

Wisconsin Legislative Council
Study Committee on Access to Civil Legal Services

How Federal Block Grants Can Support Civil Legal Services · Nov. 14,
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U.S. Department of Justice Office for Access to Justice
White House Legal Aid Interagency Roundtable

Roadmap

- U.S. Department of Justice Office for Access To Justice and Legal Aid Interagency Roundtable
- Block grants overview
 - Temporary Assistance for Needy Families (TANF) (HHS)
 - Victims of Crime Act - Victims Assistance (VOCA) (DOJ)
 - STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant Program (DOJ)
 - Community Development Block Grant (HUD)
 - Community Services Block Grant (HHS)
 - Title II Formula Grants Program (Juvenile Justice) (DOJ)
- Discussion



Big Idea Behind the Legal Aid Interagency Roundtable:

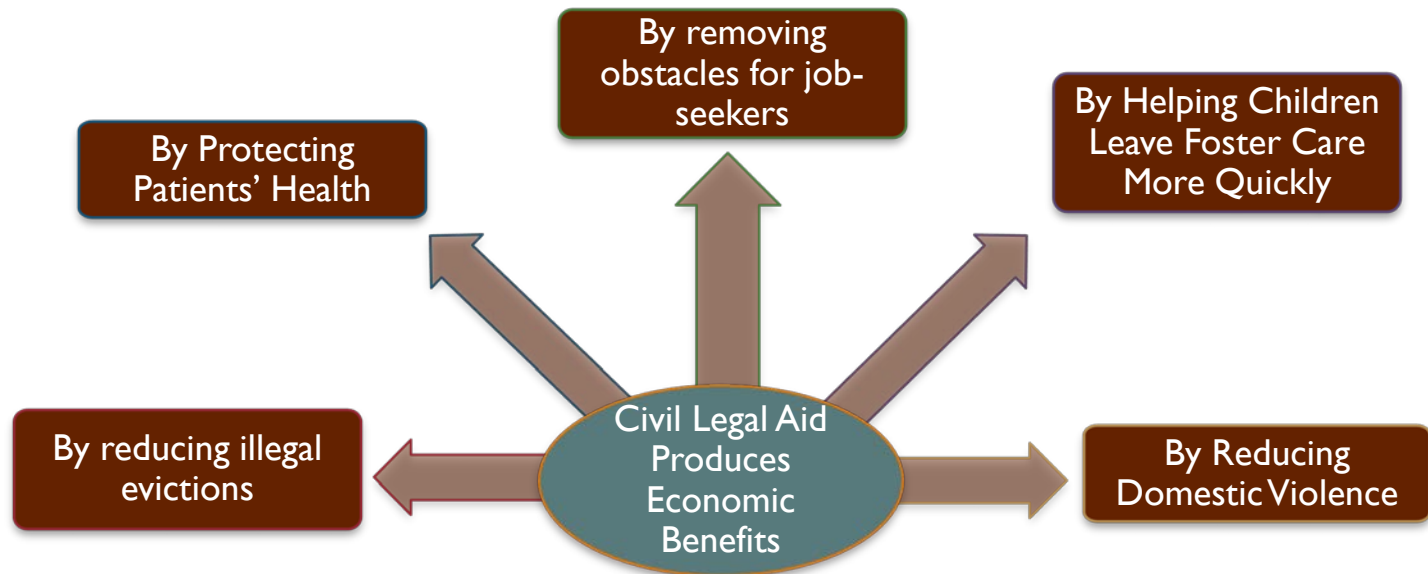
*Many federal, state, tribal, and local **government programs** aimed at increasing opportunities for education, employment, housing, health care, and improving public safety and family stability are **more effective and efficient** when they include legal aid.*

1. Low Public Awareness of Legal Aid

Most low-income people – and the social service providers they work with – do not identify a wide-range of problems as having a possible legal solution



2. Economic Benefits of Investing in Legal Aid



Research Says...

Evidence suggests that legal interventions such as expungement stem the decline in earnings and may even boost earnings. Halting the decline in earnings suggests that the interventions make a meaningful difference in people's lives and are key components of an effective employment reentry strategy.

~Jeffrey Selbin and Justin McCrary, University of California, Berkeley School of Law, *Got Clean Slate? New Study Suggests that Criminal Record Clearing May Increase Earnings (2014)*

5 of the top 10 unmet needs of homeless veterans involve legal assistance for: eviction foreclosure prevention; child support issues; outstanding warrants/fines; discharge upgrades; and restoring a driver's license. Other top 10 unmet needs often have a legal component: family reconciliation assistance; financial guardianship; and credit counseling.

~Findings from the VA's 2014 Project CHALENG for Veterans survey

Civil legal aid saves public money by helping children leave foster care more quickly. In Washington State, parents who receive high-quality representation in child welfare proceedings resulted in children exiting foster care at a rate of 11% higher and adoptions nearly doubling. When civil legal aid programs speed family reunification and adoption, they reduce public spending in the form of payments to foster parents, subsidies for children's medical care, cash benefits, and the expense of monitoring the foster family.

