



Neighborhood Legal Services Association

# EQUAL JUSTICE MATTERS

IMPORTANT NEWS FOR OUR CLIENTS & COMMUNITY

www.nlsa.us

October 2012 | Volume 1 | Issue 4

## CAN'T AFFORD A LAWYER?

Help is a phone call away! Neighborhood Legal Services (NLSA) provides free civil legal services for low-income residents of Allegheny, Beaver, Butler and Lawrence Counties.

### Free Civil Legal Help with:

- Family Law
- Employment Law
- Protection from Abuse
- Public Benefits
- Housing Problems
- Consumer & Bankruptcy Problems
- Elder Law

### Call the Toll-Free Legal Helpline @ 1-866-761-NLSA (6572)

Helpline hours are:

Monday – Friday:

9am – 12pm and

1pm – 2:30pm

Monday and Wednesday:

5pm – 8pm

*Income guidelines apply*

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## REDUCED PUBLIC FUNDING TRIGGERS SERVICE REDUCTIONS IN THE FACE OF GROWING DEMAND FOR LEGAL AID

NLSA must now reduce services due to reductions in funding for civil legal aid. These cuts come at a time when the sluggish economy has led to an increase in demand for legal assistance. Last fiscal year, NLSA helped 24,174 persons facing critical legal problems.

NLSA provides high-quality civil legal assistance to individuals facing eviction, foreclosure, denied benefits, unpaid wages, a lack of utility services, and even the crisis of a child snatching. NLSA is, in essence, the "emergency room" of the legal profession -- triaging clients to determine which ones will get an attorney to help them with their emergency legal issue and who will get advice/or a referral. For example, if you are a victim of domestic violence, you will get an attorney to represent you, but if you are a grandmother seeking to get some visitation with your grandchild, NLSA will simply provide advice and referral services.

Budget cuts at both the federal and state level have further reduced NLSA's funding by \$800,000 – significantly impacting NLSA's ability to sustain services.

As is the case with many non-profit organizations, NLSA's highest expense is personnel costs, and more specifically, from paying lawyers. As a result, budget cutbacks have forced staff reductions and NLSA has lost 6 extremely talented and dedicated staff attorneys. The remaining attorneys simply cannot ethically handle the same number of cases and ensure the provision of high quality legal representation, which each client deserves.

For the past few years, NLSA has stretched its capacity to serve those who had nowhere else to turn by obtaining special one-time grants, utilizing operating reserves, and increased fundraising efforts. NLSA will continue to seek new sources of funding.

### IMMEDIATE CHANGES IN SERVICE

NLSA will no longer be able to provide advice and/or representation in landlord tenant matters unless there is an eviction action pending. Those with warranty of habitability or security deposit issues will not be able to speak to an attorney. We will no longer offer a family law clinic where callers can meet, in person, with an attorney for advice on divorce, support or custody issues. Instead, we are relying on the private bar to provide advice via telephone on custody matters in Allegheny County. In Butler and Lawrence counties, callers will no longer be able to come to an evening clinic and will now have to speak to an attorney during the day about custody issues. Those seeking help with divorce or support issues are sent reduced fee paperwork without being able to talk to an NLSA attorney for free.

NLSA has also eliminated representation for those appealing a Supplemental Security Income denial unless there is a referral for representation from the PA Department of Public Welfare. These individuals will now have to seek private counsel. NLSA has implemented a waiting list for those seeking assistance with employment issues unless the issue involves unemployment benefits or wage claims. Finally, NLSA has curtailed its availability to take applications for service from domestic violence victims at the Allegheny County Courthouse. NLSA is currently working with court personnel and representatives from domestic violence shelters to streamline the application process for legal assistance.

NLSA has struggled over the years to make difficult service delivery choices because the demand for help far exceeds the available resources. Efforts were made to provide something (advice, community education, and reduced fee referrals) to everyone-even if the something was not full representation by an attorney. NLSA will continue to work with the private bar to help us meet the needs of the low income population in Allegheny, Beaver, Butler and Lawrence counties. In the coming months, we will continue -- to the greatest extent possible -- to be there for our clients who, in many cases, through no fault of their own, will need legal representation. Above all, NLSA hopes that those who are turned away will understand that these decisions were not made lightly, and it remains NLSA's mission to keep doing everything within our power to continue moving towards "Equal Access to Justice".

