

# Investing in Families

## Briefing Paper on Legal Service Needs of Homeless Families – February 2012

### Report Methodology

This is a brief report on the legal issues experienced by families enrolled in Investing in Families (IIF). The report data is preliminary as many families are in the process of receiving services. At the time of this report 91 families were enrolled in the IIF system. The data on this report is drawn from the following sources:

- credit and background checks for 55 IIF families;
- data on 30 IIF families referred to Snohomish County Legal Services (SCLS) and 5 IIF families referred to the Volunteers of America of Western Washington Dispute Resolution Center (DRC);
- reviews of 52 IIF Family Assessments conducted by the Snohomish County IIF Navigator; and
- interviews with SCLS, DRC staff, IIF Navigator and Catholic Community Services (CCS) IIF Housing Resource Specialist.

Special thanks to the IIF Housing Resource Specialist for collecting the credit and background check data. This data was then codified and tallied by the IIF Evaluator to determine the extent of the legal and financial needs of IIF families. Though this report is focused on the IIF families, selected data points on families served with Community Services Block Grant (CSBG) and Washington Families Fund (WFF) funding, and through the Housing Justice Project (HJP) were collected to identify the related demand for legal services. Thanks also to the IIF Navigator and Housing Resource Specialist for collecting and providing information about the referral needs of families and the staff of Catholic Community Sources, SCLS and DRC for providing information about their services.

### Background

Legal services were identified as a critical need in the Investing in families Landscape Assessment and Implementation Plan. In response, these services were procured, using funding with Community Services Block Grant (CSBG) and Washington Families Fund (WFF) funds. SCLS was the legal partner selected to provide legal services and the DRC was the partner chosen to provide mediation support. The services of these organizations are addressing the Tailored Services pillar of the Snohomish County Investing in Families Plan. The SCLS services focus heavily on housing/unlawful detainer cases, family law cases, and bankruptcy and creditor debtor cases. The DRC services focus on issues such as divorce and

landlord/tenant disputes and other issues which can be best addressed using conflict resolution strategies.

As of January 2012, 30 families have been referred by the IIF Navigator to the SCLS and 5 to the DRC for mediation support. (An additional four families were referred to SCLS during the writing of this report but are not included in this summary.) The SCLS and DRC staff communicate on a quarterly basis with the IIF Navigator about the progress of clients on the self-sufficiency matrix, a scale that defines the current situation of families as either *in crisis*, *vulnerable*, *safe*, *stable* or *thriving*.

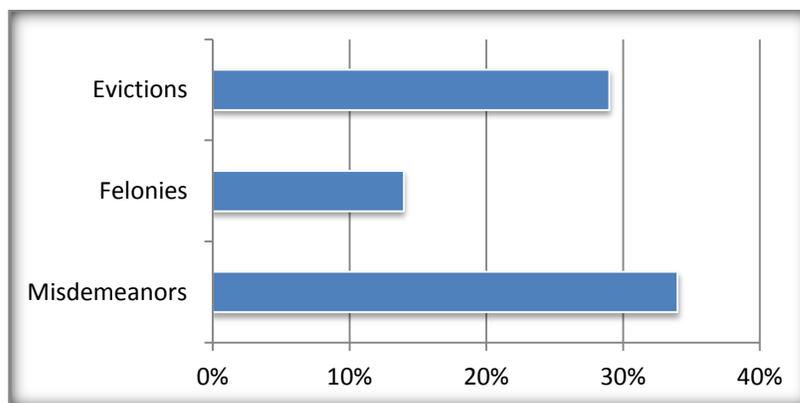
The scale is initially completed by the IIF Navigator for screening and referral purposes and then forwarded to SCLS and DRC. These referral partners review, and as needed, revise the initial pre-assessment rating and then share updated quarterly post assessments with other IIF partners. This process is intended to support families' progress toward self-sufficiency, provide information about IIF system strengths and gaps and drive informed discussions about where and how the service system needs to be strengthened.

