

The ALERT



The Legal Aid Society
of Cleveland
Since 1905

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What's Changed with Ohio's New Child Support Law?

By Jenna Bird

Earlier this year, Ohio updated its child support laws for the first time since 1992. The new law took effect on March 28th, 2019, with the approval of House Bill 366. Among other changes, the bill altered how the amount of child support is calculated and adjusted the minimum amount a parent must pay. Some highlights include¹:

- Child support calculations are now based on both gross income and imputed income. Imputed income is the value of any services or benefits employers give employees.
- A new "self-sufficiency reserve" allows for some people whose income is below 116% of the federal poverty level to pay less in child support.
- The standard minimum monthly payment increased from \$50 to \$80 a month.
- The court will reduce an annual child support obligation by 10% if the person ordered to pay child support has the child for over 90 nights (about every other weekend and one night per week). The 10% decrease can be eliminated if

the parent does not actually care for the child at least 90 nights.

- Orders for multiple children will no longer be designed so that the first support order is automatically higher than subsequent orders.
- Child support guidelines will be reviewed at least once every four years for needed changes, but can be reviewed more often.

The new law also states that obligors (people obliged to pay child support) can ask the Office of Child Support Services (OCSS) to start the process of modifying the amount he or she must pay on debts owed for a child who is now an adult. Additionally, obligors who receive both SSI and SSDI should ask OCSS for a modification.

The changes do not automatically apply to existing orders. However, the changes will apply to all cases filed after March 28th, 2019.

¹ <https://www.legislature.ohio.gov/download?key=10373&format=pdf>

Special thanks

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Safe at Home

By Courtney Koski and Davida Dodson

Survivors of domestic violence now have the option to keep their home, work, and school addresses private. Ohio's "Safe at Home" program keeps a survivor's address out of public records. By keeping a survivor's address private, the program tries to prevent a perpetrator of violence from finding out where the survivor is and following him or her to work, school, or home.

Safe at Home is a free program created by the Ohio General Assembly through House Bill 359, which assists people who have experienced domestic violence, human trafficking, rape, or sexual battery. Safe at Home allows a survivor to receive a substitute Post Office Box (P.O. Box) address to use in place of his or her home address. Another benefit of the program is that the survivor can keep his or her address private and away from public records. The office of the Ohio Secretary of State will forward any mail sent to the P.O. Box address to the survivor's home address.

Applications for Safe at Home must be made in person. To find

an Application Assistant, visit www.SafeatHomeOhio.com or call 614.995.2255. Once an applicant is approved, a Safe at Home staff member will give the survivor a P.O. Box address. When asked for an address, the survivor may choose to give the P.O. Box address instead of his or her home, work, or school address. The P.O. Box address may be used for four years. After four years, a survivor may reapply for the program to receive another P.O. Box address.

The Safe at Home program works best for survivors trying to keep their whereabouts unknown. Survivors of domestic violence should only give their home, work, and school addresses to trusted people. Contact information, including addresses and phone numbers, should never be shared on the internet.

To learn more about the Safe at Home program, visit www.SafeatHomeOhio.com, call 614.995.2255, or send an email to safeathome@ohiosecretaryofstate.gov.

Brooklyn Protects Victims of Domestic Violence

By James Scherer

The City of Brooklyn's city council has passed a new law to protect renters who are victims of domestic violence. The new law makes it easier for victims of domestic violence to escape danger without going into debt. It also protects their future housing options.

Domestic violence is a leading cause of homelessness. Victims of domestic violence often need to move out of their homes to escape an abuser. But if a renter moves out before his or her lease is over, his or her landlord may try to charge rent until a new tenant moves in. If a victim of domestic violence cannot afford to pay the rent remaining under the lease, he or she may weigh the options and choose to stay in a dangerous situation. If the tenant decides to leave but not pay their landlord, this debt may stop him or her from finding a new place to live.

Brooklyn Councilwoman Meg Ryan Shockey was surprised to learn that Ohio is one of the only states that does not allow a tenant to break a lease without penalty to escape domestic violence. Councilwoman Shockey has lead Brooklyn's Domestic Abuse Commission since 2018. She pushed to provide this protection to the people who live in Brooklyn.

