

# The ALERT



The Legal Aid Society  
of Cleveland  
Since 1905

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## Child Tax Credit 101

By Michelle Frazier

The Child Tax Credit can reduce the amount of taxes you owe to the IRS. It may even help put money in your pocket!

The Child Tax Credit provides a credit of \$2,000 per eligible child. An *eligible* child must meet **ALL** following conditions:

- Be under 17 years of age
- Be related to you
- Have been a U.S. citizen, U.S. national, or U.S. resident alien
- Have a social security number valid for U.S. employment
- Have lived with you for more than half of the year
- Provided no more than half of their own financial support during the year
- Did not file a joint return with their spouse for the tax year
- Be properly claimed as a dependent on your tax return

**Sometimes the IRS asks for proof of these criteria.** It is a good idea to keep any paperwork that shows a child meets each of these criteria.

You can claim the Child Tax Credit if you have earned income of at least \$2,500. You must list your eligible child(ren) as dependents on your tax return (Form 1040, 1040-SR, or 1040-NR). You must also attach a completed Schedule 8812 (Credits for Qualifying Children and Other Dependents).

The Child Tax Credit is not considered income. It will not affect other benefits you receive like unemployment insurance, Medicaid, Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI), Social Security Disability Insurance Program (SSDI), Temporary Assistance for Needy Families (TANF), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8, or Public Housing.

Be sure to consider whether you might qualify for the Child Tax Credit when you file your 2022 taxes. And, if your household income is low, get free help filing your taxes from a Volunteer Income Tax Assistance program. Call 2-1-1 for locations near you!

## Check out Legal Aid's website & social media for:

Current calendar of events/clinics

Helpful legal information

... and more!



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The Legal Aid Society of Cleveland



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# Know Your Rights When Accused of Child Abuse or Neglect

By Jennifer Simmons and Sarah Gatti

When someone reports suspected abuse or neglect to the county Department of Children and Family Services (DCFS) or calls 696.KIDS, DCFS has a legal obligation to respond. DCFS cannot say who called. If the allegations are serious, the investigation might happen quickly. DCFS investigations are stressful, especially if you believe someone made a false referral. Regardless of the circumstances, staying calm with the DCFS worker always helps your case.

Typically, a DCFS worker will ask to speak with you and your child(ren) and will ask to enter your home to make sure that it is safe. You have the right to refuse both the interview and the home inspection. However, the DCFS worker can ask a court for an order requiring you to make your children available for an interview. The DCFS worker may ask you questions about your parenting, and personal questions, like whether you have mental health problems or use drugs. They may ask you about allegations that you abuse your children or put your children in dangerous situations.

**Anything you say to a DCFS worker can be used against you in any civil or criminal case and will not necessarily be kept confidential.** If you are not sure whether to answer a question, you can say that you need to consult with an attorney before answering questions.

Many DCFS investigations involve allegations of drug use. A DCFS worker may ask you to do a drug screen to be sure you are not using any illegal substances. **You are not required to submit to a drug screen unless ordered by a court.** If you take a drug test and test positive for any drug that is not prescribed—including marijuana—DCFS may use this as evidence that you have a substance use issue and that your children are not safe. If you have not used any illegal substances within the past several months (or alcohol within the last 72 hours), then taking the drug test may help eliminate any such concerns.

After the investigation, the DCFS worker decides the outcome of the allegations. If they determine the child is safe and that there was not enough evidence of abuse or neglect, they close the case as “unsubstantiated.”

If the DCFS worker decides that a child is not safe in the home, several things may happen. The DCFS worker may ask if you have a relative or close friend that can care for your child temporarily while they continue to investigate. This is called a “safety plan.” You do not have to agree to a safety plan. However, if you do not agree, DCFS may decide that the risk to the children is so high that they must remove the children from your care. In this case, DCFS will file a complaint in Juvenile Court and ask a magistrate to remove your children immediately. You will have a court hearing that day or the next day. You may have only an hour’s notice before the court hearing begins. You have the right to have an attorney at this hearing and the Court will appoint one for you if you cannot afford to hire one. At emergency removal hearings, the Court can consider hearsay evidence and only requires a minimal amount of testimony to decide that an emergency removal is necessary. Many parents decide to agree to a safety plan to avoid emergency removal and to give everyone more time to address the situation.