### What Did Investing in Families Learn About the Legal Needs of Families?

- Criminal Background checks and Credit Background checks on 55 families revealed that 67% of the families had criminal background involvement *and* financial history information noted in their records that could potentially limit their chances to seek housing, employment or other services. Almost all (93%) of the records referenced at least one of the barriers from the list below in their records, and over half (52%) of their combined criminal history and credit background check records indicated three or more substantial criminal history or credit history circumstances (listed below) that would make it difficult for them to secure market rate and in some cases subsidized housing.

#### Criminal Background Check

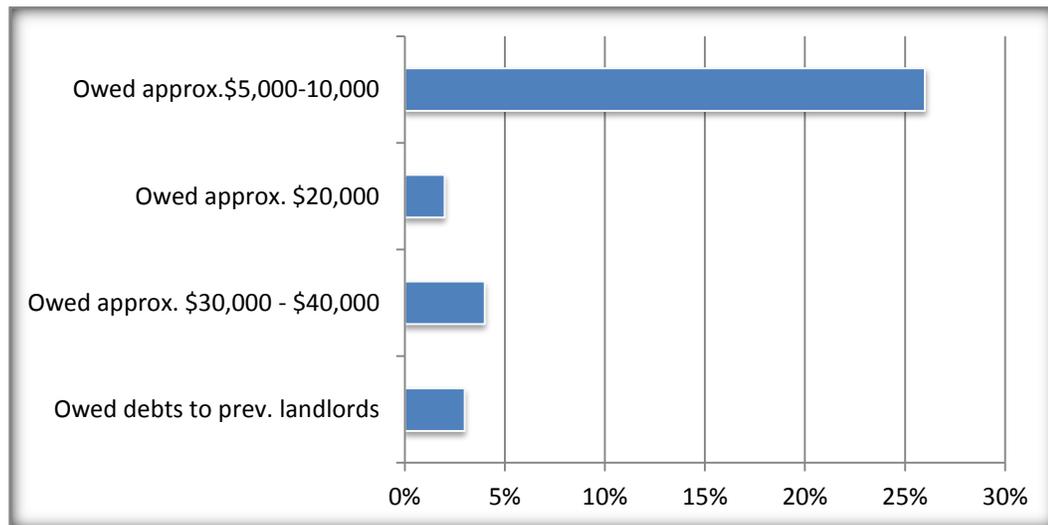
The criminal background check showed that 34% of the families had misdemeanors; 14% felonies; and 29% evictions.



Background check data and family interviews also showed that many families also experienced such issues as bankruptcies, dismissed bankruptcies, foreclosures, CPS engagement, accumulated fines on traffic tickets and garnishment of wages.

### Credit Background Check

The credit background check showed that 26% of the families owed \$5,000-\$10,000 on unpaid accounts; 2% owed approximately \$20,000; 4% owed \$30,000-\$40,000 and 3% owed debts to landlords.



