



PRAIRIE STATE LEGAL SERVICES
Equal Access to Justice

THE PRAIRIE FIRE

The docket of noteworthy cases and accomplishments of Prairie State Legal Services, Inc.

June, 2017

ABOUT US

Prairie State Legal Services is the only provider of free civil legal aid in the majority of our 36-county area. We maintain twelve offices throughout our service area--in Bloomington, Galesburg, Joliet, Kankakee, McHenry, Ottawa, Peoria, Rock Island, Rockford, St. Charles, Waukegan, and Wheaton. We provide legal services for low-income persons, people with disabilities and those 60 years old or older who have serious civil legal problems and need legal help to solve them.

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TABLE OF CONTENTS

A Note from the Executive Director	p. 3
Helping Clients Receive and Maintain Sustainable Income, Food and Medical Benefits	p. 4
Advocating for Children to Obtain Needed Protection, Benefits and Educational Services	p. 7
Helping Clients Obtain or Maintain Affordable Housing; Preventing Eviction and Homelessness	p. 10
Assuring that Clients Remain Safe from Violence, Abuse, Stalking and Exploitation	p. 20
Securing Divorce and Needed Orders for Custody, Support, Visitation and Property	p. 26
Removing Legal Barriers for Clients to Help Them Get or Keep a Job or Driving Privileges	p. 28
Protecting Rights of Residents of Nursing Homes or Other Facilities; Preventing Unlawful or Dangerous Discharges	p. 29
Helping Clients Maintain Their Independence, Stay in the Community and Make Their Own Decisions	p. 32
Preserving Access to Essential Utility Services	p. 34
Challenging Housing Discrimination and Protecting Client's Fair Housing Rights	p. 35
Using Bankruptcy to Serve Client's Basic Human Needs	p. 38
Assisting Clients with Life Decisions Preparing Wills and Advance Directives	p. 39
Representing Taxpayers to Resolve Disputes With the IRS	p. 40



A Note from our Executive Director

Michael O'Connor

Last year, Prairie State completed work on 14,308 different cases assisting 29,389 household members. I'm proud to recognize this effort as a major accomplishment of the PSLS workforce, including about 50 lawyers, a few paralegals and an effective support staff. About 70% of those cases were resolved with legal advice, while we pay most of our time and attention on the 30% of cases completed with more extensive help.

We cannot overstate the importance of access to accurate legal advice provided in a timely manner – it can avoid or solve many problems. For clients, legal advice means learning whether they have a valid legal claim or defense and how to focus on issues that matter. We explain the ways people can advocate on their own behalf to solve their legal problems. We explain the legal options available, as well as the advantages and disadvantages of each option, so people can make informed choices. We explain legal rights, remedies and responsibilities so people can avoid legal problems, and protect themselves or enforce their rights when those problems nevertheless arise.

As for the 30% of cases completed with more extensive legal help, *The Prairie Fire* tells the stories of some of these cases, and the success we have achieved for our clients. We tell these stories, not to boast of our success, but because they provide insights into the challenges our clients experience due to poverty, advanced age or disability. They tell of the exploitation and abuses that would go unchecked if civil legal aid were not available. The case stories reflect the experience of oppression, discrimination and inequality in our communities, and the success that clients can have in the end. These issues are happening in Aledo, Aurora, Bloomington, Freeport, Galesburg, Harvard, Kankakee, Peoria, Watseka, Wheaton and just about every community in our service area.

Some of the stories we cannot tell. Increasingly, settlements with banks and similar institutions require agreements with non-disclosure provisions. In other cases, a detailed description of the case may violate our ethical responsibility to maintain confidentiality. As much as we might like, we can never fully tell the whole story of our services, but *The Prairie Fire* gives you a very good idea.

I cannot recognize the work of our staff without also recognizing that last year, volunteer attorneys completed 1,278 cases, some of which appear in these pages. Community attorneys volunteer their time in other ways, as well. Retired judges volunteer in our offices referring cases to community attorneys or interviewing clients seeking divorces and helping us determine our service focus. Some community lawyers share their expertise to help our attorneys in aspects of their cases such as preparing complex division of pension benefits in divorce cases.

I am so grateful for our dedicated staff and volunteer attorneys whose commitment to excellence in legal services leads to the great results represented in the pages that follow.

Your partner in justice,

Mike

Helping Clients Receive and Maintain Sustainable Income, Food and Medical Benefits

In 2016, PSLS staff and volunteers provided legal representation that resulted in favorable decisions in 166 public benefits cases. Of these cases, 83 involved medical benefits, 48 involved income benefits for persons with disabilities and 34 involved other income or food stamp benefits. The cases for persons with disabilities resulted in awards of disability benefits with an annual value over \$350,000. These benefits help people who cannot work cover basic expenses and reduce reliance on local charities.

PSLS has Appellate Court victory and wins VAC General Assistance benefits for client. PSLS appealed to the Third District Appellate Court from a circuit court trial decision. That decision affirmed the Veterans Assistance Commission (VAC) termination of client's General Assistance benefits. The VAC terminated benefits due to an alleged verbal assault of VAC staff members, but had no rule that permitted termination for this reason. We filed a lawsuit seeking judicial review alleging the VAC denied the client due process of law by terminating his benefits while an administrative appeal was pending and before the client had any hearing, and by terminating his benefits without any basis in its written rules. Although the trial court upheld the VAC, the appellate court reversed. We are working on enforcing the decision and getting benefits for our client.

Aggressive advocacy enables asylees from Asian country to receive special DHS Cash Assistance Program when their SSI terminated. Our elderly clients (husband and wife) came to the U.S. as Asylum seekers from an Asian country, speaking only Russian. Within a few years, they both suffered disabilities. Under the terms of their asylum, they could receive SSI only for the first seven years of their legal residency in the US. Due to language barriers, and the lack of effective social services, they never learned that they had to become US citizens in order to continue receiving SSI. At the end of the 7-year period, their SSI benefits terminated, and they sought help from PSLS. We determined that the terminations were proper and there was no way to appeal and win. We discovered a new cash assistance program through DHS specifically for legal residents who no longer qualified for SSI due to the expiration of the 7-year time limit. On our advice, the clients went to DHS several times but they always turned our clients away. Our staff attorney then went with them to DHS. DHS refused to get us an interpreter, refused to acknowledge the new cash assistance program and refused to give them any applications. Not backing down, our attorney spent an hour demonstrating to a supervisor and caseworker that their refusals violated their regulations. The DHS staff eventually agreed that their refusals were wrong, and processed our clients' applications. Cash assistance began within a week, enabling our clients to pay their rent and pay back all the loans they had taken. We are now trying to put them in touch with Russian speaking volunteers who can help them contact agencies to assist with applications for citizenship.

Appeal of Social Security denial nets client over \$46,000 plus ongoing benefits. Client, a veteran, suffers from severe anxiety, depression, and autism spectrum disorder. Social Security denied Social Security Disability benefits, and we represented client at an appeal hearing before the Administrative Law Judge. We received a fully favorable decision, awarding client \$46,000 in back benefits plus \$1,295 per month in ongoing monthly benefits including dependent benefits.

PSLS wins Social Security hearing and gets \$94,000 overpayment charge thrown out. The Social Security Administration wrongly charged our 23 year-old client over \$94,000, claiming that he improperly had received Supplemental Security Income (SSI) for a number of years, dating back to his childhood. Social Security was relying on false valuation of his parents' income and assets, and lacked proof of the family's actual assets. Social Security did not perform the correct calculations in determining the overpayment, and wrongly counted income in violation of its own rules. PSLs wrote a brief explaining the income and asset situation and laying out the reasons that Social Security's determination of the overpayment was incorrect. We also represented the client at a hearing where we argued he should not have received any overpayment and that he was still eligible for SSI. After the hearing, the Administrative Law Judge ruled in the client's favor, stating that the entire overpayment was an error. Our client's monthly SSI benefits were restored and the overpayment was eliminated.

PSLS successfully appeals adverse SNAP decisions for deaf-mute client resulting in finding of Agency Error, restored benefits. Our client, who is deaf, mute, and does not understand English or American Sign Language, lives with his two minor daughters. He received a notice of termination of his SNAP (food stamps) benefit and notices of two overpayments totaling \$9,774. The Department of Human Services (DHS) imposed these sanctions due to unreported income. Due to his limitations, he was unaware that he needed to report any changes in income. Client appealed, and PSLs insisted DHS provide a Certified Deaf Interpreter (CDI) at the administrative hearing. At the hearing, our client testified through the CDI that he could not understand the application or notices he received in English, and testified that he was never give a sign language interpreter, let alone a CDI. His mother testified that she repeatedly requested that DHS send all notices to the home in Spanish but DHS continued to send all notices in English. Client's mother also testified that she always accompanied him to the local office but that DHS refused to include her in any conversations. Since there had been no CDI, client was unaware that he could name his mother as a representative to assist him in meeting reporting requirements. The Hearing Officer ruled in our client's favor, reversing the termination, assuring our client could continue to receive food stamps. He also found that the agency should classify both overpayments as an "Agency Error" because DHS failed to provide a translator to ensure client understood his rights and responsibilities. This resulted in only a small overpayment, which DHS recouped through his ongoing benefits.

Prairie State successfully defends SNAP client against charge of intentional program violation.

PSLS represented a homeless client in his early 20's in a proceeding before the Illinois Department of Human Services. Our client participated in the SNAP program (food stamps). The agency charged our client with an intentional program violation (IPV) and possible fraud. The agency wrongly alleged that client had never informed it of an increase in his income, and charged client an overpayment of more than \$3,000. At a hearing before DHS on the IPV charge, the client demanded a lawyer and then contacted Prairie State. A PSLS attorney met the client at DHS that very morning and agreed to represent him at the hearing. She insisted on viewing the agency's file in advance of the hearing. When our attorney found that important information was missing from the hard copy file, she asked that it be located and printed from the electronic case file. DHS complied and our attorney found, in writing, proof that the client had indeed called DHS and tried to tell them that his income had changed. When our attorney presented this information at the hearing, the Hearing Officer immediately conferred with the agency's legal department. The agency then decided to drop the IPV charge due to insufficient evidence.

PSLS prevails at five separate hearings to preserve client's TANF benefits. Due to her disabilities, client applied for (but was denied) a medical exemption to the TANF work requirement. PSLS represented her at an appeal hearing and obtained a favorable decision. However, PSLS had to represent the client in four (4) additional appeals, and we won the hearing every time. First, the Department of Human Services (DHS) terminated her TANF benefits for not showing up at her annual recertification meeting. However, client had not received notice of that meeting until after it took place, and DHS denied her request for a new meeting. We convinced the hearing officer (HO) that the rules required the local office to schedule a second meeting. DHS did schedule a new meeting, but again denied a medical exemption without affording our client any appeal rights. The HO agreed that DHS should have issued a denial notice with appeal rights. When they did, we filed yet another appeal and received a favorable decision that client was entitled to the medical exemption. DHS then notified the client that it was sanctioning her TANF and SNAP benefits because she did not complete her work activity requirement. We then represented the client at what was now her 5th appeal, and again received a favorable decision. The HO ruled that DHS remove the sanction of client's benefits.

Use of DHS medical records key to favorable Social Security decision. Client came to us after Social Security denied her application for disability benefits at least 6 times. Client was severely disabled, but had problems gathering medical evidence and keeping doctors' appointments due to her homelessness, mental health issues and insurance problems. We gathered medical documentation to prove her SSD case. This effort included obtaining Department of Human Services' forms that client's doctors had filled out over the years so that client could continue to get TANF. The DHS forms proved very persuasive to the Social Security ALJ during the client's hearing. The ALJ said at the hearing, "with so many doctors' notes arguing disability, I will issue a fully favorable decision." We received a fully favorable decision finding client disabled since her alleged onset date in January, 2013. She will be eligible for ongoing benefits and a retroactive benefit of \$40,000. Since client is currently homeless, this benefit will help client tremendously.

Advocating for Children to Obtain Needed Protection, Benefits and Educational Services

In 2016, legal representation by PSLs successfully resolved 36 education cases for children. Staff and volunteers completed 22 adoptions of children, obtained 20 protective orders for children and obtained 20 guardianships of dependent children.