The new Brooklyn ordinance will allow a tenant who is experiencing domestic violence to end his or her lease early without having to pay the remaining rent. (The landlord may keep the tenant's security deposit, but must let the tenant out of their lease without charging them any more rent). To be protected under this new law, a tenant must show the landlord proof of domestic violence. Forms of proof include a civil protection order, a temporary protection order, and a no-contact order.

Human Trafficking Happens Here

By Jessica Weber

Did you know that Cleveland is a major hub for human trafficking? Human trafficking is the means by which people of all genders, ages, races, and cultures are bought and sold for free labor and sexual acts. Put simply, it is a form of slavery. Those most at risk are women, children, teens, homeless individuals, immigrants, and children in foster care. Sometimes people do not realize that they are a victim of human trafficking. In other cases, victims cannot reach help or are afraid to ask for help.

You can help victims of human trafficking just by paying attention. Some common signs of human trafficking include: marks of physical abuse;

possession of many hotel keys; an identical home and work address; working long hours without getting paid; and frequently getting new and expensive clothing, jewelry, hairdos, or polished nails that the individual cannot afford. If you suspect a person is a victim of human trafficking, call the police. Do not try to deal with it yourself.

Human trafficking is illegal. If the police arrest someone for trafficking, a prosecutor may charge that person and a court may convict him or her of a crime. The victim has the right to participate in the criminal case and may be required to testify as a witness. —>

Understanding Car Repossession

By Blair Mills

When you purchase a car on credit, you accept the risk that the vehicle can be repossessed. Typically, in these situations, the buyer pays some money at the time of the purchase and borrows the rest from a creditor (generally the car dealer or a bank). The buyer signs an agreement giving the creditor the right to take back the car if payments are not made.

Unless the agreement has a grace period that allows for making late payments, one late payment – by even one day – is considered a “default.” If a buyer “defaults,” the creditor can take back the car. The creditor does not have to tell the buyer he or she plans to repossess the car. The creditor is also allowed to take back the car without approval from a court as long as he or she does not “breach the peace.” “Breaching the peace” means engaging in actions that are “likely to produce violence.” If a creditor breaches the peace when repossessing a car, the buyer should ask the creditor to stop, and can call the police if he or she refuses to comply.

Even if a creditor can legally repossess a car, certain rules must be

followed. First, the creditor must send the buyer a letter within five business days of taking the car. The letter must explain why the car was repossessed and how much must be paid to get it back. If the creditor plans to sell the car, he or she must notify the buyer at least ten days before the sale. The notice must include the time and place of the sale. If the buyer had personal belongings in the car when it was taken, the buyer must be given access to the car to reclaim the belongings. Creditors are allowed to charge a “reasonable” fee for access to the car.

Buyers can negotiate payment terms. If a buyer anticipates being late on a payment, he or she should talk to the creditor right away. Some creditors may agree to allow one late payment. If the buyer and creditor reach an agreement about a late payment, the buyer should ask for this agreement in writing. The buyer should also keep detailed records of any contact with the creditor.

Legal Aid may be able to help in the case of some unlawful repossessions. Call 888.817.3777 for more information.

Proposed Changes to Public Charge Rule Raise Concerns

By Russel Hauser

Last October, the U.S. Department of Homeland Security proposed updates to its “Public Charge Rule.” The new version of the rule could scare eligible immigrants away from valuable public benefits that could improve their health and increase their financial stability.

The Public Charge Rule allows immigration officials to deny a person’s application to enter the U.S. or stay in the country permanently if it is determined the applicant is likely to be a “Public Charge.” A Public Charge is loosely defined as a person who depends primarily on the government for survival. For example, someone who relies on cash assistance for income may be considered a Public Charge. No single factor determines whether someone is a Public Charge. Officials can consider age, health, financial status, and whether an applicant has received certain government benefits in the past when making the determination.

The proposed changes to the Public Charge Rule would give immigration

officials a wider range of public benefits programs to consider when deciding if someone is likely to be a Public Charge. For example, benefits programs like SNAP (food stamps), Medicaid, and Section 8 Housing Choice Vouchers would now be considered when they were not considered before. This would likely increase the number of people who are denied immigration status under the Public Charge Rule.

The new rule has not yet been approved, but it has already caused fear and confusion among immigrant communities. Media outlets have reported that immigrants are terminating their benefits due to fear of being labeled a Public Charge if they apply to change their immigration status in the future. Without benefits, it will be harder for families to get the food and healthcare they need. Legal Aid is concerned about these developments, and will pay close attention to the effect this rule would have on our clients who are immigrants and their families.

