Benjamin is nine years old. He lives in Red Wing, Minnesota with his parents and three siblings. Ben has quadriplegia and cerebral palsy and lives with occasional seizures and major reflux issues.

Ben’s mother, Carrie Quade, recently made a request to the family’s health plan for an enclosed hospital bed, recommended by Ben’s physician. The bed has head elevation to treat reflux and a hi/lo feature so his parents can help with self-care at an ergonomically friendly height to prevent injuries and back problems.
The health plan denied the request. One person Quade spoke with suggested that Ben could sleep on a mattress on the floor. “I got really upset when they said that,” says Quade. “Ben is getting too big, and I’d never be able to get him off the floor. Besides, I’m not going to have my kid sleep on the floor. That’s just mean.”

Quade appealed the health plan’s decision to deny the bed, and her appeal was also denied. She then turned to Legal Aid’s Minnesota Disability Law Center. Staff Attorney Jennifer Giesen, who has 20 years of experience advocating for clients with disabilities in assistive technology disputes, took the case.

Attorney Helps to Make the Case
“I thought they had a very solid case,” says Giesen. “Carrie’s not a lawyer by training, but she is the expert on her son and his needs. My role is to figure out what the health plan is obligated to cover, work with the family and the medical team on their expectations, and match everything up so the child can get the assistive technology he needs.”

A bed with head elevation was clearly necessary to prevent choking from reflux, and leg elevation would keep him from sliding down during the night. Also, because Ben has occasional seizures, side rails and a properly fitting mattress were required for a safe sleep environment. Entrapment between a bed mattress and railings is a serious issue for people with disabilities like Ben, who has some mobility but limited motor control.

“Jennifer was amazing from the start,” Quade says. “She helped me relax about the whole thing. She said, ‘Don’t worry Carrie, we’re going to get this.’ She couldn’t give a 100% guarantee, but she was pretty sure.”

Attorney Helps to Make the Case

Getting Everyone on the Same Page
Giesen helped Quade and Ben’s medical team to understand exactly what the health plan was likely to cover and what they would not. She put together a new request for a bed with the exact features required by Ben’s medical condition.

“As attorneys, we sometimes have to clarify things for the health plan,” says Giesen. “The letter of medical necessity in support of the bed was written with a therapeutic justification. As a lawyer, I look at it from the legal justification. I understand the health plan’s obligations, and my job is to help them see how the letter of medical necessity meets the coverage criteria that they are obligated to follow.”

A Favorable Result
When the health plan received Giesen’s letter, they approved the enclosed bed as requested. Quade was delighted that the case settled without having to go to court. Given Ben’s medical condition, especially his risk of choking, having a new bed as quickly as possible was important for his safety.

“Jennifer really knew what she was doing,” says Quade. “I’m a working mother with four kids, and I don’t have the money to go out and hire a lawyer. I’m pretty savvy, and maybe I could have eventually gotten a bed for Ben on my own, but it would have taken a long time. It’s great to have someone like Jennifer on your side.”

Because the new bed is easy to move, Quade can wheel it into her bedroom whenever necessary. If Ben begins to cough or choke, she’s right there. If he wants to hold her hand in the night, he can.

“The bed makes everything easier,” says Quade. “Before I had to prop him up with pillows and he’d slide down during the night. Now I can put him in a good position, and he stays there all night. We needed this bed. We love the bed. Oh my gosh, it’s a lifesaver.”
Katrina* is 12 years old. Her parents are divorced, and Katrina lives with her mother, Megan, in Minnesota. The court gave her parents joint legal custody and ordered that Katrina have regular visits with her father in North Dakota. She was with him for four weeks over the summer and never wanted to go back again. She kept hoping something would come up to cancel the next visit.

Time passed. Her next visit was only a month away. Then a week. Finally, on the Tuesday before vacation, she told her mom she didn’t want to go. She told Megan what had happened over the summer and on the visits before that. She told everything, and Megan believed her.

