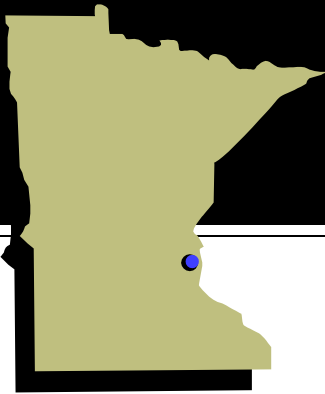


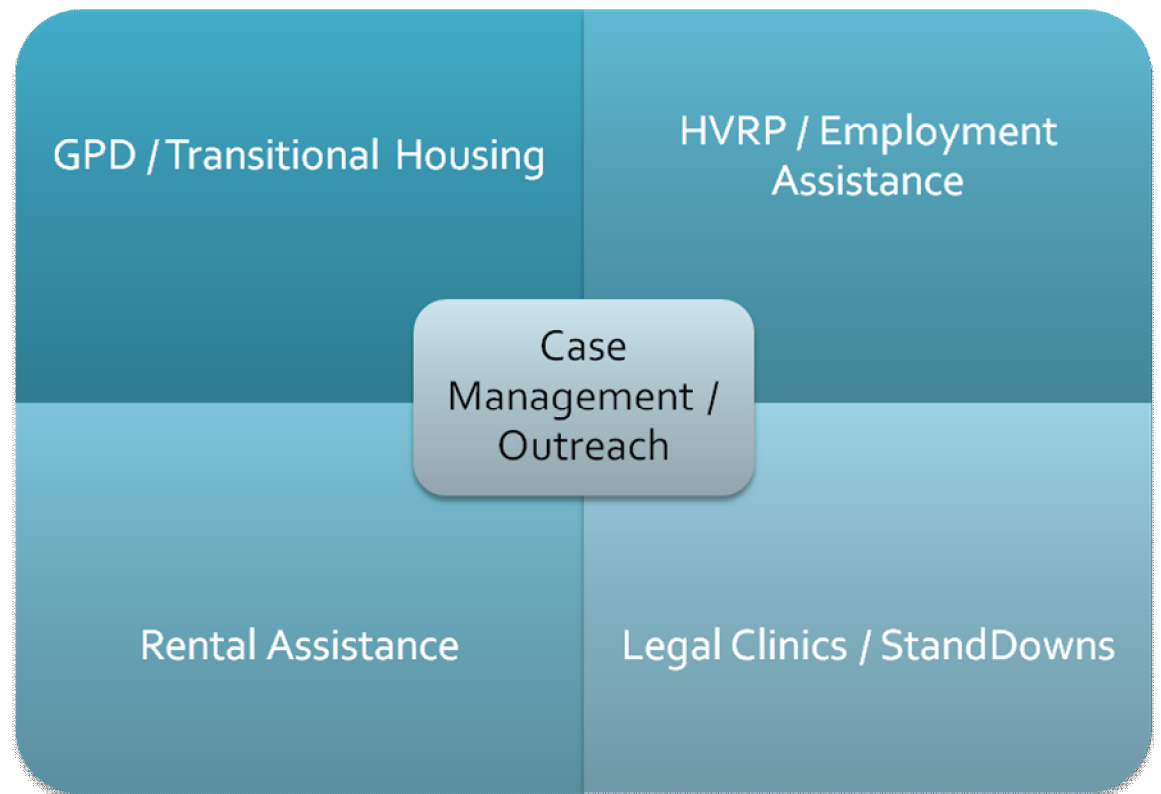
2013 NCHV National Conference

Meeting the Special Legal Needs of Homeless Veterans

Minnesota Assistance Council for Veterans (MACV)



Statewide 501c3
nonprofit
established in 1990





Emerging Focus on Legal Barriers

The VA has recognized the importance of providing support to legal services aimed at Veterans:

- VA's Supportive Services for Veterans and Families (SSVF) grant includes legal services in the list of benefits supported by grant dollars. HVRP HFVWWF grant (urban and non-urban) now allows funds for legal assistance.
- Several VA Health Care Systems have allowed on-site legal clinics and legal professionals serving low-income veterans in the past few years.
- The VA has placed Veteran Justice Outreach (VJOs) in VAHCS to help veterans navigate involvement with the criminal justice system. Re-entry specialists do outreach to veteran prisoners to connect them with benefits and services available for them in their transition back to the community.

