

# A the ALERT



The Legal Aid Society  
of Cleveland  
Since 1905

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## IN THIS ISSUE:

Healthy Food Access  
1

How Marsy's Law  
Can Help You  
2

Limiting Suspensions and  
Expulsions for Students  
2

Housing for Domestic  
Violence Survivors  
3

Sealing Criminal Records  
and Optional Services  
3

Help for Refugees  
4

Bankruptcy By-Pass  
4

ChexSystems  
5

Upcoming Clinics  
5

Legal Aid Help  
6

## Healthy Food Access in Northeast Ohio

By Megan Goedeker

Healthy food access improves individual and community health. Programs are available to provide fruits and vegetables to all. Everyone can support these vital programs by shopping at farmers markets and grocery stores to support local farmers and businesses offering these vital services.

### SNAP and Produce Perks

By using SNAP benefits, you can receive Produce Perks to spend on fruits and vegetables! Workers will match every dollar you spend on your EBT card with Produce Perks. When you spend \$10 using your EBT card, they will give you \$10 in Produce Perks to spend on fruits and vegetables. They will match up to \$20 a day. All SNAP users are able to get Produce Perks. Grocery stores and farmers markets that accept SNAP offer Produce Perks! Learn more about Produce Perks at [produceperks.org](http://produceperks.org). Learn more about SNAP benefits at [odjfsbenefits.ohio.gov/](http://odjfsbenefits.ohio.gov/).



### "Good Food Here"

Look for the "Good Food Here" logo at your local corner store! The program, supported by the Ohio Department of Health, shows the community that the store is selling fresh fruits and vegetables, cereals, whole

grains, low-fat dairy products, and fresh meats! By shopping there, you can support your community and get the fresh produce that you and your family need to stay healthy!

### Produce Prescriptions and the Food Pharmacy – Cuyahoga County

Community clinics write Produce Prescriptions for pregnant women or people at risk for heart disease. The prescriptions are for \$10 to spend on healthy food. Clinics participating are the Northeast Ohio Neighborhood Health Services (NEON) in Hough, Collinwood, and East Cleveland; Care Alliance Health Center and St. Vincent in Central; and Stephanie Tubbs Jones in East Cleveland. This program runs July-October. Check with your clinic in the spring to see if you qualify!

The Centers for Families and Children also prescribe clients healthy food. The prescription is then used at their food pharmacy for small produce bundles. Call 216.325.9355 to learn how to become a client and about their food pharmacy!

**If you believe your SNAP benefits have been wrongfully reduced or terminated, or if you do not have access to healthcare, call the Legal Aid Society of Cleveland at 888.817.3777 to apply for help.**

## Special thanks

to Legal Aid's summer associates and interns for their help creating this issue!

Eman Haj Alkhdaire, Megan Goedeker, Megan Hobart, Kathryn Kileen, Rachel Maver, Gerry Meader, Allison Meyer, Victoria Zanooudakis

# What is Marsy's Law and How Can it Help You?

By Victoria Zanoudakis

In November 2017, Marsy's Law was passed by voters in Ohio. Marsy's Law makes the safety, healing, justice, and restitution of the victims of crime a constitutional right. This amendment to the Ohio Constitution ensures that everyone involved in the law knows the rights of victims, and it gives victims the right to have the situation fixed if those rights are violated.

A victim is a person who the criminal act is done to or another person who might have been harmed by the criminal act. This means that a victim is not only the person the criminal act is done to, but also parents of the victim, children of the victim, or other close relatives who were harmed by the criminal act.

Marsy's Law could help you if you have a stalker, attacker, rapist, etc. In these sorts of cases, a victim would likely want to know if and when the criminal will be freed. A victim might also want to be able to tell a court about their fear of the criminal and how it would upset them if the offender were to be freed.

Through Marsy's Law, the Ohio Constitution now gives these rights to victims:

1. Fair and respectful treatment for the victim's safety, dignity, and privacy.
2. By request, to be informed of matters dealing with criminal and wrongful actions against the victim and the right to be present for those matters.
3. To be heard in any public matter involving the victim where his or her rights are harmed.
4. Protection from the criminal or anyone acting for the criminal.
5. By request, to be told about any release or escape of the criminal.
6. To refuse requests for information made by the criminal, except those allowed by Article I, Section 10 of the Ohio Constitution.
7. Full and timely restitution from the offender. This could mean that a victim will be paid for any money losses that they had to pay. Money losses can be things like hospital bills or lost income.
8. That the case will move quickly and they will close the case as soon as possible.
9. By request, to be able to talk about matters with the government's lawyer.
10. To be told, in writing, of all rights that Marsy's Law allows a victim.