The next morning, Megan called Child Protective Services (CPS), and she called Staff Attorney Sarah McGuire, who works with the Stearns County Domestic Violence Court. Months earlier, Megan had been the victim of a domestic violence felony, so she had McGuire’s direct contact information.

McGuire advised Megan to call the police. Plans for the visit stopped, and the problem was solved for the moment. But even with the police and CPS investigating, McGuire knew further legal steps were necessary.

“We all moved quickly to protect Katrina,” says McGuire. “Megan thought she was safe when she was with her father and was so upset to learn that wasn’t true. We immediately filed for an Order for Protection (OFP).”

Asking for an OFP gave the judge an opportunity to consider the new information and provide legal protection for Katrina. When Katrina’s father was served with the OFP, he called and said he was going to get a continuance. He said he’d come up for the hearing with an attorney. That would mean Katrina would have to testify, in front of her father, under cross-examination.

The day of the hearing came with a severe winter storm. Megan and Katrina drove through blowing and drifting snow, and the three-hour drive turned into five hours. Katrina’s father didn’t show up.

“He asked me not to go into any more depth than necessary.”

The judge issued the OFP. Katrina’s father is not to contact her for two years. That will give Megan and the Legal Aid team time to get a new custody order.

“We wanted Katrina and her mother to feel supported,” says McGuire. “We wanted them to know that we believed Katrina and took her concerns seriously. We also wanted Megan to know that she did nothing wrong. She reached out for help immediately, and we are all working together to protect her daughter.”

Paralegal Heather Helmer, who also worked on the case, says, “Kids in a situation like this who have no support are trapped. If nobody had listened to Katrina and taken her seriously, she’d be forced to continue living in a harmful situation that was potentially very dangerous.”

“It was so good to work with Heather and Sarah,” says Megan. “They are lovely women and they got me through the process. Katrina is relieved, but I don’t know if she understood the seriousness of the legal situation. The lawyers were such a blessing. Without them, none of this would ever have gone through.”

*Names have been changed.
Amina Warsama’s fourth child, Marwa, was born with significant health conditions. Diagnoses of Down Syndrome and a heart defect, among other things, meant that Marwa spent several months after her birth at Children’s Hospital in Minneapolis. Those months were very difficult for her parents, who work full-time and have three other children.

When Marwa came home, she was medically fragile and prone to infection. She needed her own bedroom in order to minimize risks and accommodate her medical needs. The family lived in a two-bedroom apartment, so Marwa’s three siblings moved into their parents’ bedroom.

Six months later, Marwa was hospitalized again in the Children’s Hospital Cardiovascular Intensive Care Unit to receive a permanent pacemaker. At that point, her parents realized they couldn’t continue with the crowded housing situation. They found a more affordable three-bedroom unit elsewhere and asked for early termination of their lease.

An Unsympathetic Landlord

“The doctor gave us a letter, and we took it to the management, but they said no, they didn’t care about that,” says Warsama. “They were going to charge over two thousand dollars. I told them we didn’t have that kind of money. I asked if we could make a payment plan, twenty dollars a month until we finished. The manager said we could do that. It would’ve taken us more than eight years.”

Fortunately, Warsama did not sign the Lease Termination Agreement. She brought it to the hospital and showed it to the social worker who had been helping them with multiple issues. The social worker called Legal Aid Staff Attorney Dena Birkenkamp, who works on site at Children’s Hospital.

Hospital-based Legal Intervention

“This case perfectly shows the benefit of Medical-Legal Partnerships (MLP),” says Birkenkamp. “Facing a housing issue at the same time as dealing with a child’s complex medical and health needs is incredibly stressful. This legal problem was directly related to the health needs of the child.”

The MLP between Legal Aid and Children’s Hospitals and Clinics of Minnesota facilitates smooth communication between the patient’s families, the care team, and Legal Aid. Birkenkamp is on the Minneapolis hospital campus up to four days a week, where institutional support from Children’s has helped her to build relationships with the social workers on staff. She also receives referrals from resource navigators, clinicians, and care coordinators.