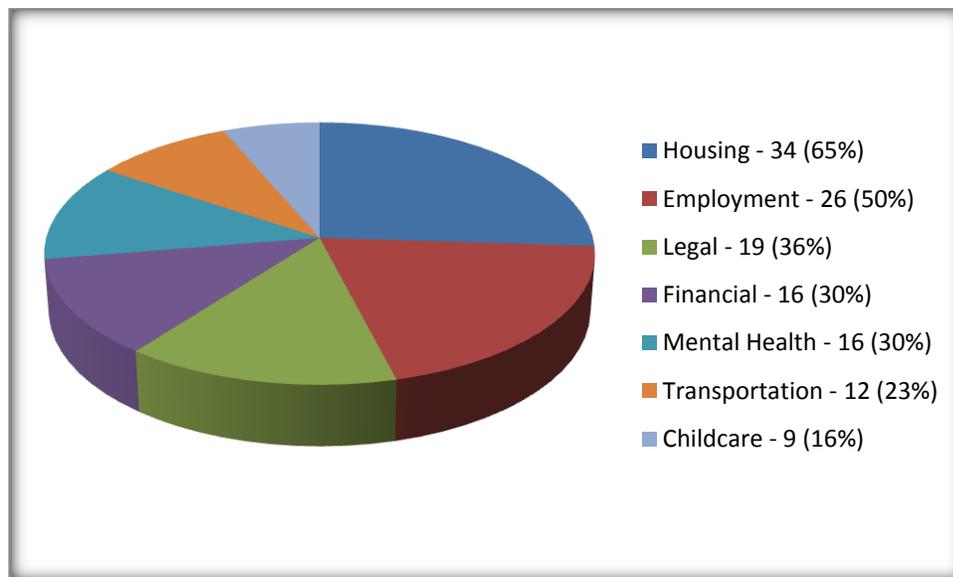
Credit reports also showed that many families had poor credit and/or no rental or credit history. Additionally IIF Family Assessments revealed a host of other financial challenges, some of which could begin to be addressed via legal services or other types of assistance. For example, some families received child support for only a few of their children. Many who were paying rent did so with unemployment or other benefits that was time-limited. The majority was unemployed or underemployed and many were piecing together food stamps and other resources to survive.

- Many families were experiencing “fast and ever-growing fines” as one IIF family described it. A review of family credit and criminal history checks and comments in the IIF Navigator’s case notes underscored this problem. SCLS staff illustrated this issue by explaining that in detainer cases the Court often allows prevailing landlords to add back-rent, late fees, unpaid utilities, and other substantiated amounts owed by the tenants to unlawful detainer judgments. SCLS staff noted that these fees become a burden which takes the client and their family into the realm of homelessness, with consequences to the family’s health, education and access to employment. They concluded that legal

services help prevent these outcomes and emphasized that timely interventions are needed to avoid these costs which have long lasting economic effects on families.

- The legal system is daunting to everyone. That said many IIF families have a particularly dire need for help negotiating the legal system. Some of the individuals referred for legal services (15%) had very limited educations (7<sup>th</sup> to 9<sup>th</sup> grade) and at least 25% were persons who had developmental disabilities or were experiencing mental health/health-related crises that made it hard for them to independently negotiate legal resources. A few were immigrants who were undocumented and non-work authorized and had complex needs. Many others were not fully aware of the complexity of the legal issues they faced and did not have the knowledge to independently resolve these issues.
- For most IIF families, accessing legal telephone consultation to address their legal issues would likely not be sufficient, nor would these services necessarily be the best match, as the families often had complex, multiple issue needs. Two families reported that they had tried calling the Northwest Justice Project Coordinated Legal Education Advice and Referral Service (CLEAR), a toll-free telephone intake service for low-income people that provides free legal assistance with civil (non-criminal) problems for help. They reported that had been put on hold for long periods of time, requiring use of their limited cell phone minutes, and were unable to provide reliable call back numbers. Further review reveals that CLEAR provides a free service for those who qualify, and is a telephone only service that offers no face to face time with an attorney. Clients are instructed to leave a message describing their legal situation and are called back another day. For certain legal issues, CLEAR is an effective system. The model may, however, pose certain difficulties for homeless persons and domestic violence victims, as they may not have a safe number, phone, or specific place for the call to be returned.
- At least 8 families had circumstances on their records which would make it extremely hard (e.g. lived in households with a sex offender, adult in a family had a drug manufacturing charge; committed a first degree robbery or had multiple felonies) to qualify for subsidized or private market housing. Though the ability of legal services to address these issues is likely limited, the extreme barriers posed by these strategies underscore the urgent need for other IIF partnerships, such as those CCS and DRC's Renter Certification Program and other housing partners have with landlords willing to rent to high risk clients.
- Interviews with 34 homeless families underscored the downward spiral that many families had experienced in their lives, which included for at least 25% of these families multiple losses of employment, followed by evictions and foreclosures. Some described recent (before enrolling in IIF) losses of homes, jobs, and even children that could potentially have been mitigated if they had been able to access legal services.

