The landlord, once made aware of the service animal, tried in various ways to rescind the tenancy, and accused client of withholding information about a pet. She told him it was not a pet but a service animal necessary for her health. The Landlord then threatened that things would "not work out well for her" and was raising the monthly rent by another \$150. PSLs sent a reasonable accommodation letter to the landlord, but that did not resolve the issue. The client filed a fair housing complaint based on the refusal to allow her service animal and the threat to increase the rent or even possibly evict her. Our Fair Housing Project filed an appearance to support the investigation process at the Illinois Department of Human Rights. When the landlord receive notice of Prairie State's involvement, he backed down. He apologized to the client and the client withdrew her complaint. The case illustrates how the landlord/tenant relationship can be restored and proceed forward despite the landlord's unlawful actions at the start. 19-0475247

PSLS Helps our COPD Client to Breathe After Winning a Reasonable Accommodation Request. Our client, a long-time public housing resident, suffers from COPD. The carpeting in her unit was the source of increased breathing problems over the years. She had requested carpet cleanings and even paid for professional cleaners herself. Nothing worked. Client requested a reasonable accommodation to the housing authority for a hard surface floor, but the authority denied it. The client had submitted a disability verification form from her doctor that focused on client's need for an accessible unit (client is an amputee), rather than on her breathing problems. The authority offered her a transfer to an accessible unit but that unit also had carpeting. PSLs secured a better letter from the client's doctor, and resubmitted an accommodation request directly to the disability services coordinator at the Housing Authority. The Housing Authority approved the request and installed the hypoallergenic (hard surface) flooring three weeks after the approval. We secured a vast improvement in our client's daily breathing. 18-0455896

Other Highlights:

➤ Client with Multiple Chemical Sensitivity suffered severe reactions because contractors rehabbing the adjacent apartment were using oil based products. PSLs negotiated for a reasonable accommodation. The property manager agreed to have the contractors use water and latex based products rather than oil based products when working in any unit adjacent to client's unit. Property manager also agreed to use the least toxic pesticide option available and to provide reasonable notice before using any pesticides. 18-0460007

➤ Due to client's multiple sclerosis, she was having difficulty navigating the stairs in the front of her building, where dogs are permitted. The Homeowners Association (HOA) cited client for violating HOA rules by walking her dog in the back of the building. PSLs requested and received a reasonable accommodation from the homeowner's association. Client can now take her dog out the back entrance of her building, where there are no stairs, but where dogs are not generally permitted. 19-0468933

Public and Subsidized Housing

Many cases successfully challenged actions by a Housing Authority that would have resulted in the termination of our clients' Section 8 Housing Choice Voucher. The Voucher is essential for clients because it enables them to receive a subsidy to cover a portion of the rent, thereby making the housing affordable:

Appellate Court Reinstates Client's Section 8 Housing Choice Voucher, Detailing Rules for Discretionary Terminations. A Housing Authority (HA) terminated our client's participation in the Section 8 Housing Choice Voucher Program for missing a recertification appointment. Our client missed the appointment because she was out of town for a funeral and missed the notices for the appointment. Our client appealed first administratively and then in court. The case ultimately reached the Appellate Court which noted that the federal voucher program rules make a distinction between mandatory and discretionary voucher terminations. For discretionary terminations, the housing authority and the hearing officer must consider the circumstances in deciding whether to terminate the voucher. The Appellate Court also found that the hearing decision must document the hearing officer's reasoning and how s/he considered the circumstances. It further held that where a termination is mandatory, the decision should so state. Where it is discretionary, the hearing officer must state the rationale for choosing termination over any alternative based on the circumstances. The Court found that the termination in this case was not mandatory and sent the case back to the HA for a decision that explains what consequence was chosen and why. The HA decided to reinstate the client's voucher. 18-0449987

PSLS Relies on Its Own Appellate Case Described Above to Get Favorable Court Decision and Restore Client's Voucher. A Housing Authority terminated client's Section 8 voucher because she missed an annual inspection due to work, even though she had made arrangements with her property manager to have a maintenance person let the inspector into her unit for the inspection. Client represented herself at the informal hearing at the HA and lost. The HA did not consider the relevant circumstances and considered this a mandatory termination. The hearing officer failed to state the reasons for her decision. PSLS successfully filed suit in the Circuit Court to challenge the termination. In our brief, we cited to the favorable PSLS Appellate Case described immediately above. The Court reversed the administrative decision because it failed to reflect the hearing officer's rationale for choosing termination over other alternatives based on the circumstances and failed to indicate whether the hearing officer considered those circumstances. The Court ordered the HA to reinstate client's voucher. 19-0469413

(Note to PSLS staff: We have had success using the winning argument in these appeals to overturn Housing Authority terminations in other similar cases. See, e.g., 17-0448862; 17-0441481; 17-0449130)

Despite an Eviction on Her Record, PSLS Succeeds in Overturning a Termination of Client's Voucher. A Housing Authority was terminating our client's Section 8 voucher following an eviction for not paying all the rent. We represented client at her termination hearing with the HA. At the hearing, we argued that the eviction was not based on a serious violation of the lease and that mitigating circumstances should have been considered. We demonstrated that the client was not sure what amount of rent was due because client had lost income and had properly requested that the HA re-determine her rent amount. The HA never provided a written decision of that request. We also argued that if client paid the rent ordered in the eviction case, the HA should restore her voucher. The hearing officer agreed, the client paid the amount due, and the client retained her voucher. 18-0467016

Hearing Officer Reverses A Voucher Termination After PSLS Proves Client Reported Income. A housing authority terminated our client's voucher for not reporting three kinds of income, i.e., unemployment benefits, income from a temporary job and from a stint driving for Uber. Based on PSLS proof, the hearing officer reversed the HA's action. The client had applied for unemployment benefits but never received them. She did get an offer from a medical staffing agency, but the HA's action to terminate the voucher occurred before client reported for the job. Finally, the income from doing Uber trips was less than the costs client incurred. 17-0449130

PSLS Overturns Termination of Client's Section 8 Voucher By Proving She Did Not Have an Unauthorized Occupant. The Housing Authority terminated our client's Section 8 voucher, claiming that she had an unauthorized occupant. PSLS represented the client at the voucher termination hearing. The hearing officer agreed with our position that the client could not have had an unauthorized occupant because she was a new participant in the voucher program, and was in the 11th day of her lease when the HA sent the termination notice. The HA's Admin Plan defines "unauthorized occupant" as a person who exceeds the time allowed for a visitor (14 overnights per year). The client and her boyfriend testified that he had only spent 3-4 overnights together. The hearing officer reversed the termination of the voucher. The decision prevented the client's imminent homelessness. 19-0473774

PSLS Convinces Housing Authority to Change its Policy and Not Terminate Client's Voucher. A Housing Authority was threatening to terminate client's voucher if he did not provide a court order of custody for his two children. The kids had moved in with him after their mother's home was destroyed by a house fire. The HA's Administrative Plan stated that a court order was the only acceptable proof of custody. PSLS asked the HA to revise its proof of custody policy as being contrary to HUD policy and case law, which says that a wide variety of possible documents must be accepted to show custody. We asked the HA to accept a notarized letter from the children's mother that said she was giving our client custody until she could secure other housing. We sent the HA a copy of the case law and HUD policy letters. The HA accepted the notarized letter and added the children to client's voucher household, thereby preventing loss of the subsidy and even increasing the family's voucher size from 1 bedroom to 2 bedrooms. The HA also agreed to amend its Administrative Plan to reflect a new policy of accepting a wide variety of documents as proof of custody. 19-0487977

Arguments that PSLs Presents in Court Lead to a Housing Authority Reinstating Client's Section 8 Voucher. A Housing Authority terminated our client's Section 8 voucher due to suspected criminal activity. PSLs represented the client at her administrative appeal hearing. When we lost that hearing, we appealed to the court to judicially review the decision. We successfully moved the court to stay the termination pending a decision by the court. In the appeal, we raised the issues that the termination notice to our client was improper in that it failed to describe any specific violations that would give cause to terminate the voucher. We argued that client's due process rights were violated because she was not given the opportunity to view and dispute the criminal records used to justify the termination. We also argued that all evidence presented at the hearing against the client was hearsay and that the HA did not follow their own rules when they upheld the termination without consideration of client's circumstances. The parties agreed to an order dismissing the court case and reinstating client's voucher immediately. 19-0479789

PSLS Wins In Court To Reverse a Voucher Termination Based on Housing Authority's Flimsy Evidence. A housing authority terminated our client's Section 8 voucher. They alleged that client's estranged husband was an unauthorized member of her subsidized unit and that his income should have been counted in her rent calculation. The Client's estranged husband was homeless and used her address for mail. He did not live with her. PSLs represented client at the administrative hearing and lost, but we created a good administrative record that discredited the HA's flimsy evidence. We also provided reliable evidence from both the client and her estranged husband contradicting the HA's position. We filed suit in circuit court to review the administrative decision. The Court ruled favorably for our client finding that the HA failed to meet their evidentiary burden and thus the hearing officer's decision was clearly erroneous. 18-0458588

PSLS Wins Termination Hearing by Proving that Client Was a Domestic Violence Victim. Client pled guilty to Misdemeanor Domestic Battery against her ex-boyfriend at her apartment. The charge stemmed from an incident in which the boyfriend was strangling our client to the point she feared for her life when she grabbed a small aerosol can and hit him on the head causing bleeding. The police arrived and arrested her. Based on this guilty plea, the housing authority issued a termination notice of client's Section 8 housing choice voucher. We represented client at her section 8 termination hearing and put on evidence of boyfriend's extensive past physical abuse. We also presented photos of the bruises on her neck. We argued that client is a long time domestic violence victim and was only defending herself when she hit her ex-boyfriend to stop him from strangling her to death. We asked the hearing officer to consider the mitigating circumstances and allow her to keep her voucher. We won the hearing. The hearing officer overturned the termination decision and the client keeps her section 8 voucher. 18-0460724

Other cases involved the actions of a Housing Authority to Deny a Section 8 Voucher or Admission to Public Housing:

PSLS Gets Housing Authority to Reverse its Position and Grant Our Client a Residency Preference. Client was a 58 year Latina woman with disabilities. She applied for a housing choice voucher with Housing Authority A (HA-A). She selected a local residency preference because she lived in the County served by that HA. The HA rejected her application because a different Housing Authority B (HA-B) served the city she lived in. The Client appealed this decision because she lived in the part of the city that was geographically within the county served by Housing Authority A. The HA upheld its decision. PSLS then successfully negotiated with that HA. We argued that HA's own administrative plan defined residency preference as someone who at the time of application was resident of their County or employed full-time in their County. We also pointed to other helpful sections of their administrative plan. Ultimately, Housing Authority A decided to restore the Client's residency preference. 18-0450516

PSLS Secures Clients Right to a Grievance Hearing and Proves that Housing Authority Lacked Valid Grounds to Terminate Her Lease. Client lives in public housing with her children. There was an incident in which the client had to defend her child from getting attacked by another student. As she did so, a relative of the other student attacked our client who was forced to defend herself. Afterwards, the HA served client with a Notice of Termination of lease alleging client engaged in criminal activity. The HA also denied our client a right to an informal grievance hearing. PSLS persuaded the HA that client was legally entitled to such a hearing. At the hearing, we proved that the client was not the aggressor, that the client's actions were reasonable and necessary to defend herself, that she was not arrested, and that client was the one who initially informed the Housing Authority and the police department about the incident. The Hearing Officer agreed and ruled the Housing Authority did not provide sufficient evidence and did not have valid grounds to terminate Client's lease. 18-0454885

