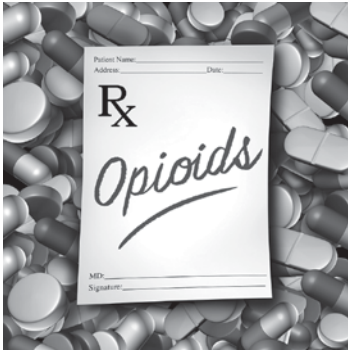


**SPECIAL FEATURE: LEGAL AID RESPONDS TO THE OPIOID CRISIS**



# How Civil Legal Aid Can Tap Federal Funds to Support Partnerships with Schools, Bar Associations, Courts, and Hospitals to Improve the Lives of Those Affected by Substance Use Disorders

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“Norma” received a call from her daughter’s neighbor in a distant city in Ohio. Her daughter — suffering from opioid addiction — left her children with the neighbor and disappeared. After the neighbor could no longer care for them, she called Norma. The following day, Norma went to the Legal Aid Society of Greater Cincinnati, where she and an attorney volunteer in the Custody Clinic drafted a “Grandparent Caregiver Affidavit” and filed it the same day. Norma received authority to enroll the children in school, take them to the doctor, and apply for benefits so that she could properly feed them.<sup>2</sup>

“Maria” is seeking recovery from a substance use disorder. With the help of a job coach, she was able to find a job for the first time in years. However, her driver’s license had been suspended due to a miscommunication with her insurance company following an accident. Without transportation to her new job, Maria faced losing it. Eskenazi Health Midtown Community Mental Health referred Maria to their medical-legal partnership team. A legal aid provider was able to get her license back, so she could work and focus on recovery.<sup>3</sup>

Maria and Norma’s daughter are not alone. In 2016, 2.1 million Americans were addicted to opioids.<sup>4</sup>



*Casey Chiappetta (L); Karen A. Lash (R).*

According to a recent poll by the American Psychiatric Association, 31 percent of Americans know someone who is addicted to

opioids, compared to 27 percent in 2017.<sup>5</sup> Policymakers from Ohio<sup>6</sup> to California<sup>7</sup> know that the opioid epidemic requires a response that includes law enforcement, doctors, nurses, case managers, and social workers. But often, legal aid service providers are overlooked as partners, despite being essential to addressing and reducing the impact of one of America’s most pressing public health issues.

Opioids refer to a group of drugs that include heroin, hydrocodone, methadone, oxycodone, and morphine. In 2016, there were 42,000 opioid overdose-related deaths.<sup>8</sup> Drug overdose deaths as a result of synthetic opioids (like fentanyl and tramadol) have doubled between 2015 and 2016. Every day, 1,000

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people are treated in emergency rooms for opioid overdoses.<sup>9</sup> The total economic burden is estimated to be \$504 billion.<sup>10</sup> The opioid epidemic is costly and has ripple effects throughout communities; states like Ohio, West Virginia, and Kentucky<sup>11</sup> report significant strain on the child welfare system as children are more likely to be abused and neglected when their parents or caregivers use opioids.

### Legal Aid Can Help

Legal Aid of West Virginia is working with grandparents to provide legal services so that they can enroll their grandchildren in school and take them to a doctor.<sup>12</sup> With legal custody, grandparents can receive benefits and better care for children. As the supervising attorney, Angela White, said of their work: “Our goal is just to create permanency for these children that don’t have that in their lives.”

Legal aid not only helps the children find safety and security; it can also play a significant role in helping people recover from a substance use disorder. The Substance Abuse and Mental Health Services Administration (SAMHSA) identifies health, home, purpose, and community as four essential components to recovery from drug addiction.<sup>13</sup> Health includes making “informed, healthy choices that support physical and emotional well-being” like abstaining from drugs and alcohol. Home includes having a place to live. Purpose means having meaningful work, family participation, and independence. Community refers to having networks that are supportive and loving. Because legal aid can help individuals with opioid-related substance use disorders (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.