[Prairie State volunteer attorney completes a guardianship for child with extensive disabilities.](#)

This case involves a child with severe disabilities who had just turned 18. Her mother retained PSLs for help with a guardianship. The mom speaks only Spanish. When the child was age one, she had a high fever and seizures that resulted in brain damage and a diagnosis of cerebral palsy and mental retardation. She has been wheelchair-bound ever since, and has never been able to walk, talk or feed herself. Various family members had worked out a schedule for her care in which they all participate. The family tried unsuccessfully on their own to handle the forms for the guardianship. A PSLs volunteer attorney, upon learning that the child was in the hospital for pneumonia, agreed to take this case and promptly met with the family right in the hospital to get the case going. Our volunteer completed a guardianship for the client in circuit court (with the mother serving as guardian) and successfully negotiated with the GAL to drop his fee.

[PSLS prevents expulsion for special education student and successfully advocates for proper educational placement.](#) Our client, a middle school student, receives special education services due to an emotional disability that affects her ability to learn and function in school. The school district sought to expel her when she got into trouble. PSLs represented the student at a meeting to determine if her behavior was a manifestation of her disability. The school team determined that it was not, but offered the student an Expulsion in Abeyance (EIA) agreement that would allow her to keep an expulsion off her record if she attended and succeeded in an alternative school. The district agreed to re-evaluate her to determine appropriate special education services. Unfortunately, she again got in trouble at the alternative school, but this time we were able to convince the district that the behavior was a manifestation of her disability. As a result, client kept her EIA agreement and avoided having an expulsion on her record. We also convinced the district that the alternative school was not a proper placement for her, and got her placed at a therapeutic day school, which is better equipped to handle her disability.

[PSLS provides stability to grandchildren through Guardianship for client grandmother.](#) Our client is a grandmother who had physical care of two grandchildren for two years, but wanted to secure a guardianship to provide stability to the children. Our volunteer attorney filed a guardianship case in circuit court, the father consented and the mother defaulted. The Court granted Guardianship to the client.

Client obtains Guardianship over “daughter” abandoned by both biological parents. Our client sought a legal guardianship over his former girlfriend’s daughter. The client was not the biological father, but the daughter has long considered him as her dad. Her biological father had abandoned her. After years of moving around the country with her drug-abusing mother, the daughter ended up back in Illinois where her mother then abandoned her, and left her with our client. The client came to PSLS when he had problems enrolling the child in school. PSLS obtained a court order in circuit court naming our client as legal guardian of the child, who had nominated him as her guardian. At the conclusion of the hearing, there were a few happy tears from both the child and guardian.

Settlement achieved at due process hearing allows special education student to remain in home school. The client’s School District refused to provide adequate special educational services. The District created an Individual Education Plan (IEP) over the objections of the DCFS guardian and the foster parents. The IEP required client to stop attending her local school where she had been attending and doing well, and transfer to a different school in a different city. We represented the client in a Due Process Hearing and Resolution Session. We achieved a full settlement at the resolution sessions. The District agreed to allow client to continue at her usual school for the 2016-2017 school year, and then the IEP team will meet to reevaluate placement for the subsequent year. The District rescinded the IEP requiring transfer and put in place a new, appropriate IEP. Student is doing well in her continued placement.

Due Process appeal enables student with emotional disability to stay in high school, avoid home tutoring. Student client is a 16-year-old freshman who receives special education services based on Emotional Disability (ED). An incident at school involved the student pushing a security guard who was trying to stop the student from leaving the lunchroom. The school issued a 10-day out of school suspension notice and then a change of placement requiring 45 days of home tutoring with a recommendation for expulsion. Without notice to the foster parent, the school held a hearing and determined that the behavior was not a manifestation of the disability. The school told the student he could not come back, but never held an expulsion hearing. Prairie State requested due process and represented the student in pre-trial negotiations and discovery. The District agreed to re-evaluate the student for cognitive disabilities in addition to ED. When they did so, they found that the behavior at issue was a manifestation of the client’s disability. They also prepared a new IEP based on both cognitive disability and ED, and by agreement for the 2016-2017 school year, the District placed the student within an ED classroom in different high school in the District. Student is now doing well.

PSLS obtains Social Security for a minor by proving paternity of deceased father using DNA records. To obtain Social Security benefits for a minor, we needed to establish proof of paternity of the child’s deceased father. Our volunteer attorney filed suit in circuit court to compel the county coroner’s office to provide DNA records of the deceased father. These records supported paternity for our client’s application to the Social Security Administration. This avoided a lengthy paternity filing and was an out of the box simple way to reach a satisfactory conclusion.

Advocacy with school district enables special education student to receive diploma and enroll in community college.

Our client received special education services throughout high school due to her disability. She completed all her graduation requirements, but chose not to graduate so that she could receive transition and life skills training until her 22nd birthday. While she was receiving transition services, she transferred to a new school district, and finished the last year and a half of her transition program with the new district. However, the new district refused to issue her a diploma, claiming that she had not met all of its requirements for graduation. The new district had failed to communicate this to our client until it was too late for her to complete any of the additional credits she might need. That failure violated their obligation to assist special education students to earn a high school diploma. We negotiated with the new school district demanding that they either give our client a diploma or allow her to take any credits needed to obtain a diploma after she was no longer age-eligible for a public school education. The new district ended up agreeing that she had met the graduation requirements and issued the client a high school diploma, which allowed her to enroll in community college.

PSLS files petitions for adoption and for U-Visa on behalf of grandfather whose daughter was murdered.

An abuser murdered our client's adult daughter by ramming his truck into a motorcycle on which she was riding. Our client sought to adopt his daughter's minor children (ages 5 and 2). We filed adoption petitions for both children. We are also seeking police certification of cooperation with law enforcement for purposes of filing a U-visa for our client and his wife.

PSLS uses homeless law to get client's children enrolled in school. Following a loss of their housing, our client and children moved in with the children's father, with whom the client no longer had a relationship. The father lived outside the children's school district. The district allowed the children to continue attending school in the district for the rest of the school year. At the beginning of the next school year, Client and children moved in with her boyfriend and his family who actually did live in the district. Nevertheless, the district investigated and determined (wrongly) that Client and her children still lived out of district with her children's father, and would no longer allow enrollment in school. The client appealed but was unrepresented at the residency hearing which upheld the finding. Surveillance conducted in the first few weeks of the school year when the children were still in the process of relocating was damaging. That boyfriend's mother refused to allow a site visit that could have established our client's residency there. The district's decision presented a huge problem getting the children into ANY school. At this point, neither district (where the boyfriend lived and where the father lived) would admit them. Due to the terrible state of the record, we did not appeal the school board's decision. Rather, we worked with the district informally, and sought a new residency determination. The district was unwilling to readmit the students even with additional proof of residency. We contacted the Illinois State Board of Education and the regional superintendent's office. We felt that the students were eligible for admission under the McKinney-Vento Act. We asked that the school enroll them under the Act. We attended the initial MKV screening and the district admitted the students the next school day.

Helping Clients Obtain or Maintain Affordable Housing; Preventing Eviction and Homelessness

In 2016, Prairie State staff obtained favorable results in 738 cases involving rental housing.

[PSLS successfully represents PADS to appeal revocation of its business license; Keeps PADS open to serve homeless clients.](#)

The PADS Resource Center is the point of intake for homeless individuals and families. It also provides case management services to the local homeless community. PADS is also the primary pickup point for access to the nightly homeless shelters. As snow fell and temperatures hovered in the mid-30s, the city issued a notice revoking PADS' business license. The police promptly escorted more than 40 people from PADS property. They ranged from an 80 year-old woman with dementia to a new mother with an infant. The notice stated a number of reasons for the revocation, but no facts to back them up. It alleged that PADS was breaching the peace, a menace to the public, violating code provisions applicable to its business, and operating beyond the scope of its license. Because PADS did not have the funds to hire a private attorney and serves clients who are eligible for PSLs, at the request of their Executive Director, we agreed to represent PADS in this dispute. We appealed the revocation decision to the city's Development Review Board. By ordinance, our challenge triggered an automatic stay of the revocation, allowing PADS to reopen while awaiting the hearing decision. Our preparation for the hearing included many aspects of municipal and zoning law. The particular city hindered our preparation by continually refusing to give us the facts supporting its revocation decision. If the Board decided against PADS, the stay keeping PADS open would expire, and PADS would close. If PADS closed, we would continue the legal fight before the city council and if necessary, in circuit court. As the hearing date approached, we secured three meetings with the mayor and corporate counsel in an attempt to resolve the dispute. By the end of our third meeting, we reached a settlement. The settlement agreement kept PADS open and operating with few restrictions. The agreement also allowed PADS to expand into the building next to the Resource Center, gave PADS the right to cure any future alleged violations, and provided protections for PADS' most vulnerable clients.

[Prairie State successfully defends against a retaliatory eviction.](#) The client's landlord was not making necessary repairs to the house she was renting. The client contacted the City Inspector, who put pressure on the Landlord to make repairs of defects that violated the local housing code. In response, the landlord served our client with a 30-day notice of termination of tenancy. Our staff attorney advised the client that the attempt to evict her was an unlawful retaliatory eviction. The landlord subsequently filed an eviction lawsuit in circuit court, and PSLs represented the client in that action. Through our advocacy and negotiation, the parties entered an Agreed Order that dismissed the case.

PSLS settles client's claims against former landlord and then leverages settlement to secure admission to public housing. Our client temporarily moved out of her subsidized apartment so the landlord could make repairs. Without her knowledge or approval, the landlord re-let her apartment to someone else while she was gone. Prairie State advocated on her behalf and settled client's claims. Under the agreement, the client waived her right to possession of her apartment and the landlord agreed to waive a substantial sum of money the client owed. The landlord also agreed to provide a positive reference so that client could secure alternative housing. She applied for housing at the Housing Authority (HA), but the HA denied admission based on an old and very minor criminal incident. The client had no other criminal history, and appealed the denial of admission. Prairie State represented client in that appeal, leveraged the former landlord's favorable reference and provided ample evidence that client would be a good tenant. The Hearing Officer reversed the HA denial of client's application for housing. She now has an affordable 2-bedroom apartment.

PSLS wins Court victory for first time homebuyers victimized by a scam; Clients now own home free and clear. Our clients were first time homebuyers unfamiliar with the process of buying a home. They were the victims of a scam. A company with a fake "non-profit" status fraudulently received foreclosed homes as a donation, used a related corporation to place fictitious "rehab" liens on the property (with little to no actual rehab work done), and then sold the homes to unsuspecting families for profit, but subject to these fake liens. The company sold such a home to our client, took monthly payments that supposedly covered the liens, property taxes and insurance. The liens were not real, and the company never actually paid the taxes or the insurance. The sale purported to be a mortgage with a note, but the documents actually set up a contract for deed. After our clients paid \$25,000 and made significant home improvements, they discovered the fraud. They had to redeem the property taxes in a lump sum to avoid a tax deed. PSLS sued the scammers and prevailed in circuit court. As part of the relief, the Court granted our clients a judicial deed to the property, so that they now own their home free and clear.

PSLS gets eviction suit dismissed and saves public housing for senior client suffering from multiple disabilities. Our 64-year old client suffering from numerous physical and mental impairments lives in senior public housing. After falling behind on her rent, the Housing Authority filed an eviction suit in circuit court. Client represented herself and entered into an Agreed Order requiring that she pay back the amount owed plus court costs and attorney's fees. When client failed to make the required payments, the Housing Authority filed a motion for possession. When PSLS got involved, we succeeded in having the court dismiss the case, having negotiated a new payment plan and facilitating a Foundation grant that paid the past due amount and the next month's rent. The settlement allows the client to remain in her unit.

After 3 court cases and 2 administrative hearings, PSLS saves client's Housing Voucher and gets eviction dismissed.

Client had a voucher through the Housing Authority (HA) to live in subsidized housing with her son. The landlord (LL) refused to renew client's lease. He falsely alleged that our client did not live in the unit, but had an unauthorized person and dog living there. When client refused to move, the LL filed an eviction suit and the HA sent client a notice that they were terminating her voucher. We first represented client at the voucher termination hearing, but the Hearing Officer (HO) upheld the termination. We then filed a lawsuit in circuit court challenging that decision. Because the HA lost the recording of the hearing, we agreed to hold a new hearing. Although the evidence greatly favored our client, the HO ruled against our client without providing any explanation. We took the matter back to court and fully briefed the issues. The Court ordered that the HO had to write a decision that provided reasons for the decision against our client. However, before he could do so, the HO died. The parties then agreed to settle the case by placing the client at the top of the waitlist to get the next available voucher. The client received the voucher and used it to obtain a new apartment. We arranged to have the LL's eviction case dismissed.

