



CIVIL LEGAL ISSUES FOR VETERANS

OVERVIEW

- Common Civil Legal Issues for Veterans
 - Driver's License, Child Support, Housing
- Resources and Strategies

VA CHALENG SURVEY

- Since 1994, annual survey conducted to identify challenges faced by homeless Veterans
- Seeks to identify unmet needs and encourage partnership action to meet those needs
- Data from CHALENG assists VA in identifying need and developing new services –
 - Homeless Veteran Dental Program, the expansion of the HUD-VASH program, the Veterans Justice Outreach programs and the Supportive Services for Veteran Families program.

TOP UNMET CIVIL LEGAL AID NEEDS OF MALE VETERANS

Top Ten Highest Unmet Needs, Male Veterans

- CHILD SUPPORT
- HOUSING
- DRIVER'S LICENSE
- WARRANTS AND FINES

Rank	Male Homeless Veteran Highest Unmet Needs	Mean Score
1	Registered Sex Offender Housing	2.16
2	Child Care	2.31
3	Legal Assistance for Child Support Issues	2.47
4	Financial Guardianship	2.52
5	Family Reconciliation Assistance	2.52
6	Legal Assistance to Prevent Eviction and Foreclosure	2.54
7	Legal Assistance to Help Restore a Driver's License	2.55
8	Legal Assistance for Outstanding Warrants and Fines	2.56
9	Discharge Upgrade	2.59
10	Credit Counseling	2.60

TOP UNMET CIVIL LEGAL AID NEEDS OF FEMALE VETERANS

Top Ten Highest Unmet Needs, Female Veterans

- CHILD SUPPORT
- HOUSING

Rank	Female Homeless Veteran Highest Unmet Needs	Mean Score
1	Registered Sex Offender Housing	2.16
2	Child Care	2.36
3	Dental Care	2.57
4	Financial Guardianship	2.58
5	Family Reconciliation Assistance	2.58
6	Credit Counseling	2.61
7	Legal Assistance for Child Support Issues	2.63
8	Drop In Center and Day Program	2.63
9	Legal Assistance to Prevent Eviction and Foreclosure	2.64
10	Discharge Upgrade	2.65

POST TRAUMATIC STRESS (DISORDER)

- VA estimates 15-30% of all veterans (OIF, OEF, Gulf War, and Vietnam) experience/d PTS(D)
- Can begin immediately following the triggering event or years later; can come and go
- **STRONG** correlation between PTS(D) and substance abuse/ “self-medication”
- Nearly 1 in 4 female veterans report having been sexually assaulted or harassed in the military
- Female veterans with PTSD from MST **THREE TIMES** more likely to experience suicidal ideation than those with PTSD from other sources during deployment
- PTSD from MST: **TWICE AS LIKELY** to experience homelessness

COMMON PTS(D) SYMPTOMS

- Reliving events – nightmares, triggers, flashbacks
- Avoiding things that could or do remind you of the event/s
- Negative feelings – distrust of others and/or society at large, avoiding people, feeling like unable to love or trust people and things once did
- Hyperarousal – reacting to loud noises, unable to focus or follow through, sleep disturbances, irritable

VETERAN CLIENTS WITH PTS(D) MAY...

- Distrust police, court system, judges, attorneys
- Be triggered by going to Court, being in public, opposing party
- Be irritable, easily agitated by adversarial process
- Be unable to self-advocate or have difficulty in doing so without losing their cool or their focus

TRAUMATIC BRAIN INJURY (“TBI”)

- Called the “Signature Injury” of Iraq and Afghanistan conflicts
 - 50% of those with TBI also have PTSD
- More likely to:
 - Have problems maintaining employment
 - Have memory and recall issues, sleep issues, chronic headaches
 - Suicidal ideation and/or attempts
 - Have cognitive impairment
 - Abuse alcohol/binge drink



Readjustment Counseling Service
[REDACTED]
[REDACTED]
[REDACTED]



November 5, 2019

To Whom it may Concern:

I am writing in behalf of [REDACTED] in regards to an update as requested by himself for the Courts.

[REDACTED] has had continued difficulties securing employment due to his symptoms that are most certainly Post Traumatic Stress Disorder (PTSD) symptoms. [REDACTED] is having nightmares, avoidance behaviors, and reactivity such as hypervigilance and has a severe startle response. These symptoms are all related around a specific traumatic event from overseas of him "killing a man." Though the situation of killing the man was justified, the lingering psychological affects continue to linger and continue to cause negative distress in [REDACTED] life.

In response to [REDACTED] symptoms and current difficulty in functioning, he has begun to participate in Eye Movement Desensitization and Reprocessing (EMDR) therapy. He has attended one EMDR session and verbalized some benefit from a reduction in some of the stress related to PTSD. However, continued sessions are indicated.

It is still my opinion that [REDACTED] is unable to maintain full employment at this time, even with his improvement in some of his overall stress. It is not possible to know if he will ever return to a level of functioning that would allow for full time employment. This determination would require an evaluation that is outside of my scope of practice.