# An Opportunity to Limit Suspensions and Expulsions for Young Students in Ohio

By Rachel Maver



More than 34,000 students in pre-kindergarten through third grade were suspended or expelled in Ohio in the last two years.<sup>1</sup> Over half of those punishments were for non-violent or disruptive behavior.<sup>2</sup> These suspensions and expulsions have negative, long-term effects on a student's success in school. Studies show that students who are expelled or suspended at a young age are ten times more likely to have bad grades, dislike school, not graduate, and face jail time.<sup>3</sup>

In response to this issue, Ohio State Senator Peggy Lehner introduced the Supporting Alternatives for Fair Education (SAFE) Act in November 2017.<sup>4</sup>

The goal of the SAFE Act is to bring down the number of suspensions and expulsions for young students, create a safer school environment, and help students get better grades. Under the SAFE Act, suspensions and expulsions for non-violent and disruptive behavior would be limited for students in third grade and younger.

Instead of suspending or expelling a student for non-violent or disruptive

behavior, schools will have to teach students how to behave better both before and after problems occur.<sup>5</sup> More mental health support will be offered in the schools, and teachers will be given tools that help students receive good grades and have good behavior.<sup>6</sup>

If a student already struggles in school because of poor behavior, a punishment that keeps them out of school will delay them even further. The SAFE Act is intended to keep children in school, and on track towards graduation.

In May 2018, every senator in the Ohio voted in favor of the SAFE Act. They clearly believe it is a positive step to support Ohio's youngest and most vulnerable students.<sup>7</sup> At the end of June, the Ohio House of Representatives also voted in favor of the SAFE Act. The SAFE Act will now go to Governor Kasich for his signature and once signed, become Ohio law. For more information about the status of the SAFE Act, visit <https://www.legislature.ohio.gov/legislation/status-reports>.

<sup>1</sup><http://www.ohiosenate.gov/senators/lehner/news/lehner-announces-unanimous-senate-passage-of-safe-act>

<sup>2</sup><http://www.ohiosenate.gov/senators/lehner/news/lehner-announces-unanimous-senate-passage-of-safe-act>

<sup>3</sup>[https://www.cleveland.com/metro/index.ssf/2017/11/bill\\_would\\_ban\\_suspensions\\_of\\_non-violent\\_young\\_students\\_to\\_keep\\_them\\_in\\_class.html](https://www.cleveland.com/metro/index.ssf/2017/11/bill_would_ban_suspensions_of_non-violent_young_students_to_keep_them_in_class.html)

<sup>4</sup>[https://www.cleveland.com/metro/index.ssf/2017/11/bill\\_would\\_ban\\_suspensions\\_of\\_non-violent\\_young\\_students\\_to\\_keep\\_them\\_in\\_class.html](https://www.cleveland.com/metro/index.ssf/2017/11/bill_would_ban_suspensions_of_non-violent_young_students_to_keep_them_in_class.html)

<sup>5</sup><http://schubert.case.edu/2018/03/sb-246-the-safe-act-aims-to-provide-tools-for-building-positive-school-climates>

<sup>7</sup><http://www.ohiosenate.gov/senators/lehner/news/lehner-announces-unanimous-senate-passage-of-safe-act>

# Housing Rights for Domestic Violence Survivors

By Megan Hobart

Survivors of domestic violence often struggle to find and keep housing where they are safe from abusers. Sometimes they need to leave a home quickly in an emergency and have no place to go. Sometimes they are evicted because of property damage caused by the abuser. Sometimes they cannot afford private housing because they have limited or no income.



Survivors of domestic violence can protect their rights with respect to housing in some circumstances. First, public housing providers may not deny survivors housing because of domestic violence. The survivor may request the public housing authority review the denial of their application.

Second, survivors can also take steps to prevent denials. Survivors may provide landlords with proof that they were abused. They may also show landlords that the relationship with the abuser is over. Sometimes letters from past landlords could be helpful.

