

About...

PRAIRIE STATE LEGAL SERVICES, INC.



**AN OVERVIEW OF THE SERVICES, PRIORITIES AND
PRACTICES OF PRAIRIE STATE LEGAL SERVICES**

WHAT IS PRAIRIE STATE LEGAL SERVICES?

Prairie State Legal Services is a not-for-profit corporation that provides legal help at no charge to senior citizens and low income persons in thirty-six counties in northern and central Illinois.

Prairie State is not a government agency. Much of our funding comes from the federally-funded Legal Services Corporation. Congress has enacted laws to limit client eligibility and the types of services to be provided by organizations funded by the Legal Services Corporation. In 1996, Congress reduced funding for the Legal Services Corporation by one-third. Prairie State has sought to preserve and expand services to the extent possible through new sources of funding.

Prairie State is also funded by the Lawyers Trust Fund of Illinois, local United Ways, Area Agencies on Aging, many state, federal, and local funders, and private contributions. Some of the funding received by Prairie State is for special projects. This special project funding generally is limited to services to persons living in a certain community, to persons with special needs, or for certain types of legal problems. Such funding may allow Prairie State to serve persons with incomes higher than our general guidelines allow.

Prairie State provides services through ten branch offices located in Batavia, Bloomington, Carol Stream, Galesburg, Kankakee, Ottawa, Peoria, Rockford, Rock Island, and Waukegan. Services in Will County are provided through a sub-contract with Will County Legal Assistance Program.

Prairie State's Board of Directors is made up primarily of attorneys selected by local bar associations and low income persons selected by community groups. Each service area is represented by an attorney and a low income representative.

Each service office is staffed by Prairie State attorneys and support staff. Paralegals provide services in some offices. Some offices also have in-house volunteers. In addition, community attorneys volunteer to represent persons in need.

WHO IS ELIGIBLE FOR SERVICES?

When someone applies for legal services, Prairie State staff first determines whether the program has a conflict of interest. We then determine if the person is eligible for services based on special project funding, income and assets, and citizenship/immigration status, and according to federal laws and regulations governing the services we may provide. These guidelines are explained in this booklet.

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TYPES OF CASES HANDLED

Prairie State uses case priorities which were adopted by the Board of Directors. These priorities were developed after an extensive priorities study (1999) involving input from clients, attorneys, judges, and human service agencies throughout the service area. Prairie State offers legal advice on a range of civil legal matters, but more extensive legal representation is targeted to the priorities identified.

Based on the study and staff experience, Prairie State developed the following program objectives or priorities. All offices will seek to address issues in priorities 1 and 2 unless there are other legal resources to provide such help. As resources permit¹, problems within the remaining priorities may be addressed. Priorities 3 - 7 are not ranked. In other words, matters falling in priority 3 will not necessarily be handled before matters in priority 4 are handled.

Prairie State addresses Priority 7 primarily through the Telephone Counseling Service, which offers eligible callers legal advice regarding their problems, or through referrals to volunteer attorneys.

¹ Resources include funding to support expanded services, staffing, and availability of volunteer attorneys and paralegals.

PRAIRIE STATE AND THE WORK OF OTHER LOCAL ATTORNEYS

Prairie State attorneys specialize in issues related to poverty law. The work of Prairie State complements the work of local private attorneys. Private attorneys sit on Prairie State Legal Services' Board of Directors and comprise the majority of members on the Campaign for Legal Services Committees.

The most significant connection between the services of Prairie State and local attorneys is found in local Volunteer Attorney Projects. In these projects, coordinated by Prairie State, private attorneys volunteer to help clients with specific types of cases.

Prairie State clients are poor, elderly or disabled and cannot afford to pay for services. Since Prairie State cannot accept attorneys fees, and does not accept fee-generating cases, the work of Prairie State Legal Services does not compete with local private attorneys for potentially income-producing legal work.