Marwa’s care team put together documentation that clearly showed the family needed to break the lease because of a medical need. Birkenkamp made a reasonable accommodation request of the landlord. After some negotiation, the landlord agreed to allow the family to break the lease without any financial penalty.

“When a child is in-patient for a long stay, the parents already have a lot to handle,” Birkenkamp says. “Marwa’s parents were dealing with a long commute and reduced work hours in order to be at the hospital with their daughter and continue to care for their other children. Adding monthly payments for a break-lease fee on top of that was just too much.”

A Powerful Medical-Legal Partnership

Children’s Hospital social workers are learning to recognize legal issues and contact Birkenkamp as part of their workflow. When she’s not on site, Birkenkamp offices in Legal Aid’s Minneapolis office. There, she has easy access to her Legal Aid colleagues with years of combined expertise across legal topics.

“I see so much value in being available to people who would otherwise face barriers to receiving legal services at a difficult point in their lives,” says Birkenkamp. “Especially with the in-patient population, many of those kids are in the hospital for a long time. The families have so many concerns, and travel to yet...
Marwa is now settled in her own room at home. The family is much more comfortable with three bedrooms, and they don’t have the additional debt of breaking the lease hanging over their heads.

“I think it’s good to have a lawyer at the hospital,” Warsama agrees. “It made a huge difference to get that help from Dena. A lawyer can help so much and really change someone’s life.”

Partnership with CentraCare Pediatric Clinic Takes Off

Legal Aid’s newest Medical-Legal Partnership (MLP) is with CentraCare Pediatric Clinic. Staff Attorney Ben Cichanski offices there several days a week and receives referrals from clinic health care providers and social workers.

“Legal issues can be very stressful for kids and their families,” says Cichanski. “I'm excited about getting this new partnership off the ground. I worked previously on a rural MLP, and I’ve seen firsthand the positive impact our partnerships have on patients.”

Andy Begalle, Senior Director at CentraCare’s Pediatric Clinic, hopes to see an improvement in social determinants of health for the population his clinic serves. He anticipates that the bulk of cases will be in the areas of housing evictions, family law, immigration, Medicaid Assistance, and government support programs.

“We’ve only had Legal Aid at our clinic for a couple of months, but we’ve already seen the positive impact,” says Begalle. “Our providers enjoy having Legal Aid as a part of the team and a resource to provide for their patients and their families. Ben also works closely with our social worker behind the scenes, and he’s been a great resource for the entire care management team.”
When Louis* was 16, his mother kicked him out of their apartment in Chicago. She had not been supportive or engaged with his life in a long time. Louis took the bus north to live with his aunt in Minnesota.

A few months later, his aunt lost her apartment. She moved in with a friend, and Louis went to The Bridge for Youth, which provides short-term housing for homeless youth. He needed a job, and he needed a place to live. He had job prospects, but he had no birth certificate, no driver’s license, and no Social Security card. No one would hire him.

Documentation Catch 22

“Dozens of kids show up here without identification, which means they can’t get jobs or housing,” says Michelle Basham, Executive Director of The Bridge. “Our caseworkers can help them request documents, but a lawyer can cut through the process much faster. That’s especially true when we’re trying to get documentation from out of state.”

Legal Aid’s Youth Law Project (YLP) holds regular clinics at The Bridge and other youth shelters and agencies. YLP attorneys teach youth about their legal rights and responsibilities. They are also available for legal advice or full representation.

“Most doors are closed to youth without documentation,” says Staff Attorney Pheng Thao. “With no identification, you can’t get your birth certificate. With no birth certificate, you can’t get identification. You need one thing to get another, and everything costs money — phone calls, mail, and copies of documents.”