PSLS defeats eviction lawsuit by proving client a victim of domestic violence.

The client's landlord filed an eviction lawsuit against her in circuit court because of an incident of domestic violence at her apartment complex. The landlord alleged that the incident deprived other residents of their right to quiet enjoyment of the premises, even though the incident was not client's fault. She obtained an emergency order of protection against her boyfriend who was the perpetrator. She asked PSLS to represent her in the eviction case. The landlord insisted that our client was responsible for the actions of the ex-boyfriend and the eviction case went to trial. At trial, we proved that our client was a victim of domestic violence and was not at all responsible for the actions of the ex-boyfriend. The Court ruled in favor of our client allowing her and her four children to continue residing in the unit, thus avoiding homelessness for the family.

PSLS resolves rent dispute with landlord and preserves Section 8 Housing Subsidy.

Our client, a single mother with four children, moved out of her apartment to escape an abusive boyfriend. Although she had given her landlord appropriate notice, the landlord unlawfully charged client an extra month of rent and withheld her security deposit. However, client was at risk of losing her Section 8 housing subsidy if she did not resolve the dispute. PSLS negotiated on client's behalf with landlord and threatened legal action to obtain the return of the security deposit. Ultimately, the parties settled, with the landlord agreeing to return the deposit and that she did not owe any additional money. As a result, client was able to keep her Section 8 subsidy to use at her new apartment.

PSLS defeats eviction of deaf client with five children living in subsidized housing. Our client is deaf. She has five children (including an active autistic 7 year old) and lives in subsidized housing. Her landlord tried to evict her due to complaints about noise. Management was aware of client's impairment but went out of their way to avoid communication with her. Their eviction notice failed to give her the opportunity to meet with management, as required by the lease. PSLS presented this defense in the circuit court eviction case. In addition, PSLS made a reasonable accommodation request to management in regard to the noise from the autistic son. We convinced the landlord's attorney to dismiss the eviction. The client and her family are still in their subsidized housing unit and her reasonable accommodation request is ongoing.

Prairie State helps client secure housing and avoid a money judgment for rent. Our client relied on her husband's income to pay rent for the household. Her husband left her and stopped paying rent. The landlord filed an eviction suit in circuit court for possession and back rent. Our staff attorney worked with a local shelter to secure housing for the client. The client was able to move into the shelter before the return date on the eviction case, and our staff attorney secured a court order dismissing and sealing the case, with no money judgment against the client.

PSLS wins lawsuit against Housing Authority; Court reverses their decision that had terminated client's Section 8 Voucher. PSLS filed a lawsuit in circuit court to reverse a decision by the Housing Authority (HA) that terminated our client's Section 8 voucher. The State's Attorney had charged client with a crime stemming from an incident that involved client's boyfriend who had been harassing her for months. At the time of the HA decision, the client's criminal matter was still pending. In our lawsuit, we argued that the HA's decision was based entirely on unreliable hearsay evidence. After full briefing and argument, the Court gave our client a fully favorable decision, which restored our client's voucher. A different Court dismissed the criminal charge. The client remains stably housed.

Proof of identity theft at hearing wins blind client's admission to Public Housing. The Housing Authority (HA) owns 300 "scattered site" units. Our client, a blind single mom with a disabled child, applied for one of these units. The HA denied her application due to multiple serious criminal charges showing up on a background check. The criminal charges at issue were actually crimes committed by client's sister who uses client's name as an alias. Client appealed the denial, and PSLS represented the client at an administrative hearing. We obtained proof of this theft of client's identify, including mugshots of the sister, to show that the client was not connected to the charges at issue. At the denial hearing, we presented this evidence and won the hearing, clearing the way for client's admission to public housing.

PSLS files suit in circuit court and at remand hearing saves client's Section 8 Housing Choice Voucher.

The Housing Authority (HA) issued a notice terminating our client's Section 8 housing choice voucher. Client appealed and lost the hearing. PSLS then filed suit in circuit court challenging the termination of the voucher. The HA based their action on several eviction notices from client's landlord that alleged she was a poor housekeeper or that she disturbed other tenants. However, the landlord had no plans to take the client to court or otherwise terminate her tenancy because he believed that the client had resolved these issues. The Court ordered a new hearing at the HA. We then represented the client at that hearing. We presented evidence that the client maintained her place well and that she does not disturb her neighbors. The Hearing Officer ruled in favor of our client who was able to keep her Section 8 Voucher and move to a new apartment of her choosing.

PSLS wins appeal of Housing Authority termination of client's Section 8 Voucher; proves a retaliatory eviction.

Our client had a Section 8 housing choice voucher and moved into an apartment. The landlord added a \$150 "office fee" to the client's account even though that charge was not permitted by the lease, or any other written agreement. The landlord also charged the client a \$75 late fee before rent was actually due. Shortly after the client moved in, her next-door neighbor broke open her glass screen door and attacked her. Although the neighbor was criminally charged, the landlord never repaired the door. Instead, the landlord brought an eviction case in circuit court against the client for involvement in the break-in (even though she was the victim). The client went to court unrepresented and agreed to a possession order as she was afraid to live in the house anymore. Based on the eviction, the Housing Authority (HA) issued a notice terminating her Section 8 voucher. The client appealed the termination and PSLS represented her at the hearing. We presented evidence of the illegal charges, the criminal activity, the landlord's failure to fix the door, and the apparent retaliatory eviction based on client being a crime victim. The Hearing Officer overturned the termination and the client received a transfer voucher allowing her to move to a new apartment.

Suit against landlord results in major repairs to apartment and abatement of client's rent.

Raw sewage was backing up into client's basement. Her water heater and furnace were not working. The landlord denied the existence of a lease. However, we discovered the existence of a signed document that effectively leased the premises to client and a certification of tenancy submitted by the landlord to the Township for rental assistance. We filed suit in circuit court alleging violations of the Illinois Municipal Code and the "implied warranty of habitability." The Court entered a Temporary Restraining Order, Preliminary Injunction, and a Permanent Injunction requiring the property owner to fix the sewer, water heater, and furnace. As a result, this low-income rental property received major repairs. Specifically, the landlord replaced over 40' of sewer pipe from the house to the street sewer main and the main sewer pipes inside the house. He also repaired the furnace and water heater. Additionally, the relief we obtained for the client included an abatement of rent until the repairs were complete and Prairie State received an award of attorney's fees.

Advocacy enables senior with disabilities to preserve his Section 8 Voucher and avoid homelessness.

Client is a senior citizen with multiple disabilities, including schizoaffective disorder, depression, and arthritis. He also had a hoarding disorder and a severe speech impediment. With daily support from a local social service agency and a Section 8 Housing Choice Voucher, client was able to live independently in the same apartment for over 20 years. When his building developed a bedbug problem that spread to his unit, the client's hoarding disorder made his unit impossible for the exterminator to apply treatments. Moreover, the client's disabilities prevented him from taking the steps necessary to clear out his unit on his own. As a result, client's landlord filed suit in circuit court to evict him. PSLS appeared in the case and promptly submitted a reasonable accommodation request asking to delay trial long enough to allow client time to get help cleaning out and preparing his unit for treatments. The landlord granted the request, but no social service agencies were willing to enter client's unit given the bedbug problem. Paid services were prohibitively expensive on his meager disability income. With advocacy and supplementary accommodation requests, we convinced the landlord to give client more time to secure alternate housing. After client moved out, the landlord dismissed the eviction case, which enabled the client to preserve his Section 8 voucher and avoid becoming homeless.

PSLS wins eviction trial proving unlawful frustration of client's attempts to pay rent.

Client is a senior with disabilities whose landlord was evicting her from subsidized housing. She had deducted \$1.25 from her rent payment to recoup some quarters that one of the building's washing machines had eaten. The property manager returned her check, demanded that she issue a new and "certified" check without the deduction, and served client with a 10-day notice for non-payment of rent. The client had a difficult time getting to her bank to obtain certified funds due to her physical disabilities, winter weather, and lack of reliable transportation. Moreover, client lost track of the 10-day deadline to pay due to memory impairments caused by no less than five strokes. When client realized the 10th day had arrived, she managed to obtain a cashier's check and tried to bring it to the property management office. When she got there, she missed the office closing by 15 minutes, so she slid the check under the office door. The landlord considered the payment untimely and filed the eviction lawsuit in circuit court. We represented client at trial, arguing that the landlord's initial rent check rejection and the arbitrary certified funds requirement were an improper frustration of client's legitimate attempts to pay rent. We also argued that her second attempt to pay rent was timely because the 10-day deadline to pay expired at the close of the full 24-hour day rather than the close of business for the management office, and that the 10-day notice was defective as it failed to contain language explicitly required by HUD regulations. On our motion at the conclusion of the landlord's case, the Court entered judgment in favor of client so she could remain in her home.

PSLS wins appeal of Housing Authority action terminating client's Section 8 Voucher following unfair eviction.

Client was renting using a Section 8 Housing Choice Voucher. She suffers COPD, hypertension, asthma, arthritis, carpal tunnel syndrome, chronic bronchitis, chronic back pain, chronic knee pain, severe clinical depression and low IQ. Due to her disabilities, she was unable to manage her finances. A family member mismanaged her finances and failed to timely pay the rent. The landlord then evicted the client, who had no legal representation. The Sheriff removed the client from her apartment and piled all her possessions on the curb. The city disposed of all of her furniture, clothes, and personal belongings, including her wheelchair, walker, cane, shower safety chair, asthma machine, dentures, and medications. By the time she came to Prairie State, she was already homeless with nothing but the clothes on her back. To make matters worse, she had just received notice from the Housing Authority (HA) that they were going to terminate her Section 8 voucher due to the eviction. PSLS filed an appeal on behalf of the client and represented her at a hearing. We also submitted a reasonable accommodation request for the HA to make an exception to their termination policy. We presented defenses based on federal regulations requiring the HA to consider mitigating circumstances such as her lack of fault for the financial mismanagement of her rent payments and her disabilities. The Hearing Officer reversed the termination and allowed her to keep her voucher, as long as she could secure appropriate financial management assistance or training from a local agency to show that she had the ability to manage her finances going forward. After client completed a course on financial management, the HA processed her recertification paperwork and restored her voucher so she could secure a new affordable apartment.

PSLS overcomes two separate denials to get elderly client into Section 8 Senior Housing. Our client submitted a pre-application to senior housing just shy of her 60th birthday, and went on a waiting list. Two years later she came to the top of the list, but management of the housing complex denied client admission stating that, because she was not yet 60 at the time of application, she should have never been placed on the list. They returned her to number 95 on the waitlist. Client needed the senior housing because there were highly problematic access issues at her current apartment. Client came to PSLS and we appealed the denial. We argued regulations requiring the housing complex to have a policy that they would consider extenuating circumstances in admissions. We also argued that applicants must be at least 60 years old at the time of admission, not at the time of submitting an application. Property management reversed their decision and instructed our client to follow up with them for credit check and criminal background check. Management then denied the application a second time based on a failed credit check and criminal background check, and PSLS appealed again. The criminal matter related to some bad checks from 1998. We demonstrated how the credit check was faulty and pointed out regulations allowing management to disregard old criminal activity if there is sufficient evidence that the tenant has not engaged in criminal activity for a reasonable time. Given the minor nature of the offense and since our client had no other offenses on her record, and given the fact that client has disabilities, the property manager agreed to reverse this second denial and approve client for a unit. Client is happy to report she moved in.

PSLS prevents eviction and secures for client title rights to home and proceeds of sale. Client is a Lithuanian immigrant who worked for many years. After a stroke, his then wife fraudulently arranged to sell the marital home and purchased a new home but in her mother's name. She soon divorced him leaving the client in the new home to raise their daughter, without giving client any of the proceeds of the sale. Later, the ex-wife filed an eviction case against our client in her mother's name. Our investigation revealed that our client had paid the taxes, utilities and other housing expenses since the purchase of the new house. We appeared in the eviction case, and prepared a defense based upon the fraudulent transfer that left our client's name off the title. The parties, including the mother-in-law, settled by agreeing to dismiss the eviction, put our client on the title of the new home, and then sell it and split the proceeds. We ensured that our client got his share of the proceeds of sale (over \$81,000).