PSLS Helps Secure Public Housing for Client Who Had Bad Landlord References. Client was denied public housing due to adverse landlord references. PSLS assisted client to determine why the landlords had given her poor references and to tell her side of the story to Housing Authority. At an informal hearing PSLS counseled the client to be candid about past and current living situations and challenges. The HA appreciated client's candor and while she was not a perfect tenant, she had learned from her mistakes. The HA overturned the denial and accepted her application for public housing. 19-0487338

Typical Cases Involve Defending Eviction Cases In Order to Save A Voucher. Client are at Risk for Termination of a Voucher If There is an Eviction on Their Record:

Eviction Defense Leads to Housing Authority Issuing a New Voucher. Our client wanted to move to a new apartment. The Housing Authority refused to give the client a new voucher to subsidize her new lease because the client owed a significant amount of money to the housing authority and was not able to pay it off right away. HUD rules allowed the housing authority to do this. We advocated for the client and got the HA to agree to issue the new voucher if the client could defeat a pending eviction action filed by her current landlord. We then appeared in the eviction action and represented the client at trial. The Court ruled in our client's favor based on the failure of the landlord to prove his case. The HA then issued a new voucher to our client. 19-0470245

PSLS Defeats an Eviction by Proving That No Rent Was Owed. This was another case where an eviction would lead to a termination of client's voucher. Landlord notified client that he owed almost \$1000 in back owed rent and that they would not be signing a new lease. Client then received an eviction notice. PSLS discovered that the "past due rent" was a combination of late fees wrongfully imposed, and a \$200 per month additional charge which violated the terms of his lease. PSLS negotiated with the landlord's attorney to resolve which charges on the ledger were appropriate and those that were not, painstakingly going through item by item. We were able to remove all inappropriate charges which resulted in the client actually having a credit and not owing landlord anything. The client was able to resign his lease with no eviction and no money owed. 19-0484441

PSLS Prevents Eviction and Voucher Termination and Amends Client's Tax Returns to Overcome Tax Preparer's Fraudulent Tax Returns. The landlord gave the client a notice of eviction from her Section 8 voucher apartment alleging that she owed 8 months of back rent. However, unknown to both the client and the landlord, the Housing Authority had reduced the client's subsidy and increased the client's rent portion due to tax returns they received from a disreputable tax preparer which had fraudulently stated fictitious business income. Once known and the income discounted, this substantially lowered the amount of back rent owed. The PSLS Low Income Tax Clinic helped client amend 2 years of back taxes. We avoided eviction by negotiating a settlement for client to pay back the rent really owed and move out the unit. We successfully defended the client against the voucher termination. We also helped the client receive a grant and arranged assistance from the township to help with the security deposit for a new apartment. 18-0455490, 18-0461967

PSLS Helps Client in Subsidized Housing Avoid Eviction in Challenge to City's Anti-Crime Ordinance. Young, pregnant single mother in subsidized housing (her first apartment on her own) had the child's father care for the child for a week while client was at work. The police came in with a warrant and found a very small baggie of cannabis (\$5 value) that belonged to the father. Based on their anti-crime ordinance, the City notified the landlord that he had to file for eviction or face city fines. Even though the client had a good relationship with him, the landlord felt compelled to file the eviction. PSLS represented the client in the eviction. Due to advocacy from a variety of sources, the City became aware that their nuisance abatement ordinance is not being applied fairly and that it has a discriminatory impact on women of color and low income people. Another organization has sued the city for that in federal court. City attorney's office agreed to withdraw the notice to the landlord and review the police procedures in issuing those notices. The Landlord voluntarily dismissed the complaint and the case was sealed. 18-0468580

PSLS Actions Help Client Remove Family From Unsafe Conditions, Turn Aside a Harsh and Unfair Court Order, and Keep Her Section 8 Voucher. Client, a single mother of two children, has severe disabilities. Her house was infested with mice and mold. She stopped paying rent until her landlord would fix the situation. Landlord ignored the problem and filed an eviction for the unpaid rent. Landlord failed to properly serve client with notice of the action and obtained an eviction without her knowledge, including a grossly inflated monetary judgment. Because of the eviction, the housing authority issued a notice terminating her housing choice voucher, which is the only way she could afford rent given her severe disabilities. PSLS took various actions to vacate the eviction, to stop the sheriff from implementing it, to get a new trial, and to restore her voucher. By leveraging her defenses combined with the threat of a countersuit for medical damages caused by the unsanitary conditions of the house, PSLS reached a settlement with landlord. It set aside the eviction and the \$8,677 court judgment. The landlord waived all monetary claims, immediately would remediate the mold and rodent infestation, and let client out of the lease with enough time to move, in exchange for her agreement to move out and not counter-sue him. The housing authority agreed to let client keep her voucher. 18-0463874

Sometimes, the Issue Concerns the Amount of the Subsidy and the Client's Rent Portion:

PSLS Enforces Use Agreement That Landlord Had with IHDA to Get Affordable Rent Terms in a New Lease. The client had an extremely low income. Her current lease was expiring at a Low Income Housing Tax Credit property. Based on the receipt of the tax credit, the property owners follow rules by the Illinois Housing Development Authority (IHDA). The new owner of client's apartment building offered a new lease but at an amount that was over the Section 8 standard. That meant the client's voucher could not pay for the apartment if the rent increase stood. PSLS determined that the new owner was failing to provide a portion of the units at lower rent rates they agreed to provide in exchange for the tax break they were getting for being an LIHTC property. We initially contacted the owner to see if they would recalculate rent. They refused, so we approached IHDA which instructed the new owner to lower client's rent to 30% of her income and accept the rent subsidy within the Section 8 standard. In this way, the client was able to get a new lease offered by the landlord at favorable rental terms, and have the lease approved by Section 8, keep her voucher and avoid eviction. 18-0463759

PSLS Cites Voucher Program Regulations To Convince Housing Authority to Withdraw Threatened Voucher Termination and Allow Client to Pay an Affordable Rent. The housing authority told our senior client that they lowered their payment standards. This meant that unless the landlord agreed to lower her rent from \$995 to \$746, they were cancelling their contract with landlord. Client would have 60 days to move out if she wanted to keep her voucher. If she could not find somewhere else to use her voucher within 60 days, it would expire and she would lose it. This was a huge problem because the landlord was already charging below market for a 3 bedroom house and could not afford to reduce client's rent any further. Client could not afford rent without her voucher, could not afford to move, and it would be very difficult to find a home with the proper amenities to accommodate her disabilities. PSLS researched the voucher program regulations, and convinced the HA to allow client to continue using her voucher at this particular property even at the landlord's rental amount, as long as the tenant agreed to pay the difference between the HA's payment standard and the actual rent. The client agreed to pay the difference each month and the HA reinstated the contract with her landlord. This allowed her to keep her voucher, avoid homelessness, and remain in her home of 22 years where she could live comfortably despite her disabilities. 18-0466804

Landlord/Tenant Cases (Not Subsidized)

PSLS Helps Client Get a New Roof for Home, Avoiding Thousands in Fees from Village. Client's village cited him for a code violation for using rubber roofing material instead of shingles. The village filed suit seeking fines, fees, and repairs to the property. The client is a senior veteran with PTSD who was caring for his grandchildren. Client had been attempting to repair the roof on his own, but his repairs ended up causing some of the problems that led to the code violation. PSLS appeared in the court case and suggested to the Village that PSLS would seek third party assistance and grants to get the roof repaired if the Village agreed to dismiss the case. PSLS then sought and obtained volunteer resources to make the repairs. We were able to obtain enough time in the court case to allow the roof to be repaired without the case going to trial. Our case obtained a new roof for our client who had been having a leaking and substandard roof since he had moved into the home in 2003. The court case was dismissed and client avoided thousands of dollars in fees and fines. 15-0394831

PSLS Convinces Court That Landlord Waived Its Right to Terminate Client's Tenancy. Landlord filed an eviction against client for allegedly missing utility payments. Client showed evidence that she had in fact made those payments. Furthermore, the landlord signed a new lease with Client after the alleged missed payments. Despite such evidence, the Court ruled against our client at trial. However, PSLS filed a motion to reconsider on the basis of the new lease and then won the case on those grounds. We argued the landlord waived their right to pursue an eviction when they signed a new lease after having knowledge of the alleged breach in question in the case. Opposing counsel attempted to argue that a non-waiver provision in the new lease foreclosed this line of argument; however, PSLS successfully argued that the non-waiver clause did not include in its terms the signing of a new lease. We also found case law stating that non-waiver clauses are not ironclad and that courts can ignore them in certain circumstances. The eviction order was reversed. The case allowed client and her child to continue living in their home and avoid losing their Housing Choice Voucher. 19-0483440

PSLS Wins in Court Against a Landlord Who Tried to Raise the Rent in the Middle of a Lease Term. Our client is a senior with disabilities in poor health and with limited income. Landlord sent the client a letter in the middle of his lease term telling him his rent was increasing. When the client continued to pay the amount in his lease, the landlord filed an eviction case against him, claiming non-payment of rent for the extra rent that he claimed was owed beyond the amount in his lease. The eviction suit also claimed the client had an unauthorized occupant, but only served client with a 5-day notice for the rent and not a 10-day notice for the unknown occupant. At trial, the judge refused to hear any evidence about an alleged unauthorized occupant because the landlord did not give a proper notice on that issue. The judge found in favor of the client on the rent issue, telling landlord that he cannot unilaterally increase the rent during the lease term. The judge dismissed the case and, at our request, sealed the court records. 18-0455495

Defective Notice of Eviction from Landlord Leads to Settlement Allowing Client to Avoid Homelessness. After losing his job and falling behind on payments, the client and his family were facing eviction from his trailer he had been renting for 4 years and trying to purchase. PSLS filed a motion to dismiss the eviction case because the landlord issued a defective 5 Day Notice. The fifth and last day to pay the overdue rent was a Saturday, in violation of Illinois law. After filing the motion, we were able to negotiate an agreed order allowing Client and his family to get caught up and remain at their home. Client made the full payment and was able to preserve his tenancy. Client and his family are now housing-secured and no longer face that risk of homelessness. 19-0476768

PSLS Wins Two Eviction Cases Filed in Same Month By One Landlord. After PSLS defeated an earlier eviction case (by proving the client did not owe any rent), the landlord filed a second eviction case, claiming that client violated his lease by allowing his daughter to live with him for a few months earlier that year. C is a senior with disabilities, with limited income, and his daughter had stayed with him at night to assist him with a new medical device. She had her own home elsewhere and did not move in with the client. Moreover, after the daughter stopped staying with client, the landlord had signed a new lease with the client and had accepted rent for three months. PSLS defeated by the second eviction by proving that the landlord waived any lease violation as a result of these facts. The judge also granted our request to seal the court file. This allowed the client to remain in his home and making it easier for him to find housing elsewhere in the future without an eviction court record. 18-0465382

Home and Community Based Care

PSLS Prevails in Lawsuit to Challenge State's Determination of Fraud Against Our Client. Client received notice of an overpayment of \$47,000 from the Department of Human Services (DHS) fraud unit. However, she was not given an opportunity for a hearing. Client was enrolled in 2 Medicaid waiver programs as the Personal Assistant to care for her adult disabled son. Client had been billing the same hours for both programs, and therefore ended up with the overpayment. Instead of a hearing, DHS began taking client's tax returns to satisfy the debt. PSLs filed suit in circuit court to review the administrative decision. We argued that client's due process rights were violated by DHS failure to send a detailed notice and failure to offer the opportunity for a hearing. We also argued that because the client took care of her son 24 hours per day, she believed she was billing fairly and DHS never informed her that there was a problem. The Circuit Court remanded the case back to DHS. DHS then reduced the client's financial liability to DHS from \$47,000 to \$700. Client feels much better being out from under the burden of that large debt. 17-0439493