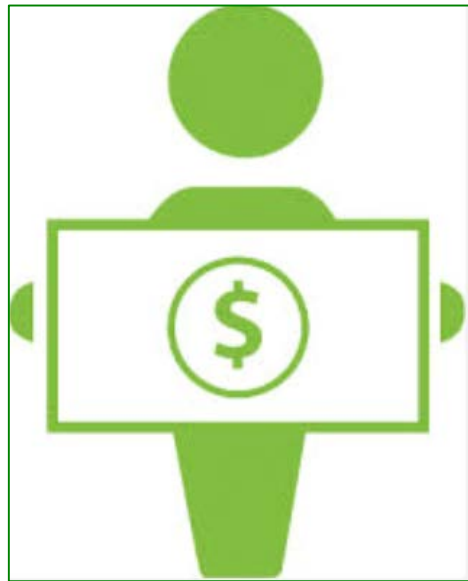
~Laura Abel, National Center for Access to Justice, "Economic Benefits of Legal Aid"

Studies suggest that access to legal services can be a critical tool in helping domestic violence victims escape from abusive relationships and that access to counsel has helped to decrease the number of domestic violence victims by as much as 21%.

~Amy Farmer and Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 *Contemp. Econ. Pol'y.* 158 (April 2003)

Block/Formula Grants

Federal Funds Granted to and Administered by
State and Local Governments



federal agencies



state and local
governments



community groups, social service
providers, and civil legal aid

US Department of Justice Office for Victims of Crime (OVC)

Vision 21 Final Report:

- Vision 21 Final Report, Chapter 2, “Meeting the Holistic Legal Needs of Crime Victims,” pp. 9-15;
http://ovc.ncjrs.gov/vision21/pdfs/Vision21_Report.pdf

Crime Victims Fund:

- 2014: \$745M
- 2015: \$2.361B
- 2016: \$3.042B - Victim Assistance share = \$2.252B

Victims of Crime Act (VOCA):

- 10% of award to services for: (1) child abuse, (2) domestic violence, (3) sexual assault, and (4) underserved.
- **Examples of legal assistance new rules allow:**
 - *Protective and restraining orders against a stalker or abuser;*
 - *family, custody, contract, housing, and dependency matters for victims of intimate partner violence, child abuse, sexual assault, and elder abuse;*
 - *victims of human trafficking;*
 - *intervention with creditors, law enforcement (e.g., to obtain police reports), and other entities on behalf of victims of identity theft and financial fraud;*
 - *intervention with administrative agencies, schools/colleges, tribal entities, and other circumstances where legal advice or intervention would assist in addressing the consequences of a person's victimization.*



US Department of Health and Human Services Office of Family Assistance Temporary Assistance for Needy Families(TANF)

TANF program is designed to help needy families achieve self-sufficiency. States receive block grants to design and operate programs that accomplish one of the purposes of the TANF program.

Four purposes of the TANF program:

- 1. Provide assistance to needy families so that children can be cared for in their own homes*
- 2. Reduce the dependency of needy parents by promoting job preparation, work and marriage*
- 3. Prevent and reduce the incidence of out-of-wedlock pregnancies*
- 4. Encourage the formation and maintenance of two-parent families*

<http://www.acf.hhs.gov/programs/ofa/programs/tanf/about>



TANF

<http://www.acf.hhs.gov/programs/ofa/resource/q-a-use-of-funds?page=2>

Q&A: Use of Funds

TANF Program Policy Questions and Answers

Q19: May States use TANF funds for costs associated with providing **legal representation to members of needy families who are pursuing SSI benefits?**

A19: Yes, States may use TANF funds in connection with legal representation for members of needy families who are pursuing SSI benefits. Receipt of SSI benefits can further purpose one of TANF by helping needy families care for children in their own home. Further, although OMB Circular A-87, which applies to Federal expenditures under the TANF program, prohibits the use of Federal funds for "prosecution of claims against the Federal government", under the Circular's definition of "claims," this prohibition would not restrict the provision of legal support in connection with an SSI application (from pre-filing through the administrative appeals process).

Q20: May States use TANF and MOE funds to help resolve personal or family **legal problems?**

A20: Yes, States may use their funds in this way as long as such expenditures are consistent with the purposes of the program (e.g., where legal problems are a threat to family stability or undermine the employment of needy parents).

Q21: May States use TANF and MOE funds to help needy families resolve bad debt and credit problems?

A21: Yes, States may use TANF and/or MOE funds for these purposes. Even under prior law, States helped needy families avoid eviction by providing them with funds to cover their rent arrearages. **Likewise, clearing up other kinds of debt (e.g., credit, car payments, etc.) would be consistent** with the goals of TANF.