- The Navigator’s Family Assessment and Housing Resource Specialist data showed that 11 families had issues with Section 8 and/or other housing providers and although not in a position to petition these determinations at the time, might be able to do so in the future with legal assistance.
- Forty one percent (314) of the 760 non-IIF referrals to CSBG-funded legal services received SCLS family law assistance. According to SCLS cost estimates, it could cost a family \$5,500 for an average of 22 hours of work for a private attorney to take such a case to the temporary order stage. When considering the significant debt of IIF families, as shown above, most would not be able to afford such services. The provision of free and low cost family law services is even more important as these services support child and adult safety and the economy security of families.
- Legal services were the third highest identified urgent need in the IIF Family Assessment. Only housing and employment received higher ratings.



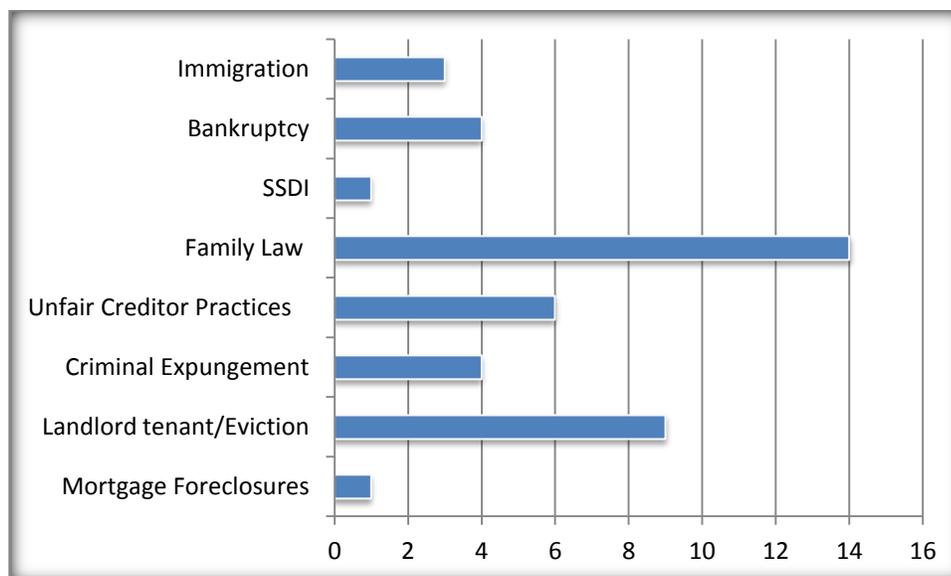
- Free legal services are essential resources in the IIF service system. SCLS main areas of service include housing/unlawful detainer (eviction) cases, family law cases and bankruptcy/creditor/debtor cases. The SCLS cost to serve a client on average is about \$100, regardless of the amount of service provided, a rate which is much less expensive than a private attorney who would bill at a rate of \$250-\$400 for each hour of service given to a client. For example, the average minimum cost and fee of an unlawful detainer case provided by a private attorney is significantly higher, and would total \$954.
- The IIF Family Assessment form data is being entered into an IIF database. Initial reviews of this data showed that many responded yes to the question “Do you or any

*family member have any legal issues you need help addressing?”* and at least 19 (36%) of the families, based on a review of 52 files, identified legal services as an urgent need. Families frequently identified that they had parking tickets and traffic tickets. They also noted in interviews that they had a need for legal help to develop parenting plans and address other family law issues. Though many were not yet ready to pursue legal services to address these needs, some voiced an interest in doing so after they tackled pressing issues related to finding housing or stabilizing their income.

- IIF Families had a high need for legal services. The table below shows the number of IIF Cases Referred to SCLS. Eleven (37%) of the clients had multiple legal issues. The issues clients needed help addressing included in order of frequency include Family Law (14); Landlord Tenant/Eviction (9); Unfair Creditor Practices (6); Criminal Expungement (4); Bankruptcy (4); Immigration (3); Mortgage Foreclosures (1) and SSDI (1).