Third, survivors may have a discrimination claim under the Fair Housing Act if a landlord denies them housing because of the violence. Landlords may not discriminate on the basis of race, color, religion, sex, national origin, familial status, or disability. Discrimination against survivors of domestic violence may be sex discrimination in certain situations. A person who believes they have experienced this kind of discrimination should contact the fair housing agency or file a complaint with the Ohio Civil Rights Commission (OCRC). Information about OCRC is at <http://crc.ohio.gov/>.

Financial help with housing is also available for survivors. The Crime Victim Compensation Fund, Temporary Assistance for Needy Families, and Homeless Prevention and Rapid Rehousing Program provide financial help to survivors. For information and assistance applying to these programs, and referrals to domestic violence shelters, call 2-1-1. Legal Aid provides help to low-income survivors of domestic violence in some cases. Call Legal Aid at 888.817.3777 to apply for help.

# Criminal Record Sealing and the Optional Private Record Update Service

By Gerry Meader

Ohio law provides the opportunity for some people who were convicted of a crime to seal their record. Sealing a record means information about the conviction is removed from public databases and cannot generally be viewed by landlords or employers in most circumstances.

## Background

Some employers and landlords get their background checks directly from government agencies, but most use private companies. Some private background check companies could take up to a year to remove your record from their database. During the delay, your record could be made available to potential employers, landlords, or others who purchase a private background check on you.

In the most recent Ohio budget bill, new laws were passed that created a new service to address this issue. Ohio has contracted with a company that will tell private background check companies to promptly remove your sealed records from their private databases. This service does not affect how your record is treated by government agencies; it only affects private background information.

## How the Process Works

When you file the application to seal your record at the clerk of court, you should be given the option to pay an additional \$45 for this service. The extra \$45 fee for this service is separate from the \$50 filing fee and is payable to the clerk when you apply to seal your records. A Poverty

Affidavit cannot be used to waive the extra \$45 fee. When you file to seal your records, you must either pay the extra \$45 fee or opt out of the service.

If your request to seal a record is granted and you have paid the extra \$45, then the court will notify the Law Firm of Higbee & Associates who will instruct private background check companies to promptly remove your sealed record from all future background check reports. If your request to seal a record is denied, then the extra \$45 fee for this service is returned to you by the court.

## Things to Be Aware of

- This service will not affect background checks ordered from government agencies.
- This service can more quickly remove your sealed record from private databases reducing the chance that a sealed record will get reported to a prospective landlord or employer.
- Even if you pay for this service, the courts will not guarantee that every record of your case will be completely removed from all private background check companies.

If you want to apply to seal a misdemeanor or juvenile record in Cuyahoga County, or any criminal record in Ashtabula, Geauga, Lake, or Lorain Counties, call 888.817.3777 to apply for help from Legal Aid. If you want to apply to seal a felony in Cuyahoga County, contact the Public Defender at 216.443.7223.

# Help For Refugees

## International Refugee Assistance Project (IRAP)

By Eman Haj Alkhair



IRAP provides refugees with legal representation throughout the resettlement process. IRAP's legal help is free. IRAP also provides refugees with guides that outline their rights and explain popular and current issues such as the "travel ban." IRAP provides the guide in various languages, such as Arabic, Farsi, and Somali. These resources are available at <https://refugeerights.org/know-your-rights/>.

IRAP has offices in many countries. If you have a family member in another country that is at risk of violence, they can look for an IRAP office to help them explore legal options. If you have a family member whose refugee application has been denied by the United States Refugee Admissions Program (USRAP), IRAP provides a Request for Review Self-Help Guide at <https://refugeerights.org/wp-content/uploads/2018/02/Pro-Se-Manual-English-Dec-17.pdf>. This guide outlines next steps following a denial as

well as how to request another review of the refugee application.

IRAP is not a part of the United Nations High Commissioner for Refugees (UNHCR) or the International Organization for Migration (IOM); so, IRAP cannot grant refugee status, issue visas, or speed up cases.

### Migration and Refugee Services (MRS), Catholic Charities

MRS resettles approximately 230 refugees annually and helps them with adapting to a new country by providing English language classes, and help with finding employment.

Four levels of English classes are taught at Cuyahoga County Community College. Participants are encouraged to start at elementary levels if they had no previous exposure to the language. The English language training is supplemented by English tutoring groups, population-specific cultural orientation groups, parenting classes, and nutrition and pharmacy classes. MRS also provides vocational classes aimed at training refugees on specific trade jobs, including sewing and computer training. All of these classes are free for refugees.