PSLS Successfully Negotiates with the Department on Aging to Restore Two Clients' Home Services under the Community Care Program. In the first case, the client is a senior who lives alone in a rural community receiving caregiving services which allowed her to live safely in her home. The Department on Aging terminated client's participation in the Community Care Program due to behavioral issues with her caregivers. We represented the client in an appeal and requested that the agency take her back as a reasonable accommodation because the behavior issues she was terminated for were directly related to her disability. We used the reasonable accommodation and appeal process to negotiate with the Department on Aging to restart her services. We also attended a care planning meeting to try to make the plan as favorable to the client as possible. Through our advocacy, the client's home care services were restarted and she was able to live safely in her home. 18-0455940

In the second case, the Community Care Program notified our client, a 94 year old widow of a war veteran, that they were terminating her homemaker services. The CCP alleged that client's abilities had improved and she no longer needed the services. Client and her daughter filed an appeal of that decision on client's behalf. PSLs investigated the client's conditions and previous evaluations and agreed to represent her in her appeal. The legal issues were whether her physical limitations improved to such a degree that she no longer qualified for homemaker services, and whether her evaluation that led to the termination was completed accurately. Through negotiations, the parties agreed to a new Determination of Need (DON) evaluation for CCP services. We were present with client when her evaluation in her home was completed. Client's new evaluation resulted in findings that client was indeed eligible and in need of services, and client's services were fully reinstated. 18-0450732

Low Income Tax Clinic

The PSLs Low Income Tax Clinic works to resolve client's tax controversies with the IRS. The Clinic has a full-time tax attorney and a full-time Qualified Tax Practitioner who is a Certified Public Accountant.

The Clinic regularly uses the Offer in Compromise to resolve large tax debts.

The Clinic Uses the Offer in Compromise to Get the IRS to Accept a Payment of \$20 to Resolve a \$25,000 Tax Debt. The client and her spouse owed \$25,887 in back taxes that they could not afford to pay. The client is battling cancer and her spouse has health issues as well. The Clinic investigated the tax issue and requested a Collections Due Process hearing with the IRS. We then submitted an offer of \$20 in compromise to resolve the tax debts. Through advocacy, we got the IRS to accept the offer. The clients got rid of over \$25,000 of tax debt for a one-time payment of \$20. 18-0461272

Other Examples of How the Clinic Settles Large IRS Tax Debts Using the Offer in Compromise

- IRS accepted \$24 to settle a \$107,223 tax debt. 18-0462777
- IRS accepted \$100 to settle a \$5,001 tax debt. 18-0460186
- IRS accepted \$100 to settle over \$20,000 in tax debt. 17-0436685
- IRS accepted \$5,825 to settle over \$40,000 in back taxes. 18-0463072
- IRS accepted \$1,368 to settle an \$11,349 tax debt. This was the amount clients had saved in a retirement account. The IRS agreed to exclude the value of the life insurance policy in determining clients' ability to pay the tax debt. 16-0427608

The Clinic Uses A Form of Tax Relief Known as Innocent Spouse Relief to Free Clients from Large Tax Debts

Clinic's Request for Innocent Spouse Relief Frees the Client From a \$20,000 Tax Debt. Client's tax issue arose during her divorce case. The client's ex-spouse did not report all of his income on their 2015 joint return. The IRS was proposing to add the unreported income to their joint tax return, resulting in a balance due of around \$20,000. In order to get client relief, the Clinic prepared a request for Innocent Spouse Relief. The client qualified for such relief because she did not know or have reason to know that her spouse did not report all of his income on their joint return. The IRS granted the Innocent Spouse Relief, relieving the client of her of joint liability for the \$20,000 tax debt. 17-0448592

Clinic Saves Client \$28,244 in Tax Liability Over 3 Years Through Innocent Spouse Relief. The Clinic requested Innocent Spouse relief in another case where her spouse had missing income from their joint returns for tax years 2011 and 2014, and where the spouse filed an unauthorized return for the 2013 tax year. We were able to obtain full relief for the client through a variety of methods, including advocacy with the IRS, petitions in Tax Court, assistance from the Taxpayer Advocacy Service. Client was granted full relief from the balances due for 2011 and 2014. Relief was granted under the Innocent Spouse provisions. Also, IRS agreed to remove the joint tax return for 2013. As a result, the IRS abated a total of \$28,244 in tax for these three tax years. 15-0408432

Client Granted Innocent Spouse Relief, Relieving Her of Tax Liability of Over \$74,000 and Received Refunds from IRS totaling \$8,659. Client was granted Innocent Spouse Relief from the Illinois Department of Revenue for state tax debts for the same years. The client was given relief for half of the state tax balances. The total balance was \$8,844 and client was only responsible to pay half (\$4,422). We set up a payment plan for client to pay her portion of the state tax balance. 18-0450501

The Clinic Saves Clients From Tax Liability And Gets Tax Refunds By Proving IRS Error

Clinic Saves Client over \$19,000 in Tax Court. Client received a notice from the IRS for tax year 2016. The notice proposed to add additional wages to client's 2016 tax return, resulting in a balance due. PLSL represented the client in a petition he filed with the U.S. Tax Court. The Clinic's investigation found that the client was the victim of work related identity theft. Someone was reporting income under client's Social Security number. The IRS was proposing to add these wages to client's 2016 tax return. Client also had the same issue come up for 2017 while we were representing him, and we prepared a Tax Court petition stating that the alleged income was not his for that year, as well. By filing the requisite affidavits and proof of our client's identity, we convinced the IRS and their attorneys that we were right and the IRS agreed that our client owed no additional tax for either year. This amounted to an abatement of \$19,680 in total tax liability. 18-0468187

Client Receives Over \$25,000 in Tax Refunds After Clinic Proves Client Entitled to Child-Related Tax Benefits. The IRS denied the client child-related tax benefits for tax years 2014 through 2017. The benefits included the dependency exemptions and the child tax credit among others. Client supports his great nieces and nephew who live with him. The children's mother is client's niece. She is disabled and also lives with client. The Clinic proved to the IRS that the client qualified to claim his nieces and nephews for those tax years. As a result of Clinic action, the client received IRS tax refunds of over \$24,000 for the four years. In addition, client received over \$1,500 in state tax refunds. 16-0423645

PSLS Saves Client from a \$21,000 Tax Liability By Proving That IRS Should Not Have Counted Cancelled Debt as Income. Client's home was foreclosed upon in 2016. In the process, she had debt cancellation of \$70,000, for which the IRS assessed \$17,000 in cancellation of debt income and \$4,000 in fees and penalties. However, a law known as the Mortgage Debt Forgiveness Act prohibited the IRS from counting the cancelled debt as income. PLSL proved to the IRS that the law applied to this mortgage debt and that the claim of tax liability was invalid. The IRS accepted our demonstration and signed an agreement that there was no tax debt owed pursuant to the debt forgiveness from the foreclosure. 18-0463799

Clinic Advocacy in Tax Court and Otherwise Enables Client To Receive \$2,796 in Tax Refunds.

The IRS denied the client the earned income tax credit for her disabled adult daughter for tax year 2016. The Illinois Department of Revenue also denied the client the state earned income tax credit for 2016 and 2017 based on information from the IRS. The Clinic investigated the issue and found that client did qualify to claim the Earned Income Tax Credit for her disabled adult daughter for 2016 and 2017. We filed a petition in the U.S Tax Court to dispute the IRS' proposed changes to her 2016 return. We filed a petition on behalf of the client. We provided documentation to an IRS Appeals Officer showing that the client was entitled to the Credit. The IRS agreed to concede the Tax Court case. As a result, the IRS issued the client's refund of \$2,575. We also resolved client state tax issues for 2016 and 2017. As a result, she received an additional refund of \$221 from the Illinois Department of Revenue. 17-0439033

Protection From Domestic Violence

We recently were successful in a string of cases at the Illinois Appellate Court for the Second District.

Appellate Court Upholds Trial Court's Order of Protection for Client's Child. Following a trial, our client obtained a plenary order prohibiting abuse and protecting the client and the parties' child. The father argued on appeal to the Second District Appellate Court that the trial judge improperly based the decision on client's testimony that was not mentioned in the petition our client filed. We argued that the father had sufficient notice of the allegations of abuse and that he waived any argument about it because he failed to object to any of the evidence during the hearing. We also argued that the judge had a duty to hear the evidence of abuse of the child under the Domestic Violence Act. The Appellate Court adopted our arguments and affirmed the order of protection. The Court pointed to the Act that provides: *"In determining whether to grant an order of protection, the trial court shall consider the nature, frequency, severity, pattern and consequences of the respondent's past abuse of the petitioner or any family or household member as well as the danger that any minor child will be abused or neglected."* Given the importance of the case, our client decided to request that the Appellate Court publish the decision as an opinion, and the court granted the request! 18-0453658

Appellate Court Upholds Trial Court's Order of Protection Based on Harassment of our Client. Our client obtained an order of protection against her ex-husband for harassment. The parties were previously ordered in their divorce case to communicate about their child and make arrangements for visits through an online app known as Talking Parents. On Talking Parents, the ex-husband called our client names—a narcissist, crazy and a liar. The trial court found that it was harassment to use Talking Parents in this way which is supposed to minimize conflict and focus on the child only. The court found that the conduct reasonably caused our client emotional distress. On appeal to the Second District Appellate Court, the ex-husband argued that this conduct was minimal and would not cause a reasonable person distress. The Appellate Court scheduled oral argument—a rare event for us in the Second District. We argued that the trial judge carefully found every element of harassment and gave well supported reasons for his decision that were clearly supported by the record, especially given the conduct on Talking Parents and the purpose of that program. The Appellate Court issued its decision supporting the trial court and affirming that the finding of harassment was appropriate under the Domestic Violence Act. 17-0447979

Appellate Court Upholds Order of Protection in Published Opinion. We represented the client at trial for an Order of Protection from her husband. The Court granted the Order based on husband's abuse of our client. The husband filed an appeal in the Second District Appellate Court and we represented the client in the appeal. The husband argued that the judge did not comply with the statutory requirements and that the decision was against the manifest weight of the evidence. The appellate court affirmed the trial court decision and we were successful on all grounds raised. The case was an overwhelming victory because not only did we get affirmed but the opinion was published and cited many of the arguments we raised. The opinion clearly distinguished our case from another case that where the court had used a form of order that lacked the requisite findings of abuse. Our client is happy to now be safe from her husband. 19-0469339

Notable Victories in the Trial Court

PSLS Slaps Down a SLAPP Lawsuit Intended to Silence Client From Speaking Out About Domestic Violence Issues. The client's abuser sought a court injunction to silence the client from speaking out about domestic violence issues in the community. Our client actively participates and volunteers with domestic violence organizations. She had recently been interviewed about DV in a local news story. PSLS defended the action with a Motion to Dismiss citing the Citizen Participation Act as grounds for dismissal. The Citizen Participation Act targets and allows the courts to dismiss Strategic Lawsuits Against Public Participation ("SLAPPs"). Adverse parties use SLAPP lawsuits to restrict constitutional rights rather than to achieve a legal remedy. Typically, SLAPP lawsuits rely on the fact that the responding party cannot afford to contest the case and will give in. Having read our Motion to Dismiss, the attorney for the abuser admitted we had a good defense, including recovery of attorney fees. The abuser then withdrew his request to the court for an injunction, and there was no restraint on our client's right to speak out. 19-0473830

