

The ALERT



The Legal Aid Society
of Cleveland
Since 1905

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Know Your Rights as a Taxpayer

By John Sayers

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Dealing with the IRS can be a complicated and involved process. Know your rights as a taxpayer to make the process a little easier. The IRS has adopted a "Taxpayer Bill of Rights," (see <http://www.irs.gov/Taxpayer-Bill-of-Rights>). As a taxpayer, you have:

1. The Right to Be Informed. You have the right to know how to follow the tax laws. You are entitled to clear explanations of the law. Anytime you receive a notice from the IRS, the agency must explain its reason for contacting you. If you have questions, call the number located at the top right corner of most notices.

2. The Right to Quality Service. You have the right to prompt and professional assistance when dealing with the IRS. The people you speak with should be respectful, and help you understand the information they provide to you. You have the right to file a complaint for poor service. First, ask to speak with a supervisor.

3. The Right to Pay No More than the Correct Amount of Tax. You have the right to only pay what is legally owed. You can schedule an appointment with your local Volunteer Income Tax Assistance (VITA) site to have your tax returns done by a professional free of charge.

4. The Right to Challenge the IRS and Be Heard. You have the right to disagree with the IRS and to submit documents that support your side. You have the right to receive a quick and fair response from the IRS. You can expect to get a reply from the IRS within 30 days.

5. The Right to Appeal an IRS Decision. You have the right to appeal most IRS decisions when

you disagree. You have the right to take your tax case to court.

6. The Right to Finality. You have the right to know how much time you have to challenge the IRS. You have the right to know how much time the IRS is allowed to take to audit a particular tax year and when an audit is complete. In most cases, the IRS can audit the past 3 years of tax returns. In the case of more substantial errors, the IRS can go back 6 years. You should keep at least the last 6 years of tax returns for your records.

7. The Right to Privacy. You have the right to expect that any IRS action will comply with the law and will only be as intrusive as necessary. The IRS will also respect all other rights you are owed.

8. The Right to Confidentiality. You have the right to expect that any information you provide will not be given to anyone without your permission or unless required by law. Only after you sign a release form can your information be shared.

9. The Right to Retain Representation. You have the right to hire a lawyer when dealing with the IRS. You also have the right to know that if you cannot afford a lawyer you may be eligible for assistance from a Low Income Taxpayer Clinic.

10. The Right to a Fair and Just Tax System. You have the right to expect the tax system to consider all facts and circumstances that might affect your ability to pay.

For more information about how these rights apply to you, visit <http://www.taxpayeradvocate.irs.gov/About-TAS/Taxpayer-Rights>.

Options for Help with Suspended Driver's License

By Adam Kornya



Low-income Ohio drivers face a growing number of problems caused by driver license suspensions. License

suspensions can often make it difficult for drivers to get to work, which makes it even harder to pay back any fines, court costs, and reinstatement fees a driver might need to get their license back.

But if your license was suspended, you may have options for driving privileges or reinstatement depending on the type of suspension you received. For example, with a child support suspension, your license might be suspended until you contact the Office of Child Support and satisfy whatever requirements they give you. With an OVI conviction, your license will be suspended for a period set by the convicting court- though you may be able to ask for limited driving privileges.

You can find out the reason for your suspension by checking the notice you received, visiting http://bmv.ohio.gov/suspension_reinstatement.stm, or contacting the Ohio BMV. Depending on the type of suspension, you may be able to appeal your suspension in

court or apply for limited driving privileges so that you can get to work or school or medical appointments.

Different kinds of suspensions last different lengths of time; almost all suspensions require payment of fines, court costs, or reinstatement fees. Fines are penalties imposed by the court as punishment for the offense that caused your suspension. Court costs are the administrative costs charged by the court for processing your case and providing a hearing. Reinstatement fees are charged by the BMV after completing the period of suspension. Fines and court costs are owed to the court and payable to the court clerk's office. Reinstatement fees are owed to the BMV and must be paid to the BMV to get your license back.

