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## CONTENT MODULE: **LEGAL**

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### WHY IS THIS TOPIC IMPORTANT FOR BOTH A COACH AND A FAMILY?

Legal issues may arise in a number of ways and should be considered within each of the modules. However, the serious problems legal issues can cause for families on their journeys toward family well-being warrant special consideration. According to the American Bar Association (ABA), roughly 40 percent of low-income families experience a legal problem each year.<sup>1</sup> When expanded to a broader category of civil justice situations – circumstances that more loosely involve a legal matter – the ABA has more recently estimated the number at 80 percent for low-income families.<sup>2</sup> In general, the biggest legal needs for low-income families are family issues, such as divorce, custody, domestic abuse, support, and guardianship; housing issues, such as landlord/tenant, federally subsidized housing, and foreclosures; and income maintenance, such as public benefits and unemployment compensation.<sup>3</sup> In addition, many families have legal issues through involvement in the criminal justice system. The fees and fine structures that are imposed post-jail/prison can drain family resources.

The impact of these types of problems can be far reaching, negatively impacting both the individual and their families, with low-income individuals more likely to report a negative consequence (51 percent) from legal problems than high-income individuals (30 percent).<sup>2</sup> Individuals with

unresolved legal issues may risk losing a home, suffering from a loss of needed income, staying in abusive situations, remaining in physically unhealthy homes, or paying avoidable debt.<sup>4</sup> Additional emotional impacts are also common, including feelings of fear, a loss of confidence, and damage to physical or mental health.<sup>2</sup> Children in families experiencing this type of upheaval may experience negative outcomes in child development, school performance, health, and/or family interactions, making children most often the biggest benefactors of legal aid services.<sup>4</sup>

### BARRIERS TO ACCESS TO JUSTICE

Low-income families with legal needs often face both personal and systemic barriers to resolving their legal issues. People with legal needs often do not know where to go for help, do not know they are eligible for free or low-cost legal services, or do not recognize their situation as a legal problem.<sup>5</sup>

In one study, where individuals were asked to characterize their civil justice situation, only 9 percent characterized it as a legal issue.<sup>6</sup> The majority (56 percent) described the situation as “bad luck/part of life” or as “part of God’s plan.”<sup>6</sup>

Individuals with a legal problem often attempt to handle the situation on their own (46 percent) or

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1 LASO Facts and Poverty Statistics. Retrieved from <http://tinyurl.com/y9rejlmf>

2 Accessing Justice In The Contemporary USA: Findings From The Community Needs And Services Study. Retrieved from <http://tinyurl.com/kph6msk>

3 2013 Legal Services Corporation - By The Numbers: The Data Underlying Legal Aid Programs. Retrieved from <http://tinyurl.com/y8j9uzte>

4 Closing The Justice Gap - How Innovation and Evidence Can Bring Legal Services to More Americans. Retrieved from <http://tinyurl.com/ybrc4z6h>

5 Documenting the Justice Gap In America - The Current Unmet Civil Legal Needs of Low-Income Americans. Retrieved from <http://tinyurl.com/qa69js4>

6 Accessing Justice in the Contemporary USA: Findings From the Community Needs and Services Study. Retrieved from <http://tinyurl.com/kph6msk>

through their social networks<sup>7</sup> who often provide misinformation.<sup>8</sup> One study found only 22 percent of individuals reached out to a third party that was not a member of their social network, but

7 Accessing Justice In The Contemporary USA: Findings From The Community Needs And Services Study. Retrieved from <http://tinyurl.com/kph6msk>

8 Documenting the Justice Gap In America - The Current Unmet Civil Legal Needs of Low-Income Americans. Retrieved from <http://tinyurl.com/qa69js4>

not necessarily a legal representative.<sup>7</sup> However, studies have found that often social service agencies and community workers fail to make appropriate referrals.<sup>8</sup> Additional barriers include low literacy, disabilities, limited English proficiency, and culture and ethnic background.<sup>8</sup>

*As a coach, you are in a unique position to identify and make referrals for legal issues that arise.*

