

THE JUSTICE
IN GOVERNMENT
PROJECT

GETTING RESULTS WITH LEGAL AID
American University Justice Programs Office



NLADA
National Legal Aid &
Defender Association

Civil Legal Aid Helps Those Affected by the Opioid Crisis

Among the nearly 72,000 drug overdose deaths in 2017, the sharpest increase occurred among deaths related to opioids.¹ **Every day, 1,000 people are treated in emergency rooms for opioid overdoses.** The total economic burden is estimated to be \$504 billion.² Of this, \$28.9 billion is due to health care costs. Including those in recovery and their extended family members, **more than 11 million Americans are affected by the opioid crisis**, with 2.1 million addicted.³ They need our help.

Policymakers know the current epidemic requires a multi-disciplinary response that includes law enforcement, doctors, nurses, mental health professionals, social workers, and case managers.

But civil legal aid providers are also essential partners in solving one of America's most pressing public health issues.

STUDIES HAVE SHOWN...

Legal aid helps with child support, custody, adoption, and guardianship when parents are unable to care for their children:

- When parents have periods of intense drug use, children may not be properly fed, clothed, or cared for.⁴
- Children of addicted parents experienced dramatically increased medical, behavioral, and psychological issues.⁵
- In states with the highest number of opioid-related overdose deaths, the child welfare systems are seeing increases in children being removed from their parents' care.⁶



Legal aid can help reduce burdens on the child welfare and health care system, improve health, and reduce stress:

- When parents, including those with a Substance Use Disorder (SUD), have legal representation, children exited foster care at a rate 11 percent higher than unrepresented parents.⁷ Representation almost doubled the speed to adoption and doubled the speed to legal guardianship.
- Representation leads to cost savings for foster parents, subsidies for children's medical care, cash benefits, and the expense of monitoring the foster family.⁸
- Patients receiving legal services reported reduced stress levels and improved health.⁹
- When civil legal needs were addressed, inpatient and emergency department use dropped 50 percent and health care costs decreased 45 percent.¹⁰
- When parents have access to legal services, child health and access to food and income supports improved.¹¹

LEGAL AID HELPS...

Grandma gets help to enroll grandchildren in school

"Norma" received a call from her daughter's neighbor in a distant city. The daughter – suffering from opioid addiction – had left Norma's grandchildren with the neighbor and disappeared. After a week, the neighbor could not care for the children and called Norma. Norma went to the Legal Aid Society of Greater Cincinnati the next day. The attorney volunteer drafted a "Grandparent Caregiver Affidavit" that Norma filed with the court the same day. This gave Norma immediate authority to enroll the children in school, take them to the doctor, and apply for benefits to ensure she could afford to properly feed her grandchildren.¹²

Medical-legal partnership helps family stay housed

"Melissa" lives in a home with her adult son "Brian." While Brian is currently in recovery for an opioid-related SUD, this wasn't always the case. When still using opioids, he drained his mother's bank account to buy drugs, leaving her unable to pay her mortgage. Through a medical-legal partnership, Melissa's health care provider referred her to their Indiana Legal Services partner attorney who helped her negotiate a loan modification. Under the new terms, Melissa could make the payments and stay in her home, along with Brian, who remains in active recovery with a stable place to live.¹³

HOW LEGAL AID HELPS ADDRESS THE OPIOID CRISIS

The Substance Abuse and Mental Health Services Administration identifies health, home, purpose, and community as four essential components to recovery from drug addiction.¹⁴ Because legal aid can help individuals with opioid-related SUDs secure housing and health care services, ensure their children are cared for, escape domestic violence, and remove obstacles to employment, legal aid supports these four components, increasing the likelihood of recovery.

Legal aid programs have partnered with local courts, bar associations, schools, and their medical counterparts to provide legal help, often leveraging staff attorneys and paralegals with pro bono volunteers.

EXAMPLES OF PARTNERSHIPS WITH LEGAL AID

Medical-legal partnerships help individuals with SUDs

Indiana Legal Services and Eskenazi Health teamed up to help people with SUDs expunge criminal records, secure housing assistance, and navigate custody issues.¹⁵ In Ohio, Good Samaritan Hospital Faculty Medical Center's program to help opiate-addicted pregnant women addresses legal needs related to homelessness, human trafficking, domestic violence, and access to benefits through their partnership with Legal Aid Society of Cincinnati. Training ensures that attorneys and paralegals better understand SUDs, and nurses and social workers learn how to spot problems with possible legal solutions and make referrals.¹⁶

Partnerships with courts and bar associations

Local news profiled [Texas Legal Services Center](#)¹⁷ and [Legal Aid Society of Greater Cincinnati](#)¹⁸ when they launched pro bono partnerships with courts and bar associations to provide grandparents and other extended family members with free legal

help to care for the children when the opioid epidemic robs them of their parents.

Legal aid programs awarded US Department of Justice grants to partner with nonprofits and schools

In September 2018, the US Department of Justice Office for Victims of Crime awarded *Enhancing Community Responses to the Opioid Crisis: Serving our Youngest Crime Victims* grants to ensure critical legal help: Ohio State Legal Services Association will convene community partners to launch the Appalachian Ohio Children's Victim Assistance and Prevention Project; Legal Aid Services of Oklahoma will partner with the Center on Child Abuse and Neglect, and Kids' Space, for wraparound multidisciplinary services; and Legal Aid of West Virginia and Legal Aid of the Bluegrass will provide trauma informed legal and other services to children and their caregivers in partnership with public elementary schools.¹⁹

FUNDING OPPORTUNITIES

Several federal grant sources can fund social services – including legal services – to individuals and families dealing with SUDs. Examples of federal block grants administered at the state level or grants administered directly by federal agencies that allow funds for legal help in include: Substance Abuse Prevention and Treatment Block Grant and Mental Health Services Block Grant,²⁰ State Targeted Response to Opioid Crisis Grant,²¹ Rural Community Opioid Response Funding Opportunity,²² state VOCA Victim Assistance Formula Grants,²³ and AmeriCorps State and National.²⁴

For more information about using federal funds to expand legal services for people dealing with the opioid epidemic, contact Karen Lash, The Justice in Government Project, American University: klash@american.edu and Radhika Singh, National Legal Aid & Defender Association's Civil Legal Aid Initiative: r.singh@nlada.org. For more information about medical-legal partnership, contact Ellen Lawton, National Center for Medical-Legal Partnership: ellawton@gwu.edu

Endnotes

1 Centers for Disease Control and Prevention. (2018). Provisional drug overdose death counts. Retrieved from <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>

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19 https://ojp.gov/ovc/grants/grant_award_search.html

20 The most recent application for FY 2018-19 says that states: "May wish to develop and support partnerships and programs to help address social determinants of health and advance overall health equity. For instance, some organizations have established medical-legal partnerships to assist persons with mental and substance use disorders in meeting their housing, employment, and education needs." <https://www.samhsa.gov/grants/block-grants/sabg>.

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22 <https://www.hrsa.gov/about/news/press-releases/hrsa-rural-communities-opioid-response-initiative-fy2018.html>

23 <https://ojp.gov/ovc/pubs/crimevictimsfunds/intro.html#VictimAssist>

24 <https://www.nationalservice.gov/build-your-capacity/grants/funding-opportunities/2019/ameri-corps-state-and-national-grants-fy-2019#2019%20AmeriCorps%20Funding%20Priorities> (One of seven priority areas is "reducing and/or preventing prescription drug and opioid abuse")