### NLSA Announces New Office Hours in Pittsburgh

Pittsburgh Office Hours Effective Monday, August 20th, 2012

Monday – Friday: 9:00am to 3:00pm

Due to recent funding cuts and corresponding reductions in staffing, NLSA's Pittsburgh Office located at 928 Penn Avenue will be now be open to clients Monday through Friday from 9:00 AM to 3:00 PM. The change in office hours will create efficiencies and allow our staff to continue to provide quality legal services to those who have nowhere else to turn for legal aid.

next issue... January 2013



Funded, in part, by the Commonwealth and through a contract with the Pennsylvania Department of Community and Economic Development (DCED). The official registration and financial information of Neighborhood Legal Services Association may be obtained from the Pennsylvania Department of State by calling toll-free within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement. Federal regulations applying to NLSA require that we notify all donors that no funds can be expended by NLSA for any activity prohibited under P.L. 104-134 or otherwise prohibited by 45 C.F.R. § 1600 et seq.

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## Resources for PFA Clients

### Allegheny County:

**Women's Center & Shelter of Greater Pittsburgh**  
24-Hour Hotline: 412-687-8005  
www.wcsppittsburgh.org

**Community Voice Mail (CVM)**  
Call: 412-281-0751  
www.pittsburghcommunityvoicemail.blogspot.com

**Divorce Law Project**  
Call: 412-402-6714 – www.acbf.org

**Alle-Kiski Area Hope Center**  
Hotline 724-224-1266  
www.akhopecenter.org

**Center for Victims**  
412-678-4616  
www.centerforvictims.org

**Crisis Center North**  
412-364-5556  
www.crisiscenternorth.org

### Beaver County:

**Women's Shelter of Beaver County**  
24-hour Helpline: 724-775-0131  
www.womenscenterbc.org

### Butler County:

**Victim Outreach Intervention Center (VOICe)**  
24-hour Hotline: 1-800-400-8551  
www.voiceforvictims.com

**Center for Community Resources**  
212-214 South Main Street,  
Suite 625 Butler, PA 16001  
Information and Referral: 724-431-3748  
www.ccrinfo.org/site/home

### Lawrence County:

**Crisis Shelter of Lawrence County**  
24-hour Hotline: 724-652-9036  
www.crisishelter.org

**Lawrence County Community Action Partnership:**  
241 West Grant Street  
New Castle, PA 16101  
Call: 724-658-7258 – www.lccap.org

### All Counties

To apply for welfare benefits (TANF, Food Stamps, Medical, etc.) online:  
www.humanservices.state.pa.us/Compass

PAHousingSearch.com is a free service that lists and helps find affordable apartments across Pennsylvania: 1-877-428-8844  
www.PAHousingSearch.com

Call 2-1-1 for help with food, housing, employment, healthcare, and counseling.



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## NLSA PROVIDES ESSENTIAL SERVICES TO VICTIMS OF DOMESTIC VIOLENCE

Domestic violence is defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic or psychological. These actions or threats of actions are meant to influence the behavior of another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure or wound someone.

Domestic violence can happen to anyone of any race, age, sexual orientation, religion or gender. It can happen to couples who are married, living together or dating. Domestic violence affects people of all socio-economic backgrounds and education levels. There is no way to define a "typical" victim of domestic violence. Unfortunately, domestic violence is prevalent in today's society and disproportionately impacts women, girls, and people with disabilities. Domestic violence can sometimes result in injury or death of the victim if nothing is done to stop the abuser. If you are or know someone who may be a victim of domestic violence, please get help. There are numerous community resources available to assist victims escape the cycle of abuse.

NLSA helps more than 5,000 victims of domestic violence obtain protection from abuse orders. A protection from abuse order is a paper that is signed by a judge and tells the abuser to stop the abuse or face serious legal consequences. It offers civil legal protection from domestic violence to both female and male victims. A protection from abuse order can offer the following protections for you and your children. It can:

- Order the abuser not to abuse, harass, or stalk you, your relatives or your minor children;
- Order the abuser to be removed from the home where you both live and grant you possession of the home; Note: Under certain circumstances, if you are living in a home of which the abuser is the only owner or tenant, the judge can still remove the abuser from the home or, with your consent, order him to provide you with suitable alternate housing.
- Award temporary custody or temporary visitation rights of your minor children;
- Order the abuser to pay financial support (including medical bills, health insurance, rent or mortgage payments) to you or your children;

- Prohibit the abuser from having any contact with you or minor children, including staying away from your or your child's place of employment or business or school;
- Order the abuser to turn any of his firearms, other weapons, and ammunition to the sheriff or police, if he used them or threatened to use them during the abuse, and prohibit him from getting additional firearms;
- Order the abuser to pay you for reasonable losses resulting from the abuse (this may include the cost of medical/ dental care, relocation and moving expenses, attorney and counseling costs, as well as loss of earnings or support); and
- Grant any other appropriate relief you request.

Whether a judge orders any or all of the above depends on the facts of your case. If someone you know is in an abusive relationship and needs help or would like to speak with someone about services and options, FREE and CONFIDENTIAL, help is available 24 hours a day in all 67 counties in Pennsylvania.