Examples of TANF-funded legal assistance:

- Domestic violence and sexual assault
- Public benefits including SSI
- Helping to reinstate drivers' licenses
- Criminal records expungement and removing RAP sheet errors
- Help untangling fines/fees
- Family law (adoption, custody, guardianship)
- Help with school accommodations for children with disabilities
- Help with abusive debt collection practices



U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG)

- *The CDBG program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses. CDBG is an important tool for helping local governments tackle serious challenges facing their communities. The CDBG program has made a difference in the lives of millions of people and their communities across the Nation. The annual CDBG appropriation is allocated between States and local jurisdictions called "non-entitlement" and "entitlement" communities respectively.*
- *A grantee must develop and follow a detailed plan that provides for and encourages citizen participation. This integral process emphasizes participation by persons of low or moderate income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds. ..*



State CDBG Guide to National Objectives and Eligible Activities

<https://www.hudexchange.info/onecpd/assets/File/CDBG-State-National-Objectives-Eligible-Activities-Chapter-2.pdf>

Public services include, but are not limited to:

- *Health care,*
- *Job training,*
- *Fair housing activities,*
- *Services for senior citizens,*
- *Services for homeless persons, and victims of domestic violence,*
- *...*
- *Legal services (including walk-in legal counseling, foreclosure mitigation and prevention, landlord/tenant matters, veterans and public benefit appeals, child support orders, reasonable accommodations for persons with disabilities, and consumer protection).*



State CDBG Guide to National Objectives and Eligible Activities

Public services:

There are two situations in which public services activities carried out by nonprofit development groups can be excluded from the limitations placed on public services expenditures (for example, the 15 percent cap):

- *Any services provided by a nonprofit development group that are specifically designed to increase economic opportunities through job training and placement and other employment support services (for example, peer support programs, legal services to secure or retain employment, counseling, child care, transportation, and other similar services), and...*



Examples of CDBG-funded legal assistance:

- Assisting local street outreach to end chronic and veteran homeless through disability work
- Help for rural communities
- Homeless prevention work, including help with evictions, securing appropriate public benefits, assisting victims of domestic violence
- Helping homeless families in shelters in obtaining public benefits



US Department of Justice Office on Violence Against Women **STOP**

(Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grants

The STOP Grants are awarded to states to develop and strengthen the criminal justice system's response to violence against women and to support and enhance services for victims. Each state and territory must allocate 25 percent of the grant funds to law enforcement, 25 percent to prosecution, 5 percent to courts, and 30 percent to victim services. The remaining 15 percent is discretionary within the parameters of the Violence Against Women Act (VAWA). Grant awards are made to state governments, and interested tribes and organizations should contact their respective State Administrative Agency for information about obtaining funding from this program.



Frequently Asked Questions About STOP Formula Grants

<https://www.justice.gov/ovw/file/827531/download>

1. Can legal services be supported with STOP funds?

Yes. ... states can now provide a full range of legal services, such as housing, family law, public benefits, and other similar matters. ...

4. What types of entities are eligible for the 30 percent for victim services?

*The 30 percent is “for victims services.” Victim services is defined in VAWA as “services provided to victims of domestic violence, dating violence, sexual assault, or stalking, including telephonic or web-based hotlines, **legal advocacy**, economic advocacy, emergency and transitional shelter, accompaniment and advocacy through medical, civil or criminal justice, immigration, and social support systems, crisis intervention, short-term individual and group support services, information, and referrals, culturally specific services, population specific services, and other related supportive services.” ...*



U.S. Department of Health and Human Services Community Services Block Grant

- *Community Services Block Grant (CSBG) provides funds to alleviate the causes and conditions of poverty in communities.*
- *CSBG funding supports projects that:*
 - *Lessen poverty in communities; Address the needs of low-income individuals including the homeless, migrants and the elderly; Provide services and activities addressing employment, education, better use of available income, housing, nutrition, emergency services and/or health*
- *With the support of CSBG funding, states and CAAs work together to achieve the following goals for low-income individuals:*
 - *Increased self-sufficiency; Improved living conditions; Ownership of and pride in their communities; Strong family and support systems*



US Department of Justice Office for Juvenile and Delinquency Prevention Title II Formula Grants Program

- *The Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) Formula Grants program supports State and local efforts in planning, operating, and evaluating projects that seek to **prevent at-risk youth from entering the juvenile justice system or intervene with first-time and non-serious offenders to provide services** that maximize their chances of leading productive, successful lives.*
- *Each State must use at least two-thirds of its award funds for programs that local public and private agencies operate and for eligible American Indian tribal programs.*
- *35 program areas that Congress has defined:*
 - *9. Delinquency prevention: Programs to prevent youth at risk of becoming delinquent from entering the juvenile justice system or to intervene with first-time and non-serious offenders to keep them out of the juvenile justice system.*
 - *20. Mental health services: Psychological and psychiatric evaluations and treatment, counseling services, and/or family support services for at-risk juveniles and/or first-time and non-serious juvenile offenders.*
 - *27. School programs: Education programs and/or related services to prevent truancy, suspension, and expulsion. School safety programs may include support for school resource officers and law-related education.*
 - *33. Youth advocacy: Projects to develop and implement advocacy activities focused on improving services for and protecting the rights of youth affected by the juvenile justice system.*



Examples of legal services that further Title II Program Areas:

- Supports for children with disabilities as alternatives to suspension or expulsion
- When schools identify domestic violence, abuse and neglect -- assist with restraining orders, guardianships, adoption
- Records sealing to give youth a second chance
- Ensure at-risk youth and families have access to public benefits

Discussion

For more information:

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