

TOWARD JUSTICE

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Untangling the law to combat hunger

They are called ABAWDs — “Able-Bodied Adults Without Dependents.” A 1996 federal law permits them no more than three months of Supplemental Nutritional Assistance Program (SNAP) food support out of every 36 months. The intent is to ensure able-bodied adults are working or looking for work, not that jobless or people with disabilities go hungry.

But in Minnesota, people are going hungry. The problem lies in the confusing implementation of the law; the solution lies with a Task Force formed to clean up the process. Legal Aid attorneys, BJ Kuhn and Kathleen Davis, along with Colleen Moriarty of Hunger Solutions Minnesota, lead the Task Force as co-chairs.

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County and state workers had little notice or training when the waiver ended, and no procedures were in place to deal with the more than 32,000 Minnesotans who suddenly lost their benefits.

Collaborative Relationships and Solutions

Darryl was one of those who lost food benefits and came to Legal Aid for help. A certified welder, Darryl hadn't had steady work since 2012 due to glaucoma and back problems. He received \$189 SNAP in February of 2015, but nothing in March. He and his elderly disabled father did not have enough money for food. BJ began working on his case and found a confusing twist of rules and understandings of eligibility.

"A letter from Hennepin County to SNAP recipients at the end of 2013 announced the end of the waiver, but a lot of people never received it," says Kathleen. "Others either didn't understand it or didn't believe it."

A longstanding relationship with Hennepin County, the Department of Human Services (DHS) and the Department of Economic and Employment Development (DEED) that Kathleen describes as "collaborative, not adversarial" proved

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invaluable. DHS called a stakeholder meeting with one big question: If someone's food support is dropped and they want to re-qualify, what can they do? Nobody really knew, and even these experts found it incredibly difficult to requalify even one person.

And so the ABAWD Task Force formed with the goal of clarifying limits and getting food support to all who qualify. "We want to push the parameters," says Kathleen, "to be sure that anyone who is eligible can get the help they need. To have so many hungry people in the state creates significant collateral consequences, and nobody wants that."

The Task Force includes representatives from Hennepin County, DHS, DEED, the Pohlada Family Foundation, hunger advocates from around the state, United Way and a number of other agencies. Smaller groups meet to work out the details of documentation and implementation. The initial focus of the Task Force has been on the "Unfit to Work" definition. Unclear and unnecessarily restrictive rules and procedures meant that many people who were injured or too ill to work were not able to get food support.

"County workers didn't know which screening questions to ask," says Kathleen, "and so people who should have been eligible were passed over." Hennepin County has already improved the training process and workers have started to implement the changes.

A Focus on People

"This is about people eating," says BJ. "It's about hunger. Even people who are mentally, emotionally and physically capable of working can't work if they're hungry."

BJ helped Darryl prove his eligibility for SNAP benefits, and he and his father now have money for food. Thanks to the efforts of the Task Force, fewer Minnesotans will be hungry in the months to come.

MEDICAL LEGAL PARTNERSHIP

Meeting legal needs to improve health

The medical staff at CentraCare Clinic in St. Cloud tell a lot of good stories about sick patients getting better. It's not a new doctor who's making the difference. It's a lawyer.

Standing on the foundation of MMLA's first Medical-Legal Partnership (MLP) at Whittier Clinic in Minneapolis, staff attorney Heidi Hovis started working at CentraCare in St. Cloud in February of 2015, funded by a grant from Blue Cross/Blue Shield. Heidi, who has a background as a medical social worker, spends most of her time at CentraCare's Family Health Center. "Most of our patients are living on the margin," says Paul Knutson, CentraCare's Mission Development Specialist. "They have a lot of stress and huge barriers to basic needs like food and housing."

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Addressing the Stress

Heidi's job is to address that stress. She frees patients and healthcare professionals to focus on medical issues by handling everything from simple Power of Attorney forms to complex legal problems. Any legal concern that interferes with a patient's health or treatment means a referral down the hall to Heidi.

Fatuma, who refused a second prescription from her doctor, is one such patient. "I couldn't even take the first one regularly," said Fatuma, who has severe health complications. "It made me sick to take it on an empty stomach." She had trouble getting food support from the County because informational notices are in English but she only reads and writes Somali. Friends and neighbors pitched in to bring her food over two years, but neither quantity nor quality was reliable.