You may contact the 24-hour National Domestic Violence at 800-799-SAFE (7233) to be directly connected to your local domestic violence program.

Information for obtaining a PFA and PFA procedures in Allegheny, Beaver, Butler, & Lawrence Counties can be found on our website (www.nlsa.us) under the Legal Resources/Family Law Issues tab.

### Help for unemployed victims of domestic violence

NLSA recently received a grant from the Allegheny County Bar Foundation that makes possible enhanced services to PFA (Protection from Abuse) clients who have no income or receive Temporary Assistance for Needy Families benefits as part of the Unemployed PFA Victims Assistance Project. Funding allows for NLSA's social worker to work with these clients to ensure they are accessing all available social services which might help to increase their income, improve their job skills or connect them with training opportunities that will enable PFA victims to work towards self-sufficiency.

## CALL FOR VOLUNTEERS

NLSA is seeking volunteers to assist clients at the Allegheny County Court of Common Pleas Court House -- Family Division which is located at 200 Ross Street, Downtown Pittsburgh. Volunteer shifts are Monday through Friday between 11:30 AM and 3:30 PM. Please contact Pamela Dalton-Arlotti at 412-586-6104 or via email at dalton-arlottip@nlsa.us. NLSA will provide necessary training and support.

HELP WANTED

## PENNSYLVANIA CUSTODY RELOCATION LAW

If you have a child and plan to move, a section of Pennsylvania's custody law called "relocation" details the steps you must follow in order to do so. Pennsylvania considers a relocation to be "a change in a residence of the child which significantly impairs the ability of a nonrelocating party to exercise custodial rights." This can include moves within a county, as well as moves out of county or out of state.

Before you move, you must provide a formal "Notice of Proposed Relocation" to the other parent and any other person who has custody rights to the child. To be safe, this should include anyone who has or has had substantial custody time with the child. The notice must be sent by certified mail (return receipt requested) at least sixty days before the move. (If you could not have known of the need for relocation in time to meet the sixty-day deadline and can't reasonably be expected to delay your move, you can send the notice no more than ten days after learning of your need to move.)

The notice must contain (if known) many details about the proposed move. They are: (address of your new home (and mailing address if different), names and ages of the people living in the new home, new home telephone number, new school district name and school, date of the proposed move, reasons for the move, and proposed revised custody schedule. The notice must also include a form called a "counter-affidavit" that those receiving the notice can use to object to the proposed move and custody schedule change. Perhaps most importantly for the non-relocating parent, the notice must have a warning that if they do not file an objection to the proposed relocation within thirty days after getting the notice, that person is barred from objecting to the relocation.

The other parent or anyone else entitled to receive the notice has thirty days to object to the relocation and/or proposed custody changes and ask for an order stopping the relocation by filing the counter-affidavit and sending it to you by certified mail. If that person does not file the objection within the thirty days of receiving the notice, they are considered to have waived their right to object to the relocation.

If you do not receive any objections by the deadline, you must file documents with the court that

confirm this before you actually move. You must file an affidavit that you provided the notice to everyone entitled to it, the deadline to object has passed, and no one filed an objection. You must file proof of proper service, a petition to confirm the relocation and modify the existing custody order, and a proposed order.

If a party has filed an objection, the court should hold an expected full hearing before the relocation happens, although it may allow you to move before the hearing if you have a very good reason. If the court approves your proposed move, it will modify or establish and appropriate custody order.

In deciding whether to allow you to move with the child, the court will consider several factors, but it will give more importance to those that affect the child's wellbeing. It will consider (1) the child's relationships with the various people involved in the child's life, (2) the age, developmental stage, and needs of the child and how the move may affect the child's development, (3) how easy it will be to preserve the child's relationship with the party that is not relocating considering the distance involved and wealth of the parties, (4) the child's preference of whether to move, (5) whether there is a history of either party promoting or thwarting the child's relationship with the other party, (6) whether the move will improve your life (such as better financial, emotional, or educational opportunity), (7) whether the relocation will improve the child's life for the same reasons, (8) the reasons of each party for seeking or opposing the relocation, (9) present and past abuse, and (10) anything else affecting the best interest of the child.

If you fail to give reasonable notice under the law, the court can hold it against you in deciding whether to allow the move, change custody, require you to return the child, pay the other side's attorney fees, or hold you in contempt of court.

The relocation requirements are complex and specific. Also, the court is always free to modify custody based upon the best interests of the child. Therefore, it is best to consult an attorney before moving if you are involved in an actual or potential custody dispute.

## LOCAL NLSA OFFICES

\*Beginning August 20th, NLSA's Allegheny County Office will be open from 9am until 3pm. All other locations will be open from 9am until 4pm.