### GENERAL TIPS AND ADVICE FOR COACHING ON THIS TOPIC:

- It is often hard for a parent to recognize that a problem is actually a legal issue. Listen carefully when a parent is talking about another topic issue. For example, a parent may say they were hurt on the job and have to be out of work for a period of time. This might mean they are entitled to worker's compensation.
- Some situations may give rise to multiple legal issues. Asking follow-up questions such as "why," "what happened," or "what caused that" may help identify other issues. For example, if a client states they lost their job and was denied unemployment, they may realize they need legal assistance with their unemployment claim. However, a follow-up question of "what happened" may reveal an additional legal issue. For example, if the client reports they lost their job because their child's school kept calling to tell them to pick up the child for behavior issues, there may be a legal issue if the school is not properly addressing the child's behavior. Therefore, the client may have both an employment and a special education issue.
- Parents may not know free or low-cost legal help is available. They may have asked a friend who said "this is how I handled it" or who told them it would cost too much money. Parents may also be scared of working with an attorney for any number of reasons. As a coach, you can provide information on free or reduced cost community resources through legal services. You can let parents know that even with private attorneys, there are a number of situations where an attorney does not get paid unless they win the case, such as disability, so there is no upfront out-of-pocket cost.
- Listen for these problems most commonly faced by parents:
  - Family issues (divorce, custody, domestic abuse, support, guardianship)
  - Housing issues (landlord/tenant, federally subsidized housing, eviction, foreclosures)
  - Income maintenance (public benefits, unemployment compensation)
- In addition, ask these questions or listen for these legal issues:
  - Are there any issues with criminal records that are getting in the way of finding a job?
  - Is child support current (if client is required to pay child support)?

- When an individual is behind on child support, driver's licenses can be suspended, tax refunds taken, and passport applications denied.
- For individuals being released from prison, legal financial obligations pose barriers. Some individuals have thousands of dollars of legal fees/obligations.
- Although most programs prevent staff from asking about an individual's immigration status, it is important to be aware of how legal status may impact an individual's eligibility for services such as drivers' privilege cards, and insurance options.

*The following advice is from Helping Clients with Legal Issues, Accessing Justice Series: Legal Information for Frontline Service Providers, Center for Legal Public Education, Alberta, Canada, April 2016, pp. 12 and 14.*

## ONCE YOU'VE IDENTIFIED THAT YOUR CLIENT HAS A LEGAL ISSUE OR ISSUES, WHAT SHOULD YOU DO?

- Connect your client with an appropriate legal information source or legal service provider for assistance.
- Do not provide your parent with advice on how to deal with the legal issue(s) or which course of action they should take. Your role is to help them access relevant information sources and refer them to appropriate services.  
  
EXAMPLE: You may help them access a court website to find forms for a hearing. However, you cannot suggest what they should include in the form or what they should say at the hearing.
- It can be difficult to know which issues should be considered high-priority. Use

the following list as a guide to which issues should be considered urgent and high-priority:

- Client has an upcoming court date.
- Client has missed a court date.
- Client received legal or government documents that require a response or follow-up action, i.e., family court pleadings, small claims court summons, public housing letter, immigration notice, social benefits letter.
- Client has outstanding criminal charges or warrants.
- Client recently received an eviction notice.

## POWERFUL QUESTIONS AND OTHER FAMILY-CENTERED INQUIRIES:

- How do you suppose this legal issue will impact your family?
- What do you know about this legal issue now?
- What do you need to know and how can your family help you access this information?
- What do you want for your family?

### INFORMATION FROM OTHER CONTENT AREAS CAN SUPPORT SUCCESS IN THIS ONE




This topic ties closely in with other topics such as employment, education, and career; basic needs; family, friends, relationships; and child well-being and parenting. Looking at these areas provides insights into other interests, strengths, and potential challenges that can support or hinder a parent’s ability to make progress toward a legal goal.

OTHER CONTENT AREAS	QUESTIONS FOR THE COACH AND PARENT TO DISCUSS
EMPLOYMENT, EDUCATION, AND CAREER	What types of jobs are you interested in, or what job do you currently have?
	Are there any barriers to applying for jobs or advancing in a job based on legal issues, such as criminal records, bankruptcy, disability, accommodations?
BASIC NEEDS	Do you have a clean and healthy place to live?
	Are you about to lose your home?
	What type of housing do you have?
	What public benefits do you receive? Have you ever been denied benefits?
	Have you received an eviction or foreclosure?
	What would your financial picture look like without benefits, such as SNAP, TANF?
What would you like the picture to look like?	