CHALENG Report

Top Ten Highest Unmet Needs Identified by Consumers FY 2008-2010

2008	2009	2010
Welfare payments	Welfare payments	Welfare payments
Child Care	Legal assistance for child support issues	Child Care
Legal assistance for child support issues	Long-term permanent housing	Legal assistance for child support issues
Guardianship (financial)	Child Care	Family reconciliation assistance
Family Reconciliation assistance	SSI/SSDI process	Guardianship (financial)
Long-term permanent housing	Legal assistance for outstanding warrants/fines	Legal assistance for outstanding warrants/fines
SSI/SSDI process	Guardianship (financial)	SSI/SSDI process
Legal assistance for outstanding warrants/fines	Family reconciliation assistance	Credit Counseling
Credit Counseling	Job training	Job training
Re-entry services for incarcerated veterans	VA disability/pension	Legal assistance to help restore driver's license

As Identified by VA and community providers (2010):

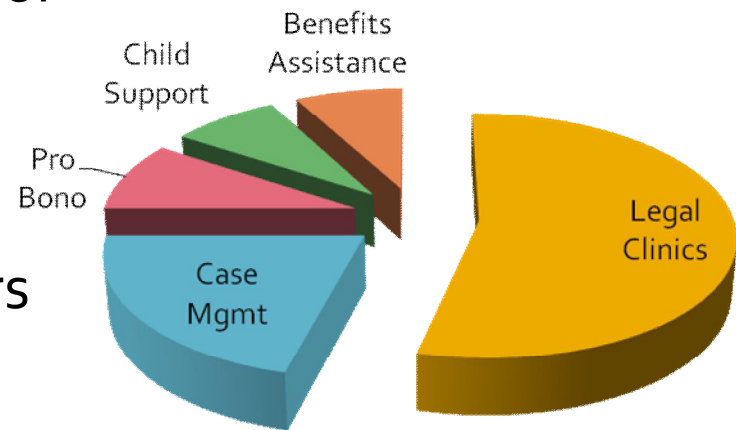
1. Child care
2. Legal assistance for child support issues
3. Legal assistance for outstanding warrants/fines
4. Family reconciliation assistance
5. Legal assistance to help restore a driver's license
6. Credit counseling
7. Long-term, permanent housing
8. Dental care
9. Help managing money
10. Guardianship (financial)

Minnesota Legal Clinics

Service Providers

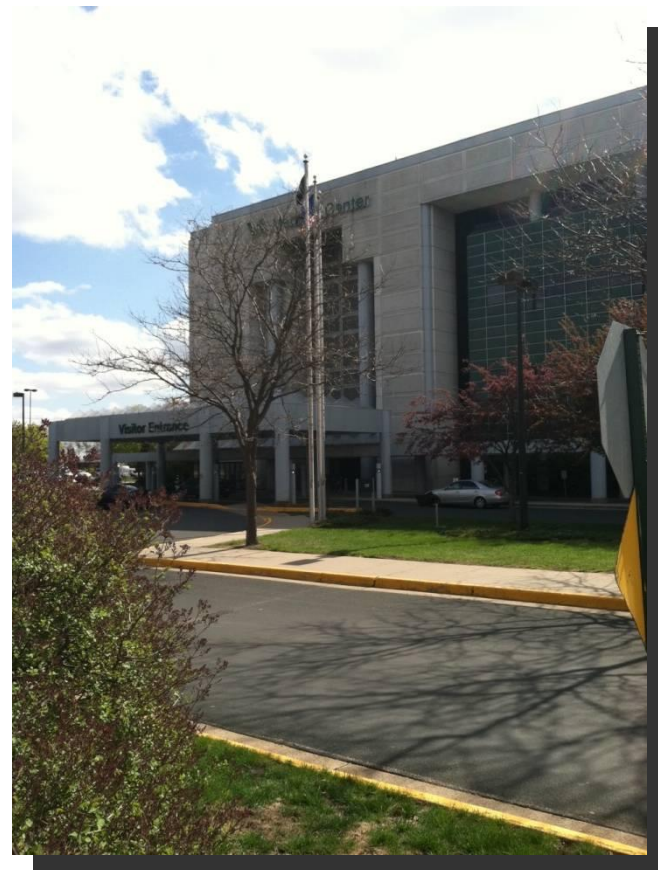
- “Minnesota Assistance Council for Veterans
- “Volunteer Attorneys
- “Volunteer Law Students
- “County Veteran Service Officers
- “County Child Support Workers
- “Health Care for Homeless Veterans (case managers through VA Hospitals)