The doctor, unaware that Fatuma wasn't eating regularly, sent her to clinic Care Manager Brenda Carriveau. "These environmental stressors really impact our patients' medical and physical conditions," says Brenda. "I can't help patients with their medical needs if I'm spending all my time trying to navigate problems that require legal expertise."



Brenda referred Fatuma to Heidi, and the situation changed quickly. Fatuma now receives \$203/month in cash and another \$250/month in food support. She is able to take her medication.

Moving Beyond Basic Needs, Focusing on Health

"The holistic care is the joy of this job," says Heidi. "I get the opportunity to work with people over time, see results, and move through one issue after another. The goal is to get patients to a point where they can stop worrying about basic needs and focus on their health. I also want to take the non-medical concerns off of the doctors' plate. It's a team effort."

Fatuma's life has significantly improved already. She is able to go to school most days, and has the energy to draw and create mosaics and work with children in an after-school art program. She recently applied to volunteer at Catholic Charities Food Shelf. Heidi is now helping her to apply for Social Security.

"We have so many stories like Fatuma's," says Brenda. "Public benefits are always difficult. Heidi has also helped patients with housing, divorce cases, guardianship – all problems that caused tremendous stress for the patients and seriously affected their health. With her background as a medical social worker, Heidi is an important participant in our care conferences."

Paul agrees that Heidi is an excellent fit. "She works with care and compassion and willingness to meet our patients where they are. We had talked to the folks at the Whittier Clinic before Heidi started and had some idea of what to expect from an MLP. It's beyond our expectations. We're seeing great strides all the way around."

New supervising attorney for Willmar office

Dan Morris is highly versatile with interests running “a mile wide” — the perfect fit for the new position of Supervising Attorney at MMLA’s Willmar office. Deputy Director Ann Cofell says, “Dan’s positive attitude and commitment to high quality service matches that of the staff of the Willmar office.”

Dan’s goal at Willmar is to be the office’s point person and a go-to resource for the local community as a relationship builder. “It’s a young office,” he says, “so it’s full of young, exciting energy. We’ll take that energy and engage with community.”



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The University of St. Thomas’s community presence and strong social justice message made it Dan’s choice for law school. He began to learn about legal services as a law student, and was the Student Coordinator of the Hennepin County Renter’s Rights During Foreclosure Outreach.

Dan’s first litigation experience came quickly as a Tribal Attorney for the White Earth Band of Ojibwe. “I had four court hearings my first day,” he says. “At that point I didn’t have much confidence in my public speaking ability but with 40-50 hearings a week, I had to learn on my feet.” As a staff attorney for Anishinabe Legal Services, he provided direct legal representation to indigent clients residing on or near Leech Lake, White Earth and Red Lake Indian reservations, with a similarly hectic schedule.

Ann Cofell says, “As an attorney in a small legal aid office at Anishinabe, Dan had the chance to handle a wide variety of cases — Family, Housing, OFPs (Orders for Protection) — and that works perfectly with the Willmar office.”

“It’s fun to work in such an engaged way with clients,” says Dan. “I love to see individuals who will push for their own rights, for justice. Legal Aid helps one person at a time, but those ones can make a real difference. Legal Aid work is a chance to create precedents that will bring justice to scores of others. It’s a wide influence, expanding justice for people who are not in positions of personal power.”

Dan is proud and honored to be working for Mid-Minnesota Legal Aid. “I was at the 2015 Law Day Dinner in Minneapolis,” he says, “and I felt so good about being part of the organization. It’s a prestigious place to work.”

“Prestigious” might not describe a five-attorney legal services office in rural Minnesota for many people. But it does for Dan Morris, making him perfect for the job.

Volunteer for MMLA’s Pro Bono Project

Help us serve more clients in 2015 through pro bono partnerships.

For more information, contact Kirsten Olson at klolson@mylegalaid.org or 612-746-3716.



Creating structure to overcome special education challenges

There were a lot of adults in the room,” says Maren Hulden, MMLA’s Skadden Fellow working with the Minnesota Disability Law Center (DLC). “That often happens when a lawyer comes to an Individualized Education Plan meeting.”