PRAIRIE STATE CASE PRIORITIES

- 1 To protect eligible persons from serious risk to health or safety in those situations where a legal solution can remedy the issue** (Examples: The threatened termination of essential medical care including nursing home care, a threatened termination of essential utility services, and urgent family violence cases.)
- 2 To ensure that eligible persons are able to meet their basic human needs** (Examples: The denial of food stamps, TANF, or Medicaid benefits, evictions, or denials of public housing, family abuse, illegal lock-outs, denials/terminations of utility services, and divorces for battered women.)
- 3 To enable eligible persons to preserve or obtain income, assets, or benefits needed to improve their ability to meet their basic human needs or to better care for members of their household** (Examples: Collection actions which threaten exempt income or assets, home foreclosures, child support problems, and some bankruptcies.)
- 4 To provide children with resources that will facilitate their healthy development** (Examples: Denials of special education services to children with disabilities, denial of admission to school, and guardianships for children who have been abandoned or neglected.)
- 5 To protect the legal rights of parents with regard to their children** (Examples: Denial of visitation rights, termination of parental rights in non-juvenile court matters, and divorces.)
- 6 To enhance persons' efforts and opportunities to be self-sufficient and/or to maximize personal autonomy of persons with disabilities** (Examples: Defense of guardianship actions, denial of vocational benefits, and health care planning including power of attorney for health care.)
- 7 To ensure low income residents have access to our system of justice** (Examples: Legal advice on a range of issues, and uncontested divorces.)

CASES COMMONLY ACCEPTED FOR SERVICES

Prairie State seeks to make its services accessible to as many residents as possible. This access may be limited to legal advice because we do not have enough staff to handle all of the requests for services.

Generally, Prairie State staff seek to be available for those legal matters that impact a household's ability to meet its basic human needs for protection from violence and abuse, access to medical assistance, subsistence income, or access to decent affordable housing.

Some of the cases commonly accepted for more extensive legal representation include:

- Domestic Violence Orders of Protection (when legal representation is needed)
- Denials/terminations of Supplemental Security Income (SSI) benefits
- Financial exploitation or abuse of the elderly or persons with disabilities
- Problems associated with nursing home care or paying for nursing home care
- Denials of special education services required for children with disabilities
- Denials or evictions from public or subsidized housing
- Denials or terminations of government assistance (welfare benefits, food stamps, home health care, veterans' benefits, Medicaid)
- Terminations of housing subsidies such as Section 8 certificates or vouchers
- Illegal lock-outs and wrongful evictions
- Utility shut-offs
- Custody/visitation matters where there is evidence that a child is in danger
- Representation of victims of domestic violence to obtain a divorce
- Denials of admission to public schools
- Denials of or evictions from housing in violation of Fair Housing Laws (because of race, age, disability, or family status)
- Improper garnishment of exempt income or assets (governmental assistance, etc.)

Attorneys from the community volunteer to accept some types of cases such as divorces, bankruptcies, guardianships, or other matters. Such services vary in each community. In some communities, volunteer attorneys may assist with preparation of wills and handle real estate issues.

DECISIONS ON INDIVIDUAL CASES

In evaluating whether an applicant's case will be accepted for legal representation, the following factors are considered:

1. The impact on the client if legal representation is not provided; for example, if the person will lack the basic necessities for survival.
2. The chances of success in resolving the problem. Sometimes there is not enough evidence to support the case or the law does not support the client's position.
3. Whether other resources are available to resolve the problem either from other agencies or private attorneys, or whether the matter is one that the applicant can handle for himself or herself.
4. The availability of program resources. Because Prairie State has limited staff and financial resources, not all meritorious cases can be accepted. There are times that new cases cannot be accepted for a number of reasons. If staff attorneys have too many pending cases, accepting more cases is a disservice to the current clients. If the case will take a disproportionate amount of time, staff may determine that the matter cannot be handled. In other cases, staff may determine that the benefit of the case to the client does not justify diverting staff resources from other priority cases.