PSLS Obtains Order of Protection For Client No One At First Believed, Including the Police. PSLS agreed to provide representation to obtain for client an order of protection against her husband. He had choked her and cut her chin, causing her to flee to a neighbor's house, where the police arrived. The problem was that no one believed client that abuse had occurred. Most everyone she turned to for help thought she was crazy and had mental health issues, including the police and her neighbor. No criminal charges were brought. The police officer told a DV advocate that "helping DV victims is waste of tax dollars." The client went to the hospital and then stayed at the DV shelter, and then had to move to a hotel. The only ones to support the client were PSLS and the DV agency. PSLS obtained key evidence, including the hospital report which indicated injuries/muscle strains likely from an attack; police and DV agency photos of client's injuries and bruising; the hotel invoice; and client's receipts for related expenses. At trial, the husband's attorney argued that the client has mental health issues. With our client's testimony and other evidence, we proved the abuse, the judge believed the client and granted a 2-year Order of Protection. We then represented client in a divorce. 19-0468996

Order of Protection Against Father Who Offered a Gun to Daughter and Suggested She Shoot Herself. PSLS represented the client seeking an order of protection (OP) on behalf of her 14 year old child against the father. Father had been preventing client from contacting child. There was a serious incident where father provided child with a gun and advised child she "should do something about it" when child stated she was depressed and sad due to the way father was treating her. PSLS had a GAL appointed in the matter, then consolidated the OP with a divorce case. We obtained a negotiated settlement, including an OP on behalf of the daughter, change in Parenting Plan awarding physical custody of the child to the mother, supervised parenting time for the father, and counseling for child and father prior to any parenting time occurring. Child did not have to testify against her father about the gun incident and child can also change schools so client did not have to transport child to father's school district which was 40 minutes away from client's home. 19-0477451

PSLS Persuades Court to Enter 2 Year Order of Protection Against Abusive Boyfriend and Reverse Prior Emergency Order Obtained By Boyfriend. Client's boyfriend was verbally and physically abusive towards her, but he was the one to seek and who obtained an Emergency Order of Protection (EOP), alleging our client was the aggressor. He got exclusive possession of her residence in the EOP. We filed a petition to vacate the exclusive possession order, and client filed her own petition for an order of protection. At a trial on both sides petitions, the Court granted our client a 2 year plenary order of protection after we proved that the respondent was the abuser through text messages and photographs that documented the abuse. We also helped persuade the judge to return possession of the residence to our client by showing that the boyfriend was not on the lease, the landlord never approved him to live there due to his criminal background, and that he trumped up allegations of abuse to get client kicked out before she could take any legal action of her own. 19-0483074

Prairie State Provides Holistic Services to Victims of Domestic Violence

PSLS Provides Holistic Services To Following Knife Attack. We provided holistic services to this client and built her trust in our services and in the legal system by representing her in multiple legal issues as they arose. PSLS first assisted this client with obtaining a plenary order of protection against her husband. He had attacked her in their apartment and cut her with a knife, putting her in the emergency room. Client speaks Spanish as her first language. This was her first involvement in the legal system. We then helped her to terminate her lease to the apartment where the attack occurred using the Safe Homes Act. We further assisted client by advising her of her rights regarding an agreement she entered into with a former landlord to move back to her former residence after the attack. We then represented client to obtain a divorce from her husband. We assisted client in appealing the termination of SNAP food benefits and making changes to her SNAP case to accurately reflect her household members and income. Finally, we helped client complete an application for financial assistance for the large medical bill she received for the emergency room services, as client did not have insurance. Her bill for \$23,467 for the emergency room visit was waived. 19-0473513

PSLS Prepares Guardianship Documents to Prevent Father of Child from Getting Custody of Child Suffering From PTSD Due To Father's Abuse. The father beat up the 5 year old child so badly that the child suffers from PTSD as a result. The man beat up the client so badly that she had a brain hemorrhage. The court hearing the criminal charges sentenced him to 15 years in prison and entered an order of protection that prevents him from having contact with client or her son for 6 years after his release from prison. Client was concerned about who would care for the child if she died. She did not want either the father or his family to raise her son. PSLs drafted a short term guardianship naming the client's friend to have custody of the son and which would come into place if the client died or became unable to make decisions. We then drafted a designation of guardianship naming the client's friend again as guardian. The friend will have to file for guardianship but both documents that PSLs drafted will put her in the best position to obtain a full and permanent guardianship. 18-04656

PSLS Assists With an Order of Protection, a Termination of Visitation Rights, and an Adoption. We first helped client obtain an order of protection on behalf of her son against the child's biological father for significant physical abuse. Due to the abuse, the son no longer wanted a relationship with his father. We then assisted client to terminate the father's visitation rights. Then we filed and represented the client in an adoption case so her new husband could adopt the child. The biological father wanted to terminate his rights to the child. The adoption created a more stable family. 18-0462194

Prairie State Also Represents Students Who Were Subjected to Bullying or Assault At School

PSLS Helps Assure Modifications to SNCO Prevent Bully From Tormenting Client at High School. The client is a high school sophomore who had been emotionally and physically tormented by a bully at school. The client had obtained a Stalking No Contact Order (SNCO), stating that the bully was not to be on the school property. Later, in a juvenile delinquency case, the judge entered an order requiring the bully to attend school. The bully then filed a petition to modify the SNCO to allow the bully to go back to school. PSLs advocated to oppose the modification. At the hearing, the principal testified how the prior efforts to keep them separated while on school property had completely failed. However, the bully was required to attend school under the state's compulsory education laws. Moreover, the bully had no option but to return to school because the alternative school was already full and she could not afford to go out of district. The Court modified the SNCO, but the bully will have to be under adult supervision at all times, report to the office at the beginning and end of the day, eat by herself at lunch, not have any classes with the client, and not have her cell phone with her during the day. 19-0474327

PSLS Gets SNCO For 16 Year Old Sexually Assaulted by Schoolmate. Both students attend the same high school, but were not in classes together. They knew each other through mutual acquaintances. He walked her home one day after school and forced his way into her house. The respondent made statements about being involved in gangs (client felt intimidated), then raped her. At one point when her step dad came home, he covered her mouth. The 2 Year no contact order prohibited contact, abuse, and any posting about her on social media. At school the respondent must stay 50 feet away from her. 19-0470419

PSLS Acts When School Fails to Protect Freshman From Bullying. Client was being bullied by another student throughout her 2nd semester as a freshman at high school. The abuser intimidated her in class, blocked her from leaving classrooms, shoved into her, and made threats to physically harm client on social media to client's friends. Her guardian tried and pleaded with school to institute interventions and to do something about it, but school's response was woefully inadequate. PSLS represented Client at the hearing requesting a 2 year plenary Stalking No Contact Order. The judge was inclined to enter a 1 year plenary order, but set status hearings to give abuser chance to seek counseling so that Judge could make a ruling on the specific terms/conditions of the plenary order. However, when the abuser did not follow through, the court granted our request for a 2 year SNCO and a stay away provision (300 feet at school). 18-0457806

Other Highlights:

- Client's husband took their 5 year old daughter to Massachusetts and refused to return her. PSLS obtained a plenary order of protection and communicated with police in Massachusetts to try to get the daughter back to Illinois. Client was able to fly her back to Illinois following a child protective services case against the father in Massachusetts. 19-0475977
- Client's husband builds assault rifles and intimidated client with them. He also had pending criminal charges from a beating her gave her. Police have video of husband threatening to kill the police. We obtained an Order of Protection that prevents client's husband from possessing a FOID card and consequently could not legally possess firearms. He was ordered to stay 300 feet away from client, her home and no contact on social media. 19-0471917
- PSLS helped senior client with cognitive delays obtain a plenary Stalking No Contact Order (SNCO) against neighbor in her building who unlawfully entered her apartment, abused her, and threatened to do worse. The Order contained specific restrictions on his contact with client and where he can be in the building relative to client. Respondent was subsequently arrested for violation of the stalking order. 19-0469922
- Client's landlord and neighbor raped her at gunpoint on two separate occasions. Client reported them to the police. Landlord filed a retaliatory eviction. We obtained an SNCO against both, and successfully defended landlord's motion to vacate the SNCO. 19-0479289
- In order to obtain an Order of Protection against client's ex-husband with long history of abuse, the court required PSLS to register an out-of-state divorce in Illinois. We requested appointment of Guardian ad Litem, and obtained a 2 Year Order of Protection. The Court adopted the GAL's recommendations, including that the father get treatment for alcohol abuse, receive counseling and have no contact with client or daughter until approved by the counselor. PSLS suggested a particular program that helps abusive parents, which was also ordered. 17-0446854

Other Family Law (Divorce, Custody, Maintenance, Paternity, Support)

Appellate Court Upholds Trial Court's Order to Husband to Pay our Client Maintenance. In the divorce action, the trial court granted our client maintenance (formerly known as alimony) and the husband appealed to the Second District Appellate Court. The husband argued to the Court that it was error to find our client too disabled to work, to count his veterans benefits income, or to otherwise improperly calculate the maintenance amount. However the only the husband submitted of the trial court hearing on maintenance was the trial court's memorandum decision. The Appellate Court affirmed the maintenance award. It found, as we had argued, that the husband failed to give the Court an adequate record to support his arguments. 18-0450143

PSLS Establishes Paternity of Child's Father to Qualify Child for Social Security Benefits. The father of client's son died. The client wanted to apply for Social Security benefits for the child based on the father's work record, but the issue was going to be establishing paternity. The father's name was not the birth certificate and there was no Voluntary Acknowledgment of Paternity. The two were never married. PSLS obtained a court order to get genetic testing done based on samples preserved by the Coroner. We then filed an action which established the paternity of the father in a way that would meet the standards of the Social Security Administration. The client can now apply for benefits for the child. 19-0486170

PSLS Obtains for Client a Divorce from Abusive Husband That Effectively Severs All Ties with Their Child. PSLS represented the client in a divorce from her husband. He has been arrested for multiple domestic battery incidents, including banging client's head on the floor and strangling her while their 2 year old daughter was present. He was currently in jail. Client had previously obtained a plenary Order of Protection against husband. Client had moved since the Order was entered and wanted to maintain her address confidential. The client wanted to sever any ties with husband that would allow him to find her and their daughter. Following a trial, the Court denied all parenting time for the father but allowed him to apply to the court for modification upon his release. Client does not believe he will ever take this step. The Court also awarded all confidentiality remedies under the Illinois divorce statute. The client has relocated to another city, and feels that with her name change (to her maiden name) and the confidentiality provisions in the judgment and parenting plan, she is much safer. 18-0460125

PSLS Succeeds in Dismissing Suit Brought by Client's Rapist To Obtain Parental Responsibility. The client's rapist filed a motion seeking allocation of parental responsibilities over daughter conceived by rape. PSLS filed a Motion to Dismiss because any parental responsibilities were barred under 750 ILCS 46/622 (no parental responsibilities to child conceived by rape). The Court granted the motion and the man was barred from having any parental responsibility for the child. 19-0478635