This article reviews the literature to better understand the civil legal needs of individuals with SUDs and studies that show how legal aid can play a role in recovery, improve the lives of children, and help stabilize communities. It also seeks to share information about federal funding opportunities that can increase access to legal aid and reduce the negative impact opioids have on families and communities.

### Unmet Legal Needs

The Legal Services Corporation (LSC) identifies

“issues related to child support/child custody/guardianship, health benefits, domestic violence, housing, employment, and child abuse and neglect” as associated with opioid use.<sup>14</sup>

Several studies have identified specific needs within these LSC-identified issues:

- Abt Associates worked with the U.S. Department of Housing and Urban Development to study models of housing that help those who are recovering from opioid use obtain and maintain stable housing.<sup>15</sup>
- A study published by the American Psychiatric Association found that opioid use has been shown to be directly related to higher medical expenses and fewer days worked, leading to lost work productivity.<sup>16</sup>
- People with opioid use disorder report eight times the healthcare costs when compared to those who do not have an opioid use disorder, according to a study published in the *American Journal of Managed Care*.<sup>17</sup>
- The National Bureau of Economic Research reported that when unemployment increases by one percent, opioid death rates increase by 3.6 percent, suggesting relationship between unemployment and opioid use.<sup>18</sup>
- Researchers at the Yale School of Medicine found that opioid use has been shown to correlate with physical, sexual, and psychological abuse within relationships.<sup>19</sup>

Individuals with SUDs are not the only ones affected by opioids. Children of parents with SUDs often need legal help with legal guardianship, foster care, and adoption. Several studies show how SUDs can affect children:

- A widely cited study found that “during periods of intensive drug use by parents, children can be vulnerable to not being properly fed, clothed, or cared for.”<sup>20</sup>
- Researchers at the University of Glasgow found that drug use can limit how nurturing and safe the environment is for their children and children of opioid-addicted parents have reported feeling more isolated and alone.<sup>21</sup>
- Researchers at the Rose F. Kennedy Children’s Evaluation and Rehabilitation Center found that children of addicted parents often experience behavioral and psychological issues: 69 percent of the children had cognitive limitations; 68 percent had speech impairments; 16 percent had emotional or behavioral problems; and 83 percent had medical problems.<sup>22</sup>

### Meeting Unmet Legal Needs

Legal aid can help meet the needs of individuals with SUDs. It can contribute to improving children’s

outcomes, increasing the speed of exit from foster care, and helping families access safety. Legal aid can also reduce some of the burdens on the health care system by addressing the underlying causes for emergency department visits and poor health. Finally, increasing access to legal aid can improve housing and employment outcomes, helping those with SUDs focus on their recovery.

Several studies demonstrate how children and survivors of domestic violence benefit from increased access to legal services:

- A study funded by the U.S. Department of Justice found that when survivors of domestic violence have better access to legal services, they are granted greater protections in child custody cases.<sup>23</sup>
- The Center for Family Representation in New York provides each parent-client with an attorney, social worker, and parent advocate. When the Center began working with families during the child protection investigation, they prevented foster care in 95 percent of their cases. When the child was placed in foster care, the average length was 4.5 months, compared to the average stay of 21.1 months.<sup>24</sup>
- Researchers at the University of Chicago and University of Southern California found that for children who entered court-supervised care for the first time over three years, those whose parents had legal representation exited foster care at a rate 11 percent faster, had almost double the speed to adoption, and had double the speed to legal guardianship in comparison to those who did not have representation.<sup>25</sup>
- A report at Brookings showed that children who are adopted have been shown to rely less on public resources, such as state-subsidized health care, TANF, SNAP or cash welfare payments, and subsidized school lunches. They are also more likely to be living with a two-parent family, be twice as likely to have at least one parent who is a college graduate, be three times as likely to live in a financially secure house, and be more likely to live in a safe neighborhood.<sup>26</sup>

Legal aid can improve health and help reduce some of the burdens on the health care system:

- Assessment of a pilot project at a family medical clinic concluded that when patients receive legal services, they have the potential to reduce perceived stress and improve overall wellbeing.<sup>27</sup>
- An article about Lancaster General Hospital's

medical-legal partnership reports that when the unmet legal needs of high-utilizing patients were met through legal assistance, emergency department visits were reduced by 50 percent and overall healthcare costs decreased 45 percent.<sup>28</sup>

- In a pilot study of a medical-legal partnership, researchers found that a greater proportion of families used food and income supports when parents had access to legal services in a pediatric setting. Researchers also found that a smaller proportion of families who had access to legal services avoided going to the doctor because they did not have health insurance or were concerned about costs.<sup>29</sup>

Legal aid can also assist with securing and maintaining housing and removing barriers to employment:

- University of Berkeley professors compared a sample of people's before and after earnings as reported to the Social Security Administration when they received their record cleared. Controlling for the effects of changes in the economy, they found average employment rates grew after the Clean Slate Intervention from 75 percent to 80-85 percent. They also found that earnings increased, growing about one-third within three years of receiving the intervention.<sup>30</sup>
- One study found employment increased 6.5 percentage points and quarterly wages rose 22 percent once individuals had received a set-aside. Further, "fewer than 4 [percent] of set-aside recipients were rearrested within five years of the set-aside, and fewer than 2 [percent] were reconvicted."<sup>31</sup>
- A randomized control trial found that two-thirds of tenants who received an offer of full representation remained in their homes, in comparison to one-third who received limited assistance, in the form of how-to sessions.<sup>32</sup>
- A randomized experiment of tenants facing evictions in New York City's Housing Court found that 51 percent of tenants without legal representation lost their homes, compared to 31.8 percent of tenants with legal representation.<sup>33</sup>
- In an evaluation of a state-funded pilot project in California, when tenants had access to legal representation, they were more likely to remain in their homes, receive more days to move, have a higher settlement rate with balanced representation, and a lower trial rate when they had full representation. Representation also enabled a large majority to be

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resolved by settlement, reducing the number of cases that went to trial.<sup>34</sup>

Because legal aid has proven effective in meeting a variety of needs ranging from housing assistance to child welfare, legal aid alongside other supportive services has great potential for helping to stabilize lives and thus increase the likelihood of sustained recovery.

### Next Steps: What Legal Aid Can Do

Service providers and states should focus on how legal aid can effectively achieve stated priorities, often with already appropriated funds.<sup>35</sup> Across the nation, policymakers identify the growing opioid crisis as one of those top priorities and are beginning to include legal services in their response. Some legal aid programs have partnered with public schools, social service providers, local courts, and bar associations to provide legal help. Others collaborate directly with their medical counterparts. These “medical-legal partnerships,” (MLPs) embed legal professionals in a health care organization to address the unmet civil legal needs of patients that directly impact health outcomes.<sup>36</sup>

Medical-legal partnerships help individuals with SUDs access legal resources while receiving treatment. An MLP between Indiana Legal Services and Eskenazi Health helps people with SUDs expunge criminal records, secure housing assistance, and navigate custody issues.<sup>37</sup> In Ohio, another MLP between the Legal Aid Society of Greater Cincinnati and the Good Samaritan Hospital Faculty Medical Center helps opiate-addicted pregnant women address legal needs related to homelessness, human trafficking, domestic violence, and access to benefits.<sup>38</sup> At this MLP, attorneys and paralegals also train nurses and social workers to spot problems with underlying legal solutions and make referrals and nurses train attorneys and paralegals to better understand SUDs.

Legal aid service providers have also partnered with local courts and bar associations. Local news profiled the Texas Legal Services Center<sup>39</sup> and the Legal Aid Society of Greater Cincinnati<sup>40</sup> 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. These legal aid service providers help with custody and other family law issues.