Sincerely,

[REDACTED]

STRATEGIES w/VETERAN CLIENTS

- PSLS Armed Forces Legal Assistance Project gives special consideration to applicants with PTS(D),TBIs, MST for help in cases not otherwise typically accepted
- Establishing yourself “in their corner” is important
- Following through, don’t overpromise, making clear what can and cannot be accomplished and why
- May need to block out extra time to accommodate for their symptoms
- Sometimes best to be the voice for the Veteran even in a “loser” case

CHILD SUPPORT

Strategies and Resources

VA DISABILITY IS INCOME (for support)

- VA disability is meant to support a disabled veteran *and their dependents*
 - Increase in benefits if Veteran has dependents
- When calculating child support obligation, 100% of VA compensation is counted as income
- Can be seized out of bank account for arrearages from support order
- A dependent can seek an apportionment of the Veteran's benefits directly from the VA without a court order
- VA cannot impoverish the veteran (typical between 20%-50% of benefit)

CHANGE IN INCOME

- Income Source Changes – **NEED TO REPORT** to IDHFS, Attorney so new Income Withholding Notice Can Issue – must make payments on their own until new Notice in place
- Income Amount Changes – Need to try to modify support order **ASAP** – child support modifications are **ALWAYS** prospective and **NEVER** retroactive (unless agreed to by all parties involved).
 - IDHFS does not “represent” custodial parent – will help either party – can take 6-9 months before in Court
 - File Pro Se Motion to Modify Support
 - Client should call the **IL-AFLAN Hotline** for legal advice and possible representation in Court

Arrearages a/k/a “Back Child Support”

- Under current Illinois law, unpaid child support accrues 9% simple interest
- Interest is owed to the other parent, Court cannot take it away
- The amount of unpaid support is **based on the support order in place** – why seeking modifications when not working, income goes down, is so important
- Can ask Court (pro se, IDHFS, attorney) to enter a repayment order based on clients income and expenses

DRIVER'S LICENSE

Strategies and Resources

Reasons for No License in Illinois?

- DUI or other criminal offense
- Child Support
- Court fines/fees, parking tickets, tollway violations
- Suspended in another state
- **SUSPENDED OR REVOKED?**
- Veterans needs to request a Driving Abstract from the IL Sec of State – this will help explain why
 - \$12 fee, can request online, by mail, in person

1st DUI vs. 2nd + DUI

- 1st DUI – Summary Suspension, automatically eligible for reinstatement after suspension period is over
- 2nd + DUI – Revoked. Veteran will have to convince the SOS that they are no longer a risk as a driver; very involved and detailed hearing, requires proof of treatment and compliance, recent evaluations, witness statements attesting to prolonged sobriety.
 - Very wide discretion afforded to Hearing Officer

Suspension for Unpaid Support

- HFS Notifies Payor of Intent to Suspend, please call and work out an agreement
- HFS certifies to the SOS:
 - Payor is more than \$2500 behind in support and no payments in 90 days.
- SOS suspends license with notice, most recent address on file with SOS

HFS DRIVERS LICENSE UNIT

1-800-447-4278

HFS.DCSSDLU@Illinois.gov

- Have to start making full payments OR work out payment agreement with HFS Drivers License Unit to get suspension lifted
- HFS has a LOT of latitude with payment plans b/c have to account for client's ability to pay, but typically want three months of compliance with Court order, new or old
- Apply for Family Responsibility Permit – have to show need (looking for work, going to work, medical need) and no reasonable alternatives (family, friends, bus route, Uber)

HOUSING

Strategies and Resources

EVICTION MORATORIUMS

- Federal: Center for Disease Control Moratorium
 - Set to expire 12-31-20
 - Prohibits evictions for nonpayment of rent, must meet certain criteria and provide landlord with declaration
 - Can still be evicted for other reasons, like health and safety issues
- Illinois: Governor's Executive Order
 - Issued for 30 day periods; current Order expires 10-17-20
 - Prohibits eviction for nonpayment, can still seek eviction for health and safety, code, substantial risk of harm to property
- **NEITHER FORGIVES RENT!**
 - Tenants will still owe rent at the end of the moratoriums and can be evicted for nonpayment of rent once moratoriums are over

Supportive Services for Veterans and Families “SSVF”

- Low-income assistance program for Veterans and their families
- WIDE variety of supportive services and resources to prevent homelessness
 - Rent, utilities, transportation, child care, housing search, application for veteran and low income benefits (medical care, VA disability, SNAP, Medicaid)
 - VA will know who and where the local grantee is for client to access/apply

Veteran Assistance Commissions “VAC”

- County- based, eligibility determined by individual offices
- Usually located in a county building
- Rental and food assistance
- Assistance with VA benefit applications

Strategies

- Get the veteran in touch with VA Homeless Outreach Worker
 - SSVF, VAC, emergency housing, HUD-VASH coordination, etc.
- Veteran call IL-AFLAN Hotline to talk to an attorney about legal issues relating to LL/T problems, foreclosure, utilities



**Illinois
Armed Forces
Legal Aid Network**

**1-855-IL-AFLAN (1-855-456-3526)
ilaflan.org**

Statewide Legal Assistance Hotline for qualifying Veterans, Service Members, and their Families

Civil legal issues & service-related civil legal issues (discharge upgrades, disability claims appeals)

THANK YOU