PSLS saves client's Section 8 Voucher by proving mitigating circumstances at hearing. Our client lived in housing with her three children, subsidized with a Section 8 Housing Choice Voucher. The Housing Authority (HA) terminated our client's Section 8 Housing Choice Voucher based on alleged criminal activity of her daughter. The daughter had been in a car with her boyfriend off the premises when the police arrested him. The boyfriend had hidden his gun in the daughter's handbag, so they arrested the daughter, too. Client appealed the voucher termination and Prairie State represented her at the hearing. We argued that based on HUD regulations, Illinois law and the HA's own Administrative Plan, the HA had to consider mitigating factors. At the hearing, we presented the following evidence to establish such factors. We proved that client and her two younger children had no part in the alleged crime. We showed that the adult daughter who had been involved planned to move to Tennessee and would no longer be part of the household. The client would not have been able to work and attend school without the voucher. Her youngest son had integrated well into the neighborhood and school. The middle daughter, despite a learning disability, completed high school thanks to the stability provided by the voucher. The hearing officer agreed with us and reversed the HA decision. Our client gets to keep her voucher.

PSLS prevails in eviction lawsuit over issue of rents due and owing; Saves client's Section 8 Voucher. Client has a Section 8 Housing Choice Voucher that subsidizes her rent. The client's portion of the rent fluctuated given changes in her income. The client and the landlord got into a dispute over what the landlord claimed were delinquent rents from the client. Client, who asserted she had paid all rents due, refused to pay any additional rents. The landlord then filed an eviction action in circuit court. If client lost the eviction case, she would lose her Section 8 voucher. Prairie State represented the client in the eviction, and at trial, put on extensive proof of rents paid. We also obtained key admissions from the landlord. Moreover, we successfully undermined the landlord's credibility by proving that she had changed her rent ledger between the time she produced it in discovery and the time of trial. The Court found in our client's favor and dismissed the eviction, finding that the landlord had failed to prove what rents client actually owed. As a result, the client kept her Section 8 voucher, which she used to find alternative housing.

Client claims a retaliatory eviction, wins a damage award; Court dismisses eviction and seals her file.

When client and boyfriend (and 2 children) moved into their apartment, the landlord agreed to permit them to have their cat, a dog and a ferret. The lease acknowledged the cat and dog but made no mention of the ferret. Soon after moving in, the client noticed water leaks and other significant defects, and notified the landlord, who refused to do anything about them. The client then called in a city housing inspector, who cited the landlord for violations of the housing code. In response, the landlord issued a 10-day notice to vacate claiming the client violated the lease by keeping a ferret, and filed for eviction in circuit court. The landlord had long known about and permitted the ferret. Prairie State filed an answer and counterclaim to the eviction complaint. We alleged the eviction was in retaliation for the complaint to the housing inspector, that the landlord had waived the alleged lease violation by accepting 10 months of rent knowing the client had a ferret, and that the landlord breached the “implied warranty of habitability” due the housing code violations. We asked the court for damages representing the difference between the amount of rent client paid and the actual rental value of the premises for those months. The case settled when the client agreed to vacate the premises and drop her counterclaims in exchange for \$1,420 in cash and a waiver of the last month’s rent and a late fee, worth another \$650. The landlord also agreed to dismiss the eviction lawsuit and seal the court file, so that no future landlord would be aware of the proceedings. The Court approved the settlement including sealing the file. Client and her boyfriend were able to use the settlement money to pay their security deposit and part of first month’s rent at their new residence.

PSLS advocacy saves clients’ rental subsidy and results in dismissal of two separate eviction cases.

Client received a rent subsidy through the Rental Housing Support Program (RHSP) of the Housing Authority (HA). The client’s portion of the rent was only \$63. Her landlord attempted to terminate client’s tenancy two months before the end of her lease, in direct contradiction to RHSP rules. The landlord was unjustifiably upset with the client for two reasons. First, someone murdered client’s friend on the premises. Second, the client had complained about a neighbor who was making noise in the middle of the night while client’s baby, who just had heart surgery, was trying to sleep. Prairie State defended client in the circuit court eviction action and won. The Court dismissed and sealed the case. Subsequently, the HA issued a notice terminating client’s RHSP assistance because the landlord had failed to renew her lease. This termination was incorrect because the HA was relying on the landlord’s failed attempt to end the tenancy two months early. Because the HA then stopped paying the subsidy, the landlord filed a second eviction case against the client. Prairie State then worked out a settlement with the HA and the Landlord. The HA agreed to transfer the client to a new apartment even though the RHSP has no written transfer policies. The landlord agreed to dismiss and seal the case as long as the client moved to the new place. The landlord also agreed to waive all rent charges that had accumulated once the eviction case had started.

Prairie State advocacy reinstates teenager's Section 8 Voucher; Obtains Order of Protection against former boyfriend on novel legal theory.

Client is a teenager who lived with her mother and siblings in Section 8 subsidized housing. The police arrested client's former boyfriend for armed robbery of a convenience store. Although he had not been living with the family, nor was he visiting with them at the time, the police ordered the landlord to evict the client and her family based on a village nuisance ordinance. The ordinance requires owners to evict families whose guests engage in criminal activity anywhere within the village. The landlord complied, despite wanting to keep the family as tenants. The action left the family homeless. The Housing Authority (HA) then terminated the Section 8 assistance, based on the eviction. With our advocacy, the HA agreed to reinstate the voucher based on our proof that there was no connection between the armed robber and the family at the time of the offense. Subsequently, we filed suit for an Order of Protection against the former boyfriend, on the novel theory that the existence of the village ordinance made his criminal conduct a danger to the household. The Court entered both an emergency and two-year plenary order, and the clients were able to use their voucher for a new tenancy.

Client with good waiver defense agrees to move based on landlord's promise to pay security deposit at new apartment/Section 8 Subsidy preserved.

A landlord sued in circuit court to evict our client alleging that she did not cooperate with management's efforts to keep apartments habitable. An eviction for cause would result in our client's termination from the Section 8 program, which subsidizes her rent. The allegations stem from management attempts to rid the apartment complex of bed bugs. On one occasion during a clean-up effort, client removed a special cover over her clothes designed to keep them from becoming re-infested. Although client relied on a statement from an employee who told her she could remove the cover, the employee denied the conversation ever took place. The landlord accepted rent after starting the eviction process. We filed a motion to dismiss the case alleging the landlord waived the violation by accepting rent. When it appeared we would win the case based on waiver, the landlord offered to pay her security deposit if she moved to a new place. The client agreed and once she moved, the Court dismissed the eviction suit. Client retained her Section 8 assistance.

PSLS uses Mobile Home statute to defeat eviction lawsuit.

A mobile home park filed an eviction action in circuit court against our 70-year-old client who owned her mobile home. She would have to move or sell her home if evicted. The park alleged that our client allowed her adult son, a registered sex offender (for public indecency), to live in the premises in violation of her lease. The park failed to give our client a 24-hour notice to cure as required by the Mobile Home Landlord Tenant Rights Act prior to serving her with a 10-day termination notice. The park also continued to accept our client's rent payments and we could argue it had waived any alleged breach of the lease. For these reasons, we filed a motion to dismiss the lawsuit. The court granted our motion, but allowed the park to re-plead. We prepared an answer to the amended pleading. The parties then reached a settlement that dismissed the eviction suit. Our client signed a new lease, remained a tenant, and agreed to pay some past due rent, but not late fees. She also agreed not to let her son live on the premises, although client denies that he ever did.

Assuring that Clients Remain Safe from Violence, Abuse, Stalking and Exploitation

In 2016, Prairie State completed 596 cases with protective orders involving sexual assault, elder abuse, domestic violence and other forms of abuse.

PSLS takes multi-pronged approach to protect elderly client from abusive granddaughter. A social service agency referred an elderly client to PSLS. Her niece found her home alone lying in her own waste with no food and no way to take care of herself. Her live-in caretaker (her granddaughter) had gone out of town for a few days and left client alone. A criminal investigation of the granddaughter followed for elder abuse and theft. The granddaughter had been taking client's money, not paying her bills, not taking care of her or administering her medications or providing enough food to eat. Due to her weakened state, the client entered the hospital and rehab until she was strong enough to handle things on her own. When she recovered, PSLS served a notice to terminate tenancy on the granddaughter, and took steps to ensure that she has no access to our client's accounts. If she does not vacate, PSLS will file an eviction lawsuit in circuit court. We executed a Power of Attorney document making her niece the agent, with very specific directions from the client to protect against possible future neglect or abuse. Client has moved to be closer to her niece who is looking for a supportive living facility for client and who will put her house up for sale.

Civil No Contact Order protects client from man who raped her at a party. A friend of our client's boyfriend raped her at a graduation party. The client made a police report and went to the hospital where they performed a rape kit test. The State's Attorney would not bring criminal charges because the perpetrator falsely claimed consent. PSLS then filed in circuit court a petition for a *Civil No Contact Order* under the Civil No Contact Order Act. Such an order protects victims of rape, sexual assault or sexual abuse from the abuser. The case went to hearing, both sides represented by counsel. The respondent maintained his consent defense, but we came with witnesses prepared to testify as to our client's behavior both before and after the rape, and whose testimony would reinforce our client's story of rape. The respondent's attorney then agreed to the entry of a civil no contact order which ensured client would be at college by the time the order expired. Client was extremely proud for standing up for herself.

PSLS successfully evicts man from home of elderly client he was exploiting. A senior client helped a young friend by allowing him to move into his apartment for \$75 a month. After the first month, the young friend stopped paying rent and refused to leave. The friendship deteriorated and our client once had to call the police for help after an argument. The tenant left only to return after the police left. PSLS served him with an eviction notice and then filed an eviction lawsuit in circuit court. The court evicted him, protecting our elderly client from further exploitation.

PSLS prevails at trial; Gets Order of Protection against abuser engaging in intricate pattern of harassment.

Over several months, our client made clear to her boyfriend that the relationship had ended. He responded by threatening to kill himself. He did attempt suicide, blaming our client. He then moved into the apartment immediately adjacent to her home, and engaged in an expansive pattern of harassment. His actions included placing signs and images in the window facing her home, parking outside her house several hours a day, stalking her as she went to and from work, spray painting the word “WHORE” on the side of her house, and phoning threats to kill her and her friends. He later attacked her in a public place and attempted to strangle her. She brought a Petition for Order of Protection against him. The former boyfriend, with counsel, contested her petition. Following a full day trial, the court found that the abuser had clearly engaged in an overwhelmingly obvious pattern of harassment, and entered a plenary order. The abuser then filed a motion to modify it so that he could drive past client's place of employment. Based on our advocacy, the abuser withdrew that motion. Subsequently, a court convicted him of a felony violation of the Order of Protection and he is now leaving our client alone.

Repeated violations of Order of Protection leads to criminal conviction and extended Order.

Our 50 year-old client was involved in a 20-year abusive relationship. Her ex-husband regularly kicked, choked and punched her in the head. After he threatened to kill her, PSLs represented client in a contested trial on her petition for an order of protection in circuit court. The judge granted client a 2-year order of protection (OOP) which the ex-husband quickly began violating. PSLs advocated for client with a reluctant law enforcement resulting in the arrest and conviction of the ex-husband. After his release and further violations of the OOP, PSLs obtained an extension of the Order to remain in effect until the court vacates or modifies it.

Prairie State obtains Order of Protection requiring supervised parenting time and ordering child support.

The client was in an abusive relationship with the father of her child. To avoid further abuse, she moved out, but unfortunately, that did not stop the abuse. The boyfriend continued to harass her and used the child as a way to manipulate her into doing his bidding. During an exchange of the child for parenting time, the boyfriend jumped on her sister's car, smashing the windshield, while the client and her very frightened child were in the car. There were other instances of abuse and harassment, including threatening text messages. Our staff attorney prepared for a plenary hearing on a Petition for Order of Protection in circuit court. We eventually negotiated a plenary order of protection that required supervised parenting time, and child support. The Order also contains language that limits communication between the parties.