### ALLEGHENY COUNTY

928 Penn Avenue  
Pittsburgh, PA 15222-3799  
Telephone: 412-255-6700

### BEAVER COUNTY

Stone Point Landing, Suite 204A  
500 Market Street  
Bridgewater, PA 15009  
Telephone: 724-378-0595

### BUTLER COUNTY

Holly Pointe, Suite 301  
220 South Main Street  
Butler, PA 16001-5973  
Telephone: 724-282-3888

### LAWRENCE COUNTY

125 East North Street  
Suite 329 – Temple Building  
New Castle, PA 16101-3751  
Telephone: 724-658-2677

## NLSA'S MISSION

Our mission is to meet the civil legal needs of the poor and vulnerable in our community through effective legal representation and education.

*REMEMBER: The law often changes. Each case is different. This newsletter is meant to give you general information and does not constitute specific legal advice. Please use the information in this newsletter carefully because it may not accurately reflect any changes in the law that occurred after its initial publication. If you need legal help, please immediately contact our helpline (1-866-761-6572) or your local Bar Association's lawyer referral service.*



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## CASE IN POINT

### Actual Client Stories

**WHO:** *Jana*

*\* Client's name has been changed for privacy purposes*

**TOPIC:** *Protection from Abuse*

Jana, 21, contacted NLSA for representation in a PFA hearing. She has a newborn child and could no longer endure the abuse by her child's father. Jana needed to move as she was no longer safe in her home. The NLSA social worker contacted Jana for a comprehensive interview in order to help find resources. The social worker connected to the Allegheny County Housing Authority (ACHA) website and assisted Jana with an online application for the ACHA Housing Choice Voucher Program Waiting List. Due to being a victim of domestic violence, Jana received a preference and was notified by ACHA. After submitting the necessary documents and attending appointments, Jana was issued a housing voucher. She found a safe, secure unit and is waiting for the inspection to be completed. Jana will shortly be pursuing employment near her new residence. Jana wanted other PFA victims to have hope that they, too, can be successful.

*Equal Justice Matters is a free publication of NLSA and is distributed electronically three times a year. To continue to receive this publication (in electronic form), please visit [www.nlsa.us](http://www.nlsa.us) and complete the Sign-Up box for our e-mail newsletter or e-mail [enews@nlsa.us](mailto:enews@nlsa.us). Please include your name and email address.*

## GENERAL ASSISTANCE PROGRAM COMES TO AN END: WHAT FORMER RECIPIENTS NEED TO KNOW!

Pennsylvania's new state budget ended the General Assistance program on July 31, 2012. The program was originally slated to terminate on June 30th but was extended for an additional month when the budget was passed allowing cash assistance to recipients to be notified of the termination of the program.

General Assistance is cash welfare for single people. If you have children living with you, your cash assistance will continue. Only people without children living with them are losing their assistance.

You will lose your cash assistance if:

- You are single, AND
- You do not have children living with you, AND
- You get \$102.50 from welfare two times a month.

Almost everyone who is currently getting General Assistance will lose their cash assistance in July - even those who are disabled and can't work. People in certain groups can keep their cash assistance.

Be sure to let the welfare office know if:

- You are pregnant, OR
- You are living with a child who is related to you, OR
- You are blind.

If you lose your cash assistance, you can still get food stamps. If you have no income, you should get \$200 a month in food stamps.

You should also keep your Medical Assistance. Be sure to get your doctor to complete the welfare office's medical form (called the Employability Assessment Form), whenever the welfare office needs it.

If the welfare office makes a mistake, appeal and get help. You can appeal by completing the form on the back of the notice you receive from the Department of Public Welfare.

If you don't get a notice from the welfare office, you can still appeal. Simply write your appeal on a blank piece of paper and hand deliver it to the welfare office or send it by certified mail, return receipt requested to your local county assistance office.

For assistance with an appeal please contact your local NLSA office. NLSA has published several Q & A resources and individual fact sheets about the elimination of General Assistance for residents of Allegheny, Beaver, Butler and Lawrence on our website, [www.nlsa.us](http://www.nlsa.us), under the News tab.

*The following NLSA attorneys, staff, and volunteers have contributed to the content and publication of the newsletter: Jeffrey Braun, Esq., Pamela Dalton-Arlotti, Esq., Christine Kirby, Daniel Vitek, Esq., Justin Karter, Caitlin Kelly and Taylor Brailley. A special thank you to volunteer Dawn Gull, Esq. for contributing to content for the Custody Relocation Law Article.*

**If you'd like to help NLSA get the news out to its clients and the community, consider a sponsorship of the Equal Justice Matters newsletter, please contact Christine Kirby at 412-586-6137 or via email at [kirbyc@nlsa.us](mailto:kirbyc@nlsa.us)**



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