Even if DCFS does not remove your child(ren), they can still determine that abuse or neglect occurred and make a “substantiated” finding. Some employers, such as childcare and healthcare providers, use these records for employment decisions.

You have a right to receive a written notice of the final decision following a DCFS investigation and you can appeal their decision if you disagree. If you receive any paperwork from DCFS that you disagree with or do not understand, try to get legal help. People who cannot afford an attorney can seek help from Legal Aid at a Brief Advice Clinic. Find clinic dates and locations online: [lasclev.org/events](https://www.lasclev.org/events).

# Special Education Rights in Public and Private Schools

By Tracy Ferron

Children who qualify for special education services have a right to a free appropriate public education. The special education services that will be provided to these students are outlined in a document called an individualized education program (IEP). The school district where the student lives is responsible for making sure that an IEP is developed and implemented for qualifying students. Charter schools are public schools that have to follow the same rules for evaluating and serving students with disabilities as other public schools.

If a public school district places a child with a disability in a private school because the public school cannot meet the students’ needs, the school district must ensure that child is provided with special education services.

But, if a parent or guardian chooses on their own to send a child with a disability to a private school, the child is not entitled to receive the special education services that a public school should provide. The same holds true even when using a school voucher to send a child to a private school.

The private school may create what is called a service plan. It is similar to an IEP, but it usually has less detail. There is no right to complain to the Ohio Department of Education if a private school does not provide the services in a service plan. If a child attends a private school, the public school district where the private school is located can be asked to evaluate the student for a disability. Based on the results of the evaluation, a family can decide whether the private school or public school where the family lives is best able to meet the student’s educational needs.

# Supporting Cleveland's Families: Access to Education and Say Yes Legal Services

By Dairian Heard

The Say Yes to Education program has been in Cleveland for four years. As of August 2022, all schools in the Cleveland Metropolitan School District (CMSD) are Say Yes schools. This means families using CMSD schools have access to scholarship, mentorship, and numerous supportive services, including legal services.

Family Support Specialists are located in each school to connect families to supportive services. The Legal Aid Society of Cleveland provides legal services for Say Yes families. Legal Aid can help with civil legal issues related to housing conditions, bankruptcy, education/suspension, just to name a few. When Legal Aid is unable to assist a family, referrals are made to community partners such as the Cleveland Metropolitan Bar Association, Scranton Road Ministries, and the Cuyahoga County Public Defender's Office.

Although families may come to Legal Aid for help with one issue, sometimes there are multiple issues that are causing problems. Legal

Aid works with Family Support Specialists to find social and economic supports as needed.

In addition to supportive services, the Say Yes to Education program also provides scholarship and mentorship. Any student graduating from a Say Yes school is eligible for a scholarship to the college or training program of their choice. Graduates also are paired with a mentor in their career of interest through College Now. Learn more at [sayyesleveland.org](https://sayyesleveland.org).

All three parts of Say Yes provide support to Cleveland students and families, and Legal Aid is proud to be a part of this collaboration.

Say Yes families in need of legal services can:

- Ask the Family Support Specialist at their school for a referral
- Call 216.861.5510 to request assistance
- Apply for help online – visit [laslev.org/contact](https://laslev.org/contact), click “APPLY NOW”
- Attend a neighborhood Brief Advice Clinic - see list at [laslev.org/events](https://laslev.org/events)

## The Role and Cost of a Guardian Ad Litem

By Julie Reed and Alexandria Ruden

A Guardian Ad Litem plays an important role in protecting the best interests of children. A Guardian Ad Litem (GAL) is a neutral person (sometimes an attorney) assigned by the Court to investigate and report the best interests of a child. They are often assigned in juvenile and domestic relations cases when parties disagree about custody of minor children. A Court considers a GAL's recommendations when making a decision about the custody of a child. The GAL does not work for either party - however, one or both parties may ask for the GAL and typically must pay for the GAL. It is important to understand that a GAL provides the Court with recommendations of the best interests of the child, even if inconsistent with the child's or parent's wishes.