PSLS obtains a Plenary Order of Protection against rapist father. The client obtained an emergency order of protection in circuit court for herself and 3 children after her estranged husband raped their 15 year-old daughter. We could not locate the husband at his residence even after issuance of an alias summons. We served him by publication. The husband did not appear at the hearing. The judge granted a two (2) year order of protection for client and the children. We are assisting the client through a *pro bono* attorney to obtain a divorce.

PSLS secures 2-year Protection Order, rental assistance, and a divorce for abused client.

Client's husband frequently hit her with his fists and threw objects at her. The last straw was the time he stole a money order she was going to use to pay her rent, and blamed the theft on her son. They separated but he ignored her requests to stop coming to her apartment to see her. He forced his way inside, and attacked her, hitting her several times and taking her phone to prevent her from calling the police. PSLS represented client to obtain an order of protection in circuit court. The case went to trial. The judge granted a two-year plenary order of protection. Further, we helped client to secure rental assistance to pay the rent money that husband had stolen. We also obtained a divorce for client through our *pro bono* program, resolving the parties' financial and property issues.

PSLS obtains a Stalking No Contact Order for client with cerebral palsy against her vicious attackers.

Our client has cerebral palsy. Two cousins of her boyfriend viciously attacked her causing our client to have a seizure. When the seizure ended, the cousins began to attack her again until the boyfriend's sister intervened and called an ambulance for the client. The client filed a petition in circuit court for a stalking no contact order. The perpetrators' mother posted threatening Facebook messages and had third parties call the client to drop her petition. PSLS represented the client at trial and the Court granted a two-year order. There was also a criminal prosecution of the perpetrators.

PSLS obtains for elderly client a lifetime Order of Protection against daughter and son-in-law.

The client is a 73-year old woman with disabilities. We obtained a 2 year Plenary Order of Protection in circuit court against her daughter and son-in-law. They had moved in with client after their adjacent mobile home caught fire. The couple had collected, and refused to remove, a great deal of junk that they left in client's yard, including racing cars and old tires, as well as many feral cats. The son-in-law took all of the client's medication and doled it out only as he saw fit. He also injured client's shoulder by shoving her against a door, and refused to take her for medical treatment. The Court ordered the respondents to remove the junk and the cats. When they did not complete the job, PSLS filed a Rule to Show Cause and the Court ordered them to pay for a junk remover. The client needed counseling to cope with all the anxiety stemming from the abuse. PSLS then filed a Motion to extend the Plenary Order of Protection. The Court granted that request and the client's Order of Protection remains in effect until further Order of the Court, or for the rest of her life.

PSLS defeats attempt to vacate an Order protecting our client in treatment. Client, a former heroin addict, successfully completed an intensive inpatient rehabilitation. While he was in treatment, his ex-girlfriend harassed him by doing things like contacting staff to accuse client of using drugs, mailing him bags of needles, and showing up at the rehab center. Concerned that her ongoing harassment would affect his ability to stay in the treatment program, the client obtained in circuit court a plenary order of protection against the ex-girlfriend. PSLS represented the client in a proceeding she brought to vacate the Order. The Court ruled in our client's favor and denied the motion to vacate. The plenary order of protection remains in effect and allows client to continue his rehabilitation without interference of this person from his former drug-addicted lifestyle.

Order of Protection entered for mother of multiple children against father who abused her in front of their children. A mother of multiple children, one of whom is developmentally disabled sought help to obtain an order of protection against her estranged husband. For years, the husband had physically abused the client, much of it occurring in front of their children. She tried marriage counseling and mediation sessions, but nothing stopped the abuse. She got an emergency order of protection on her own but then her husband's attorney convinced her to drop the case. When her husband later attacked her in their home and seriously injured her shoulder, she came to Prairie State for help. We filed a new order of protection case in circuit court. Her husband's attorney was the same fellow who had convinced our client to drop her earlier case. After a hearing, the court awarded our client a two-year protective order that includes exclusive possession of the family home. The Court refused to give the husband any visitation with their children, and ordered him to make the mortgage payments. We matched the client with a volunteer attorney who has now filed a divorce case for our client.

Client reunited with kidnapped daughter; PSLS obtains Order of Protection after other judges four times denied one. Our client, a mother of three, needed an order of protection against her ex-husband. Although he was physically and verbally abusive throughout their relationship, she experienced denial of an order of protection on four different occasions. Indeed, the husband's sexual assault of the client conceived one of her children. On each attempt for an order, he had a lawyer, and she had none. The courts readily gave him visitation, however. After one visit, the husband refused to return their daughter and hid her in an undisclosed location. After three months, dozens of phone calls to the police, and felony child kidnapping charges brought by the State, he finally disclosed the location of the daughter who returned to the client unharmed. PSLS then brought a petition for an order of protection in circuit court. Following a hearing, the court granted a two-year protective order and barred the husband from making any contact with our client and the children. The felony child kidnapping case will go to trial later this year. Our client has since secured subsidized housing for her and her children at an address that her ex-husband does not know, helping keep them even safer from further abuse.

Order of Protection protects client's child from further trauma at the hands of abusive father.

DCFS had previously indicated a neglect charge against client's husband because he had caused a terrible accident while he drove under the influence of drugs and while the parties' child was in the car. Following a divorce from the husband, client let him return home after he completed a week in rehabilitation. Soon thereafter, client learned he was abusing drugs again, so again, client called DCFS. After he made threats against the client and the DCFS worker, the client sought a plenary order of protection, which the court denied. The husband continued to harass her including breaking down one of her windows and calling her from an unknown number with threatening messages on her phone. PSLs then sought another order in circuit court and obtained a plenary order of protection. We proved the husband's long history with drugs, threats to the mother, threats to the child's safety, and that the child suffered trauma from the actions of her father.

PSLS obtains 2-Year Order of Protection and denial of all visitation for father who caused infant's brain hemorrhage.

When our client picked up her children from their father after work, she found her 9-month-old child with a cut lip and facial redness. The father had been drinking. Although the father admitted to our client that he hit the infant, he denied it to everyone else, including the police and DCFS. Our client took the infant to the hospital, where they diagnosed the child as having a subdural brain hemorrhage. The father gave several different versions of the events of that night to the police. When the client came to PSLs, we advised her to withhold any further visitation with the father because the parties were not married and there were no court orders granting him that right. The father then began sending client harassing text messages. PSLs obtained an emergency order of protection, and the case went to trial. At trial, PSLs called numerous witnesses including responding officers, a DCFS worker, and the police investigator, who testified as to the father's inconsistencies and client's cooperation during their various interviews. The Court found that the father had intentionally caused the brain hemorrhage. The court granted a two-year order of protection with a complete denial of visitation for the Respondent, ordered child support and ordered that the father undergo alcohol assessment and DV counseling.

Settlement of Order of Protection Case nets client extensive relief including return of \$10,000.00.

A domestic violence victim, our client has three children in common with her abuser. The parties having separated, the abuser repeatedly showed up at client's apartment and tried to have sexual relations with the client against her will. He also was holding a significant sum of our client's money in his bank account. Through negotiation and agreement, PSLs obtained a two-year order of protection for client giving her custody of the children, child support and extra money for the children's extra-curricular activities. Per the Order, our client also received the \$10,000 that she had in the abuser's bank account.

PSLS obtains a No Contact Order against three men who viciously attacked our client. The attack took place while our client was attempting to protect her daughter. Three men had been threatening the daughter and her boyfriend. They were attempting forced entry into the boyfriend's home. As soon as the client arrived at the home, the men pulled client's hair, scratched her, kicked and punched her, and threw her in a car. The police arrived and arrested the men, having determined that our client was not the aggressor. We represented the client at a contested two-day trial seeking plenary relief against the three perpetrators. Our evidence included testimony from the client, her daughter, and the police officer at the scene, as well as photographs of the client's bruises and cuts. We defeated the respondents' theory of the case that the incident was mutual combat by proving that their story was transparently false. The Court granted a two-year Stalking No Contact Order against all three men protecting our client and her daughter.

Our Muslim client kidnapped to Palestine escapes only to need Order of Protection back in the U.S. Our Muslim client married under Muslim faith and traditions. Her husband abused her but she did not call the police in order to protect her family's honor and avoid repercussions. After becoming very angry with our client, the husband took her to Palestine under false pretenses and left her there with family. Our client and her child could not return to the United States because the husband made sure to strip her of travel documents, phone, and internet and forbade her leaving the home unless she was with family. Three months later, the family took her to Jordan for a wedding. In the meantime, our client had connected with an international organization for abused women who help transport victims back to the USA once they arrive at a US embassy. While in Jordan, our client escaped from her family's care and sought refuge in the US embassy there. The organization arranged her transport back to the US. Back home, our client received mysterious messages from someone who our client believed was her husband. One message threatened to kill her and stated that she would never see her child again. The husband filed for divorce and our client filed for an Order of Protection in circuit court. Prairie State represented the client in both cases. The parties entered into a mutual restraining order.

Order of Protection against husband who barred the door. We obtained a two year Plenary Order of Protection after a contested hearing that included testimony from our client, her mother, and a police officer whom we subpoenaed. The husband had barricaded client and four kids out of the marital home by nailing boards tightly across the doors so they could not enter. He also smashed a glass table-top in anger when client fell short of his self-imposed housekeeping goals. He forced sex on client and then acted coldly. He left her and the kids without food, prohibited her from going anywhere, and made her totally dependent on him. We are also representing client in a divorce.

Securing Divorce and Needed Orders for Custody, Support, Visitation, and Property

In 2016, PSLS staff and volunteer attorneys completed 556 cases resulting in divorces, custody, visitation and/or support orders. Family law cases closed in 2016 resulted in awards of support with an annualized value of \$1,856,388 for households with 485 children. Lump sum support payments of \$569,473 helped many families to pay their expenses of daily living and get out of debt.

Volunteer attorney overcomes many hurdles to obtain fair marital settlement agreement in divorce action. Spanish-speaking client (wife) contacted PSLS for help with a divorce. A volunteer attorney filed the divorce action. Husband then filed for divorce in another county. Our volunteer attorney had that case dismissed and then drafted a Marital Settlement Agreement. He then stayed with the case during many months of delay caused by the husband spending time in Mexico, the client's admission to a nursing home due to significant disabilities and lost eyesight, her need for dialysis treatment, and withdrawal of the husband's attorney. Once the husband obtained a new attorney, the parties were able to reach a settlement in which the client receives monthly maintenance, full ownership of the marital home, and half of the proceeds of the sale of property in Mexico. Although the client is no longer in a nursing home, her medical condition will not allow the parties' minor child to reside with her at this time so the child is temporarily residing with the husband. Under the settlement, the husband must return the child to our client once she recovers from her current medical conditions and can adequately and safely provide for the child's needs. The volunteer attorney spent over 100 hours on the case and stated in a letter that he feels blessed for having met the client.

Divorce for client with Lupus and fibromyalgia relieves symptoms of disease/ Husband must pay medical bills. Our client, who suffers from Lupus, Fibromyalgia and other ailments, wanted to divorce her very abusive and controlling husband. His behavior was causing her stress and her diseases to get worse. Our volunteer attorney represented the client, negotiated a Marital Settlement Agreement and obtained a Dissolution of Marriage, all of which improved our client's health. The client received temporary maintenance and the court ordered the husband to pay \$8,000 of the client's outstanding medical bills.

Volunteer attorney secures divorce for blind client who was victim of husband's emotional abuse. Our client was a victim of extreme emotional abuse by her husband. Among other things, he told her she was ugly and she would never find anyone else to love her. The client is blind and working on her Master's Degree. A volunteer attorney represented her and obtained a Judgment for Dissolution of Marriage in circuit court.

Client father prevails in custody battle against grandmother/ Allows her to visit the child. Our

Client has a daughter with a woman who died of a heroin overdose. The woman's mother then took the child from the home, and refused to return her to the client. PSLs agreed to represent client to secure the return of the child. We filed a petition for legal custody in circuit court. The grandmother filed a separate petition for custody and a petition for guardianship. We took the position that the grandmother lacked legal standing to file those petitions despite the fact that the court determined she had "physical custody." Client ultimately decided that he wanted his child to have a relationship with her maternal family members and that if a settlement would alleviate some distress for his daughter after the mom's death he was willing to agree to some visits for the grandmother. The parties then reached agreement and order whereby the grandmother withdrew her petitions. Our client received sole decision-making and sole parenting time, but he voluntarily gave the grandmother some court-ordered visits with the child.