HOW TO APPLY FOR SERVICES

Prairie State has developed a telephone system that enables people to apply for services without coming to a Prairie State office. Applicants call their local office of Prairie State and are routed to attorneys who interview the callers by phone. These attorneys determine if the caller is eligible for services. The attorneys interview eligible callers about their legal problem. If the legal problem requires an in-person interview in order to assess the case or if the caller requires more than legal advice, an in-person interview will be scheduled provided that the problem is within the priorities of the local office. All other eligible callers will be provided with immediate legal advice and referral as appropriate. In many cases, this legal advice is sufficient to answer the caller's concerns or help the caller resolve the problem on his or her own.

Because the demand for this service has been very high, callers are increasingly reporting they are reaching busy signals or extended times on hold. **In an emergency, callers who have been unable to reach the Telephone Counseling Service should call back the local office and stay on the line until the receptionist answers.** When the receptionist answers, the caller should explain the emergency nature of the problem. Emergencies may include some domestic violence matters, a threatened or actual lock-out by a landlord, or other matters in which the applicant faces immediate serious risk to his or her health or safety. Some offices have walk-in hours to provide an additional option for callers having difficulty reaching the telephone service.

Human service workers may contact Prairie State directly if the situation warrants. The goal of the Telephone Counseling Service is to expand services by providing prompt legal advice. Prairie State is very concerned that this system not serve as a barrier to services for low income persons who have legal problems affecting their basic human needs. **We hope human service staff will contact the Prairie State office serving their area if they have a client who requires prompt legal help and is unable to reach the Telephone Counseling Service.**

The Telephone Counseling Service currently operates from 9:05 a.m. to 11:45 a.m. and from 1:05 p.m. to 4:00 p.m. Monday through Friday. These hours are subject to change.

FINANCIAL ELIGIBILITY FOR SERVICES

Applicants will be asked questions about income and assets to determine eligibility for services. Most services are funded by the federal government and must follow the government's eligibility limits for income. Income eligibility is based on 125% of the federal poverty guidelines. These amounts change yearly. In some situations, persons with incomes up to 187.5% of the federal poverty guidelines may be assisted if they have significant expenses for childcare, medical care, work transportation, or other fixed debts. Prairie State may also be able to help residents with incomes up to 187.5% of poverty if their legal problem involves government need-based benefits. These guidelines increase in May of each year.

In some situations, Prairie State has special funding that enables us to help some persons with higher incomes. This may include senior citizens, persons with AIDS, or persons with specific types of legal problems for which we receive special funding. For example, services to persons aged 60 and older are often funded through Area Agencies on Aging and are available to such seniors without regard to their income or assets. (Our representation of seniors continues to be targeted to those issues affecting seniors' ability to meet their basic human needs.)

Applicants may be denied services if their assets are in excess of \$9,000 (or \$14,000 for persons with disabilities or senior citizens whose services are not funded by Area Agencies on Aging). We do not count the client's home, if he or she lives there. A number of other assets are not counted, such as personal items, a car, and pension plans. Again, special circumstances may allow Prairie State to assist applicants who have assets if it is not possible for them to dispose of the property to secure legal assistance. Special funding may also allow us to serve some residents regardless of their assets.

Financial Eligibility as of May, 2003

Household size	Monthly Income		
	Percent of Federal poverty level		
	125%	187.5%	
1	\$935	\$1,403	For eligibility guidelines for households with more than 7 members contact your local Prairie State office
2	\$1,263	\$1,894	
3	\$1,590	\$2,384	
4	\$1,917	\$2,875	
5	\$2,244	\$3,366	
6	\$2,571	\$3,856	
7	\$2,898	\$4,347	

SITUATIONS IN WHICH WE ARE PROHIBITED FROM HELPING

Conflicts of Interest:

Lawyers are not allowed to represent both sides in a legal dispute, or to advise or represent clients with opposing interests. A conflict of interest may exist even if it has been several years since we represented the opposing party or obtained information in confidence by another person.