Novel Dissipation Argument Leads to Great Divorce Settlement. After the client obtained a plenary order of protection against her very abusive husband, PSLs filed and represented client in a divorce. He had drugged her and raped her over years, and she was terrified of him. We needed to settle the case without having client undergo trauma of a trial. Client had relied on him almost entirely for income, but did receive payment from housing exchange students. She needed to keep the marital residence to keep those students and to home school two minor children at home. We prepared a novel dissipation argument regarding the husband's wasting of marital assets through his risky job behavior (stealing patient's medicines as an in-home care nurse), to give us leverage in negotiations. That led to a settlement in which the client gained sole possession and ownership of the marital residence (husband accepted zero equity reimbursement in exchange for client waiving back support, arrearage, and partial debt reimbursement). But she also received, without having to go to trial, full maintenance and child support amounts, and some debt reimbursement. 18-0452919

PSLS Assisted Client in a Parentage Case In Order to Establish Delayed Record of Birth for 3 of Her Children Born in Tennessee. There was no record of their home births, no birth certificate, and no social security card for the children. Without evidence, Tennessee could not issue delayed birth certificates, which also prevented them from getting medical care and other public benefits. PSLs filed a case in Illinois to establish the facts of the children's births based on client's testimony and written records in the family Bible. We worked with the Tennessee Office of Vital Records to assure the Illinois court would issue an order that would meet Tennessee law requirements. We applied the Illinois Parentage Act to establish the Illinois court's jurisdiction and had the Court enter an order that only established the facts of birth (not ordering the Tennessee government to take any action). This assured that Tennessee would accept the Illinois court's findings with full faith and credit to meet their documentation requirements. All three birth certificates were issued, permitting children to receive Social Security numbers and necessary public benefits. 19-0487198

PSLS Helps Client Get Her Son Returned to Her After Interstate Jurisdictional Dispute. Pennsylvania client had a son born in that state. The father had a permanent residence in Illinois. Client sought child support in Pennsylvania. Through interstate child support enforcement, father was pursued for child support in Illinois. In retaliation, father filed a counter-petition for full parental responsibilities. Without proper service of process on our client, the Illinois court awarded the father full parental responsibilities. The police showed up to client's home in Pennsylvania and took her 1 and a half year old son from her. Prairie State filed a motion to dismiss the Illinois parental responsibilities case since the appropriate jurisdiction under the Uniform Child Custody Jurisdiction Enforcement Act is Pennsylvania. After a contested hearing, the judge agreed to vacate the father's parental responsibility order and transfer case to Pennsylvania. We contacted the legal aid program there for their assistance with client's case. We later heard from the client that the court in Pennsylvania had just awarded her full custody of her son and she got her son back. 18-0451996

Other Highlights:

➤ Client fled to Illinois from Texas to escape her abusive boyfriend/father of one of her children. PSLs brought an action for an order of protection, where we had to first fight and win a jurisdictional dispute to allow the client to litigate issues in Illinois. We wrote a very in depth brief on the issues under the Uniform Child Custody Jurisdiction and Enforcement Act. We then won an Order of Protection, negotiated a final parenting plan, and obtained a child support order. After he violated the Order of Protection, he was barred from having any contact with the client and child. 18-0455615

➤ Client worked but was having trouble paying for day care for her child. Her husband had filed for divorce and the court had entered a default judgment against her and set a parenting plan. The order gave client primary parenting responsibility, but it was silent as to child support. He had not been helping to support their child. We filed a verified petition to modify the divorce judgment in order to set child support. Normally, such a motion requires a change in circumstances which we did not have. Instead, we argued that our petition was in fact an initial petition to set child support and that a change in circumstances was not necessary because support had never been set and it was required under the law. Eventually, the ex-husband agreed to start paying \$400/ month and we entered an agreed order. 19-0480566

➤ Client had given her sister guardianship of her children for one year while client was in basic training for the Navy. Previously ordered child support payments were directed temporarily to the guardian. The client tried for months to get the Illinois Dept. of Healthcare and Family Services (HFS) to pursue payment of support due to the client after the guardianship was over. HFS told her they would not do so because the money was owed to the sister and not to her. We were able to get copies of an early 1980s court order on microfiche that terminated the guardianship and provided it to the Attorney General's office. They did their own verifying and subsequently changed their position and agreed with us. We successfully advocated for the client to HFS to pursue arrearage judgments after convincing them that the orders were valid and payable to the client. Client obtained judgments on past due support totaling over \$54,600 with a monthly repayment amount. 18-04556

➤ When client divorced, she and husband split parenting time 50/50 and no child support was ordered. Since that time, the client took on increased parenting responsibility and ex-husband's earnings substantially increased. We filed a petition seeking to set support and to modify the parenting time allocation so that it reflected the actual parenting time. We settled by amending the divorce decree to include orders for the appropriate monthly child support amount and to change the parental responsibility to reflect client's actual parenting time. 19-0482619

➤ Client is a veteran with disabilities who was ordered to pay child support. His child emancipated but child support did not stop accruing, and he was receiving statements from HFS demanding \$593/month payment. When the client attempted to address his arrearage on his own, the Judge told him he was facing jail time. PSLs filed a Petition to Terminate Current Support based on the child's emancipation and a petition to set his arrearage judgment and repayment on terms he could afford. HFS prepared a final arrearage calculation, terminating the order upon the child having completed high school. The final order sets the affordable monthly payment. 18-0451599

Criminal Records Relief and Employment Related Issues

During the period covered by this report, Prairie State maintained a program known as Ready To Work (R2W) that sought to provide clients with relief from past criminal records and remove other legal barriers to employment. This section largely recounts some of the highlights of that program and other employment-related issues.

Many cases resulted in client landing a job or promotion after criminal records were ordered expunged or sealed by a court. This often requires that PSLs address multiple criminal records, sometimes in multiple courts.

PSLS Helps Client Obtain Job in Finance Industry. PSLs represented client in court to seal her criminal history so that she could work in health care field as a Certified Nurse's Assistant. The client had old convictions related to substance abuse but was now clean. She passed the drug tests required and all of client's criminal cases were sealed. Client was offered a job as a CNA and passed a Department of Public Health fingerprint background check. She turned down the health care job because, with all criminal matters sealed, she then obtained a better-paying job with a loan company. 18-0465196

PSLS Assists Client Seal 25 Cases and Expunge 3 Cases to Obtain Employment Helping Formerly Incarcerated Women. At an earlier time in her life, client was addicted to drugs and was arrested frequently for various offenses. When she lost custody of her children, that was a wakeup and she decided to address her addiction. She has been clean ever since. Client wanted to seal or expunge her extensive old criminal history. PSLs assisted client to seal 25 cases sealed and expunge 3 cases. She now works as a social worker helping formerly incarcerated women. 17-0442385

Sealing and Expunging Old Criminal Records Enables Client to Regain Employment Caring for the Elderly. Client was hired for a full-time job caring for the elderly, which is her passion. Her employer then discovered her old criminal records and terminated her employment. However, they agreed to re-hire her if she got her sealed/expunged. PSLs represented client in negotiating agreed orders for sealing/expungement. PSLs also helped client get listed as "eligible" on IDPH Healthcare Worker Registry. Client is now eligible to work in healthcare. 19-0468881

PSLS Help Clearing Criminal Records Allows Elderly Client to Get Job as Custodian. Client is 65 years old and was homeless for two years and living in his car, until recently getting senior housing. Client got a job as a custodian but was fired when his employer discovered his criminal record. Client came to PSLs for help with sealing/expungement because he could barely afford to live on his meager income. PSLs helped client clear his criminal records in multiple counties. The case allowed the client to become employed part-time as a custodian at the Salvation Army. PSLs also helped him get Social Security income. Client can now pay his bills and meet his basic expenses. 18-0464373

PSLS Help Getting Client's Entire Criminal Record Sealed or Expunged Leads to Hire for Full-time Job at Local Hospital. Client is a single mother who completed a medical assistant program and was interning at a cancer care center. She had a criminal record but had a healthcare waiver. Nevertheless, client was concerned it would be more difficult for her to get healthcare jobs with a waiver instead of having her records sealed/expunged. PSLS used client's food handler/sanitation certificate to waive the 3-year waiting period for sealing. We then helped get her entire criminal record sealed or expunged. This puts her in a similar position in healthcare jobs as someone who never had a criminal record. Client reported that she was just hired for full time employment at the local hospital. 18-0467185

Other cases involved re-instating our client's driver's license

PSLS Wins Hearing at Secretary of State's Office. Client could not build his home remodeling business because his driver's license had been revoked following an arrest for driving under the influence. PSLS advised him of steps he needed to take in order to be ready to file a request for a formal hearing with the Secretary of State (SoS) Office, and maximize his chances of getting back his driving privileges, including maintaining abstinence for a minimum of one year. As part of his recovery he attended both AA and SMART Recovery meetings 2 -3 times per week. He remained abstinent throughout the process. We eventually represented client at his SoS formal hearing and obtained a decision reinstating his driving privileges, which will allow client to build his home remodeling business. 17-0435918

Reinstatement of Driving Privileges Allows States Attorney To Dismiss Proceeding to Forfeit Client's Car. Client is a 31 year old, single, working mother of 2 children, who was arrested for driving on a revoked license. The car was seized and a forfeiture proceeding initiated by the County State's Attorney's Office. The State's Attorney agreed to dismiss the proceeding if client obtained reinstatement of her driving privileges. We represented client at a formal hearing before the Secretary of State and were successful at getting her driving privileges reinstated through a restricted driving permit. This allowed her get her car back, drive to work, drop off and pick up her children from school and daycare, and drive to both her and the children's doctor's visits. Advocates handling these cases should be knowledgeable of the points hearing officers want to hear from the petitioner. 17-0445298

Representation Helps Veteran Reinstate His Driver's License, Remove an Outstanding Warrant, and Get a Job. Client is a formerly homeless veteran living in a sober transitional living community of veterans. Client's driver's license was suspended due to a DUI and had outstanding post-conviction issues he needed to address. Client had an outstanding warrant for not complying with the terms of his probation. Client had job prospects but needed to be able to drive. We advised client that he needed to take a driving test and pay a reinstatement fee with the Secretary of State to get his license back. A volunteer attorney helped the client in his criminal post-conviction issues. As a result of our assistance, the client got his driver's license reinstated, the warrant in his criminal case was recalled, client paid his fines, the client fulfilled his community service requirements by his work with the VA, and he was discharged from probation successfully. Client is now working full time and driving. 18-0452391

Some cases involved the recovery of wages unlawfully held by the employer

PSLS Wins in Circuit Court to Recover Client's Wages. Our client was hired to drive company dump trucks. His work was completely controlled by the company but they misclassified him as an independent contractor. Due to muddy conditions one day his truck hit a fence. The company was going to repair the truck and eventually they called him back to work. He picked up his check for the amounts of pay he was owed, but the company conditioned payment on client agreeing to a deduction of \$150 from each subsequent paycheck until the damage to the truck had been paid in full. The company then stopped payment on the check. PSLS sent a demand letter to the company, but they failed to respond. We then filed a complaint in the circuit court against the company and two of its directors under the Illinois Wage Payment and Collection Act and under the Employee Classification Act. We then successfully negotiated a settlement under which the company agreed to pay our client the amount of the unpaid wages owed, plus damages in an amount equal to the unpaid wages. 18-0462465

PSLS recovers unlawfully withheld vacation pay. Our 63 year old client was terminated from his job and received a check from the company in payment of his earned vacation time. The company then put a stop payment on the check. They did so in order to pay a wage deduction order that a judgment creditor had obtained against our client, and they were going to send the entire amount to the creditor. The client's bank then notified him of the stop payment and charged a \$12 returned check fee. PSLS sent a demand letter to the company informing them their (they?) effectuated an illegal forfeiture of our clients vacation time was illegal under the state's wage laws. The company then agreed to pay our client the entire amount of earned vacation time plus the returned check fee, a total of \$654.89. 19-0475807