PSLS obtains monthly child support against father who abandoned client leaving her

homeless after she immigrated from Africa. Client is from Africa and had a child there when she herself was a minor. The child's father sent client and child to live with client's mother in Illinois with the understanding he would join them later. Instead, he went to another state and provided no support. Without support, the client and her child became homeless. Illinois support agencies refused to help her obtain court-ordered support, on the theory that Illinois did not have jurisdiction. Prairie State filed an action here, alleging jurisdiction by the father's conduct. The court assumed jurisdiction, established parentage, and awarded the client monthly child support.

Long divorce proceedings secure great relief and a divorce for Client against drug-abusing

husband. Our client's husband had a history of drug abuse and erratic behavior. She wanted a divorce due to concern she had for the safety of the parties' two small boys. We represented client in a divorce action in circuit court. The divorce proceedings were extensive, involving temporary hearings to set up supervised parenting time for the husband, and several enforcement hearings due to the husband's refusal to pay temporary child support and maintenance. We also represented client in several post-judgment enforcement hearings, one of which resulted in the husband's incarceration for failure to comply with prior court orders. As a result, Prairie State did secure regular child support payments and a court order for 1/2 of the husband's pension deposited directly into our client's own bank account. We finally obtained a divorce for our client, the court ordering the husband to undergo regular drug testing and conditioning his parenting time on clean drug tests. Further relief for client included child support.

Prairie State helps father obtain a joint parenting agreement with liberal, unrestricted parenting time.

The client is the father of an infant. The child's mother denied our client any parenting time and falsely accused him of abuse. The client's prior attorney was successful defending against a petition that the mother filed for an order of protection and the court denied the petition. Our staff attorney then negotiated a joint parenting agreement that granted the client liberal, unrestricted parenting time with his child, and made reasonable provisions for child support.

Removing Legal Barriers for Clients to Help Them Get or Keep a Job or Driving Privileges

In 2016, PSLS representation helped 6 clients to seal or expunge criminal records. In 2017, with the support of Lawyers Trust Fund of Illinois, Prairie State started a new project focused exclusively on legal issues that pose barriers to employment.

PSLS prevails in lawsuit against city for unlawful towing of client's car needed to keep her job.

Without any prior notice to our client, an Illinois city arranged for a private towing company to tow her car from her apartment building's parking lot. Police officers on the scene refused to let our client into the car to get her belongings, including her work ID and car registration. The officers gave her a tow report that listed the reason for the tow as "unpaid fines" (client had four unpaid parking tickets). Without her car, our client had no way to get to her job (which starts at 4:30 a.m.) except paying for a cab. The buses in the city do not start until 6:00 a.m. To recover her car, the client would have had to pay over \$1200 in fees that she could not afford to pay and that were increasing daily. The client called her employer who threatened to fire her if she could not arrange to get to work. It was then she called Prairie State. We filed a lawsuit in circuit court and a motion for a Temporary Restraining Order (TRO) and Preliminary Injunction against the city and its mayor. We claimed that they violated their own municipal towing ordinance, due process of law, and the Illinois Vehicle Code, and had committed unlawful conversion of her property. After a hearing, the court found that the City's failure to give notice before towing her car was a violation of due process, and granted our motion for a TRO. The following day, the client retrieved her car from the impound lot without paying any fines or fees, and has been able to get back to work. We then reached a settlement of the case. The city agreed to pay all the towing and impounding fees from the illegal towing of client's car and to compensate her for her lost wages and transportation costs for the time when the car was impounded.

Expungement clears way for client to gain employment as a CNA. Client, a 24 year-old single mother, is going to school to become a certified nurse's assistant. Because she is about to graduate and apply for CNA jobs, we completed a request to expunge criminal records. The State expunged her criminal record making it easier for client to obtain employment as a CNA.

PSLS successfully represents homeless veteran to reinstate his driver's license after a 17-Year suspension. Our Client is 58 year-old homeless veteran. The State of Illinois suspended his driver's license in 1999 due to an arrest for driving under the influence of alcohol. He has since completed his rehabilitation and maintained sobriety. We represented the client and prevailed at an informal hearing with the Illinois Secretary of State. The State reinstated his license after a 17-year suspension.

Protecting Rights of Residents of Nursing Homes or Other Facilities; Preventing Unlawful or Dangerous Discharges

In 2016, Prairie State staff prevented wrongful involuntary discharges from nursing homes in 46 cases. Typically, the long-term care ombudsman refers these cases. They are important because the frail elderly are at risk of a condition known as transfer trauma when a facility involuntarily removes them. Such trauma can result in worsening of health or death.

PSLS defeats nursing home attempts to discharge clients who refuse medical care. Our elderly client lives in a nursing home (NH) where her care is covered by Medicaid. The NH issued a discharge notice on the basis that client was a danger to the safety of others living there. While that is a lawful basis for discharge, the NH alleged only that the client's refusal of medical care made him a danger to himself, which is not a lawful basis for discharge. At an appeal before the Illinois Department of Public Health (IDPH), we moved for the dismissal of the discharge because the discharge reason was insufficient as a matter of law. A refusal of treatment is a protected right for a nursing home resident, and the NH has a legal obligation to protect and promote the rights of each resident. The guidance from the Centers for Medicare and Medicaid provides that refusal of treatment does not constitute grounds for discharge, unless the facility is unable to meet the needs of the resident or protect the health and safety of others. In this case, the NH did not argue that they could not meet his needs, and they did not argue that he was a danger to others, only to himself. Therefore, we argued that this discharge was improper. Due to our advocacy, the NH withdrew their discharge notice and allowed the client to remain at the facility. PSLs has successfully used the arguments in this case to defeat other nursing home discharges.

Successful Medicaid appeal and corrected Medicaid application allows client to pay for long term care. Our client, a senior with disabilities, lives in a nursing home. After he exhausted his assets, the facility filed an application for Medicaid, but did so without the assistance of the client's agent under a Power of Attorney. Due to the failure of the application to contain required documentation and other errors, DHS denied the application. PSLs represented the client in an appeal and worked with the agent to correct the errors. After getting all of the missing documentation, DHS reversed its ruling and back-dated the benefits to the date of the original application.

PSLS protects nursing home residents who leave facility for temporary hospitalization; Wins important court case. Our client, a veteran, resided in a local nursing home (NH). The facility sent the client to the emergency room and the client wound up at a psychiatric unit at another hospital. The NH then served our client with a notice of “involuntary discharge” claiming he was a safety risk. PSLS appealed the discharge to the Illinois Department of Public Health (IDPH), and filed a motion to dismiss the discharge. We based our motion on regulations that require facilities to serve residents with notices of involuntary discharge BEFORE removing them from the facility. In response, the NH withdrew their notice entirely, but did not intend to readmit our client. It claimed that the withdrawal of the discharge notice meant that our client was no longer entitled to a hearing. At pre-hearing, the IDPH administrative law judge (ALJ) agreed with the facility and held that the withdrawal of the notice meant there was no case on which to proceed, even though the facility continued to refuse to allow our client to return. The ALJ based her decision on an appellate court case (*Gruby*). However, the *Gruby* case was very different because the nursing home resident in that case had voluntarily left the facility for a pre-planned surgery. PSLS filed a lawsuit in circuit court and argued how our case was very different than *Gruby* because our client was seeking a hearing based on an involuntary discharge. The Court found that the ALJ dismissal of the appeal was wrong and ordered that the ALJ schedule a hearing on the merits (whether the client was a safety risk). We believe the court decision sent a strong message to nursing homes, IDPH and its ALJs who had issued similar decisions based on *Gruby*. Client is now in a different nursing home.

PSLS wins nursing home discharge case at hearing; Facility fails to prove client was a safety risk. Our 85 year-old client lives in a nursing home. The facility filed a notice of involuntary discharge claiming an inability to meet his needs and that client posed a safety threat. Client appealed to the Illinois Department of Public Health (IDPH). Although he is a registered sex offender, IDPH evaluated him as low risk as he has significant mobility issues. He is required to be in a private room with his own private bathroom. The facility had put him in a double room by himself and claimed they were losing money on the extra bed in his room. We represented the client at the hearing. After the facility presented their case, we made a motion for a directed finding and won the case. The facility failed to prove that our client was a safety risk. The fact that the facility had put client in a double room thereby losing a Medicaid bed was not a reason to discharge him. Discharge denied.

PSLS helps client get Medicaid long term care and avoid nursing home discharge. Client is a veteran who requires a nursing home level of care. The client needs extensive medical services and cannot maintain his health in the community. He needed Medicaid to pay for his care but had problems getting approved for long term care coverage. Due to his disabilities, the client made errors on his application and was unable to obtain required documentation. We helped the client to file a new application for benefits, to obtain needed verifications, and then filed an appeal with the Department of Human Services (DHS) when they made a mistake on his application. We also represented the client when his nursing home issued a discharge for his failure to pay bills. We obtained Medicaid approval for the client and as a result, the nursing home dropped the discharge proceedings against him and he was able to remain and receive the medical care that he needed.

PSLS saves blind client from a Medicaid penalty and prevents discharge from assisted living facility.

Our client suffers from a visual impairment that leaves her with little sight. She lives in an assisted living facility. The Department of Human Services (DHS) approved her for Medicaid, but assessed a \$6,000 penalty based on alleged impermissible transfers of assets before she entered the facility. As a result, Medicaid did not cover several months of her stay, and the facility threatened to discharge her if she did not pay those charges. PSLS determined that DHS imposed the penalty, not because client had made impermissible transfers of assets, but rather because the client's nephew made withdrawals against the client's line of credit, which only served to put the client further in debt. Unfortunately, by the time the client came to us, it was too late to appeal the determination of the penalty. We instead requested a hardship waiver from DHS, saying that the credit transactions were not transfers of assets at all. DHS denied the waiver request. We appealed and requested a hearing. After a pre-hearing conference, the DHS caseworker agreed that there should not have been a penalty in the first place, and agreed to remove it. As a result, the client was able to have her entire stay at the assisted living facility covered by Medicaid.

PSLS successfully appeals nursing home discharge, replaces POA who failed to pay facility.

Our client's daughter was her agent under a Power of Attorney, but for a time failed to pay client's nursing home bill. She used some of client's money for her own benefit. Because the debt to the nursing home exceeded \$6,000, the nursing home sought to discharge client for nonpayment. Moreover, the nursing home refused to work out any repayment plan with the POA, who wanted to correct her mistake. PSLS appealed the discharge to IDPH and filed a motion to dismiss the discharge based on the facility's failure to name a proper relocation facility. The nursing home's discharge plan would have placed the client with the daughter even though they acknowledged the client needed nursing home care. IDPH granted our motion. The facility worked out a repayment plan with the daughter. We revoked the daughter's agency as POA, and drafted a new POA with client's son as the new agent. We also did an accounting to find out exactly how much money the daughter had unlawfully taken.

PSLS files complaint to IDPH; Financial exploitation of nursing home resident ends.

We represent a nursing home client who was a victim of financial exploitation. Her personal trust account was missing hundreds of dollars with no valid explanation. The facility dismissed her pleas as just part of her dementia. Every time client went to withdraw money from her account, facility staff told her she had used all her funds to pay Blue Cross and pay the nursing home. PSLS obtained client's financial records and set about proving that was not true. It became very suspicious that the facility might be trying to hide something as it took us over 5 months to get those records. We noticed regular withdrawals of \$10- \$50 every few days without any explanation as to where the money was going. We knew the client was not withdrawing those funds. PSLS filed a complaint to Illinois Department of Public Health (IDPH) that someone was financially exploiting our client and the facility was not doing anything to protect her. Although IDPH found no evidence of any exploitation, the complaint prompted the facility to call the police, and the regular withdrawals of money from her account stopped when IDPH went out to the facility to investigate our allegations. We are appealing the findings of IDPH because there is much evidence that facility staff suspected exploitation but did nothing to protect her or stop it.

Helping Clients Maintain Their Independence, Stay in the Community and Make Their Own Decisions

In 2016, Prairie State staff preserved or restored the legal rights of two persons whose rights were threatened or taken away through guardianship proceedings. PSLS staff helped five adults with disabilities obtain or retain home care services that if denied or lost could have resulted in their institutionalization.