For example, if a person contacts a Prairie State office for help in a collection matter, the client will provide us with information about his or her income and assets. If, at a later time, that person's spouse contacts us about filing a divorce, we would not represent the second person because Prairie State would have a conflict of interest because we would have obtained information from the first caller that could be relevant in the divorce case. Because of our obligation to maintain client confidentiality, we could not explain the nature of the conflict to the spouse.

Conflicts of interest are very difficult to clarify to the applicant because of the need to preserve the confidentiality of all persons who receive services through our offices. This means that we often cannot give the applicant a full explanation of the reason we are denying services because to do so would mean revealing confidential information.

Government Restrictions:

Congress has restricted the kinds of legal services provided by federally-funded legal aid programs including the following:

- Legal services cannot be provided in criminal cases
- There are significant federal restrictions on legal services to non-citizens. These are explained in detail on the following page.
- Prisoners, including persons in county jails, are not eligible for assistance beyond legal advice, even if they are in jail awaiting trial.
- Legal services organizations cannot handle cases involving military discharge cases, abortion rights, political redistricting and certain fee-generating cases. Federally-funded legal services programs also cannot file class actions or engage in legislative advocacy.
- Prairie State cannot provide legal representation to community agencies unless their boards are comprised primarily of low income persons who are eligible for Prairie State's services and they cannot afford legal representation. Such groups include, among others, public housing tenant organizations or neighborhood-based organizations.

SPECIAL PROJECTS AND OTHER RESOURCES

Through special funding, Prairie State is able to offer additional services. These special projects include:

- * **HIV/AIDS Projects** - Special projects are available in most areas to help persons who are HIV+ or who have AIDS. These special projects often provide services to persons who would not otherwise qualify for services. These projects prepare power of attorney documents, handle medical benefits problems, and other special needs of persons with AIDS.
- * **Senior Citizen Projects** - These projects are funded primarily by local Area Agencies on Aging to help persons age 60 and older. While Prairie State cannot deny representation based solely on the person's income and assets, because of limited funding, the legal services that are provided are generally targeted to seniors with the greatest social and economic need. Elder abuse, nursing home issues, and medical assistance issues are high priorities for these projects.
- **Services to Homeless** - (limited to Lake and DuPage Counties) These projects are funded by the U.S. Department of Housing and Urban Development to help persons who are homeless to overcome obstacles to their ability to obtain housing. Extensive outreach to the homeless is an important part of this project. In addition, project attorneys tend to handle a wider range of legal problems for these clients, which are directed at a long-term resolution of the client's housing problems.



LEGAL INFORMATION AND LEGAL ADVICE

Eligible callers may receive legal advice on a wide range of topics through Prairie State's Telephone Counseling Service. Applicants may call the local office of Prairie State from 9:05 to 11:45 a.m. or 1:05 to 4:00 p.m. each day and will be connected to an attorney who will provide immediate legal advice, if appropriate. The popularity of this service has led Prairie State to increase phone lines and staffing, but callers may still face busy signals and/or waits on hold.

In addition, Prairie State has developed many publications to help clients and their advocates to understand the law. These publications include:

- When Your Landlord Wants to Evict You
- The Renter's Handbook (Spanish only)
- Paternity, Child Custody, Visitation and Support
- Questions and Answers about Medicaid Spend-down
- Help with Medical Bills: A Guide for Senior Citizens
- Bankruptcy
- Orders of Protection
- When you Owe Money
- Nursing Home Resident Rights
- Powers of Attorney
- What to do When You are Being Sued in Small Claims Court
- Financial Help for In-home Care and Nursing Home Care: For Married Couples in Illinois

Many of these publications are available in Spanish and some publications are available on Prairie State's website at www.pslegal.org.

ELIGIBILITY FOR PERSONS WHO ARE NOT CITIZENS OF THE U.S.A.



Congress imposed limitations on the availability of legal assistance from Legal Services Corporation grantees to non-citizens. The following non-citizens **are eligible** for legal services assuming all other eligibility requirements are met. Prairie State will review the documentation of non-citizen applicants to determine their eligibility for legal services.