In northeast Ohio, contact IRAP via Email at [info@refugeerights.org](mailto:info@refugeerights.org) or MRS at 216.281.7005. Some immigrant victims of violence may be eligible for help from Legal Aid and can call 888.817.3777 to apply.

## Bankruptcy By-Pass

By Allison Meyer



Creditors often give people wrong information about what they can collect. Creditors frequently call and send notices, causing many people to fear they will be charged criminally for not paying their bills. Legal Aid can help people, often

seniors and persons with disabilities deal with these types of creditors through its Bankruptcy-Bypass Program. If you are eligible for the Bankruptcy By-Pass Program you do not need to

file bankruptcy and you do not have to fear that your money or assets will be taken by creditors.

You are eligible for the Bankruptcy By-Pass program if your only income is from a protected source and you do not own your home or plan to work full time again. Types of protected income include social security, SSI, SSDI, and veterans' benefits. These income sources cannot be taken out of a bank account by a creditor. If your only income is from a protected source, you are considered "judgment proof." "Judgment proof" means

that creditors cannot take your income under the law. For eligible clients, Legal Aid will notify creditors that you are "judgment proof." Often, when the creditors are notified, they stop calling and they stop trying to collect. Many clients say that it feels as if a weight is lifted once the creditors stop calling and stop trying to collect.

Additionally, federal law protects individuals who make less than minimum wage by limiting the amount of earnings that may be taken in any workweek. In Ohio, the first \$217.50 from each weekly paycheck cannot be taken by a creditor, even if they have a judgment from the court. Therefore, if you have debt, but earn very little money, filing for bankruptcy may not be the best choice. People can only file a personal bankruptcy once every eight years and you should only do so when it will be to your greatest advantage.

In the last year alone, Legal Aid has helped over 70 clients through the Bankruptcy By-Pass Program. If you think the Bankruptcy By-Pass Program can help you, call Legal Aid at 888.817.3777 to apply for help.

# ChexSystems: An “invisible” barrier to getting banked

By  
Kathryn Kileen

Most consumers do not know that banks look at their ChexSystems report to decide whether or not to allow the person to open an account. ChexSystems, a credit reporting agency, is used by 80% of U.S. banks. The banks refer to the ChexSystems report to find out if a person has any negative activity reported. Banks typically refuse accounts to people with negative reports.

“Negative activity” may include minor problems like failing to pay an overdraft fee by the deadline or much more serious infractions such as bank fraud. Banks decide what information is put into ChexSystems, which then gives them control over who can open accounts. The inability to open a bank account makes saving for the future or cashing paychecks difficult and expensive.

Consumers do have the option to request their ChexSystems report.

This can be done by calling ChexSystems at 800.428.9623 or by going on their website (<https://www.chexsystems.com/web/chexsystems/consumerdebit/page/home/>) to the “Request Reports” section and filling out the consumer disclosure form. If any information on the report is wrong, consumers should request a correction in writing. Documents that prove the error, such as bank statements or payment records, should be provided. If the report is accurate, the consumer should try to pay the debts owed or enter into a payment plan with the creditor. Then, they should ask the creditor to remove the information from ChexSystems.

Finally, consumers can also look for a financial institution that does not use ChexSystems. For a list of banks and credit unions in Ohio that do not use ChexSystems, see <http://echeck.org/non-chexsystems-banks-in-ohio/>. Unfortunately, none on this list have locations in northeast Ohio currently.



The  
Legal Aid Society  
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Since 1965

Volunteer Lawyers Program  
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**free**  
LEGAL ADVICE

**2018 Brief Advice and Referral Clinics  
Civil Matters Only (Not Criminal)**

*Legal Aid provides services in the areas of consumer rights, disability, domestic violence, education, employment, family law, health, housing, foreclosure, immigration, public benefits, utilities, and tax.*

First-come, first-served. Bring important papers with you! Questions? Call 216.687.1900 or visit [www.laslev.org](http://www.laslev.org) for updated clinic listing.