OTHER CONTENT AREAS	QUESTIONS FOR THE COACH AND PARENT TO DISCUSS
FAMILY, FRIENDS, RELATIONSHIPS	Who is in your family?
	If parents are not living together, who has legal custody of any children?
	Are there other children living in your household? If so, who has legal custody of them?
	Are there any concerns you have about you or your family's well-being or safety? Listen for problems with domestic violence, child support, or alimony.
	Are you part of a particular group or issue that may have special benefits or rights under the law, such as veterans, disabled, homeless, domestic violence?
CHILD WELL-BEING AND PARENTING	How are your children doing in school? Do you have a child with a mental or physical health concern who is having challenges learning at school or is being suspended or expelled?
	How are your children's health? Are there health concerns or problems accessing health care?
	Do you have problems with the condition of your housing that is impacting you or your child's health?
	What are the social and emotional aspects of your children's lives? Are they generally happy, content, sad, angry, or clingy?

*The resources identified below are recommended by the Advisory Committee and Topic Experts for the Family-Centered Coaching Toolkit.*

## FOR YOUR TOOLKIT: IDENTIFY RESOURCES IN YOUR COMMUNITY

-  Legal Aid and other legal services providers
-  Low-cost or sliding scale legal services
-  Legal clinics; sometimes legal aid agencies or local bar associations have a one-day-a-month clinic.
-  Any programs offered by the county or state bar association
  - Matching with an attorney for a low-cost consultation
  - Providing free legal services to certain types of clients – for example, veterans
  - Call-in days
-  Most states have a self-help legal website in conjunction with the courts. The state site will give legal information on different topics. Here are a few examples from states:
  - <http://www.courts.ca.gov/selfhelp.htm>
  - <http://oklaw.org/>

Legal aid refers to the provision of free legal services for clients who cannot afford to pay for counsel (a lawyer). Legal services agencies are throughout the country and provide free legal services ranging from advice to full representation to low-income clients on civil matters, generally not criminal matters.

If a legal service agency cannot help a client, they can make referrals to other organizations or the private bar. Most legal services attorneys have an understanding of what types of legal cases an organization addresses and are familiar with free and low-cost providers. For example, in some states, the local bar associations will provide a legal consultation for a small fee. For some legal cases, a parent can receive a free consultation with an attorney to understand their rights. With other legal cases, an attorney will represent individuals with no up-front costs and only be paid if the case is won.

### TOOLS/RESOURCES:

#### National Database To Find Legal Help By State:

<http://www.lawhelp.org/find-help/>

#### Types of Free Legal Services

<http://hirealawyer.findlaw.com/do-you-need-a-lawyer/types-of-free-legal-services.html>

**What Should I Look for When Trying to Choose a Lawyer?**

<http://tinyurl.com/nvb2ldh>

**Helping Clients with Legal Issues, Accessing Justice Series: Legal Information for Frontline Service Providers, Center for Legal Public Education, Alberta, Canada, April 2016**

<http://www.cplea.ca/wp-content/uploads/2016/05/HelpingClientsWithLegalIssues.pdf>

**Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study, Rebecca Sandefur, American Bar Association, University of Illinois at Urbana-Champaign, 2014**

<http://tinyurl.com/kph6msk>

**For Immigrants From Spanish-Speaking Countries:**

*Immigrants from Spanish-speaking countries are vulnerable to notary fraud because in most countries a notario can practice law. Sometimes individuals who are notaries in the United States will falsely present themselves as attorneys and charge people for legal services.*

<http://tinyurl.com/ycogobgo>

**National Immigration Law Center**

*Know Your Rights*

<https://www.nilc.org/get-involved/community-education-resources/know-your-rights/>

**American Civil Liberties Union**

*Know Your Rights: What to Do if You're Stopped by Policy, Immigration Agents or the FBI*

<https://www.aclu.org/know-your-rights/what-do-if-youre-stopped-police-immigration-agents-or-fbi>

**National Council of La Raza**

*Has many publications on immigration issues, including "Know Your Rights: Financial Safety"*

<http://publications.nclr.org/>

**US Department of Justice: National Institute of Corrections**

<https://nicic.gov/>

**Vera Institute of Justice**

*Strengthening Families and Communities*

<https://www.vera.org/strengthening-families-communities>