If you cannot afford to pay these fines, costs and fees, some programs offer help. Courts may allow you to do community service instead of paying fines and court costs. In Cuyahoga County, see Court Community Services, <http://www.ccservice.org/> for more information. You must be referred to CCS by the court, the Clerk of Courts, or your probation officer. The BMV also offers a payment plan to help low-income drivers pay reinstatement fees. The minimum monthly payment is \$50. You can find more information and an application for the BMV payment plan at http://bmv.ohio.gov/dl_reinstatement_gen_info.stm.

Legal Aid provides assistance with driver's license suspensions in some cases. Call Legal Aid at 1-888-817-3777 to apply for help.

Self-Help Evictions

By Lukas Padegimas

Ohio law governs the relationship between tenants and landlords. When the arrangement no longer benefits one of the parties, they must take certain steps to end it. For example, they must give notice to the other side. A landlord CANNOT resort to "self-help" in order to remove a tenant from his property. The following examples are sometimes used or threatened by landlords, even though doing so is against the law:

1. Physically forcing the tenant out of the property
2. Threatening to hurt the tenant if the tenant does not leave
3. Removing the tenant's things without permission
4. Turning off utilities (gas, electric, water) at the property
5. Changing the locks
6. Altering the property to make it unlivable

The only way to evict someone in Ohio is through the court system. Before the court proceeding, the landlord must deliver all proper notices to the tenant. All landlords must serve tenants with a 3 day notice to vacate. Landlords for subsidized housing have additional notice requirements.

The landlord can then go to the municipal housing court to file a complaint against the tenant if the tenant does not move out. The court then schedules a hearing, where both the landlord and tenant can present their case. If the landlord is able to prove the grounds for eviction, the Court will order the tenant to move. Usually the courts allow tenants 7 to 10 days from the eviction to prepare to move. Tenants and landlords can call the Cleveland Housing Court at 216-664-4295 for information about eviction proceedings.

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Emergency assistance and shelter can be found by calling 211 if a landlord illegally evicts a tenant. Tenants who are illegally evicted may also be entitled to money damages for property lost as a result of the landlord's actions. Some things tenants can do if facing an illegal eviction are:

1. Call the police and make a police report immediately.
2. Take pictures of where the landlord put personal property, and anything that was damaged, as soon as possible.
3. Identify any witnesses. If anyone observed the landlord's actions, ask for their name and contact information.
4. Notify utility companies and request utility records for the time at issue to prove the amount of the charges that should not be

charged to the tenant.

5. Call Legal Aid at 1-888-817-3777 to apply for assistance or call the Cleveland Housing Court 216-664-4295 to seek information about the legal process.

If a landlord threatens an illegal eviction, there are organizations that can try to help prevent it. Call the Cleveland Tenant Organization at 216-664-0617 or The Cleveland Mediation Center at 216-621-1919. Legal Aid can help with some evictions. Call 1-888-817-3777 to apply for assistance.



Get Help Finding a Job at OhioMeansJobs

By Omar Khan

Need help getting a job? There are "OhioMeansJobs" centers in each county that can help you. The centers have computers and staff to help you know which jobs are in demand, whether you qualify for these jobs or whether you need job training. The staff can also help give you individual assistance with your job search and with identifying funding for job training.

Each center has a resource room where you can use a computer to look for a job and update your resume. There is always a staff person to help. They also offer computer classes. Finally, if you are getting unemployment compensation and need help with the required reemployment activities on OhioMeansJobs.com, you can ask the staff in the resource room for help.

In Cuyahoga and Lorain counties, the centers have orientations where you can learn about their programs. You usually need to bring a resume, a Social Security card, and another form of ID to the orientation. Afterwards, you can sign up for classes and workshops. The staff will also help you put your resume on the

OhioMeansJobs website so employers can view it; and, you get one-on-one time with an employment specialist. At Lake, Geauga, and Ashtabula county centers, the same services are provided by staff in the resource room, first-come-first-served.

Also available are career workshops. The workshops and classes cover: resume writing, job search resources, completing job applications, and interview skills, including offering mock interviews with staff.

