

# The ALERT



The Legal Aid Society  
of Cleveland  
Since 1905

V.40, NO.1 FALL 2024

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## Know Your Rights Under the Fair Debt Collection Practices Act

By Maya Kapur

The Fair Debt Collection Practices Act (FDCPA) was designed to stop debt collectors from using abusive, deceptive, and unfair methods. Understanding the FDCPA can help you protect your rights when facing debt collection.

The FDCPA is a set of rules that debt collectors must follow. Debt collectors are people that are hired by creditors to collect the debts they are owed. The FDCPA limits when and how debt collectors can contact you to collect the debt. The FDCPA says that debt collectors can only call you at a reasonable time or place. That means that debt collectors cannot show up at your workplace or call you in the middle of the night to collect debts. And, if you write to the debt collectors to ask them to stop contacting you, they must respect that and end their communication with you.

The FDCPA also stops debt collectors from being rude, threatening, or annoying. This means they cannot call you multiple times a day just to annoy you. They also cannot use abusive language or threaten you into paying the debt. Debt collectors also must tell you the truth about exactly how much you owe and who you owe the debt to. Debt collectors also cannot pretend to be someone else like a lawyer or a police officer to try and get

you to speak with them. The FDCPA requires debt collectors to be honest, respectful, and reasonable.

The FDCPA also requires debt collectors to verify the debt. This means that within five days of first contacting you, the debt collectors need to send you a written notice that tells you the amount of the debt, to whom you owe the debt, and that you have a right to challenge the debt. You can challenge the debt in writing within 30 days of getting the notice. If you challenge the debt, the collectors must stop trying to collect until they prove that you actually owe the debt.

The FDCPA is a federal statute. If a debt collector breaks any of the rules under the FDCPA, you can report them to the Federal Trade Commission (FTC) or your state’s Attorney General. You can also take legal action against debt collectors who break the rules under the FDCPA. Legal Aid can offer you advice on fair debt collection practices.

- Visit a Legal Aid Brief Advice Clinic for in-person advice – find clinic dates and locations online: [laslev.org/events](https://laslev.org/events)
- Visit Legal Aid’s website to learn more about your rights when facing debt collection: [laslev.org/get-help/money/debt-collection](https://laslev.org/get-help/money/debt-collection)

## Special thanks



## to Legal Aid’s summer associates

**Stacey Alphonse** (Intake / Volunteer Lawyers Program Practice Group), **Brandon Delia** (Family Law Practice Group), **Mica Jordan** (Community Engagement Practice Group), **Maya Kapur** (Economic Justice Practice Group), **Yelizaveta Mikhaylova** (Health and Opportunity Practice Group), and **Samantha Ready** (Housing Practice Group) - for their contributions to Legal Aid and for helping to create this issue of The Alert.

# A Summary of Cleveland's "Residents First" Legislation and How it Supports Residential Tenants

By Samantha Ready

On February 6, 2024, the City of Cleveland passed a new group of local housing laws called "Residents First." These new rules are meant to help protect tenants from poor landlord practices. Many renters in Cleveland face conditions issues in their rental units like lead exposure, pest infestations, water damage, and mold. These issues are difficult for renters to address with their landlords directly. The goal of the Residents First policies is to address these problems **before** they become serious issues for renters and landlords.

A key section of Residents First is a new requirement for landlords who live outside of Cuyahoga County to identify a Local Agent in Charge (LAIC) who lives in the County. Both the LAIC and the owner of the rental property are legally responsible for keeping the property in good condition. The City may also issue citations and fines to the LAIC in addition to the owner. With more out-of-state investors buying rental properties in Cleveland, the goal of this LAIC requirement is to ensure there is a person in the Cleveland area who can take care of problems at the rental property.

A second part of the Residents First package added requirements before a landlord can register a unit for rental in Cleveland. Before Residents First, Cleveland already required landlords to register rental units with the City before renting them out. But, landlords only had to provide their name and contact information and pay a small fee to register. Under Residents First, a landlord must now also provide proof the unit was inspected for lead hazards and have removed or controlled any lead hazards found if the unit was built before 1978 (the year lead paint was banned in the U.S.). They must also prove that they are up to date on their property taxes for the unit and have addressed any previous housing code violations.

Landlords who own four or more rental units have additional requirements before they can register their units. These include inspecting the units' heating, ventilation, and cooling (HVAC) systems to ensure they are in working condition and being up to date on all owner-paid utilities.