The effect of the SCLS legal services on the lives of families is significant. For example, discharging debts in a bankruptcy case allows families to retain housing and pay for essentials such as food, during a difficult economic period. Additionally, staff attorney time spent on negotiations with creditors often allows clients to reduce their debt even without filing for a bankruptcy. In the area of criminal expungement these services can also yield lifelong benefits for even a non-violent misdemeanor criminal record, can be a severe barrier to employment.

**Legal Case Type**  
**Number of IIF Cases Referred to SCLS**  
*(Client may have more than one case type)*



- As mentioned above the SCLS received 30 referrals. The data shows that 29 of the 30 families improved their legal score, often making dramatic improvements. On average the ratings increased 1.7 levels. Twelve (12) of the families who scored a Level 1 on the Pre-Rating increased to a level 3 on the Post-rating; 2 families who scored a Level 1 on the Pre-Rating increased to a Level 4 on the Post-rating; 5 families who scored a Level 2 on the Pre-Rating increased to a Level 3 and 6 families who scored a Level 2 on the Pre-Rating increased to a Level 4. Similarly, four families who scored a Level 3 on the Pre-Rating increased to a Level 4 on the Post-Rating. One family retained a Level 4 rating.

<b>Legal Self-Sufficiency Pre Rating Levels *</b>	<b>Post- Rating Level 1</b>	<b>Post- Rating Level 2</b>	<b>Post- Rating Level 3</b>	<b>Post- Rating Level 4</b>	<b>Post- Rating Level 5</b>
<b>Pre-Rating 1</b> 14			12	2	
<b>Pre-Rating 2</b> 11			5	6	
<b>Pre-Rating 3</b> 4				4	
<b>Pre-Rating 4</b> 1				1	
<b>Pre-Rating 5</b> 0					

\*Pre Ratings were assigned by the Navigator, and then assessed for accuracy by Legal Services staff. Attorneys did an adjustment when necessary, of the Pre-rating after interviewing the client and assessing their legal situation. Many clients (11 total to date) presented with one legal problem to the Navigator, but often had other pressing legal issues to overcome as well, which were not identified until an intake with a staff attorney. The majority of clients are still in process, as many of the SCLS services take over a year to complete. Updated ratings will be done on a quarterly basis until the client exits from the system.

- DRC has received 5 referrals. Four of the 5 were for establishing parenting plans. One of these participants refused mediation and was sent back to the Navigator. Two of the 4 established parenting plans, and the other family seeking parenting plan support is awaiting mediation. DRC staff is still working with one family at risk of eviction. Staff noted that they are having some trouble contacting this family to discuss setting up a repayment plan for them to submit to the landlord, and are working with the Navigator to determine the best way to contact the family.
- The DRC staff reported that Spanish speaking clients often need additional support while in the housing phase of IIF. They noted that one of their staff worked with the Housing Resource Specialist to help 5 families in the housing phase. They explained that their presence in the Spanish speaking community has increased this community's interest in landlord/tenant education, conciliation, and mediation and facilitation services.