Other Highlights:

➤ Client completed her associate's degree and had been accepted into a bachelors program to go into the medical field to get a better job to support her family. She needed to have her criminal records sealed to enter the program. This made her eligible for a waiver for the usual three year waiting period to get her criminal records sealed. PSLS and Cabrini Green Legal Aid represented the client in her petition to seal the records. PSLS educated the judge and the State's Attorney of the waiver program that allows clients to complete their educational goal and the records were sealed. She can now start her bachelor's program. The education of the judiciary will help our future clients and other people asking for relief in the courtroom. 18-0451834

➤ PSLS successfully petitioned to seal client's misdemeanor charges and a felony drug conviction. She had been working at Walgreens for many years, supporting herself and her teenage son. She wanted a promotion to manager but knew she would not be eligible due to the conviction. She was worried Walgreens would find out about her background and fire her. The client now has better job security and can advance in her career through promotions to a manager level at Walgreens. She also has more flexibility and can more easily find employment elsewhere if she needs or wants. 18-0451179

- An old criminal record that is NOT client's showed up on her background check and prevented her from becoming a Lyft driver. Client did not get charged with crime, someone else used her identity. PSLS filed a request to expunge and for judicial determination of factual innocence and identity theft. The Court granted this request. This allows client to pursue Lyft driver job and other jobs without a false criminal background showing up. 18-0461223

- Client is a single mom of a 4 year old has a paraprofessional certificate to be a teacher's aide and a commercial driver's license (CDL) to drive a school bus, but has gotten fired from multiple school districts due to a marijuana conviction. Client would like to work as a bus driver, then go back to school to get her bachelor's degree and become a teacher. PSLS helped client clear her criminal record so she can apply for jobs with a school district and use her CDL and/or teacher's aide certificate. 18-0466006

- Client has not been able to get a job due to her criminal record from 18 years ago. She has zero income, receives food stamps, works for landlord in exchange for rent, and receives community assistance for utilities. Client wants to become a phlebotomist, work at a hospital, and then go to nursing school. She tried to enroll in classes at a technical institute but was 'kicked out' because of her record. PSLS successfully represented client in litigating the sealing and expungement of all eligible offenses. She should now be eligible to go get a job, go to school for phlebotomy, and work in the healthcare field. 18-0466190

- Client is a single mother to a 10 year-old child. Client's only income was few hundred dollars per month in child support, along with SNAP benefits. Client graduated from dental assistant school in 2017 with a 4.0 GPA , but was unemployed, and unable to find work due to misdemeanor battery conviction. Client also was denied housing due to this conviction, and other arrests. PSLS helped client clear her criminal records so she can use her dental assistant degree and will no longer be denied jobs in the dental or other fields due to her criminal background. 19-0470223

- In her youth, client was convicted of retail theft and several charges related to the possession of a firearm. Client was sentenced to 2 years' probation with community service. She successfully completed her probation including her community service and paying her fines. In the following 20 years, Client was not convicted of any crimes, graduated from college and completed her licensing requirements to become a real estate agent. PSLS succeeded in getting these old convictions sealed. The State's Attorney did not object because PSLS also filed an affidavit that listed our client's post arrest accomplishments. 18-0460351

- Client is a senior citizen and an honorably discharged Air Force veteran. A little over a decade ago, she was convicted on a misdemeanor retail theft charge. Client successfully completed court supervision, including paying all her fines. In the following years, the client had no additional issues with law, but she was denied jobs due to that one conviction, and was afraid it would hurt her in getting senior housing. PSLS filed to expunge the conviction, overcame three separate objections from the State's Attorney's Office and the court granted the expungement. 17-0446312

Nursing Homes and Health (Medicaid and Medicare)

Efforts by nursing homes to involuntarily discharge our senior clients or those with disabilities remain a focus of Prairie State's practice. Our attorneys have been successful in preventing these discharges.

PSLS Gets Client Medicaid In Order to Prevent a Nursing Home Discharge. An Ombudsman referred client to us after a Supportive Living Facility filed a notice of involuntary discharge for nonpayment after client's Medicaid application was denied. PSLS filed an appearance in the discharge case. We filed an appeal of the Medicaid denial which stayed the discharge. This is one of the many cases we see where a Medicaid denial and an involuntary discharge go hand in hand. In order to be successful with the discharge, we had to work to resolve the Medicaid piece first. Once our client was approved for Medicaid going back to his date of admission, the facility withdrew the discharge. Our client was able to remain in the SLF he considers home. 17-0441721 and 17-0446561.

PSLS Prevents Discharge for Bed-Bound Senior Client. Our senior client is bed bound with a history of stroke and mobility issues. He had no Power of Attorney or Guardian. The client had been unable to obtain any documents on his own to support his application for Medicaid, which was denied. The nursing home then sought to discharge him for nonpayment. PSLS appealed the Medicaid denial and obtained extensive documentation to submit to the Department of Human Services (DHS). PSLS obtained a stay of the discharge while our appeal was pending. PSLS represented client at numerous hearings, and submitted a Memorandum in support of approval of Medicaid. DHS issued an Order approving client for Medicaid but with a 3 month penalty period which the client could not afford to pay. PSLS filed a Hardship Waiver which was denied. However, the nursing home agreed not pursue amounts due from the penalty period or any discharge. Client can remain in the facility, and now, with Medicaid, will have an easier time if he wants to move to another facility. 17-0436693

PSLS Stops Nursing Home from Using a Medicaid Decertification Process to Force Client on Medicaid to Pay at Private Pay Rate. Client's granddaughter (also his guardian) came to Prairie State because client's nursing home was pressuring her to move him. The facility stated that they were decertifying from the Medicaid program and that he would be billed the private pay rate after a certain date. PSLS sent the facility a demand letter to the facility, informing them to stop pressuring the guardian to move client, and that they could not legally discharge him due to "decertification" nor bill him the private pay rate. Both federal and state law do not allow a facility that is voluntarily decertifying from Medicaid to discharge residents for that reason or make them pay the private pay rate. The facility's attorney agreed with us. The facility agreed that they would not discharge this client and would continue to bill Medicaid for this client. 19-0481374

PSLS Prevents Discharge After Client's Daughter with Power of Attorney Misused Funds. Client is a senior with disabilities. The nursing home moved to involuntarily discharge client based on nonpayment. Client insisted that she paid all of her income (except approved medical expense and personal allowance) to the nursing home. PSLs represented client in her involuntary discharge appeal and worked with DHS to figure out why the amounts client thought she paid and the amounts the nursing home said client paid were mismatched. PSLs discovered that client's daughter under a Power of Attorney had been misusing client's funds, causing the nursing home to not receive all of the money to which it was entitled. PSLs negotiated with the nursing home to withdraw the notice of involuntary discharge if client revoked her POA. At our request, DHS re-determined client's income so that the nursing home would charge her the correct amount. The nursing home withdrew the notice of involuntary discharge and agreed to let the client continue to live in the nursing home and not sue her for the lost funds as long as she agreed to pay the correct amount going forward. The client did not want to pursue charges against the daughter or file a financial exploitation cases against her unless it turned out to be necessary. It turned out not to be necessary. The client indicated that her daughter would figure out a way to pay back the nursing home. 19-0473846

PSLS Removes a 13 Month Medicaid Penalty Period and Prevents Nursing Home Discharge. PSLs provided assistance with a possible nursing home discharge due to nonpayment. The client had been approved for Medicaid but with a significant penalty period of 13 months. This was due to client transferring proceeds from the sale of her house to her son. PSLs filed an appearance in the discharge case and filed a Medicaid appeal with DHS. We convinced the son to turn over the proceeds from the sale of the house to the facility. After he did this, the facility withdrew its notice of discharge. While the Medicaid appeal was pending, we discovered that the transfer of the sale proceeds to him was allowable under the rules because the son received Social Security disability benefits. We obtained copies of son's Social Security statement and had him testify at the DHS hearing about his disability and receipt of SSDI and successfully argued that the penalty period should be removed in its entirety since it was an allowable transfer. Once the penalty period was removed, client was eligible to receive Medicaid benefits with no gap in coverage. 18-0456744

PSLS Advocacy Reverses Prior Denial of Medicaid Despite Nursing Home's Failure to Timely Appeal - Leads to Nursing Home Withdrawing Notice of Discharge. Nursing home gave client a notice of involuntary discharge/transfer after DHS denied his Medicaid application. The administrator of the nursing home told family that the nursing home would file an appeal but they failed to timely do so. PSLs filed a motion to dismiss the discharge because the discharge notice did not provide specific transfer arrangements. We convinced DHS that the previous denial was improper because proper notice was not given, and they re-opened and ultimately approved the previous application. We also arranged to have the client's Social Security and pension paid directly to the nursing home. Once the Medicaid application was approved with no gap in coverage and no spenddowns, the nursing home voluntarily withdrew involuntary discharge notice. 19-0473939

PSLS Persuades Nursing Home to Withdraw Proposed Discharge By Showing Facility Error.

Nursing home notified client of an involuntary discharge because they considered him to be a danger to others and that they could not meet his needs. The client had engaged in several physical altercations. He suffers from Traumatic Brain Injury, schizophrenia, and kidney failure. PLS represented client in discharge proceeding. We filed numerous motions including: motion to produce, motion to dismiss, and motion for summary judgment. We also submitted a request for reasonable accommodation because they were not always taking client to his dialysis treatments which was related to his physical outbursts. We also discovered that the main incident that led to the discharge notice was a facility failure--one that they were fined for because it could have been prevented. The facility decided to withdraw their discharge so client gets to remain at the facility. 18-0457921

Many of our low-income clients rely on Medicaid or Medicare for their needed healthcare or nursing home care. PLS represents clients to assure benefits when Medicaid or Medicare is denied or terminated.