Under Residents First, the City will issue civil tickets and fines for landlords who do not follow these new requirements or who do not properly maintain and manage their rental property. Civil tickets can include violations of different City codes (Building & Housing, Zoning, Fire, Health, Public Works). The City can also issue tickets and fines for less serious "nuisance" issues if the landlord does not address them quickly after learning of them, such as pest infestation, exterior wall and roof maintenance, broken smoke detectors and alarm systems, and improper garbage disposal. Before Residents First, the City had to take a landlord to court to issue a criminal ticket or fine, but now it can do so more quickly, because it can issue a civil ticket without a court hearing. Other benefits of Residents First include:

- Owners of vacant buildings must register those properties with the City, have them inspected for safety, and pay a cash bond for the City to hold while the owner completes repairs if the property has code violations.
- Parking garage owners must have their buildings inspected every five years for safety and must obtain a Parking Garage Certificate from the City before a garage can open.

Ultimately, Residents First helps both renters and landlords. For more information about the new requirements, please visit: [clevelandohio.gov/residents/codes-ordinances/residents-first](https://clevelandohio.gov/residents/codes-ordinances/residents-first)



## Facing Foreclosure? Free Legal Help is Available

Legal Aid can assist with property tax and mortgage foreclosure cases.

- » The property involved must be the homeowner's primary residence.
- » Eligibility requirements apply.

Legal Aid provides free civil legal services to residents with low-income in Ashtabula, Cuyahoga, Geauga, Lake, and Lorain Counties.

### Apply for Legal Services:



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Spanish / Español: 216.586.3190

Toll-Free: 888.817.3777

# Motion to Show Cause: Enforcing a Shared Parenting Plan

By Brandon Delia

A 'Motion to Show Cause' is a legal request asking the court to require someone to explain why they did not follow a specific court order.

You can file this motion if a parent is willfully not following the enforceable terms of a shared parenting plan. The court will then decide if the parent has a good reason for not complying. The court can hold the parent in contempt of court if it cannot find a good reason, which can lead to serious consequences like expensive fines or even jail time. But these harsh punishments typically require a substantial or serious failure to act that has not been fixed or resolved in any way.

You can only use a Motion to Show Cause for specific problems in domestic relations court. For example, if a parent is not following parts of a court-ordered parenting plan, such as refusing visitation or moving out of state without notice. Another common example is not paying court-ordered child support. It can also be used if a parent is not sharing required documents or information needed before a custody hearing.

However, using a Motion to Show Cause to force the other parent to spend time with their child is generally not an appropriate request for the court. The court treats this issue differently than other domestic relations

issues. Using legal penalties to force a parent to spend time with their child does not always support a healthy relationship. The court's main concern is the best interest of the child, which includes fostering a positive and cooperative parenting environment.

Instead of filing a Motion to Show Cause, there are other ways to address parenting time issues. Mediation can help parents work out their differences with the help of a neutral third party. Reviewing and modifying the parenting plan to better meet the child's needs and then filing an agreed judgment entry can also be a solution. Parents may also find family counseling helpful as another option to improve cooperation and communication.

Navigating these issues can be difficult on your own. If you think a Motion to Show Cause is an appropriate way to deal with the other parent's behavior, you may find resources in your community to help. Local Domestic Relations Court resource centers can help with filing motions and understanding court processes. You can also visit Legal Aid's Brief Advice Clinics for help. These clinics are staffed by attorneys who can answer questions and help you with documents. Find clinic dates and locations online: [lasclev.org/events](https://www.lasclev.org/events)

## Protecting Your Content: A Guide for Creators

The creator economy is a rapidly growing and dynamic field. It offers opportunities for individuals to develop personal brands and earn money from their creativity. Content creation appeals to entrepreneurs because you can start without much money, training, or formal education. Often, all you need is a smartphone.

Amid the excitement of showcasing your artistry, it is important to consider legal protection. Whether you are marketing your art, aspiring to become a social media influencer, or sharing your passions online, protecting your creative work is key to safeguarding your rights and controlling your contributions.

Protecting your artistic creations—like dances, songs, poetry, and visual art—preserves the integrity of your work and your ability to monetize it. With content shared widely online, protecting intellectual property rights prevents unauthorized use and loss of control over your creations. Securing your rights can protect your work and your chance to use it to make money or start a career.