Victims of human trafficking may need multiple kinds of legal help. Victims that are related to their traffickers may need help with a divorce, child custody, or guardianship. The victim may also need help getting a protection order. Human trafficking violates many employment laws; victims may have wage claims or discrimination cases based on the trafficking. Trafficking survivors may need help with public benefits and housing. Lastly, sometimes victims are charged with crimes, such as prostitution, which they can usually expunge.

Many organizations in the Cleveland area help victims of human

trafficking. If you are worried that you or someone you know is being trafficked, call for help.

Human Trafficking Resources in Cleveland

Cleveland Rape Crisis Center – 855.431.STAR
Cuyahoga County Regional Human Trafficking Task Force –
216.443.6085
Renee Jones Empowerment Center – 216.651.9601

Using Restorative Justice to Rethink School Discipline *By Bridget Sciscento*

In recent years, schools around the country have been re-thinking their approaches to discipline. From New York to California to Cleveland, Ohio, school administrators are implementing “restorative justice” to create alternatives to suspension and expulsion.

Restorative justice looks beyond bad acts and punishment. It focuses on understanding why students break rules, and how breaking rules hurts others, so that students own their actions.

A related concept called “social emotional learning” (SEL) is often practiced alongside restorative justice. Social emotional learning teaches kids and adults to control their emotions, foster healthy relationships, and act responsibly.

The Oakland Unified School District in California uses restorative justice ideas to create positive learning environments that encourage SEL. The Oakland model has 3-steps. First, students and teachers work to understand each other and create an environment with shared values. Second, when bad behavior happens, students, victims, teachers, and others try to understand why it happened and how it hurt the victim. Third, students who are temporarily removed from school are welcomed back after the removal period ends.

Here in Cleveland, the Cleveland Metropolitan School District (CMSD) recently held a conference about restorative justice and social emotional learning. CMSD uses an SEL program called “Humanware.” Every CMSD school has a Humanware partner who acts as a coach to educators on integrating SEL core competencies into their everyday teaching activities. CMSD also uses “planning centers” where students can go to work out their feelings (students may go voluntarily or be referred to the center by a teacher). Some classrooms use meetings to check in on students and help students understand each other better. Currently, CMSD is exploring more restorative justice ideas.

If you want to learn more about restorative justice or want your child’s school to try restorative justice ideas, you can:

- Visit Oakland’s Website: <https://www.ousd.org/restorativejustice>;
- Visit CMSD’s Humanware Website: <https://www.clevelandmetroschools.org/domain/108>;
- Work with your child’s teacher to find out what social emotional supports and restorative justice practices are in the classroom; and
- Talk with your child’s principal about what restorative justice and social emotional learning programs are available.

A Taxpayer Tool to Fix Debt: The Offer in Compromise *By Melody Goodin*

By Melody Goodin



An offer in compromise is a tool that many taxpayers can use to settle their federal tax debts. If a person owes money to the Internal Revenue Service (IRS) but cannot afford to pay the full debt, he or she may be able to offer the IRS a smaller, more affordable amount as settlement. This is known as an offer in compromise (OIC). The offer can include a lump sum payment or a series of payments over a period of months. Unlike a traditional IRS payment plan, if the IRS accepts the OIC and the taxpayer pays as agreed, the IRS will forgive the rest of the taxpayer’s debt.

Not everyone can use the OIC program to pay off debt. Eligible taxpayers must have filed all their tax returns and cannot have an open bankruptcy case. They must also make an initial payment and pay an application fee. (Applicants who qualify as low-income do not have to pay a fee or make an initial payment.) Taxpayers can use a Pre-Qualifier tool on the IRS website to check if they are eligible for the OIC program. The IRS provides all the forms and instructions needed for making an OIC on its website; find “Form 656-B, Booklet” at www.irs.gov/payments/offer-in-compromise.

An OIC can make a huge difference in a person’s life. Attorney Dennis Dobos, who runs the Legal Aid Society of Cleveland’s Low Income Taxpayer Clinic, says that OICs give much-needed relief to his clients.

“The program has the potential to engage so many taxpayers,” Dobos says. “It allows for a fresh start, both financially and emotionally.” Without IRS debt weighing them down, people are free to more easily pursue other life goals. Debt relief can also help improve a person’s health and contribute to their general stability.

