

# TOWARD JUSTICE

## INSIDE THIS ISSUE

- > Sex Trafficking
- > Disability Law Center
- > LawHelpMN.org



## Fighting for a roof over their heads

Last winter, the Johnson family faced eviction and became overwhelmed by stress. It seemed that they would be thrown out on the streets for false claims of excessive noise coming from their rental apartment. They were literally living on tiptoe.

“When your housing is threatened and you know you haven’t done anything wrong, it’s almost the only thing you can think about,” says Monika, who had rented an apartment with her husband, Paul, and their two girls, ages four and seven. “That was one of the worst times of my life.”

The trouble started the day the Johnson family moved into their second-floor unit. A text came from the manager in the apartment below saying they were making too much noise. “We thought things would calm down once we were settled in,” says Monika. “We’d never had a problem with a landlord before.”

*Continued on next page.*

Continued from page 1.



In addition to frequently complaining of excessive noise, the apartment manager restricted the children from playing outdoors in their apartment complex. They weren't allowed in the front yard, the back yard or on the patio. Several times a week, he left notices about "lease infractions" on the Johnsons' door.

Paul Johnson felt tricked into signing a lease for a place where his family wasn't welcome. He and Monika tried talking with the manager a number of times. But the manager would say things like, "You're not even supposed to be here, I should never have let you in."

The notices became more urgent, and the manager started texting Monika during the work day. He called the police twice. Although each police report noted "no disturbance found," the manager began to threaten eviction.

"I've heard what happens when you have an eviction," says Monika. "No one will rent to you. We'd be on the sidewalk with three days to get our stuff. Also, the girls were in a good school situation, and we didn't want to disrupt that. I was trying to finish my degree. The stress was incredible."

An eviction notice came midwinter, and Monika began searching for a lawyer she could afford. She was directed to Legal Aid and met with MMLA's Housing Discrimination Law Project (HDLP) staff attorney Mawerdi Hamid.

"I didn't know the exact legalities of the situation," says Monika. "The best I hoped for was an injunction to make the

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landlord stop harassing us. I poured my heart out to Mawerdi and immediately felt like I was in good hands. Someone was finally listening."

"We saw the pattern quickly," says Mawerdi. "We informed the landlord and manager that they were violating civil rights. You cannot discriminate against children being in common places. You can't tell them they can't be in the yard or on the patio."

Mawerdi represented Monika in a two-day eviction trial in housing court and won. They went on to file a civil rights violation complaint of familial status discrimination in District Court and prevailed there as well. The landlord appealed the decisions, and Legal Aid won the appeals. The Johnson family was awarded a favorable settlement, along with a clean housing record.

"It was eye-opening for me to learn about all the violations," says Monika. "I knew it wasn't right the way we were getting harassed, but I had no idea just how many ways he had violated the law."

For Monika, the most upsetting part was the effect of the harassment on her children.

"It's a terrible way to live, when you're telling your kids to 'just go sit on the bed' for the whole evening because you don't want to get another infraction. The girls felt like the notices were their fault. I felt so sad for them. They'd say, 'but Mom, I was just walking.'"

The settlement was enough to give the family some breathing room. They relocated to a nearby apartment in the same school district. The girls can now move around the apartment freely and the whole family has relaxed. Monika finished her bachelor's degree in business and has a new job she enjoys.

"We are safe and secure in our home," Monika sighs. "All thanks to the help we got from Legal Aid."

# Helping victims and survivors of sex trafficking

There is no longer such a thing as a “child prostitute” in the state of Minnesota. In 2014, Minnesota became the fifth state in the nation to treat minors who have been detained for involvement in sex trafficking as victims and survivors, rather than criminals. The Safe Harbor Law says that children who are being sexually exploited by adults cannot be charged with a crime for that exploitation. Instead, they are funneled to the child protection side of juvenile law.

Brittany’s Place, a shelter for trafficked youth in east St. Paul, has room for up to 12 girls. MMLA staff attorney Irene Opsahl drops by every Monday to see if they need legal support.

“Many of these girls do not see themselves as children, and they aren’t looking to be saved,” she says. “They don’t identify as victims of sexual exploitation. A teenager who has been living ‘the life’ (as they call it) for any period of time thinks they are grown.”

Irene has been working with Legal Aid’s Youth Law Project (YLP) since 1988. When the Minnesota Department of Health began looking for services to support the new Safe Harbor Law, Irene saw an opportunity to offer YLP’s experience and knowledge to these vulnerable young people. Legal Aid obtained a statewide grant from the Department of Health to do this work.

“The challenge is to help kids understand which services can help them, and to help the system understand what the kids need or don’t need,” says Irene. “When they’re ready to accept help, the door has to be open right now — not next week.”