**SATURDAY, SEPTEMBER 15, 9:00 A.M. – 11:00 A.M. Naturalization Information Clinic** Call 888.817.3777 for an appointment

**SATURDAY, SEPTEMBER 22, 11:00 A.M. – 1:00 P.M.** Chagrin Park Community Center, 7060 Woodland Avenue, Chagrin Falls

**SATURDAY, SEPTEMBER 22** University hospitals clinic – tbd

**SATURDAY, SEPTEMBER 29, 10:00 A.M. – 11:00 A.M.** West Side Catholic Center, 3135 Lorain Avenue

**WEDNESDAY, OCTOBER 3, 2:30 P.M. – 4:00 P.M. U.S Veterans Only** Call 216.391.0264 for an appointment

**TUESDAY, OCTOBER 9, 2:00 P.M. – 3:30 P.M.** Oberlin Depot - Oberlin Community Services, 240 South Main Street, Oberlin,  
Call 440.774.6579 for an appointment

**WEDNESDAY, OCTOBER 10, 2:00 P.M. – 3:30 P.M.** Catholic Charities Ashtabula, 4200 Park Avenue, Third Floor, Call 440-992-2121 for an appointment

**SATURDAY, OCTOBER 20, 10:00 A.M. – 11:00 A.M** Cleveland Public Library – Carnegie West Branch, 1900 Fulton Road

**WEDNESDAY, OCTOBER 24, 2:00 P.M. – 3:00 P.M** Cleveland Public Library – Main Branch, 525 Superior Avenue

**SATURDAY, OCTOBER 27, 9:30 A.M. – 11:00 A.M.** Fatima Family Center, 6600 Lexington Avenue

**SATURDAY, NOVEMBER 3, 10:00 A.M. – 11:00 A.M.** Cleveland Public Library – Union Branch, 3463 East 93rd Street

**WEDNESDAY, NOVEMBER 7, 2:30 P.M. – 4:00 P.M. U.S Veterans Only** Call 216-391-0264 for an appointment

**TUESDAY, NOVEMBER 13, 2:00 P.M. – 3:30 P.M.** Oberlin Depot - Oberlin Community Services, 240 South Main Street, Oberlin,  
Call 440.774.6579 for an appointment

**WEDNESDAY, NOVEMBER 14, 2:00 P.M. – 3:30 P.M.** Catholic Charities Ashtabula, 4200 Park Avenue, Third Floor, Call 440.992.2121 for an appointment

**WEDNESDAY, DECEMBER 5, 2:30 P.M. – 4:00 P.M. U.S Veterans Only** Call 216.391.0264 for an appointment

**SATURDAY, DECEMBER 8, 10:00 A.M – 11:00 A.M.** Cleveland Public Library – MLK Jr. Branch, 1962 Stokes Boulevard

**TUESDAY, DECEMBER 11, 2:00 P.M. – 3:30 P.M.** Oberlin Depot - Oberlin Community Services, 240 South Main Street, Oberlin,  
Call 440.774.6579 for an appointment

**WEDNESDAY, DECEMBER 12, 2:00 P.M. – 3:30 P.M.** Catholic Charities Ashtabula, 4200 Park Avenue, Third Floor, Call 440.992.2121 for an appointment

\*Attorneys available for brief advice and referral only. Clinic attorneys do NOT represent you. If you need legal representation you may be referred to The Legal Aid Society of Cleveland or another service provider.



*The* Legal Aid Society  
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*Since 1905*

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RETURN SERVICE REQUESTED

Legal Aid has improved its intake system to better serve the Northeast Ohio community.  
Please share this information with your constituents:

**If you need legal assistance,  
you can contact Legal Aid any weekday for help.**

New intakes are processed via phone:  
888-817-3777 (toll-free)

Monday, Wednesday, Friday: 9 a.m. – 4 p.m.

Tuesday, Thursday: 9 a.m. – 2 p.m.

If you prefer an in-person intake application, those are handled:

Tuesday, Thursday: 9 a.m. – 1 p.m.

at any of our four Northeast Ohio offices (Cleveland, Elyria, Jefferson & Painesville).

**Visit [www.lasclev.org](http://www.lasclev.org) for more information!**



***This newsletter is meant to give you general information and not to give you specific legal advice. This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. You should contact a lawyer if you need representation or if you have questions.***

*If you have a communications limitation, contact us through the Ohio Relay Service. Interpretation services are available so that anyone can communicate with us in his or her dominant and/or preferable language.*

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