“Danny,” a ten-year-old with Emotional Behavioral Disorder, sat quietly through the meeting. Adults from his home school district and learning center discussed his disturbing behaviors and strategies for dealing with his outbursts. Finally, someone asked Danny what he thought.

“He was so articulate about his experience,” says Maren. “He talked about feeling unsafe at school. It changed the whole tone of the meeting.”

Seeing Kids First

Changing tone is Maren’s main challenge in her work with special education students like Danny. “We need to see these students as kids first, with needs for safety and structure. It can be tough to see things from their perspective — these are kids with significant difficulties. They’re hard to have in the classroom. But still, they have a right to structured help from adults so they can succeed in a school setting.”

Before attending Columbia University School of Law, Maren worked with Teach for America in south Texas teaching sixth grade social studies. She believes all students can succeed with the right kind of structure and support. Students like Danny are transferred to special education sites when their needs are too complex for their home school district to handle. The sites need tools and procedures for safety, but the tools can become harmful. Danny’s mother called DLC for help when he became increasingly afraid of school and came home with bruises from being physically restrained due to bad behavior.

“These students have complex challenges that drive them to extreme behaviors,” says Maren. “But with the right kinds of support, they can participate. If they don’t get the right support, the sites use those tools and procedures, and the collateral consequences can be significant.” That is especially true when police are called in. Police have their own standard operating



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procedures and ethical obligations, and they are not part of the school system. “Once they’re called in, you see a child with a criminal record whose chance for success diminishes quickly. This mostly happens to boys of color, and it’s easy to see how the school-to-prison pipeline works.”

Advocacy and Access

Maren is working with a very small percentage of the population, and she understands that it’s not easy for the schools, but she also is a strong believer in advocacy and access to experts who can create the structure and help a student’s need. She says, “Improving access to education can be messy and challenging. Because it’s so important to so many people, I decided that I’d like to jump into that messy challenge in the place I love the most.”

Maren called DLC to talk about possibilities for a fellowship in Minnesota. That call brought her to the table as Danny’s advocate, helping him to get the support he needs — and to which he is legally entitled — to fully participate in an integrated community of learners.



Mid-Minnesota Legal Aid
430 First Ave. N., Suite 300
Minneapolis, MN 55401



Legal Aid has received the Charities Review Seal, given to nonprofits exemplifying quality, ethics, accountability and transparency.

Legal help in the palm of your hand



If you're looking for answers to legal questions in Minnesota, pick up your smartphone or tablet. The new LawHelpMN.org mobile website offers mobile access to referrals, information and self-help.

Launched in June of 2015 by Legal Services State Support, this new mobile platform makes it easier than ever to find answers to legal questions, locate legal services and pro bono programs, and find self-help forms and court information from a smartphone.

Mary Rea, Communications Coordinator at Legal Services State Support, says, "The initial feedback on the mobile design has been overwhelmingly positive, and we're excited that folks will be able to get the legal information they need as conveniently as possible." Legal topics covered include family, consumer, housing, public benefits, domestic violence, disability, immigration, and many other areas.

Since June of 2014, nearly 50% of the 458,000 visits to LawHelpMN.org originated from mobile and tablet devices, up from 13% in June of 2011. People with low incomes rely on smartphones for online access. A recent Pew Research study showed that 13% of Americans with an annual household income of less than \$30,000 per year are smartphone-

dependent, because they often don't have easily available computer or broadband access. More low-income Minnesotans will now have access to the services and information that they need.

The mobile site offers three channels: regional legal aid offices, self-help info, and other legal help. Nearly all the content on the full site is available on the mobile platform, including 146 "Education for Justice" easy-to-understand fact sheets in a mobile-friendly format. The latest editions of State Support's legal education booklets, which have more comprehensive information on common and complex legal issues, are also available.

Legal Services State Support has been hearing from national colleagues about the launch of the new site. Mary says, "Minnesota's new site is being viewed as an example of mobile template customization, and used as a tool to encourage other states to develop LawHelp mobile sites."

LawHelpMN.org is part of the national LawHelp.org network of nonprofit legal information portals and is maintained by Legal Services State Support in conjunction with Pro Bono Net, a nonprofit leader in increasing access to justice for the disadvantaged.