Collaboration



Common Issues seen at Legal Clinics

- Family Law
- Consumer Debt
- Criminal Charges
- Criminal Expungement
- Employment
- Tax
- Housing
- Benefits
- Medical Malpractice
- Wills, Trusts & Estates



Child Support Issues



VIETNAM ERA VETS

- High instance of unmodified orders, many covering decades in which the vet was disabled or otherwise unable to work.
- Unlikely to contact child support or case management systems for assistance.
- Many have arrears only cases and owe a large amount of fees and penalties for past nonpayment.
- High instance of interstate cases.

OIF/OEF/OND VETS

- Experiencing high rates of divorce and family law involvement.
- Education and assistance can prevent them from owing tens of thousands in the future.
- Many interstate cases.
- Imputed income based on combat or contractor pay.
- High levels of unemployment.

Criminal Expungements

- Expungement = sealing records
- Laws vary by states, but most have severe restrictions
 - Challenge of sealing criminal convictions
 - Administrative v. Judicial records
 - Subject-matter limitations (in MN)
 - DUI/DWI
 - Registration-based offenses
- Rarely accomplishes “new beginning” sought by veteran.

Consumer Law Tips

- Veterans benefits are exempt from most debt collectors.
- Servicemember Civil Relief Act (SCRA) provides protections to active duty and deployed servicemembers.
- Many veterans struggle with the decision to not repay debts and instead use resources needed for self-sufficiency to reduce debt.

Veteran-specific Employment Law

USERRA – The Uniformed Services Employment and Reemployment Rights Act

- Right to be reemployed in civilian job if job left for military service
 - Requires written or verbal notice to employer
 - Must apply for reemployment in a timely manner after conclusion of service
 - Requires separation from service with discharge under honorable conditions
 - Limited to 5 years or less of cumulative service while with same civilian employer
- Right to be free from discrimination and retaliation based on service
- Right to continue health care coverage through civilian employer for up to 24 months while in the military.
- Right to reinstate civilian employer health care coverage when reemployed

Benefits for Veterans

VA benefits

- Administrative process rarely involving attorneys until VA appeals are exhausted and denial appealed to Federal District Court.
- Not quick; benefits once approved are paid as of the date of filing for the benefits.
- If overpayment made, Veteran may temporarily or permanently lose benefits.
- Attorneys must be admitted to practice before the Court of Veterans Appeals.

Non-VA benefits

- Interplay between non-VA and VA benefits—some benefits may result in a dollar-for-dollar loss of other benefit sources.

Creating a Legal Program

- Spectrum of possible legal components
 - On-staff attorney providing full rep
 - On-staff attorney coordinating pro bono effort and/or legal services relationships
 - Contract relationship with legal services for full rep and/or pro bono assistance
 - Collaboration with legal services (unfunded)
- Identifying veterans
 - Community-based legal clinics
 - Program participants
 - Community partners and VA homeless programs