PSLS restores client's individual rights through a revocation of guardianship. Five years ago, a court imposed a guardianship on our client after a health episode left her unable to take care of her health and financial decisions. Since then, client obtained needed medical care. She has started taking care of her own finances again, and has not needed further hospitalization. We filed a motion in circuit court to revoke the guardianship and allow our client to make her own decisions moving forward. The client's guardian agreed, and the client provided support from her doctor about the recovery she had made. The court revoked the guardianship and the guardian's letters of office.

PSLS restores home services for client; Gets Court to set aside an order that dismissed her lawsuit. Our blind client employed two personal assistants (PA) under the Illinois Home Services Program. DHS decided that the care she received from her PAs was inadequate and that she needed a homemaker agency. Due to her anxiety over having strangers in her home, the client refused help from the agency. DHS then terminated her services. Client represent herself at an administrative appeal but DHS upheld the termination. Still on her own, the client tried to file a lawsuit in court to review the decision. However, the Court Clerk would not accept her petition to waive the court filing fees and told the client that no judge was available to hear that petition until the next day. The Clerk also told the client that she would have to wait until the next day to file the complaint with the fee waiver. The Client did get everything filed the next day, but now it was one day past her filing deadline. For that reason, the State convinced the Court to dismiss her lawsuit. PSLS presented and briefed a motion to vacate the dismissal, asserting a law that deems a lawsuit to be timely filed when a party presents it to the Clerk with a fee waiver petition. The Court set aside the dismissal. Afterwards we were able to settle the case to the satisfaction of the parties and restoring client's home services.

PSLS Volunteer Attorney helps aging guardians of adult son have their daughter named Stand-by Guardian. Some years back, a volunteer attorney represented parents so that the court could appoint them as guardians of their adult developmentally disabled son. The parents, now older and in poor health, returned to PSLS for help to name their adult daughter as a "stand-by guardian". They wanted to make sure that their son would be properly cared for after they died. The clients speak only Spanish so it is difficult for them to navigate court on their own. Our same volunteer attorney agreed to represent the client in this new matter, and filed the necessary petition. By court order, the judge named the adult daughter as the standby guardian.

Prairie State obtains Temporary Restraining Order enjoining DHS from implementing restrictive overtime policy in the Home Services Program.

Two of our clients have a severe form of MS and need round the clock care. The Illinois Home Services Program (HSP) pays Personal Assistants (PAs) to provide such care. Given the extent of the clients' disabilities, they work well over 35 hours per week for them. The clients rely on their PAs to survive. The Illinois Department of Human Services (DHS) began enforcing a new policy restricting the number of hours a PA could work to 35 hours per week. Under this policy, DHS could fire PAs who worked more hours on three occasions without approval. Our clients were terrified that DHS would fire their PAs and they would be left without care. DHS had failed to adopt the new policy through the notice-and-comment rulemaking requirements of the Illinois Administrative Procedure Act. On behalf of our clients, PSLS filed a lawsuit against the Secretary of DHS to enjoin use of the new policy unless and until the agency undertook the required rulemaking steps. The court entered a Temporary Restraining Order (TRO) finding that our clients had a likelihood of success on the merits of their claim and would suffer irreparable harm without a TRO. It enjoined the new policy until further order of the Court. DHS shortly afterward issued a press release that it would follow the court's order statewide and undertake proper rulemaking. It has subsequently done so. PSLS submitted comments during the rulemaking process. DHS modified the policy in several positive respects, including a more generous exception policy that hopefully will benefit many HSP participants, including our clients, when DHS begins enforcement in August 2017.

Transfer of deed to son with developmental disabilities following death of his mother facilitates financing; Enables son to remain in his life-long home.

Our client, who has a developmental disability, needed help getting a mortgage loan modification for the home he lived in since childhood. He helped care for his elderly mother, but when she died the client and his sister inherited the home through his mother's will. Our client wanted to stay in the home and his sister agreed that he should have sole ownership. However, the client was not on the mortgage and could not afford the mortgage payments on his small salary. We advised him that he needed to transfer the deed to the property into his own name quickly in order to do a loan modification. Our volunteer attorney filed the will, prepared a quitclaim deed for the client's sister to sign as well as an affidavit of heirship. The volunteer attorney avoided probate court, which would have delayed resolution of the ownership of the property. With the deed in his name, our client was able to arrange financing and remain in the home.

Preserving Access to Essential Utility Services

In 2016, PSLS completed 12 cases that prevented utility shut-offs or restored utility services using strategies other than bankruptcy.

PSLS successfully sues landlord to restore client's water service, obtain declaratory judgment and damages. A municipality shut off client's water service after his landlord refused to pay the water bill. The client's unit was one of two units in a building with only one water meter, and the water bill had always been in the landlord's name. Without any evidence to support his position, the landlord claimed that the client was responsible for half the water bill. When the landlord refused our demand to pay the bill in full, PSLS filed a lawsuit and an emergency motion in circuit court under the Illinois Rental Property and Utility Service Act to get the water service restored. The Judge granted our emergency motion and subsequently ordered that the landlord was responsible for the entire water bill for the remainder of client's lease term. The court also gave client a monetary award permitted by the statute, abated the rent, and awarded attorneys' fees to PSLS.

PSLS restores water service for client; Shut off was due to huge bill caused by shoddy work of Housing Authority during property remodel. A County water company disconnected the water and sewer service of our client, a single mother of two young children, based on non-payment of an unusually large bill (over \$800). The shut-off not only left the family without water but also put the client in violation of her lease with scattered site public housing, which required her to maintain utility service. Local charities refused to help because of the size of the bill. We investigated and identified usage irregularities over a six-month period leading to the shut-off. We attributed over 80,000 gallons of our client's water and sewage usage to shoddy work of the Housing Authority (HA) when the HA had remodeled the client's property. The HA told our client that she was solely responsible for the water bill. PSLS sent a demand letter to the HA detailing their responsibility for the client's bill. The HA then agreed to immediately pay \$750 to the water department on our client's behalf. Our client paid for her actual usage and the county restored her water service.

Challenging Housing Discrimination and Protecting Client's Fair Housing Rights

In 2016, Prairie State's Fair Housing Project helped clients challenge 93 instances of unfair housing practices. The Project helped 36 persons with disabilities to obtain reasonable accommodations needed to preserve their housing; 12 African-American tenants facing discrimination in housing; 22 homebuyers experiencing discrimination; and 8 women who faced discrimination based on their gender. Many of these cases involved complaints filed with administrative agencies or the courts and many others involved settlements at a pre-filing stage. In addition, the Project executed 138 fair housing test parts in the sales, rental and lending markets. We also provided fair housing training to about 1500 persons, including housing providers and consumers and persons at social and government agencies.

Settlement in circuit court requires owners and their broker to pay for our client's damages and attorney's fees and receive Fair Housing training.

Our client and his wife contacted a real estate agent to help find a home to rent for their family including three young children. After finding a home the clients liked, their agent negotiated with the owners' daughter, who is also a real estate broker. The negotiations broke down when the broker informed the clients that given the children's ages, they would be "quite messy." Recognizing this outcome as a violation of the Fair Housing Act based on familial status discrimination, PSLs helped the clients file a fair housing complaint with HUD against the owners and the broker. HUD referred the case to Illinois Department of Human Resources (IDHR) for investigation. During the course of the investigation, the parties agreed to a settlement. The Illinois Human Rights Commission (IHRC) approved the settlement and issued an order that retained jurisdiction for purposes of enforcement of the settlement. Unfortunately, it became necessary for the IHRC to sue in circuit court to enforce the settlement. The Court signed a consent decree under which the owners and the broker both agreed to pay a cash settlement totaling \$4,000, the owners agreed to write clients a letter of apology, and the broker agreed to take fair housing training. The broker complied with its settlement obligations, but the owners did not. The State went back to Circuit court to enforce the court order. The owners are now paying the clients the settlement amount through a payment plan. We also obtained a court order for attorney's fees that the owners must pay following payment in full to our clients.

Fair Housing Project gets property management company to change its policy on admission of tenants with criminal records.

On behalf of a client with disabilities, our Fair Housing Project negotiated with a large property management company. The company administered many subsidized rental units in two counties. The company denied our client admission to one of these units, due to its blanket ban on admitting anyone with a past criminal record. We requested a meeting with management and gave it memoranda from the general counsel's office of HUD. The memoranda explained that blanket bans on admissions for applicants with criminal records raised fair housing concerns and recommended that housing providers instead use discretion and look to the circumstances. Those circumstances include the nature of an applicant's offense (e.g., whether it will endanger other tenants), how long ago the offense took place, and what efforts at rehabilitation the applicant had made in the interim. We provided management with letters of recommendation from client's probation officer, her 12-step sponsor, her boss, and her minister. The company reversed its decision and client obtained subsidized housing there. As a significant result of our advocacy, the company changed its policy on admission for applicants with criminal records.

After refusing to recognize client's need for a service Pit Bull, a condominium property manager backs down and allows client to buy a condo.

Due to a disability, client has a service animal, a bull terrier (aka a pit bull). She entered into a contract to purchase a condominium. Before the closing could occur, the sellers had to obtain a paid assessment letter from the property manager, showing that no outstanding amounts were due the condo association. The manager jeopardized the closing by refusing to issue the letter because the association prohibits pit bulls. Prairie State negotiated with the manager, providing educational material and case law explaining how the association needed to make an exception to the "no pit bulls" rule, as a reasonable accommodation under Fair Housing law. Due to the threat of litigation, the manager issued the paid assessment letter, the parties had their closing, and the client moved into her condo with her service dog.

Veteran client with disabilities avoids eviction and wins reasonable accommodation to keep her service cats.

Our client, a veteran with disabilities, needs her cats as emotional support animals. After living at the property for several years with her cats, the property manager served her with an eviction notice for a violation of the pet policy. He also charged a pet fee retroactively even though the previous manager had waived those fees. Moreover, the new manager made derogatory statements online about our client's disabilities. Our client filed a fair housing complaint with the Illinois Department of Human Rights. Our Fair Housing Program (FHP) contacted the property owners about the client's fair housing concerns. Unaware of what the manager was doing at the property, the owners promptly withdrew the eviction notice, fired the manager and hired a professional management company. At that point, the client desired to settle the case instead of following through on the complaint against the fired manager. The FHP presented a reasonable accommodation request to the property owners, along with medical documentation establishing that the client needed the cats to address the effects of her disabilities. As a result, the parties reached and signed a settlement agreement whereby the management company agreed to waive the accumulated pet fees, grant the reasonable accommodation, and renew the client's lease.

Prairie State settles fair housing lawsuit for client with disabilities against landlord who denied her right to make reasonable modifications to her unit.

Prairie State's Fair Housing Project filed an affirmative lawsuit in circuit court against client's Landlord alleging violations of the federal Fair Housing Act and the Illinois Human Rights Act. Our client suffers from Traumatic Brain Injury, and as a result must use a wheelchair. Before signing a lease, the landlord agreed to let the client make certain reasonable modifications to the property with funding she secured through the State of Illinois. Those modifications included widening the bathroom doorway, adding grab bars to the bathtub, raising the toilet and building a ramp. When client tried on numerous occasions to get the landlord to sign an agreement required by the Illinois Department of Human Services Office of Rehabilitative Services to get her modifications underway, he constantly refused. Instead, he told her that he would like to make the repairs himself and get reimbursed by the State, but the State denied this proposal. Eventually, given the landlord's intransigence and without having the modifications, the client moved out of the unit. Prairie State's lawsuit against the owners of the property alleged they denied client her right to reasonable modifications under the federal and state fair housing laws. Following a period of litigation and discovery, the parties executed a settlement agreement, in which our client received significant monetary damages.

Fair housing lawsuit against Housing Authority wins accommodation for overnight caregiver.

Client has a disability that requires an overnight caregiver. For 10 years, she lived in a 2-bedroom unit with a Section 8 voucher. She had never been charged rent for the extra bedroom to accommodate the caregiver, but suddenly received notice of a rent increase for the second bedroom, and notice from the Housing Authority (HA) that her voucher would no longer cover a second bedroom. The HA denied her reasonable accommodation request for the extra bedroom. Her doctor verified that she needed the extra bedroom because the home health aide needed to spend the night. Client requested an informal grievance hearing to discuss the denial, but HA refused a hearing. Alleging violations of the Fair Housing Act, our Fair Housing Program filed a complaint with HUD, which referred the complaint to the Illinois Dept. of Human Rights. While the case was under investigation, the HA quickly settled with us, approving client for a second bedroom going forward and refunding all the extra rent she had paid during the year, with interest.