- DRC staff identified a service gap that has not yet surfaced in IIF, but may in the future. They said that this issue pertained to the development of parenting plans when the client's spouse lives in another country. They added that to address this issue the IIF system would need to have access to the resources of an international private law and immigration law services provider.
- DRC staff reported that IIF clients are somewhat overwhelmed because "they are having all of these resources all of the sudden." To reduce the time burden on families DRC staff has met them outside of the office, even though this approach has required more traveling.
- As of December 20, 2011, DRC had received 65 non-IFF CSBG requests for mediation. To date, 19 mediations, all focused on parenting plans, have been completed with an 82% settlement rate. Staff noted that CSBG clients are often struggling to find papers because they are so transitory. DRC staff explained that their services have helped many different families, including a couple that had been in the process of divorcing for four years, come up with a parenting plan that represented the current homeless state of the father with a "hopeful addition to when he gets permanent housing."
- DRC offers a Landlord/Tenant call line which is available 5 days a week from 9:00 am to 4p.m. Staff answer calls from landlords and tenants who need information regarding their landlord tenant relationship in order to resolve conflicts. DRC listens and educates callers to make the best decisions about their rental relationship. DRC assumes a neutral role and helps parties (landlords and tenants) negotiate and discuss the topics influencing their rental relationship. DRC staff provides advocacy and coaching support geared towards helping clients independently resolve situations. The DRC work supports homeless prevention. For example, many callers to DRC say that they want to withhold rent as a way to retaliate against landlords. After talking to DRC staff, many recognize that this is not the best approach to take because if they don't pay rent they will be evicted. To avoid this from happening, DRC helps them write a proposal that meets the needs of landlords and encourages them to create a document trail should they need in the future to move forward with legal action.
- DRC staff noted that when legal services are needed, because of the WFF/IFF funding, they are now making referrals to SCLS instead of CLEAR and are receiving referrals from SCLS.

## **Potential Next Step Implications**

**The ability to address legal issues is one of the most urgent needs of homeless families and families at risk of homelessness. Legal services are an essential component in the IIF service delivery system.** Family Assessment data, coupled with provider and family input, underscored the depth of need of families for legal services that are known through research and shown through IIF experiences to support family stability, access to housing and income. The IIF system partners need to continually strengthen this vital element of their tailored services and homelessness prevention strategies.

**The demand in Snohomish County for legal services to address eviction problems is on the rise. Mechanisms to ensure that these services are accessible to IIF families are critical.** Legal services play an important role in preventing homelessness. The demand for eviction services is high among IIF families and in Snohomish County. Housing Justice Project report data show that the number of actual hours spent on such cases is on the rise. Prior to April 2011 that number had never exceeded 90 hours per month for clients. Since then client numbers have averaged 103 hours, culminating in a new record high of 192.95 hours in November 2011.

**Finding an IIF financial partner and benefit subject matter partner are high priorities to address the legal needs of families.** Many families had debt and credit problems that require legal and/or financial advocacy interventions. It may be helpful to pull these partners together to identify when/where/how referrals to these different entities need to occur and intersect. It would be useful to have a financial agency be part of the IIF Partnership team. Also, it may be helpful to include Supplemental Security Income (SSI) and Social Security Disability (SSD) benefit application subject matter experts in the IIF Partnership to assist homeless families who appear to be appropriate candidates for these subsidies but for various reasons have been unable to qualify.

**Education and training programs need to take into account the criminal history backgrounds of family members:** An issue that requires more discussion among IIF partners emerged when it was discovered that an IIF parent who had committed offenses was accepted into a postsecondary training program for an industry that does not hire individuals with a criminal record, even when this situation was pointed out by the WorkSource partner. This situation raises a question about the screening procedures used by training programs as they relate to hiring practices of employers and confidentiality issues.

**Strategies to increase the cross system sharing and reduce the cost of background checks may be needed.** Different IIF partners appeared to be using different sources for verifying the criminal history backgrounds of families. It could be fruitful to discuss the similarities or differences in the cost and comprehensiveness of the information generated by these background check sources and brainstorm cost-effective strategies for sharing reports.

**There are gaps in legal services to undocumented immigrants and to domestic violence survivors.** As mentioned in many IIF meetings, the resources are not available to respond to the service needs of these target populations. CCS, the County, SCLS and the DRC may want to develop a formal methodology for tracking the unmet needs of these populations. A white paper and/or grant proposal boilerplate could be developed to seek support for addressing these gaps. This review would also take into account related other local demand issues. For example, SCLS has had a direct referral program with Domestic Violence Services of Snohomish County (DVS) for over 10 years. The SCLS Family Law Attorney takes in the most difficult cases. The challenge is that these are the more complex cases and SCLS needs more capacity in order to serve every single referral with direct representation. SCLS staff noted that though these clients do have access to the weekly Family Law Clinics where they can see an Attorney face to face for no cost consultation; these services are in great demand and are being booked 1-2 months in advance.