In the program’s first year, Irene built relationships with Safe Harbors “navigators” located in nonprofit community organizations throughout the state who coordinate services for sexually exploited youth. She continues to provide training and legal tips for navigators on everything from custody and emancipation laws, to youth immigration concerns, to employment and child labor laws.

Irene also works directly with sexually exploited kids, mostly in the metro area. Girls at Brittany’s Place can sign up for a Monday appointment. If no one has signed up, Irene checks in with staff and with the girls themselves to see if they have questions.



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“The system has failed these kids their whole lives,” says Sarah Florman, program manager at Brittany’s Place. “So often these girls come in and their county workers don’t know what to do with them, and their families don’t know, and nobody knows what’s happening with their case or what it means.”

Irene sees it as her job to explain the law in ways that will help young people understand the legal realities of their situation and to see how the laws are intended to protect them.

“Irene doesn’t just tell them ‘this is how it’s going to be,’” says Sarah. “She has a dialogue with them, listens to their concerns, and tells them the real-world truth. She’s a strong advocate. They feel like if Irene walks into a room and says what ought to happen, the other adults might actually listen.”

Irene sees her work with Safe Harbors as a culmination of everything she’s learned in her career. She has tremendous respect for her clients and loves her role in helping advocates, prosecutors, agency providers and law enforcement come together to explain and expand options.

“Free legal services from a trusted attorney are so important to us at Brittany’s Place,” says Sarah. “Some of these kids have very complicated legal questions that nobody is fully answering. To have an experienced attorney available on a regular basis to help young people navigate the system they’re stuck in is more than helpful. It is essential.”

## DISABILITY LAW CENTER

# Making a difference for children with disabilities

Legal Aid's Minnesota Disability Law Center (DLC) has a special mission to advocate for kids with disabilities. DLC works to ensure that children with disabilities 1) receive the necessary supports and services to live, learn and grow in the community, 2) are not victims of abuse or discrimination and 3) receive the free and appropriate education to which every child is entitled.

How does this play out in real life? Read about the struggles of Maddie and Sean, and how Legal Aid's advocacy made a difference for them and others in similar circumstances.

### Paving the way for access to medication

Nine-year-old Maddie has a rare genetic disorder that causes intense, prolonged seizures. Over the years, her parents and doctors have tried 12 different anti-seizure medications with little success. Last December, Maddie spent two weeks in the Intensive Care Unit as she was experiencing 10-50 seizures a day.

Maddie's doctor suggested Stiripentol, an expensive drug that is effective in 70% of children with this disorder. Because the drug is not yet fully approved by the FDA, Medical Assistance refused to pay for it. The doctor knew of another child with the same disorder who, thanks to DLC's intervention, was receiving Medical Assistance payment for Stiripentol.

DLC attorney Steve Schmidt took Maddie's case. "The earlier case was settled, but only for that particular child," explains Steve. "He's been on Stiripentol for over a year now, and his mom says he has not had a single seizure."

In January, Maddie was so heavily sedated that she barely moved. Steve sent an urgent letter to the Minnesota Department of Human Services (DHS) requesting authorization of Stiripentol with the same terms as the previous case.

"Maddie was in danger of developmental delays and damaging effects from both the seizures and the medication," says Steve. "These situations make doctors very concerned about long-term damage and possible death."

After unsuccessful negotiations with DHS, DLC filed a federal lawsuit to get Stiripentol for Maddie. Only then did

Maddie's case settle with the same terms as the other child, allowing an initial six months on Stiripentol and continuing coverage if it worked.

Meanwhile, DLC legislative advocate Anne Henry is working for a change in law so families can access Stiripentol and other non-FDA approved "orphan drugs" without going through a legal battle each time.

### Ensuring compliance with disability law

Sean is three years old and has pulmonary hypertension. He needs two medications twice a week. Without getting the medication, he runs the risk of serious illness.

Sean had gone to the same daycare facility since infancy, where staff had administered his medications. All of a sudden, the daycare provider instituted a new policy saying that staff would not administer any medications to any child for any reason. Sean's parents immediately had to find a new daycare provider.

DLC attorney Steve Schmidt, after investigating the facts, sent the daycare provider a letter explaining that they were out of compliance with both state and federal law. A no-medication policy violates both the federal Americans with Disabilities Act (ADA) and the Minnesota Human Rights Act (MHRA). The daycare provider agreed to settle.

Sean's parents did not want a monetary settlement, and they didn't want Sean to go back to that daycare. They simply wanted to ensure that other children would not run into the same problem. Thanks to DLC's advocacy for Sean, the daycare provider now allows administration of medication for children who fall under the protection of the ADA and/or MHRA.

Thank you to the attendees at the 2016 Law Day Dinner who contributed more than **\$100,000** to support DLC's work with clients like Maddie and Sean.



# New online tool makes child support petitions easier

Gwen is a single mom working full time at a minimum wage job. She finds it hard to make ends meet for her and her daughter, seven-year-old Jocelyn. Even with child support from Jocelyn's father, paying rent for her tiny apartment and other bills is a formidable challenge. When she learned that her work hours were changing and she would need to pay for additional childcare, she knew it would be a huge stretch.