Here are steps you can take to protect your creations:

### 1. Register Your Work

Copyright laws are legal rules that give creators exclusive rights to their original works. Registering with the Copyright Office can protect your work from unauthorized use and allows you to act if someone uses your work without permission.

Additionally, consider filing for a trademark to protect your brand from theft. Trademark law protects brands by granting exclusive rights to use specific symbols, logos, or phrases that distinguish a business's services from others.

### 2. Utilize a Creative Commons License

A Creative Commons license lets creators allow others to share, use, and build on their work freely. You can specify how re-users can distribute or adapt your work while keeping some rights.

# Know Your Rights as a Parent or Guardian of a Child Who Has Medically Complex Needs

By Yelizaveta Mikhaylova

All children deserve to feel safe and healthy. A child who is born with or develops a complicated medical diagnosis is eligible for many services and supports.

Parents and guardians are not always informed of available options of care when their child is determined to be “medically complex.” Medically complex means that a child may need more medical support to be able to do daily living activities. The child may require doctor supervision at least once a week, or a daily nurse, or may need a hospital/skilled nursing facility. If your child has such needs, the following are frequently asked questions and resources that may be available to you, depending on the needs of your child:

## 1) Do waiver services benefit my child?

Waiver Programs became available based on a court decision, which determined that segregation of people with disabilities is unlawful discrimination under the Americans with Disabilities Act (ADA). Waivers provide home and community-based services for those who prefer long-term medical care at home over an institution. Ohio has several waivers for care that serve specific populations.

To be eligible for a waiver program under Medicaid, a person must meet two requirements including meeting financial limits for Medicaid and the medical level of care eligibility criteria based on the child’s

disabilities, medical treatment, and monitoring needed. Waiver enrollment is capped. Even if a person meets all the requirements, a spot may still not be available. For more information, visit [medicaid.ohio.gov](http://medicaid.ohio.gov) or call 800.324.8680.

## 2) Have you applied for SSI?

Supplemental Security Income (SSI) exists for adults and children with disabilities to offer financial support for basic needs like clothing and food. To be eligible for services, parents/guardians must meet the SSI income limit and resource limit, and the child must have severe disability based on Social Security’s rules. For more information, visit [ssa.gov](http://ssa.gov) or call 800.772.1213.

## 3) Does your child need an Individualized Education Program (IEP) or 504 Plan?

A medical diagnosis does not carry over automatically to your child’s school. If you think that your child’s disability is impacting them, you should request an evaluation in writing from your child’s school to figure out what kind of support they need in the school setting. School staff will discuss your child’s progress with you to determine if an evaluation needs to be completed or if any additional support needs to be incorporated. If your child is eligible, the plan will include services, supports, and accommodations to address your child’s needs. For more information, see [education.ohio.gov/Topics/Special-Education](http://education.ohio.gov/Topics/Special-Education) or call 614.466.2650.

By Mica Jordan

## 3. Implement Watermarks

Copyright exists from the first time you publish a work, even without registration. Publication means making the work public—for example, by posting it online. But you can lose copyright protection if you don’t enforce it. Adding visible watermarks to your content signifies you own the work. It also makes it difficult for others to use your work without permission.

## 4. Employ Digital Rights Management (DRM) Technology

DRM technology uses encryption and security measures to prevent unauthorized access to digital content. DRM technology protects digital images, videos, and other online materials.

## 5. Require a Content License Agreement

A content licensing agreement is a contract that allows companies permission to repurpose or republish material. This contract should say you still own the work. It should also detail the work used, terms of its use, and what each side gains from the arrangement.

## 6. Send a Cease-and-Desist Letter when Necessary

A cease-and-desist letter formally requests someone to stop violating your intellectual property rights. These letters are typically used when a party uses your work without permission, mainly if no contract exists. They can also address a party breaking promises under a content license. In the letter, the creator can demand that the party stop the use or fulfill their promise. This letter is a formal notice that the creator may sue if the misuse does not stop. Be sure to detail the artistic work, describe the misuse or broken promise, and provide a deadline for resolution.