NOTE: Non-citizens seeking legal help to end family violence by a **spouse, parent, or family member** may be served by a legal services program. They do not need to fit one of the categories below. For all other legal problems, applicants must fall into one of the following categories.

- Lawfully admitted permanent resident aliens
- Any alien who is either married to a U.S. citizen, is the parent of a U.S. citizen or is an unmarried child under the age of 21 of a U.S. citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Naturalization Act and such application has not been rejected
- Aliens granted asylum
- Aliens granted refugee status
- Aliens granted conditional entrant status
- Aliens granted withholding of deportation
- H-2A non-immigrant temporary agricultural workers (concerning the worker's employment contract)

All persons who receive services beyond brief advice over the telephone must attest in writing that they are citizens. All non-citizens (who are not victims of family violence) must present documentation at the time of the first in-person contact in order for the program to determine their eligibility for services.

CLIENT GRIEVANCE PROCEDURE

If an applicant or client disagrees with our decision on his or her case, they may use our client grievance procedure which is described in more detail in a separate brochure. We ask that the client first send a letter to the Managing Attorney of the office where services were sought. If this does not resolve the problem, the client may then contact the Executive Director at our Administrative Office in Rockford. In some situations, further review by the Board of Directors is available. The Administrative Office is located at 975 N. Main, Rockford, IL 61103 (815/965-2134).

EXPANDING SERVICES AND DEVELOPING NEW MODELS FOR SERVICES

Prairie State seeks to work with community agencies to develop solutions to community problems.

- Through collaboration and coordination, we have developed a child support project with the YWCA of Rockford to aid low income women to obtain and enforce child support orders.
- A special educational project with Access Services of Northern Illinois resulted in materials and training to aid guardians of adults with disabilities to understand their legal responsibilities.
- Collaboration between Northern Illinois University College of Law and Prairie State Legal Services led to the development of a domestic violence curriculum to train NIUCOL students to understand the social and legal aspects of representation of battered women.
- Collaboration between Mutual Ground and Community Crisis Center, two domestic violence programs, Prairie State and the Aurora Police Department resulted in expanded legal services for battered women. Initially on-site interviews were conducted at domestic violence shelters. Later this effort evolved with the support of the Kane County Court Administrator and special funding from the Illinois Criminal Justice Information Authority into a courthouse-based project serving more than 800 victims a year.
- Prairie State has developed new legal education booklets and guides as a result of working with other providers of service in identifying unmet needs in our communities. We encourage community groups and organizations to contact their local office of Prairie State to discuss the how we can work together to improve access to justice.

If you see an unmet legal need or if you have an idea how we can work together to improve services for persons in need, please contact the Managing Attorney of your local Prairie State office or call Gail Tilkin Walsh at Prairie State's Administrative Office at 815/965-2134 or email at gwalsh@pslegal.org

SUGGESTIONS AND COMMENTS

If you have suggests or comments about our services, contact the Managing Attorney of the local office of Prairie State in your area (see back cover). You may also write to Joseph A. Dailing, Executive Director of Prairie State, if you feel it is appropriate to your comment or concern.

IN-SERVICE AND LEGAL EDUCATION PRESENTATIONS

Prairie State staff are available to meet with the staff of community agencies to discuss our services in greater detail or to provide legal information on issues confronting our client community. Prairie State also offers legal education for client groups, and may be available to conduct legal advice clinics or on-site interviewing in cooperation with local shelters, domestic violence programs, housing authorities and other agencies serving low income persons, senior citizens, or persons with disabilities. Prairie State may also be available to conduct more formal training for social service providers.

VOLUNTEERS

Community volunteers make an important contribution to serving low income persons. While attorney volunteers are always needed, non-attorney volunteers help in many ways. Some non-attorney volunteers work as paralegals and help provide direct services to clients. Other non-attorney volunteers help coordinate the volunteer attorney projects, manage the law library, research funding opportunities, assist in planning fund raising events, help with filing, large mailings, or help distribute legal educational pamphlets and posters in their community.