Visit the IRS website noted above for more information. For help resolving a dispute with the IRS, call Cleveland Legal Aid’s Low-Income Taxpayer Clinic at: 888.817.3777.

The Criminalization of Homelessness

By Zora Raglow-DeFranco

Being homeless is not a crime. However, many laws make it hard for people without homes to live their lives without being fined or arrested.

In Cleveland, just resting in a public place can land you in jail. If you are found in a public area after closing time, you can be ticketed for trespassing (Code of Ordinances § 559.53). The Mall and Public Square are closed from 10pm to 5am. Sleeping in a park or even relaxing on a park bench for too long can also get you a ticket and a court date (Code of Ordinances § 559.45). If you get a ticket but don't report to court, the court may issue a warrant for your arrest. The next time you get a ticket, you could end up in jail.

These are just some examples of the many laws that criminalize homelessness. Laws like these close large parts of our city to those who don't have stable places to go. They make it hard for people without shelter to find safe places to sleep overnight. And they expose the vulnerable to fines they cannot pay, criminal prosecution, and jail at the public's expense.

The consequences of these kinds of criminal charges can be serious. A criminal record can be a barrier to finding affordable housing, a job, or public assistance. In other words, when you criminalize homelessness, you make it harder to overcome. About 3.5 million people in the United

States experience homelessness each year. Laws that unjustly target the homeless should be reconsidered.

If you are experiencing homelessness or would like to learn more about the issues facing Northeast Ohio's homeless population, contact the Northeast Ohio Coalition for the Homeless (NEOCH) or the Cuyahoga County Office of Homeless Services. Both are support groups that help and empower the homeless community in Northeast Ohio.

If you are an advocate who wants to help with legal issues facing the homeless, contact the Cleveland Metro Bar Association's Homeless Legal Assistance Program. If you are a member of the Homeless Community and would like to share your voice or get more involved with your community, join the Homeless Congress which meets every second Tuesday and Thursday of each month.

You can find more information about issues affecting the homeless at:

- Northeast Ohio Coalition for the Homeless; 216.432.0540, <https://www.neoch.org/>
- Office of Homeless Services; 216.420.6844, <http://ohs.cuyahogacounty.us/>
- The Homeless Congress; <https://www.neoch.org/homeless-congress>
- The Cleveland Metropolitan Bar Association; 216.696.3525



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LEGAL ADVICE

**2019 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.lasclev.org for updated clinic listing.

TUESDAY, OCTOBER 22, 2:00 P.M. – 3:30 P.M. El Centro, 2800 Pearl Avenue, Lorain

WEDNESDAY, OCTOBER 23, 2:00 P.M. – 3:30 P.M. Cleveland Public Library – Main Branch, 325 Superior Avenue East

SATURDAY, NOVEMBER 2, 10:00 A.M. – 11:00 A.M. Cleveland Public Library – Memorial-Nottingham Branch, 17109 Lake Shore Boulevard

WEDNESDAY, NOVEMBER 6 U.S. Veterans Only 2:30 P.M. – 4:00 P.M. VA Community Referral and Resource Center, 7000 Euclid Avenue
Call 216-391-0264 for an appointment

TUESDAY, NOVEMBER 12, 2:00 P.M. – 3:30 P.M. Oberlin Depot – Oberlin Community Services, 240 South Main Street, Call 440-774-6579 for an appointment

WEDNESDAY, NOVEMBER 13, 2:00 P.M. – 3:30 P.M. Catholic Charities Ashtabula, 4200 Park Avenue, 3rd Fl, Call 440-992-2212 for an appointment

WEDNESDAY, DECEMBER 4 U.S. Veterans Only 2:30 P.M. – 4:00 P.M. VA Community Referral and Resource Center, 7000 Euclid Avenue
Call 216-391-0264 for an appointment

SATURDAY, DECEMBER 7, 10:00 A.M. – 11:00 A.M. Cleveland Public Library – Rice Branch, 11535 Shaker Boulevard

WEDNESDAY, DECEMBER 11, 2:00 P.M. – 3:30 P.M. Catholic Charities Ashtabula, 4200 Park Avenue, 3rd Fl, 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
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of Cleveland
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 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 everyone can communicate with us in their dominant and/or preferable language.

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