The duties of the GAL include:

- 1) become informed about the facts of the case and contact relevant persons;
- 2) observe the child with each parent, foster parent, guardian or physical custodian;
- 3) interview the child if age and developmentally appropriate;
- 4) visit the child at the residence or proposed residence;
- 5) ask about the wishes and concerns of the child;
- 6) interview others with knowledge regarding the issues in the case including school personnel and medical and mental health providers.

If a GAL is appointed, focus on using their time effectively and efficiently. This helps the GAL see you positively and you may save money. Here are a few strategies:

- 1) Prepare yourself for personal questions about your parenting and how the child interacts with both sides. Focus on facts, not feelings.

- 2) Be honest when presenting the best version of yourself; don't waste the GAL's time investigating untruthful claims.
- 3) Provide a list of people with contact information who the GAL can contact to learn about you, the other party, or the child as it relates to parenting and custody.
- 4) Briefly explain what you and the other parent are disagreeing about, what you want, why you want it, and where you are willing to compromise.
- 5) Stay on topic by listing concerns and providing important information to the GAL.
- 6) Ask the GAL what tasks are needed from you and what tasks you can do to help them in their investigation. You want them spending time reviewing documents, not gathering them.

If a GAL is appointed, plan for the cost. Every Court approaches the costs of a GAL differently. The average hourly rate ranges from \$150 - \$250 per hour. A court appointing a GAL shall make a determination of the ability of any party to pay deposit and may reconsider this determination. Most courts require a deposit when a GAL is appointed. Average deposits range from \$500 to \$2,000 and may have to be supplemented during the case if all the deposit is spent. GAL costs can be split in different ways to help ease financial burdens. For example, the Court can be asked to split the cost based on income of the parties.

GAL recommendations can also be useful to parties to help reach a settlement. Emotional stress and financial costs are always less if a case can be settled as compared to going to trial. Even though the GAL will not mediate, the information provided by the GAL can help parties find opportunities for compromise and resolution.

# Preparing for Adulthood: How to Help your Child with Disabilities

By Olivia Pollack

Helping your child with disabilities prepare to become an adult can be stressful. Here are some ways you can help.

## Education

Every Individualized Education Program (IEP) review from the time your child turns 14 should include planning for their adult life. This plan should be based on their strengths and needs, and should include goals for life after high school and ways their school will help prepare them to achieve those goals.

Your child becomes their own decision maker for their IEP or 504 Plan when they turn 18. A parent/guardian may help with this process, but the 18-year-old gets to make the decisions.

## Money

You can help your child with money management while allowing them to make their own decisions and build skills.

Social Security should do an Age-18 Redetermination before your child turns 18 if they receive Supplemental Security Income (SSI). You can appeal the decision if your child's SSI is denied after this review. Read the paperwork from Social Security carefully and be sure to appeal by the deadline.

Your child can save money without losing their SSI through special accounts. These include Special Needs Trusts, STABLE accounts, or PASS accounts. Your child also can work while receiving SSI. They will need to

update Social Security about any changes in income.

Your child will need a representative payee if they cannot manage their SSI payments on their own. This person or an organization will help your child manage their money.

## General Decision Making

As an adult, your child should have as much independence as possible and the opportunity to make their own decisions. Together, figure out what they can do alone, what they can do with support, and what they will need someone else to do for them. You can help by making a list of which people or services can help them in different areas.