Persons interested in discussing volunteer opportunities should contact the Managing Attorney of their local office of Prairie State.

NON-DISCRIMINATION STATEMENT

Prairie State Legal Services, Inc. does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with the Illinois Human Rights Act, the U.S. Civil Rights Act, Section 504 of the Rehabilitation Act, the Age Discrimination Act, the Age Discrimination in Employment Act, and the U.S. and Illinois Constitutions. If you feel you have been discriminated against, you have a right to file a complaint. For information, contact the Managing Attorney of your local Prairie State Legal Services office.



PRAIRIE STATE LEGAL SERVICES, INC.

Administrative Office
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Rockford, IL 61103-7064
Phone: (815) 965-2134
Fax: (815) 965-1081

Prairie State web site: www.pslegal.org
General E-mail: office@pslegal.org
Executive Director: Joseph A. Dailing
E-mail: jdailing@pslegal.org

Batavia Office

Serving DeKalb and Kane Counties

Managing Attorney: Tammie Grossman
201 Houston Street, Suite 200
Batavia, IL 60510
Phone: (630) 232-9415 WATS: (800) 942-4612
Fax: (630) 232-9402

Bloomington Office

*Serving Livingston, McLean and eastern
Woodford Counties*

Managing Attorney: George Boyle
102 N. Center, Suite 405
Bloomington, IL 61701
Phone: (309) 827-5021 WATS: (800) 874-2536
Fax: (309) 828-3776 TDD: (309) 828-3896

Carol Stream Office

Serving DuPage County

Managing Attorney: Eliot Abarbanel
350 South Schmale Road, Suite 150
Carol Stream, IL 60188
Phone: (630) 690-2130 WATS: (800) 690-2130
Fax: (630) 690-2279 TDD: (630) 690-2308

Galesburg Office

*Serving Knox, Fulton, Henderson, McDonough and Warren
Counties*

Managing Attorney: Tracey Mergener
1614 East Knox Street
Galesburg, IL 61401
Phone: (309) 343-2141 WATS: (800) 331-0617
Fax: (309) 343-7647

Kankakee Office

Serving Iroquois, Kankakee and Kendall Counties

Managing Attorney: Michael O'Connor
191 South Chicago Ave.
Kankakee, IL 60901
Phone: (815) 935-2750 WATS: (800) 346-2864
Fax: (815) 935-0906 TDD: (815) 935-2764

Ottawa Office

*Serving Bureau, Grundy, LaSalle, Lee and
Putnam Counties*

Managing Attorney: Donald Dirks
1021 Clinton Street
Ottawa, IL 61350
Phone: (815) 434-5903 WATS: (800) 892-7888
Fax: (815) 434-2642 TDD: (815) 434-6011

Peoria Office

*Serving Marshall, Peoria, Stark, Tazewell, and
Woodford Counties*

Managing Attorney: Lisa Wilson
331 Fulton St., Suite 600
Peoria, IL 61602
Phone: (309) 674-9831 WATS: (800) 322-2280
Fax: (309) 674-3802 TDD: (309) 674-3811

Rock Island Office

*Serving Henry, Mercer, Rock Island, and
Whiteside Counties*

Managing Attorney: Gretchen Martin Farwell
208-18th St., Suite 202
P. O. Box 4863
Rock Island, IL 61204-4863
Phone: (309) 794-1328 WATS: (800) 322-9804
Fax: (309) 794-0265 TDD: (309) 794-1302

Rockford Office

*Serving Boone, Carroll, Jo Daviess, Ogle, Stephenson, and
Winnebago Counties*

Managing Attorney: Catherine Ritts
975 North Main Street
Rockford, IL 61103-7064
Phone: (815) 965-2902 WATS: (800) 892-2985
Fax: (815) 965-1081 TDD: (815) 965-5114

Waukegan Office

Serving Lake and McHenry Counties

Managing Attorney: Linda Rothnagel
325 West Washington St., Suite 100
Waukegan, IL 60085
Phone: (847) 662-6925 WATS: (800) 942-3940
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