The same week she learned about her job situation, Gwen was surprised at something Jocelyn said after returning from a weekend with her father. She told Gwen that they'd been shopping for a new bedroom set and scooter to celebrate her father's job promotion and raise. Given the circumstances, Gwen wondered if she could ask for higher childcare payments.

Although the divorce had been final for more than a year, communication was still not easy. Gwen did not think her ex-husband would voluntarily contribute more money, and the Child Support Office wasn't due to review the child support order for two years. Gwen called Legal Aid for help.

Unfortunately, high demand means that Legal Aid can only serve one out of every three eligible clients, and has to prioritize the types of cases accepted. The intake worker told Gwen that Legal Aid couldn't represent her, and suggested that she try LawHelpMN.org.

"There's a new online tool to help parents create a Motion to Modify Child Support on their own," the intake worker said. "It will walk you through the process, and you can get started right away."

LawHelpMN.org, Minnesota's award-winning self-help website, leverages technology to expand the reach of Legal Aid. When Gwen logged onto the website, she found a clear explanation of child support law and learned that her situation probably would justify a change in the child support order. The website listed the documents Gwen would need on hand to complete the process.

Gwen gathered all of her information and began the automated interview. After she answered all of the questions, the tool compiled her answers. An hour later, the tool generated all the proper documents and instructions for filing with the court.

Three months later, the Child Support Magistrate issued a new child support order, and Gwen's total monthly child support payments increased by almost \$200.



The Child Support Modification Tool was originally conceived by the Volunteer Attorney Program in Duluth. Jenny Singleton, at the Legal Service State Support program of Legal Aid, created the tool with help from Central Minnesota Legal Services (CMLS) and financial support from the Technology Initiative Grant Program of the Legal Services Corporation.

"Our goal was to make the tool accessible for people who aren't familiar with the legal system," says Jenny. "Elsa Marshall [Education for Justice Coordinator at Legal Services State Support] helped me to make each step of the interview as clear as possible, and CMLS Staff Attorney Lilo Schluender reviewed the tool to be sure the law was current and correct."

Close to 15% of Minnesota's children live in poverty (annual income below \$16,020 for a single parent and child). Both parents are responsible for a child's access to housing, healthcare and other resources – not just during their parenting time, but all the time. Ideally, child support orders should change whenever either parent faces a substantial change in income or expenses.

In the first six weeks after the Child Support Modification Tool went live, 43 forms were generated. These are families like Gwen's who were able to move toward a balance of parents' resources in the interest of their children's well-being.

"An online system like the child support tool is not as effective as having a lawyer," says Jenny. "But it makes a difference to parents who face this legal hurdle on their own because Legal Aid does not have enough attorneys to help."



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

## Volunteers gather data for voting rights project

On August 9 (Primary Day), more than 50 volunteers from Target, Thrivent, UnitedHealth Group, and TCF Bank surveyed voter access for people with disabilities at more than 120 polling locations statewide. The volunteers were trained and dispatched as part of a joint voting rights project of the Minnesota Secretary of State (SOS) and Legal Aid's Disability Law Center (DLC).

From St. Cloud to St. Mary's Point, from Fertile to Chanhassen, these volunteers, trained by Jeff Narabrook, SOS, and Pam Hoopes, Legal Director, DLC, measured doorways and tables, counted parking spaces, examined access areas and questioned election judges about the physical location and the equipment available at each of the polling sites.

"Everyone who volunteered told me afterward that this was the first time they considered accessibility issues related to voting, and they were glad to have this opportunity," observed David March from Target's General Counsel's Office. "Each of them now has a greater appreciation for the effort it takes for people with accessibility issues to vote, access which many of us take for granted."

This project is one of many offered through MMLA's pro bono program that involves volunteers from a variety of professional

backgrounds. In this case, individuals from legal, marketing, fashion design, security, and IT teamed up to work on a project aimed at protecting and ensuring equal access to vote. "It was a good project for my company to connect people from multiple job roles and titles within the General Counsel's Office," said Jordan Martell from Thrivent. "I learned a lot about accessibility, the mechanics of polling sites and the commitment of our election judges and the Secretary's Office to access for all Minnesotans."

**THANK YOU VOLUNTEERS!**  
**You helped protect the voting rights of ALL Minnesotans, no matter their physical abilities.**

A team from UnitedHealth Group is currently analyzing information gathered by the volunteers. With data from more than 120 polling sites, the project goal is to identify and push for change in problem areas prior to the general election in November.

Without such a large team of dedicated volunteers, Legal Aid would not have been able to collect data from so many locations. Thank you to all of our volunteers who helped protect the voting rights of ALL Minnesotans, no matter their physical abilities.