If they need more support, they can sign forms giving you permission to help. Releases of information allow you to talk with their care providers. Powers of attorney can be used if your child can make their own decisions but wants you to be able to make some decisions for them. Guardianship is an option if your child cannot make their own decisions. Guardianship should be a last option if other less restrictive decision-making supports will not work for your child.

## Resources

The Board of Developmental Disabilities and the Bureau of Vocational Rehabilitation work with education and employment. County Probate Courts have information about guardianship. Organizations such as The Arc ([thearc.org](http://thearc.org)) also assist people with intellectual and developmental disabilities.

# Are Contracts with Minors Enforceable?

By Diane James

Under Ohio law, adults and minors (anyone under 18 years old) are treated differently when it comes to enforcing contracts for goods or services. In general, adults are required to follow the terms of a contract. Under some circumstances though, minors are allowed to cancel a contract that they have signed.

For example: Rob, a minor, buys a car from a local car dealership and agrees to make monthly payments. Soon after, Rob decides he no longer wants the car and tells the dealership he wants to cancel the contract. The dealership cannot make Rob pay for the car and no court will help the dealership recover the cost of the car. Although Rob does not have to continue paying for the car, Rob does have to return the car to the dealership. Also, if Rob has damaged the car, he might be required to pay for the repairs.

The ability to cancel a contract is a one-way deal. The law protects only the minor. The minor can cancel the contract and walk away, but the adult must uphold their end of the bargain. For example, if an adult agrees to purchase baseball cards from a minor online, the adult cannot cancel the

deal. The adult must pay for the baseball cards. However, if the minor decides not to sell the baseball cards, the adult cannot legally force the minor to do so. Although a contract with a minor is legal, any adult or company that enters into a contract with a minor does so at their own risk because minors have the ability to cancel the deal.

However, there are situations when a minor is not permitted to cancel a contract. First, a minor must walk away from a contract **before** they turn 18 years of age (or within a reasonable time after). In the example above, let's say Rob makes his monthly payments each month while he is a minor. Then, after Rob turns 18, continues to make his monthly payments. At that point, he can no longer cancel the contract. The law now treats Rob as an adult who should understand the payment requirements. Second, a minor cannot cancel a contract for the purchase of important items, such as food, housing, education, medicine, or other services necessary to live. Courts will require the minor to pay for these items.

Assistance with contracts or other civil legal matters is available at Legal Aid Brief Advice Clinics. Find clinic dates and locations online: [laslev.org/events](http://laslev.org/events).

# Education Rights of Students in Juvenile Detention Centers

By Russell  
Hauser

Students who become involved in the justice system still maintain their right to an education. Depending on the circumstances, students might be detained in either a county juvenile detention center or under the custody of the Ohio Department of Youth Services (ODYS). Regardless of whether students are in the custody of their county juvenile detention center or ODYS, students cannot be deprived of education as punishment. In addition, students with disabilities are still entitled to their special education services and accommodations while detained.

ODYS provides educational services for students through the Buckeye United School District, which maintains three, fully accredited schools for youth under ODYS's jurisdiction: Indian River High School, Luther E. Ball High School, and Ralph C. Starkey High School. Each of these schools provides students the opportunity to earn high school credit and to graduate with an official high school diploma. Students in county juvenile detention facilities receive education from their local school districts. This means the local school district in the city where the juvenile detention

facility is located typically coordinates education services for students in those facilities.

If a student receives special education services, then the school at the ODYS and county juvenile facilities must provide the services listed on a student's IEP or 504 plan. If the student does not have an IEP or 504 plan, the student's parent can request an evaluation from the school district where the child was living before going to a detention center. If the child is under ODYS custody, a parent should request an evaluation from the Buckeye United School District by contacting Matthew Grube ([matthew.grube@dys.ohio.gov](mailto:matthew.grube@dys.ohio.gov)) and Dana Hollis ([dana.hollis@dys.ohio.gov](mailto:dana.hollis@dys.ohio.gov)) at ODYS.