Client Able to Receive Liver Transplant Due to PLS Advocacy. Client's Medicare Part B was terminated and he did not know why and could not get it reinstated despite going to both the Social Security office and DHS several times. Client, a father of two young girls, needed the coverage as soon as possible because he was awaiting a liver transplant and could not have the procedure without Part B coverage. By calling the Centers for Medicaid and Medicare, PLS learned that Medicaid had failed to pay client's Part B premiums, even though Medicaid was responsible for the premiums. PLS went to DHS with the client, waited for over 4 hours in the office, then met with a representative, discovered that Medicaid had wrongfully dropped client. We sought reinstatement as soon as possible. Through In person advocacy and email follow up with the representative, client's Medicare Part B was reinstated. Client was able to move forward with the process of receiving a liver transplant. 18-0459500

PSLS Helps Restore Medicaid Enabling Client to Have Needed Surgery. The client was in the hospital and required surgery, although Medicaid had been terminated due to client having missed a re-determination appointment. Hospital staff said they could not keep client in hospital and perform surgery without Medicaid. PLS helped client appeal and helped client gather information needed to expedite processing. We contacted DHS to make them aware of the Medicaid issue at the hospital and the need for expedited reassessment. Client obtained a new medical card and retroactive payments so there was no lapse in coverage. Hospital completed surgery client needed. 19-0487546

Medicaid Appeal Removes a Penalty of \$100,000 Allowing Nursing Home to be Paid. Client lives in a nursing home and received a Medicaid decision that imposed a \$101,526.57 penalty against her for unallowable transfers of assets. Without permission, the client's daughter had accessed and improperly spent client's funds on herself. PLS investigated client's bank accounts and filed an appeal of DHS' decision to impose a penalty. In order that the client could prevail on appeal, we explained to the client the need to file a police complaint against her daughter for financial exploitation. The client eventually agreed to file a police report, which PLS then provided to DHS. DHS revised their recommendation and issued a new notice of decision which removed the entire \$101,526.57 penalty. This allowed the nursing home to be paid and client's housing secured and stabilized. 19-0472758

PSLS Prevails at DHS Hearing for Client with Dementia and Prevents Penalty Period and Spend-down. Client has dementia and resides in nursing home. Client's daughter with Power of Attorney applied for Medicaid and received a notice of decision that DHS imposed a \$23,100 penalty for improper transfer of assets for less than fair market value and a spend-down for having \$5423 in non-exempt resources. PSLS represented client in an administrative appeal with DHS. We prepared an affidavit for client's doctor to sign showing the client's sudden deterioration prior to entering the nursing home. At the hearing, the daughter testified and provided documentation showing how many of the transfers were for market value for things like clothing, gifts, trips, and home furnishings. As to the remainder, PSLS argued it was unreasonable to believe that client transferred \$23,100 over 23 months in anticipation of entering a nursing home when she only suffered a sudden deterioration in her mental condition in the month preceding her admission to the nursing home. PSLS also argued that under the DHS policy manual, transfers are allowable where the transfers cannot be determined due to mental incapacity of the applicant and no other source of information is available. The ALJ removed the client's penalty which resulted in restoration of Medicaid coverage for her first 5 months of her stay at the nursing home. DHS also agreed to remove the spenddown. Client no longer has to worry about an involuntary discharge from her nursing home, which would exacerbate her dementia. 18-0450279

PSLS Helps Client Reverse Termination of Extra Help in Medicare Drug Plan. Client received a notice of termination of Extra Help with Medicare Prescription Drug Plan costs. PSLS reviewed client's current sources of income and calculated his anticipated earnings going forward and represented client in an appeal of his termination. Social Security's decision to terminate client's participation in the Extra Help program was reversed, and based on client's income, he was approved for a full subsidy. Client will now have zero monthly costs for his Part D Medicare prescription drug plan. 19-0486478

Sometimes, PSLS needs to resolve a Medicaid matter to address an issue with a medical provider.

PSLS Educates Mental Health Therapist About QMB Program So Client Can Receive Large Refund of Unlawfully Collected Co-Pays. Client is a senior with severe mental health conditions. Her therapy provider had been charging her copays for over five years, even though they were supposed to be charging the State because client had Qualified Medicare Beneficiary (QMB) benefits. When client asked the provider to stop charging her because she couldn't afford the copays anymore, they threatened to stop seeing her as a patient. This was devastating to client, who had developed a strong relationship with her therapist over all those years and needed therapy to manage her disabling mental health conditions. PSLS contacted the provider and educated them about the QMB program. The provider agreed to stop charging copays immediately and refund \$4,073 of copays the client had paid over the past five years. With this refund money, client had enough to pay for a security deposit and other costs in connection with a move to a new apartment. 18-0464733

Other Highlights:

➤ Client in nursing home on Medicaid faced a \$103,000 penalty due to prohibited transfers from client to her agent under a Power of Attorney. The agent requested our help to contest the penalty. The issue became contentious because we did not see valid reasons for all of the transfers, including a transfer of a deed to property. The agent hired his own attorney. PLS filed an appeal but could not get good answers about what some of these transfers were used for. We argued to DHS that client lacked capacity to explain how transfers occurred. Through his attorney, the agent submitted proof of transfers that were legitimate and transferred the deed back to our client. DHS reduced penalty to about \$16,000, which the agent agreed to pay to the nursing home. 18-0452165

➤ Client is agoraphobic, extremely obese, and takes oxycodone for pain management due to his weight and osteoarthritis. Meridian, client's MCO provider refused to cover oxycodone unless it was prescribed by a pain management specialist. Because of his agoraphobia, client only saw his primary care physician and was unable to see other physicians. PLS filed an appeal of the denial and began pursuing a reasonable accommodation. Meridian then agreed to allow client's primary care physician to prescribe oxycodone for him without the need for a pain management specialist. Client does not have to face exacerbation of his agoraphobic symptoms in order to get the medical care he needs. 18-0453142

Immigration

PLS Helps Client Remove Condition on Her Green Card and Avoid Deportation. Client is a domestic violence victim, who had an LPR (Legal Permanent Resident) green card obtained through her marriage to the abuser, who is a US citizen. There was a condition on her green card that 2 years after the marriage the parties file a joint petition in which they show to the U.S. Citizenship and Immigration Services (USCIS) that the marriage was in good faith, that they are still married and want to be together. Due to the abuse, no such joint petition was possible. Two days after PLS interviewed the client, she had a scheduled meeting with USCIS about the condition of her the green card. Client hoped something could be done to secure her status. The joint petition requirement may be waived if, during the marriage, the immigrant spouse was battered by or was the subject of extreme cruelty at the hands of the US citizen spouse and that waiver is available to the battered spouse regardless of her marital status – married and living with the abusive spouse, separated, divorced, or in the process of seeking divorce, but the victim would need to provide evidence to support the abuse. We advocated with USCIS to reschedule her interview so that she could self-petition as a victim of DV. That done, we re-filed her condition of removal as a victim and we were able to keep her case open, keep her away from removal proceedings and to maintain her status pending her next interview. 18-0456692

PSLS Helps Client Obtain Special Guardianship that Enabled Client to Seek Lawful Permanent Residence in the U.S. for Nephew from Honduras. The client is a US citizen who has custody of her minor nephew who had lived in Honduras but who was detained by ICE at the border. The nephew's mother had neglected and abandoned him in Honduras. His father had been murdered by a gang. PSLS represented the mom to obtain guardianship of the child as a predicate to obtaining an SIJ classification for the child to remain in the U.S. The Special Immigrant Juvenile (SIJ) classification provides certain children who have been subject to proceedings related to abuse, neglect, or abandonment the ability to seek lawful permanent residence in the United States. Following a required residency period, we obtained the guardianship containing required language allowing the client to use the order to obtain the SIJ classification from the U.S. Citizenship and Immigration Services (USCIS). 18-0457517

Client, a DV Victim With Green Card, Advised Re Her Plans to Leave Country and Return to Japan. Client, a victim of DV and green card holder, was living at a domestic violence shelter. She wanted to return to live in her home country of Japan with her two young children and did not feel safe here facing homelessness. She hopes that one day she and her bi-polar husband could get back together. Client wanted to know the ramifications to her green card of leaving to Japan for an extended period of time and whether she would need a court order. We fully advised the client, addressing both immigration and family law issues. The client was able to make up her mind about leaving to Japan. 18-0465020

Other Highlights:

➤ The client was born in the Philippines and was living in the U.S. as a Legal Permanent Resident. She was a domestic violence victim at the hands of her boyfriend. Like her sister before her, she wanted to become a U.S. citizen. We determined that she met all of the requirements and then assisted her to gain citizenship through the naturalization process. 17-0440773

Consumer and Finance Issues

PSLS Saves Client's Mobile Home from a Tax Sale. The client had a purchase contract with a California company to buy a mobile home that required regular payments over a period of time. The terms of the agreement required the company to pay the tax bill until the end of the sales contract. When the contract ended, the client learned that the company had not paid the taxes for a few years and the taxes were sold. If the taxes were not redeemed, she would lose her home. She did not have money to pay them under protest and then try to get reimbursement from the company. To demand that the company redeem the taxes with the tax buyer, PSLS called and emailed the managing partner of the company. Although he promised to instruct payment, and did so, the company never issued the payment. After several more unsuccessful attempts, PSLS threatened to file suit if the payment was not made immediately. Within a day, the taxes were paid before the expiration of the redemption period. The client then received the title to the mobile home. 18-0462347

PSLS Files Partition Action Against Estranged Joint Owner to Sell Home, Pay off Banks, and Enjoy Proceeds of Sale. The client's home was owned jointly by client and a respondent in an Order of Protection case to whom she was not married. The client was granted exclusive possession of the home. Client wanted to sell the home which was behind on payments, but the respondent refused to sell. PSLS filed a partition action against respondent and two banks that had an interest in the property. We reached agreements with both banks regarding payment of their interest from the proceeds of the sale. The respondent did not appear in the case. The Court granted permission to sell the home, the proceeds to be allocated based on the agreements entered with the banks, and then any remaining proceeds to go client with respondent not entitled to receive any share of the proceeds. 17-0443497

PSLS Claims Truth-in-Lending Violations Against Banks Resulting in Client Receiving Monetary Settlement. Client bought a used car which started to have problems as soon as she left the lot. PSLS reviewed the purchase and financing documents. Besides committing basic consumer fraud violations, the auto dealer and the financing bank violated the Truth in lending Act. We sent a demand letter to the auto dealer, the financing bank, and the parent bank. As we prepared a Complaint, we successfully negotiated a settlement. Client received \$3000 and PSLS received \$1000 in attorney's fees from the financing company and client returned the car. 18-0455290

PSLS Advocacy Produces a Refund Allowing Client to Replace Ill-fitting Dentures with New Ones. Client is a senior who needed to have all of her teeth removed and a full set of dentures. The dentures she was fitted with did not fit her mouth and she was unable to use them. Even though she returned them, the company refused to refund her money. PSLS sent a letter to the company citing her contract rights and demanding they refund her the money. They did and client bought new dentures. 18-0461787

PSLS Obtains Court Order to Allow Guardian to Get Cash Surrender of Ward's Life Insurance Policy to Pay Off Loan on the Policy. Allowing As co-guardian of his wife's person and estate, our client discovered that his wife took out a loan on a life insurance policy. Because there had only been one payment made on the loan, the accruing interest resulted in the balance doubling since was originally taken out. The ever increasing balance continued to reduce the benefit and value of the loan. The client could not afford to pay off the loan. In order to pay off the loan and stop the interest from accruing any further, the client asked for a cash surrender of the policy from insurance company. The insurance company refused to surrender the policy without a valid court order. PSLS secured the consent of the other co-guardian and filed a petition seeking a court order for the cash surrender of the life insurance policy. Eventually, PSLS obtained a court order allowing client to receive a cash surrender of the life insurance policy, pay off the loan and put the balance in a savings account. 17-0443668

Many cases involve successful claims of lawful exemptions in order to release client funds from bank accounts frozen due to creditor's actions :

➤ Client was served with Citation to Discover Assets following a court judgment for \$988. The citation sought to garnish her bank account for the judgment plus costs and interest, totaling \$1714. Since client's sources income were exempt, and the funds in her bank account were also from exempt sources, PSLS filed a Motion to Declare Exempt Income and Assets. The Plaintiff dismissed the action in response to our motion for exemptions. 19-0480411

➤ Client's bank account was frozen due to a Citation to Discover Assets from a 2015 court judgment. PSLS contacted client's bank and railroad pension to determine the source of client's funds. Once we received confirmation that they were exempt, we provided proof to the bank to unfreeze her account. This ensured that client had funds to meet her basic needs of housing and medical expenses. 18-0468732

➤ Client is 79 years old and lives alone, and is dependent upon Social Security retirement as her only source of income. She puts that money in a separate bank account protected from creditor's collection efforts. But she had another account at bank with the proceeds of a loan she took out to help her pre-pay for her funeral. That bank account was frozen due to a citation to discover assets based upon a previous court judgment. Client needed this money unfrozen so she could pay her bill with the funeral home without tapping into her already limited SSA income. PSLS filed an Emergency Motion to Claim Exemption with the court attended a hearing where we asserted the client's "wildcard" exemption. We entered an Agreed Order allowing the exemption and ordering the bank to release all monies to client. 18-0460625

Special Education, Student Discipline and Other Legal Services for Children

In many cases, PSLS Serves Students with Disabilities to Prevent an Expulsion or to Secure Needed Special Education Services.