The centers offer some specific services for different groups of people, such as military veterans, individuals who receive Temporary Assistance for Needy Families and individuals who have criminal records. If you need services in language other than English, call ahead to request an interpreter.

The Ohio Means Jobs centers provide free help with all of the steps necessary to find a job. For more information, call the OhioMeansJobs centers listed below.

OhioMeansJobs Centers (Location and Hours):

Website: www.ohiomeansjobs.com

Cleveland	Parma	Elyria	Painesville	Ashtabula
1020 Bolivar Rd, Cleveland, OH 44115	11699 Brookpark Rd, Parma, OH 44130	42495 North Ridge Rd, Elyria, OH 44035	177 Main St, Painesville, OH 44077	2247 Lake Ave, Ashtabula, OH 44004
216-664-4673 8AM-5PM	216-898-1497 8AM-5PM	440-324-5244 8AM-4:30PM	440-350-4000 8AM-4:30PM	440-994-1234 8AM-4:30PM

Knowing Your Rights as a Patient

By: D'Erra Jackson

A patient is anyone who has requested or received health services from care facilities. Care facilities include, but are not limited to: community health centers, hospitals, dental offices, and drug stores, such as CVS. As a patient, you have certain rights related to your care. Some of your rights include the following:

Right to Informed Consent. If you need medical treatment, your doctor must give you necessary information about the treatment, such as possible benefits and risks, to help you make decisions.

Right to Medical Records. Generally, your provider must give you your medical records if you request them. But there may be a process to follow, such as putting your request in writing, and you may have to pay a fee for copies.

Right to Privacy. Your provider must keep all your medical records and other important information, such as your social security number, confidential unless you allow them to release the information. You may want them to release your information, for example, if another doctor needs to see your records. In that case, you would sign a release form to give permission to share your information with a specific person or organization.

Right to Emergency Services. If you need immediate help with a serious health problem, you may seek emergency services from any emergency room location even if you cannot afford it.

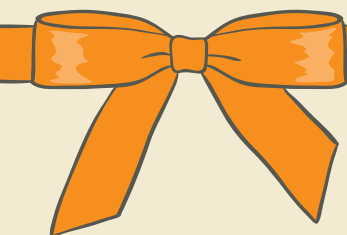
Right to Make Decisions. You have the right to agree to or refuse treatment.



Right to Choose End-of-Life Care. You have the right to sign advance directives, called living wills and health care power of attorney. These documents allow you to provide instructions to providers about your health care wishes if you cannot communicate yourself. Care providers must follow your directions in these properly signed documents. More information about advance directives is online at <http://laslev.org/selfhelp-poa-livingwill/>.

Right to Safe Health Care Environment. You have the right to be treated with courtesy and respect and to be free from verbal or physical abuse or harassment while in a care setting.

If your rights have been violated, you may have the option to file a complaint at the place where you got treatment. Ask to speak with a patients' rights advocate or request a copy of the complaint procedure. Also, you may complain to the Office of the Ohio Attorney General. Visit www.ohioattorneygeneral.gov to file a complaint or report patient abuse; or contact the Office at Patient Abuse/Neglect Intake Officer; Office of the Attorney General; 150 E. Gay St., 17th Floor; Columbus, OH 43215; Phone: (800) 282-0515; Fax: 877-527-1305.



THANK YOU!

Special thanks to Legal Aid's 2015 summer law student volunteers who authored the articles in this issue of "The Alert."

Rights as a Self Represented (or Pro Se) Litigant

By Vanessa Hemminger

Every person has the right to represent themselves in court. A “pro se litigant” is a person who is involved in litigation but not represented by an attorney. Instead, the person represents themselves, also sometimes referred to as a “self-represented litigant.”

Court staff can help a pro se litigant understand how to do things. For example, court staff may answer questions about how the court works or explain what different words mean. The staff may also give you information from your case file and provide you with court forms and sample documents. Court staff cannot tell a pro se litigant what to do. Court staff cannot provide legal advice or research, or tell you what to request from the judge or court. See more information about preparing to represent yourself in court at: <http://www.supremecourt.ohio.gov/Publications/proSeGuide.pdf>

Some courts offer help to pro se litigants. For example, the Information Center at the Cuyahoga County Domestic Relations Court has computers for completing court forms and staff will provide general information about court procedures and forms. The Cuyahoga County Juvenile Court has a Pro Se Center that provides blank forms and reviews completed forms. Cleveland Housing Court has Specialists that will assist pro se litigants with information on housing issues and will provide sample forms, general assistance and other resources.