If a student in a detention facility or in ODYS custody is not receiving appropriate educational services or special education services, please contact Legal Aid's Intake Department at 888.817.3777 or complete an intake form online: [laslev.org/contact](https://laslev.org/contact).



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LEGAL ADVICE

**2023 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.*

Some clinics are by appointment only. Please bring all important paperwork with you. **Masks are recommended.** Questions? Call 888.817.3777 or visit [laslev.org/events](https://laslev.org/events) for updated clinic listings.

**Tuesday, January 10, 2:00 – 3:30 PM**

Oberlin Community Services at Oberlin Depot  
240 South Main Street, Oberlin  
Call 440.774.6579 for an appointment.

**Tuesday, January 17, 2:00 – 3:30 PM**

Catholic Charities Ashtabula  
4200 Park Avenue, 3rd Floor, Ashtabula  
Call 440.992.2121 for an appointment.

**Saturday, January 21, 10:00 – 11:00 AM**

Cleveland Public Library, Carnegie West Branch  
1900 Fulton Road, Cleveland

**Saturday, February 4, 10:00 – 11:00 AM**

Cuyahoga County Public Library, Warrensville Heights Branch  
4415 Northfield Road, Warrensville Heights

**Saturday, February 11, 10:00 – 11:00 AM**

Cleveland Public Library, Glenville Branch  
11900 St. Clair Avenue, Cleveland

**Tuesday, February 14, 2:00 – 3:30 PM**

Oberlin Community Services at Oberlin Depot  
240 South Main Street, Oberlin  
Call 440.774.6579 for an appointment.

**Tuesday, February 21, 2:00 – 3:30 PM**

Catholic Charities Ashtabula  
4200 Park Avenue, 3rd Floor, Ashtabula  
Call 440.992.2121 for an appointment.

**Thursday, March 2, 4:30 – 5:30 PM**

Lakeland Community College, Holden University Center  
4242 OH-306, Kirtland

**Saturday, March 4, 9:30 – 11:00 AM**

Chagrin Falls Park Community Center  
7060 Woodland Avenue, Chagrin Falls

**Saturday, March 11, 10:00 – 11:00 AM**

Cleveland Public Library, Jefferson Branch  
850 Jefferson Avenue, Cleveland



1223 West Sixth Street  
Cleveland, OH 44113

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**Legal Aid serves people and groups with low-income in Ashtabula, Cuyahoga, Geauga, Lake, and Lorain Counties.**

Legal Aid atiende a personas de bajos ingresos en los condados de Ashtabula, Cuyahoga, Geauga, Lake y Lorain en el noreste de Ohio.



### Information and Intake online 24/7

Información y admisión 24 horas al día, 7 días a la semana en línea  
[laslev.org](http://laslev.org)



### Apply by phone during most business hours

Solicite por teléfono durante la mayoría del horario comercial  
**888.817.3777**


## Have a quick question? ¿Tienes una pregunta rápida?

### Tenant Info Line 440.210.4533 or 216.861.5955

for questions related to tenant's rights and rental housing  
para preguntas relacionadas con los derechos del inquilino y la vivienda de alquiler

### Worker Info Line 440.210.4532 or 216.861.5899

for questions related to employment, benefits, and unemployment  
para preguntas relacionadas con empleo, beneficios y desempleo

Legal Aid provides interpreters and translation. Legal Aid proporciona intérpretes y traducción. 

Legal Aid uses Ohio Relay Service (800.750.0750) to support people who have a communication limitation.  
Legal Aid utilizó el servicio de retransmisión de Ohio (800.750.0750) para ayudar a las personas que tienen una limitación de comunicación.

Request an outreach/education event or materials for your community group by email: [outreach@laslev.org](mailto:outreach@laslev.org).  
Solicite un evento o materiales de divulgación / educación para su grupo comunitario por correo electrónico: [outreach@laslev.org](mailto:outreach@laslev.org).

**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.**

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