PSLS helps veteran with PTSD keep service animal and avoid eviction. Our client received a 30-day notice of eviction. The notice claimed he was in violation of his mobile home park's pet policy that barred certain dog breeds. The client, a veteran who suffered from violent nightmares, kept a service dog (a Rottweiler) trained to notice when our client was having these dreams and wake him up without causing any harm. Although the client did not have an official service animal certificate, we obtained a letter from the client's doctor establishing the need for the animal. PSLS sent a demand to the mobile home park attaching the doctor's letter and explaining the law as it pertained to service animals. The property manager then allowed our client to keep his service dog on his property and rescinded the eviction notice.

PSLS helps senior client with disabilities avoid homelessness through a reasonable accommodation request; Prevails at hearing before the Housing Authority. Our senior client has disabilities and lives in an apartment with a Section 8 voucher subsidy. The apartment building owner's bank filed a foreclosure action against the owner and filed an eviction suit against the client. She was required to move. PSLS protected the client's rights in the eviction court, and made sure the eviction order was sealed. PSLS also helped client to obtain extensions of her voucher subsidy, as her search for a new apartment was difficult due to her need to locate a first floor unit. When her voucher expired without finding a new place to rent, PSLS made a reasonable accommodation request for another extension to the Housing Authority, which denied the request. PSLS represented the client at an appeal hearing, and won. The ruling from the Hearing Officer restored and extended our client's voucher. She was able to obtain a new first floor apartment within the extension period. We further helped client to receive a Foundation grant to pay for her security deposit. She remains housed with her voucher.

Using Bankruptcy to Serve Clients' Basic Human Needs

In 2016, Prairie State obtained bankruptcies for clients in 59 cases.

Chapter 13 bankruptcy enables client to pay off condo fees, avoid payday loans, and fulfill her medical prescriptions. Client is elderly and has MS. She lives in a modest condo on a fixed Social Security income. She fell behind on the Condominium Association charges and was in a repayment plan. The client had taken out high interest payday loans to cover the very high payments. However, it was very unclear if the Association was correctly assessing the amounts due. Given these expenses, she was not filling some of her medical prescriptions. PSLS worked with her to file a Chapter 13 Bankruptcy where she would repay the Condo Association in full over 5 years and she would now have an exact arrearage amount. The payments were much less than the interest on the payday loans and now she is able to fulfill all her prescriptions.

PSLS helps client with budget and files Chapter 13 bankruptcy to satisfy property taxes and save home. Our elderly client has had both legs amputated and uses a wheelchair. Although she had a reverse mortgage, she was facing foreclosure on the home that she lived in since 1967 because she fell behind on her property taxes. She was on very costly repayment plans that were too high to enable her to save for other expenses, including the ongoing taxes. PSLS worked with her and the County Health Department to help her create a budget that allowed her to save for the future taxes. We also filed a Chapter 13 Bankruptcy resulting in an affordable plan enabling her to pay the property tax arrears.

PSLS volunteer attorney files Chapter 7 bankruptcy for veteran with service-related health issues and overwhelming medical debt.

The client is a veteran with service-related mental health issues. She volunteers with a local Veterans Assistance agency. She had an overwhelming amount of debt stemming from medical expenses, foreclosure and auto repossession, legal fees for a divorce and custody battle, and other consumer debt. Several of her creditors had successfully sued to recover the debts. She came to PSLs when she faced possible actions by her creditors to garnish her wages. Our volunteer attorney represented her in Chapter 7 bankruptcy to discharge her debts and start over.

Assisting Clients with Life Decisions Preparing Wills and Advance Directives

In 2016, PSLs staff and volunteers completed 307 cases preparing power of attorney documents and 114 cases preparing wills.

Volunteer attorney prepares powers of attorney and will for client dying of cancer. The client, unmarried with no children, had Stage 4 liver and pancreatic cancer and wanted to make final life decisions. She requested Powers of Attorney (POA) for Healthcare and for Property and the preparation of a simple will. The client lives a very independent life. She did not want to be a burden on her family (a nephew and a sister) during her illness and after her death. The client came to our POA clinic where a volunteer attorney advised her and completed the POA's. The attorney also prepared a will for the client to sign. Although her assets were limited, this gave the client peace of mind during a difficult time in her life.

Volunteer prepares powers of attorney for healthcare and property for client following her stroke.

Following a stroke, our client is wheelchair bound and has Ataxia, a condition that makes it difficult for her to speak on the phone to medical providers or transact financial matters. She wanted to give her husband a Power of Attorney (POA) over her health care and property to make it easier on both of them. A volunteer attorney completed the documents and the client named her husband as the POA for both Health Care and Property. Because of the client's disability, the POA's allowed the husband to take care of bank and medical matters on the client's behalf and her health is no longer further compromised by the need to leave the house to take care of financial issues.

Representing Taxpayers to Resolve Disputes with the IRS

Prairie State's Low Income Tax Clinic (LITC) successfully resolved 133 tax disputes with the IRS in 2016. These cases eliminated over \$627,000 in IRS debt and resulted in payments of \$48,594 to clients, which represent refunds or sums the Clinic recovered that had been improperly paid to or seized by the IRS.

LITC erases over \$17,000 in debt wrongly imposed By IRS; Obtains \$13,000 refund; Wins Tax Court appeals.

Our client taxpayer, for whom English is a second language, claimed the Earned Income Tax Credit (EITC) for tax years 2009 through 2011. The IRS conducted an audit and denied the EITC for those three years. The IRS also denied the dependency exemption and child tax credit he claimed for his 12-year old son. These denials led to an assessment from the IRS of over \$17,000. The IRS also imposed a two-year ban from claiming the EITC for his "reckless disregard" under an IRS regulation. As a single father with custody of his son, and having used a paid tax preparer, the taxpayer was entitled to the EITC at all times during the examination, and there had been no reckless disregard. The client's ex-wife was not claiming the child (she had died), and there was no other person claiming this child. The taxpayer contacted our Clinic, and we submitted a request for Audit Reconsideration, which substantiated the claim he made on his tax return. After the IRS failed to answer the request for over 18 months, we requested intervention from the Taxpayer Advocate Service (TAS). With the help of TAS, we were able to get someone at the IRS to look at the Audit Reconsideration request, and the IRS reversed its prior position. As a result, the IRS removed the taxpayer's assessments. However, our Clinic also had to litigate the EITC for tax year 2013, and had to litigate the two-year ban, in two separate Tax Court appeals. The IRS repeatedly made material errors during this journey, including depriving the taxpayer of his right to representation and departing from clear provisions in the Internal Revenue Manual requiring managerial approval in imposing the 2-year ban. PLS won on all fronts, eliminated the existing assessments so that client owed nothing to the IRS and got client a refund of over \$13,000.

LITC obtains Innocent Spouse Relief to save client over \$6,500 in tax. Client was in an abusive marriage and going through a contentious divorce with her husband. The IRS examined their joint returns for tax years 2012 and 2013 and disallowed a large amount of deductions for employee business expenses that the husband claimed. Since they were joint returns, both the client and her spouse were equally liable for the resulting additional tax balances even though the spouse caused the balances. In addition, the IRS was threatening to levy the client's income to pay off the 2012 tax balance. The Clinic requested a "Collections Due Process" hearing for tax year 2012 to prevent the IRS from putting a levy on the client's wages. The Clinic submitted a request for Innocent Spouse Relief for both tax years (2012 and 2013). The IRS granted full Innocent Spouse Relief from the balances due for 2012 and 2013, abating over \$6,500 in tax.

LITC wins Tax Court appeal; proves fraud by employer; erases tax deficiency and obtains refund.

Before coming to our Clinic, the taxpayer client was involved in a Tax Court case but signed documents with the IRS conceding her case. This resulted in a tax deficiency of over \$5,000 plus interest and penalties. Due to an error with the case caption, the Tax Court would not finalize the decision documents and requested that the IRS correct the documents and that the client re-sign them. On the advice of our Clinic, the client refused to sign the corrected documents, as they did not reflect the facts and circumstances of the case. We appealed the deficiency. At issue in the case was whether our client received income as a pool installer. Our position was that she did not. The pool company hired her undocumented boyfriend (later deported for cockfighting) to do the pool installation. The pool company, to avoid issues about hiring undocumented workers, set up a fraudulent business entity, and claimed it contracted with that entity to do the work. The owner of the pool company falsely swore that our client (who does not speak or read English) created this entity. After we subpoenaed records, we discovered that the owner of the pool company not only set up the entity, but also paid for the insurance premiums, entirely unbeknownst to our client or her boyfriend. With this proof, we successfully challenged the IRS Motion for Entry of Decision. We settled the case on the eve of trial and, as a result, the IRS erased the deficiency and our client will obtain a refund of approximately \$500.

LITC prevails in Tax Court; IRS concedes client entitled to child-related exemptions and credits worth nearly \$8,000.

Client provided full support for great nieces and nephews who lived with her. The children's mother was in jail and their fathers provided no support. The IRS disallowed the dependency exemptions and child-related tax credits (earned income tax credit and child tax credit) which the client had claimed on her tax return, unless client could prove that the children lived with her and she supported them during that tax year. The client filed her own petition in the U.S. Tax Court. Unfortunately, the petition was defective and the Court ordered client to amend her petition and pay the \$60 filing fee by a specified date. Client was not able to amend her petition and she did not pay the filing fee. As a result, the Court dismissed her case. The Clinic became involved and filed a motion to set aside the dismissal, explaining to the Court that the Client would be able to amend her petition and submit a waiver request for the \$60 filing fee with the Clinic's assistance. The Court agreed to reinstate the Tax Court case and the Clinic amended client's petition and received a waiver of the \$60 filing fee. The Clinic submitted documentation to the IRS Chief Counsel who agreed that the client qualified to claim her great nieces and nephews for the tax year in question. As a result, the client received a tax refund of \$7,944 for the year.

LITC gets IRS to accept Offer in Compromise, wiping out a quarter million debt. This is a story of a client, once wealthy, now in great need. She is elderly and in declining health. She requires 24-hour care, suffers from dementia, along with a laundry list of other ailments. She came to the Clinic with significant tax debts, totaling nearly a quarter million dollars. The debt arose from a partnership that the taxpayer, her late husband, and three others entered into during the early 2000s. The parties were investing in properties in Michigan and Indiana. They used the proceeds of their rental properties to purchase a marina. A series of unfortunate events followed, including one of the partners embezzling money from the marina, engaging in fraudulent activity with the rental properties and going to prison. The client and her husband filed for bankruptcy, and their once multi-million dollar enterprise crumbled. The client's longtime family residence went into foreclosure. When the client came to us a Sheriff's sale that was imminent. The Clinic submitted an offer in compromise to the IRS. We settled the debt for approximately \$5,000, which was extremely difficult to pay. The Clinic secured funds from local churches to pay for the settlement. Upon payment, the IRS released its Notice of Federal Tax Lien, which allowed the client to enter into a loan modification and remain in her home, with her son who is her caretaker.

LITC prevails in Tax Court, eliminating an improper tax deficiency of \$30,000. Our client taxpayer was romantically involved with a boyfriend who gave her thousands of dollars in cash, vacations, meals, and other items. After two years, the couple split. The ex-boyfriend was upset about it and issued her a 1099 reporting the monies that he spent on her as "nonemployee compensation." He sent the 1099 to the IRS, and the IRS sent the client a bill for \$30,000. The LITC contested the bill, but IRS took the side of the boyfriend based on his explanation that he paid our client for work as a "health care aide." We asserted their actual relationship and that the boyfriend, who is the Executive Vice President at financial services company, had no need to employ our client as a "health care aide" especially considering she has no training in the health care field, and was never employed in this capacity at any point in her life. The IRS nevertheless issued a notice of deficiency, and we challenged the assessment in the United States Tax Court. Once in court, the IRS conceded the case in full. The Court entered an Order finding no debt owed to the IRS.