## 7. Consult a Lawyer

For significant compensation owed or persistent non-responses, a lawyer can help you navigate the law and recover your money. You may have legal claims regardless of whether there is a contract. Check out Legal Aid’s Brief Advice Clinics as a resource for brief legal advice. Find clinic dates and locations online: [lasclv.org/events](http://lasclv.org/events)

# Understanding Cyberstalking in the Context of Domestic Violence

By Stacey Alphonse

Domestic violence is an abusive action of power and control. In Ohio, a crime can be domestic violence if it contains two elements: (1) involving family or household members and (2) knowing or reckless cause or attempt of bodily harm.<sup>1</sup> Stalking is an example of domestic violence. Stalking is a pattern of activities done for the purpose of causing harm or distress to another person. Cyberstalking is the use of technology to stalk someone.

Survivors of domestic violence may be stalked even after leaving the abusive relationship. One defensive measure in Ohio is to obtain a civil protection order. Sadly, that option does not always stop an abuser from posting about you online.

In *Bey v. Rasaweher*, a mother and daughter tried to get a civil protection order against a household member who consistently posted offensive things about them on the internet.<sup>2</sup> The facts of this case fit the elements of domestic violence. However, the Ohio Supreme Court determined that a civil stalking protection order that limits a person from posting online is an unlawful prior restraint on protected speech, thus violating the First Amendment.

Despite this decision, courts still provide civil protection orders to survivors who are being cyberstalked.<sup>3</sup> The protection order itself must be very clear on what behavior it does not allow the abuser to do, such as “no contact with the individual’s employment location,” or “no contact with the family pet, Bella.”

Even without a civil protection order, there are many ways in which a domestic violence survivor can protect themselves from being cyberstalked:

**Change your passwords.** If the abuser has access to your online accounts, change the password for the online accounts once you have safely left the situation. You can also set up a new email address and

connect your online accounts to the new email address.

**Protect your information.** Try not to use your full name on any social media platforms. Never post your address or your phone number. Keep identifying information off social media, even in private messages with family or friends such as direct messages on Instagram or Facebook Messenger.

**Technology devices store a lot of information about what you view online.** Update your privacy settings on your phone. Make sure that other devices or accounts are not connected to your phone. Review all applications that you have on your phone and their use. Look at your data usage, as it may indicate any monitoring software. Turn off location tracking. Clear your cookies, website history, and caches.

**Be conscious.** If you think that you are being cyberstalked, it may be dangerous to suddenly stop your online activity because your abuser may instead use physical violence. If your abuser has access to your devices, be careful how you use it.

## Additional resources for help:

National Domestic Violence Hotline:  
800.799.7233

National Deaf Domestic Violence Hotline:  
855.812.1001

National Teen Dating Violence Hotline:  
866.331.9474

<sup>1</sup>Ohio Revised Code 2919.25.

<sup>2</sup>*Bey v. Rasaweher*, 161 N.E.3d 529 (Ohio, 2020)

<sup>3</sup>See *S.D. v. N.B.*, 306 A.3d 211 (N.H., 2023) (example of a case where the court provides a civil protection order for an individual who is being cyberstalked). see also *Miller v. Leone*, 2024 WL 1507676 (Ohio Ct. App., 7th Dist.) (the court determined that issuing a CSPO that orders an appellant to stay away from appellee and her family does not interfere with the First Amendment).



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## FREE LEGAL ADVICE

### 2024 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, foreclosure, health, housing, immigration, public benefits, utilities, and tax.*

Visit [laslev.org/events](https://laslev.org/events) for full details about upcoming clinics

- SATURDAY, NOVEMBER 16** • intake hour 10:00 – 11:00 am • Cleveland Public Library, Rice Campus
- TUESDAY, NOVEMBER 19** • call 440.992.2121 for an appointment • Ashtabula Public Library, Ashtabula
- TUESDAY, DECEMBER 3** • call 440.352.8686 for an appointment • Lake County Free Clinic, Painesville
- SATURDAY, DECEMBER 7** • intake hour 10:00 – 11:00 am • Cleveland Public Library, Woodland Campus
- TUESDAY, DECEMBER 10** • call 440.774.6579 for an appointment • Oberlin Community Services, Oberlin
- TUESDAY, DECEMBER 17** • call 440.992.2121 for an appointment • Ashtabula Public Library, Ashtabula



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



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## 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

### Economic Justice Info Line 440.210.4532 or 216.861.5899

for questions related to employment, benefits, and student loans  
para preguntas relacionadas con empleo, beneficios y préstamos estudiantiles

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 provide general information and not 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.**

Publication of The Alert is made possible, in part, by a grant from the Ohio Department of Aging through the Western Reserve Area Agency on Aging and District XI Area Agency on Aging.