PSLS Prevents Expulsion of Student Through a Due Process Hearing and Mediation. Our client is a student with a disability and an Individual Education Plan (IEP). School district referred the client for expulsion. School held a Manifestation Determination hearing. The outcome was that client's behavior was not a manifestation of his disability so a hearing for expulsion was scheduled. PSLS held off the expulsion hearing by filing a request for an impartial due process hearing officer and we represented client in preparing for a due process hearing to challenge the manifestation determination, the failure of the school to provide supportive services while client was not in school, the inadequacy of client's IEP, and the overall denial of a free, appropriate public education. At an agreed upon mediation, we negotiated a settlement agreement. The school rescinded their recommendation for expulsion. Client enrolled in a therapeutic day school with a plan to transition to the general education high school part time the next fall and full time next spring. Client will be provided supportive services until enrolled in that school. Client will have a full IEP evaluation including by an independent evaluator before the end of this current school year and an IEP update. 19-0487511

PSLS Helps Client Avoid Expulsion from School With An Abeyance Agreement, While Convincing District For a Better Placement. Client was facing expulsion from school. The foster parents did not want him to attend the proposed alternative school. PSLS represented student at the Manifest Determination Review, at IEP meetings, and in the expulsion process. We successfully argued that the alternative school was not an appropriate placement under his IEP. We convinced the school that the most appropriate placement for the client was at a therapeutic day school, not the alternative school. With that placement, the family was willing to sign an abeyance agreement rather than have an expulsion hearing, which will allow the student to have the expulsion removed from his record if he does not have any more major referrals throughout the expulsion period. 18-0467854

PSLS Convinces School District to Evaluate Student for Special Education Resulting in an Appropriate IEP and a Withdrawal of an Expulsion Referral. The school district referred our client's son for expulsion. The mom requested a special education evaluation, but it was not a very clear request, and school hadn't acted on it. PSLS contacted the school and pressured them to treat mom's request as a formal request for evaluation. We represented in domains meeting and school agreed to evaluate. After evaluation, the student was found eligible for special education and an IEP was created, which provided him with a 1:1 aide throughout the day. School did not pursue expulsion, so student was not expelled. 19-0469014

PSLS Prevails at MDR Meeting and Prevents Student From Being Expelled. Our client, a high school sophomore in special education, made physical contact with the school principal when confronted in the hallway between classes. School District held a Manifest Determination Review (MDR) meeting to determine whether the behavior was a manifestation of the student's disability. If not, this would clear the way for the school to expel him. PSLS represented the family at the MDR and proved that the school's IEP was improper and the school had not properly followed the existing IEP. The school agreed to reevaluate the student based on our arguments. When the MDR reconvened, the vast majority of the staff agreed that the student's behavior was directly related to his disability. Legally, the school had to rework and properly implement the student's IEP rather than expel him. 18-0462162

PSLS Challenges School's Lack of Appropriate Education Plan for Student with Severe Autism. Client's daughter has profound learning disabilities related to her Autism. Client struggled to attain appropriate special ed services for her daughter. PSLS negotiated with the school district and submitted letters in support of our position that our student's educational program failed to comply with the Individuals with Disabilities Act and that she was not receiving a Free Appropriate Public Education. We represented client at domain meetings, eligibility conferences, and IEP conferences. We successfully ensured the daughter got appropriate services, including occupational and speech services, an appropriate transitional program with training and instruction to facilitate transition from public school into appropriate adult programs and supported work placements. 18-0465178

PSLS Gets School to Find Student Eligible for Special Education, Rescind an Expulsion, and Give Student a Better Placement. Client was facing expulsion from school and was not receiving special education services. PSLS represented the client at an MDR meeting based on his existing 504 Plan, represented at the expulsion hearing, requested a special education evaluation, represented in several IEP meetings to review the evaluation results, got additional evaluations conducted, and came up with an appropriate IEP and proper placement for the client. The school had initially found that student's behavior was not a manifestation of his disability which cleared the way for the expulsion to go forward. But the school agreed to evaluate and eventually found that the student was eligible for special education services. We then were able to get the school to agree that his behavior that previously led to the expulsion was a result of his disability, so the expulsion was rescinded. We then helped to develop an appropriate IEP and behavior plan, and advocated to get him placed in a neighborhood school that better met his needs where he's enrolled in honors classes and doing well. 18-0455463

PSLS handles other cases to protect the interests of children

PSLS Helps Children Through Various Court Orders and By Defending Their Mother Against Inappropriate DCFS Indication. Due to domestic violence by her partner, client's immigration status was in jeopardy, she needed to get an order of protection and representation for child support and for a custody/visitation arrangement and also had to defend herself against a DCFS indication for failure to remove herself and children from the home with domestic violence. PSLS opened multiple cases to protect the client and her children on all of these issues. At the DCFS administrative hearing, we argued reversal of the indication because the client, despite many limitations, including her immigration status, her being Spanish-speaking only, her limited income, and lack of support systems in the area, still took precautionary measures to protect her children from her abuser/ their father. We obtained a reversal of the indication. This protected the best interests of the children from being removed from their mother. 18-0461423

PSLS Advocates for Student to Be Able to Transfer Schools To Keep Away from Abuser. High school student was sexually assaulted by her former boyfriend on several occasions and they attended the same small rural school. They often saw each other despite efforts by the school to separate them. Our student was failing almost every class and did not feel she would graduate high school if she had to remain at the same school as her abuser. PSLS successfully advocated for a transfer to a regional learning center and enlisted the school district in this effort. The client was accepted at the learning center where she was happy excited about attending school. 19-0468973

Guardianships to Protect Children

PSLS Helps Victim of Child Sex Trafficking Obtain a Guardianship. The client was a former victim of child sex trafficking perpetrated by her parents, before she was abandoned on the streets. For several years as a minor she took care of herself, enrolling herself in school and receiving services for victims of human trafficking. Through an organization that assists youth victims of trafficking she met a family in Illinois who offered to take care of her. The client came to Prairie State seeking assistance to have the father of this family appointed as her guardian. PSLS thoroughly investigated the client's background, the potential guardian (and his family), and the organization through which the client met this family. PSLS then represented the client for the guardianship. We successfully argued that the court had the authority to appoint a guardian in the case of an abandoned minor, even though she still had parents whose custody rights had never been terminated. We also successfully argued that we should not notify the client's parents of the pending court case because notice would place the client in jeopardy. The father of the Illinois family was granted guardianship, allowing the client to seek medical attention for an ailment that was previously untreated because she needed a parent or guardian's consent. She is able to enroll in school and seek counseling and therapy services. Most importantly, she is able to live in a stable home environment with a loving family, free from abuse or exploitation. 19-047259

PSLS Helps Aunt Obtain a Guardianship Over Nieces and Nephews Whose Parents Had Abandoned and Abused Them. Client's three nieces and nephews had been abandoned by their mother and left with the father. The father subjected the children to physical and sexual abuse. Client had already filed for an Order of Protection. PSLS agreed to represent the client in that matter, but because client was willing to take them in and care for them long-term, we determined that a guardianship would be necessary. We eventually reached an agreement with the father's attorney by which we would agree to dismiss the Order of Protection and the father would agree to not oppose the guardianship. We made diligent efforts to find the mother, but we were unable to do so. The case allowed our client to take over the care of three minor children who is providing them with a safe and stable home, health insurance, and support in school. 18-0466928

Other Highlights:

➤ A PSLS volunteer attorney helped a grandmother obtain a court ordered guardianship of her granddaughter whose mother was a "squatter" who had moved her from unstable location to unstable location. The guardianship helped our client to take care of school and medical matters for her grandchild. 18-0457830

➤ PSLS represented another grandmother and successfully obtained guardianship of her two grandchildren. The dad was in jail and the mom had a warrant out for her arrest. There was a pending neglect case for one of the children where the State was seeking to terminate the parents' rights. 19-0483030

Adult Guardianships

PSLS Defends Client in Guardianship Action to Limit Powers of Guardian, Maintain Wife's Power of Attorney and Prevent a Separation From His Wife. PLS drafted Power of Attorney document so client's wife would be his agent. Against our client's wishes, his daughter filed a petition to have client found to be a disabled adult in need of a guardianship. Daughter was granted a temporary guardianship that suspended the wife's agency. Daughter also attempted to have the client removed from his home and placed in assisted living. Client wanted his wife to have guardianship if the court thought one was needed, although wife had her own history of mental illness and abuse. We decided to represent the client to advocate for client's choice for guardian and/or limit any powers that the court may have otherwise granted the daughter. We successfully argued to the judge that a limited guardianship of the person with specific authorities was appropriate to address court's and daughter's concerns about client's health and well-being without terminating the Power of Attorney or separating the client and his wife. 18-0463755

PSLS Successfully Petitions Court to Limit Guardianship and Change Guardians To One of Client's Choice. Client has cerebral palsy and mild intellectual disabilities. His mother was his guardian but client felt no one in his family was helping him to become independent. He wanted his friend Jerry to be his guardian if he needed one at all. PLS filed a petition to remove the mother as guardian, to make the guardianship a limited guardianship, and to appoint client's friend as limited guardian. The Court granted the petition by order which client feels allows him maximum independence. 18-0457578

Client Obtains Guardianship Over Son with Down Syndrome When Son Turned 21. Client wanted guardianship to assist his son with Down Syndrome who had just turned 21 as client had been doing since his son was a young child. PLS prepared the guardianship documents and successfully filed for guardianship on behalf of the client. In the petition, we disclosed that client had a prior felony conviction. The court appointed a guardian ad litem whose report clearly showed that it was in the ward's best interest to be under a guardianship and for client to be guardian, so the judge did not ask any further questions at the hearing. Client is now guardian of his adult son and can more effectively make healthcare and financial decisions for his son. 19-0474304

PSLS Successfully Defends Against Effort by Parents to Terminate Client's Guardianship of Her Sister. Client was the guardian for her sister, who was a resident of a residential childcare facility. The sister had a hard childhood because of her parent's substance abuse problems. By all accounts, the child was doing well at the facility. PSLS got involved when the biological parents filed to terminate the guardianship. PSLS represented the client throughout the proceedings, which included multiple court appearances, extensive communication with opposing counsel, the GAL, and staff of the facility. Eventually there was a contested evidentiary hearing, where the court found against the parents, and maintained the guardianship. We had challenged the parents' failure provide evidence of a change of circumstances. We also developed and introduced evidence of the best interest factors from the relevant section of the probate code. The guardianship remained in place, and client did not owe GAL fees. 18-0450597

Miscellaneous Matters

➤ Our client lost her state identification card, which she needed to show to her bankruptcy trustee, among other reasons. The Illinois Secretary of State's Office would not issue another one because she had exceeded 10 in her lifetime. PSLS filed a Petition for Declaratory Relief and asked that the court declare that the issuance of a new state ID was "required. We succeeded in getting a court order for a new state ID. 18-0464607

➤ Client had a heart attack and was referred to PSLS through a medical legal partnership while he was in the ICU awaiting open heart surgery. The client wanted a Healthcare and Property Power of Attorney and a Living will. PSLS completed these documents prior to his surgery which helped alleviate an additional stressor and appointed agents who could help him in his recovery. 20-0491806