There are many online resources for pro se litigants. For example, the Cleveland Law Library website has a large page on resources for pro se litigants. See more information at: http://clelaw.lib.oh.us/PUBLIC/MISC/FAQs/Self_Help.HTML In addition, the American Bar Association lists pro se resources by state and includes helpful articles, reports, court rules and other links. See more information at: http://www.americanbar.org/groups/delivery_legal_services/resources/pro_se_unbundling_resource_center/pro_se_resources_by_state.html#oh. See a list of resources in this newsletter and at <https://laslev.org/pro-se-forms/>

When filing a case in court, you may be able to complete a poverty affidavit, which waives prepayment of fees usually charged to file documents with the clerk of court. The poverty affidavit must show that you cannot afford the filing fees. For more information and sample forms, see: <http://laslev.org/selfhelp-povertyaffidavit/>

If you have to represent yourself in court, remember that pro se litigants must follow the same rules and laws as attorneys. The judge can provide some limited help, however. For example, you have the right to ask for clarification if you don't understand something. If you are asked a question you don't understand, you should say so. Just like attorneys, you must always tell the truth in court.

On-Line Resources for Pro Se Litigants

In the United States, people do not have a right to court appointed attorneys in civil cases when facing problems such as divorce, foreclosure, or eviction. People have no right to a free attorney for disputes with agencies about benefits, such as Ohio Department of Job and Family Services, Ohio Department of Medicaid, Social Security Administration or the Department of Veteran Affairs. In these situations, people who cannot afford to hire an attorney often must represent themselves in court or before an administrative law judge. The following resources can be helpful when preparing to represent yourself, or going to court “pro se,” as it is called when you do not have an attorney.

Cleveland Law Library

http://clelaw.lib.oh.us/PUBLIC/MISC/FAQs/Self_Help.HTML
1 West Lakeside Avenue, FL4
Cleveland, OH 44113
(216) 861- 5070

Ohio Legal Services

<http://www.ohiolegalhelp.org/>

ABA Pro Se Resources

http://www.americanbar.org/groups/delivery_legal_services/resources/pro_se_unbundling_resource_center/pro_se_resources_by_state.html#oh

National Center for State Courts

Self Representation Resource Guide
<http://www.ncsc.org/Topics/Access-and-Fairness/Self-Representation/Resource-Guide.aspx>

Ohio Judicial Conference

<http://www.ohiojudges.org/Document.ashx?DocGuid=dddcb9f1-9006-4361-ac2c-80c553f62c36>

Self-Represented Litigation Network

<http://www.srln.org/>

How to Research a Legal Problem: A Guide for Non-Lawyers

<http://www.aallnet.org/sections/lisp/research.htmlrs>

Keys to the Courtroom: A Pro Se Litigant Guide

<http://www.fcmcclerk.com/resources/pdf/KeysBrochure2.pdf>

American Judicature Society's Pro Se Forum

<http://216.36.221.170/prose/home.asp>

Yale University's Docket Research Guide (Information on how court docket's can be searched)

<http://library.law.yale.edu/docket-research>



People come to Legal Aid for help with fundamental problems related to housing, health, family, money, or work. Legal Aid provides legal representation, self-help assistance, advice, information and referrals to help resolve these issues. When contacting Legal Aid for assistance, a person should experience high quality services. "High quality services" include the "Six C's": Courteous Treatment, Competence, Confidentiality, Communication, Avoiding Conflicts of Interest, and the Right to Make Complaints.

Courteous Treatment

You should experience courteous and respectful treatment by everyone that you interact with when contacting Legal Aid. Our staff and volunteers should be respectful and understanding of your particular situation.