**Use of DRC services by IIF families has been fairly limited. Increasing the use of DRC services would likely help IIF families.** IIF may want to increase referrals to the DRC Landlord/Tenant Renter Certification program and associated services. The IIF client data suggests that many families could benefit from engagement in a program which helps support renters who have problematic rental histories and provides one-on-one assistance to identify the circumstances in their history that stand in the way of obtaining housing. The IIF Strategic Advisory Coordinating Committee (SACC) may want to consider making access to the flex fund either contingent upon participation in certain activities such as the DRC Landlord/Tenant Certification Program or as an incentive for participation in this type of activity. DRC staff report that the latter approach has worked well for them. They noted that Snohomish Health District uses their class in this way. They said that they frequently hear, "I wish I would have known about this years ago." Staff also reported that after the class, individuals are more likely to contact them when in their lives veer off course and to ask DRC at those junctures to intervene and help them prevent eviction through developing move out plans.

Families could benefit from engagement in the Landlord/Tenant Renter Certification program because it helps them to create a plan to address the past, start anew and take significant steps to initiating a positive rental history. The program offers three hours of training in landlord/tenant law and an overview of landlord screening practices. It also provides soft skill training on how to resolve conflicts constructively and a tool box of resources to assist tenants in successfully obtaining housing.

Additionally, reviews of Navigator notes in the IIF Family Assessments indicate a number of other areas such as consumer mediation where families could benefit from accessing DRC services. The DRC, the Navigator and CCS Housing Resource Specialist may want to brainstorm ways to engage IIF families in DRC services and develop compelling examples and handouts describing how these skills would benefit families, as noted below.

**The WFF/CSBG funding for legal services has resulted in DRC sending their 3 day pay or vacate clients and clients facing evictions to SCLS instead of CLEAR.** Strategies may need to be put in place to ensure that these types of system changes are sustained in the future.

**IIF Families would benefit from receiving legal referral handouts:** Based on the feedback of IIF families during interviews and reviews of IIF files, many (15% at a minimum) of the IIF families may benefit from, but not yet be ready to seek, legal help. Review of the IIF Family Assessment data reveal that these families likely had to address other needs before seeking legal services. Nevertheless, many would benefit from receiving handouts that describe what steps they need to take to file for divorce, develop parenting plans, seek child support or get help for other unaddressed legal issues and where they can turn for help. Materials which use real life examples that illustrate the benefits of using mediation and alternative dispute resolution could be distributed to clients who might need DRC resources in the near future.

**In the near future IIF partners may want to review a summary of the Family Assessment questions that garner legal information in tandem with self-sufficiency matrix data.** Responses to questions 2c, 2e, 2h, 20a, 20b, 20c, 21c, 24b, 24c, 27, 28 and 29 all have the potential to provide insight into the legal circumstances and service needs of families and to drive referrals to legal partners. As soon as this data is entered into a management information system, IIF partners may want to routinely review this data and self-sufficiency matrix data on a quarterly basis (or more often as needed) to determine the extent of the legal needs of IIF families and appropriateness of IIF legal referrals and overall outcomes.

**If CSBG funding for IIF legal services is not available, it is important that alternative sources are identified.** The priorities for use of CSBG funding often change. The current funding of the IIF legal services is scheduled to end in the summer of 2012. In the event that the next cycle of CSBG funding may not cover the cost of these legal services, alternative funding should be identified. Termination of funding for this purpose could disrupt the flow of legal services to families because the average length of an unlawful detainer case is 1-3 months, the average length of a family law case is 13 months and the average length of a bankruptcy/creditor case (which comprises about 10% of the SCLS services caseload) is 11 months. Given the length of legal services and high need of families for these services, as well as the significant role that these services have on family need, safety and access to housing, finding an alternative funding source well in advance of the end date of the current funding is critical.