Securing Documents With Legal Assistance

Thao met with Louis at The Bridge and advised him to ask his mother for his birth certificate. Because Louis didn’t know where he would be the next week or whenever his mother got around to sending it, he had no mailing address. Thao told him to use Legal Aid’s address.

Louis called Thao a few days later. “My mom won’t help me,” he said. “What can we do?”

Thao discovered that it’s easier for youth to get a birth certificate in Chicago than it is in Minnesota. If Chicago youth are homeless or have been a victim of abuse, they need only provide a document with their name and date of birth, and a form signed by someone at the shelter where they’ve received services. With the help of a caseworker at The Bridge, Thao pulled those documents together for Louis and sent them to Chicago.

Weeks passed and Louis received an offer for a steady job, but he couldn’t start without documentation. He ran into the same problem with a housing prospect. Without identification, he couldn’t move ahead with anything.
The user-centered design is based on fifteen years of experience and data from the old LawHelpMN.

The former site’s wealth of information was a key strength, but it could be challenging for users to sift through and find the specific answers they were seeking.

The central feature of the new site is the LawHelpMN Guide (the Guide), a two-step process to help users find their way to the information and resources most relevant to their situation. The Guide pulls and streamlines data from a Self-Help Library and a Provider/Clinic Directory.

“Low-income people, seniors, and people with disabilities drive our design and focus,” says Legal Project Manager Emily Good. “The user-centered design is based on fifteen years of experience and data from the old LawHelpMN.”

Users choose from 12 legal topics and answer a couple of questions to narrow the issue. The Guide delivers a list of curated resources from the Self-Help Library. The resources are all vetted by attorneys and written to be accessible to the general public, including interactive interviews that pull from the user’s answers to populate court forms and planning documents.

If self-help resources don’t address the problem, the user answers a few demographic questions. The Guide then generates a listing of legal services offices and justice partners from the Provider/Clinic Directory. The list gives up-to-date locations, hours, and contact information.

The option to enter the Guide is prominent on the site’s home page in order to help first-time users navigate to customized information. Attorneys and advocates more familiar with the state’s legal resources can bypass the Guide and go directly to the information they need.

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“The launch of a re-imagined LawHelpMN.org is a great leap forward in the collaborative and inventive efforts of the civil legal aid, pro bono, and judicial communities to provide continued access to justice in an increasingly accessible and straightforward manner,” says Executive Director Drew Schaffer. “It is our hope that a growing number of Minnesotans will find the legal help and information they need to enforce their rights and stabilize their lives.”

Thao still hadn’t heard back from Chicago, so he started making phone calls. Somehow, no one had seen the original request. Thao finally connected directly with a worker at Cook County who gave him a fax number. He asked Thao to fax the request directly to him, and he’d work on it immediately.

A week later, Louis’s birth certificate arrived at Legal Aid. Thao called The Bridge, but Louis was no longer there. After numerous attempts, a caseworker from The Bridge tracked Louis down and told him the birth certificate had arrived. Louis came to pick it up the next day.

A New Chance to Move Ahead

“I don’t think he believed we’d be able to make it happen,” says Thao. “When I handed the certificate over, you could see the joy and relief on his face. That piece of paper was the one thing holding him back, and now he can move ahead with his goals.”

Basham notes how critical the relationship with YLP is to The Bridge’s goal of helping youth move from crisis to connection and stability.

“Our kids are so marginalized,” she says. “They’re mostly young, black, and poor. They need to be heard, and they need to understand their options. Pheng’s passion, legal knowledge, and calm and thoughtful demeanor are invaluable to us.”

*Names have been changed.*
Legal Aid has received the Charities Review Seal, given to nonprofits exemplifying quality, ethics, accountability and transparency.

INTRODUCING THE NEW LAWHELPMN.ORG
One-stop legal resource for all

Using the LawHelpMN Guide

Legal Aid’s State Support team is proud to introduce the newly overhauled statewide legal website: www.LawHelpMN.org.