Competence

You should experience competent assistance and representation by our staff and volunteers. The Ohio Rules of Professional Conduct require that we have the legal knowledge, skill, thoroughness, and preparation necessary to provide effective assistance when delivering services.

Confidentiality

Your information shared with Legal Aid must be kept confidential. Our staff and volunteers must get your permission before sharing any information related to your case that you provide to Legal Aid.

Communication

You should receive regular updates on the status of your legal matter. Our staff and volunteers should promptly respond to your questions and phone calls. You should receive enough information so that you can make informed decisions about your case.

Conflicts of Interest

You are entitled to loyalty by Legal Aid staff and volunteers. This means that we cannot represent you if doing so conflicts with our representation of other clients. We will never represent you and the person on the other side of your case at the same time.

Complaints

You have the option of making a complaint to Legal Aid if you feel that you were unfairly denied legal assistance or if you are unhappy with the assistance provided by Legal Aid. You may complain orally or writing. Information about the complaint process is available in all offices, and online at <http://lasclv.org/wp-content/uploads/Grievance-Form-and-Instructions-Form-2-4.24.2012.pdf>. Mail it to the Deputy Director at 1223 W 6th St, Cleveland, OH 44113 or emailing it to grievance@lasclv.org.

Legal Aid tries to provide some type of assistance to as many people as possible, but we cannot help everyone who contacts us. The Six C's help ensure people have a quality experience when contacting Legal Aid.

State Hearings

By Brittney Brown and Claire O'Connor

Have your state public benefits been reduced or terminated? Changes to your benefits can happen if you missed an appointment, did not submit correct information, or did not report changes in your income. If you believe the recent change to your benefits is a mistake, you may request a state hearing. A state hearing is an opportunity for you to explain the mistake and request the full amount of benefits you should receive.

Before the Hearing

If you request a state hearing, you may continue receiving the original amount of your benefits as long as you make the request within 15 days of receiving the notice about the change. Once your request is made by phone or letter to your local agency, you will be notified when and where the hearing will take place.

You may choose a representative (lawyer, friend, or relative) to act for you with the agency, but it is not required. A representative can attend the hearing in your place as long as the person has written permission from you. You may usually review information in your case file and subpoena witnesses and documents at least five days before the hearing.

At the Hearing

The hearing is where you will meet or speak with a hearing officer who will listen to the information provided and decide if changes to your benefits are correct. A representative from the agency will present information in favor of the change and you can present

information about why you believe the change is a mistake. If you cannot attend the scheduled hearing due to transportation, medical, or child care issues, you may ask to postpone or request a telephone hearing. If you miss the hearing and did not call ahead of time but you have a good reason, you must contact State Hearings within 10 days to request your hearing be continued to another date.

After the Hearing

You should receive a decision within 30 days from the date a state hearing was requested. Food assistance increases must happen within 10 days of the decision and decreases by the next time you receive assistance. All other benefit increases or decreases should happen within 15 days of the decision.

If you disagree with the decision by the hearing officer, you may request an administrative appeal. If you receive another notice of changing benefits, you must request a separate hearing for that new action. Legal Aid can help with some benefits denials and terminations. Call 1-888-817-3777 to apply for assistance.

Legal Aid at the Library

Legal Aid partners with the Cleveland Public Library to enhance understanding of the law.

Upcoming FREE legal advice clinics:

All clinics are first come, first served free advice events for low-income individuals with civil legal issues (not criminal). Please bring all relevant paperwork with you.

All clinics are held 9:30 a.m. – 11:00 a.m.

Saturday, January 23, 2016
Carnegie West Branch
1900 Fulton Road

Saturday, February 20, 2016
Harvard-Lee Branch
16918 Harvard Avenue

Saturday, March 12, 2016
Rice Branch
11535 Shaker Boulevard

Saturday, April 9, 2016
Hough Branch
1566 Crawford Road

Attorneys are available for brief advice and referral only. Advice 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.





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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!



Legal Aid sometimes invites community members to give their opinion on different topics during a focus group. If you might like to participate in a focus group in the future, please send an email with your name and contact information to focusgroup@lasclev.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.

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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