In 2018, the U.S. Department of Justice, Office for Victims of Crime (DOJ OVC) invited proposals calling for a multi-disciplinary approach to the opioid crisis: “A strong link between crime victimization and substance abuse has been evidenced for some time, and these issues cannot be successfully addressed in ‘silos’ or by one discipline or agency.”<sup>41</sup> In October 2018, the DOJ OVC announced the recipients of *Enhancing Community Responses to the Opioid Crisis: Serving our Youngest Crime Victims* grants, which are to ensure those affected by the opioid crisis could access critical help. Of the 41 grant awards made, four went to legal aid providers to work collaboratively with schools, law enforcement, health and social service providers, and other community partners:

- Kentucky: Legal Aid of the Bluegrass will collaborate with school districts, family resource centers, health professionals and other community partners to create community driven clinics that holistically help child victims and families affected by the opioid crisis through its project *KY Children RISE (Reducing Impediments to Stable Education)*.
- Ohio: Through the *Appalachian Ohio Children’s Victim Assistance and Prevention Project*, Ohio State Legal Services Association will convene a comprehensive group of experienced community partners to provide evidence-based, trauma informed care for children and youth victims of crime.
- Oklahoma: Legal Aid Services of Oklahoma will provide legal aid to children victimized by the opioid epidemic. Together with its two partner programs, the “A Better Chance” (ABC) Program Clinic at the Center on Child Abuse and Neglect and Child Study Center at the University of Oklahoma Health Sciences Center (OUHSC), interdisciplinary teams will address the children and caregivers’ wraparound needs, including help to ensure safe housing, legal custody or guardianship, and access to health and other benefits.
- West Virginia: Legal Aid of West Virginia’s *Lawyer in the School Project* will provide services to youth impacted by the opioid crisis and who attend Marion County Schools. The Project seeks to stabilize the lives of the youngest victims of the opioid crisis, by providing onsite legal help to school families on issues like legal custody for caregivers, eviction, and disrupted income.

In addition to the *Enhancing Community Responses* national grant competition administered by DOJ

OVC,<sup>42</sup> 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 include:

- Substance Abuse Prevention and Treatment Block Grant and Mental Health Services Block Grant: SAMHSA writes the agency “understand[s] that such factors as education, housing, and nutrition strongly affect the overall health and well-being of persons with mental illness and substance use disorders.” The grant application for state administering agencies adds that they “may wish to develop and support partnerships and programs to help address social determinants of health,” specifically naming medical-legal partnerships as an example used by some organizations “to assist persons with mental and substance use disorders in meeting their housing, employment, and education needs.”<sup>43</sup>
- State Targeted Response to Opioid Crisis Grant: State grantees are required to describe how they will expand access to treatment and recovery services, advance substance misuse prevention, supplement other services in their state, and improve retention in care. It further requires grantees to develop and provide recovery support services without prescribing specific support services, and requires use of evidence-based practices.<sup>44</sup> Legal aid can use available social science research to demonstrate why legal services should be part of a comprehensive response to the opioid crisis.
- Rural Community Opioid Response Funding Opportunity: This grant is for domestic public and private groups, nonprofits, and for-profits to “develop plans to implement opioid use disorder prevention, treatment, and recovery interventions designed to reduce opioid overdoses among rural populations.”<sup>45</sup>
- State Victims of Crime Act (VOCA) Victim Assistance Formula Grants: This is the nation’s primary funding source for serving victims of crime. Thanks to the 2016 DOJ final rule expanding the kind of legal assistance VOCA funds can be used for and significantly increased funds since 2015, crime victims are accessing VOCA-supported legal services in more states than ever before.<sup>46</sup> When the opioid epidemic also results in victims — such as when SUDs leads to child abuse and neglect or elder abuse — VOCA funds could be used to meet

the victims’ civil legal needs.<sup>47</sup>

- AmeriCorps State and National: The current 2019 AmeriCorps NOFO identifies seven funding priorities, including “Healthy Futures — reducing and/or preventing prescription drug and opioid abuse.”<sup>48</sup> Many state service commissions have used their Corporation for National and Community Service AmeriCorps funds to support civil legal aid and court-based services.<sup>49</sup>

The nation’s network of civil legal aid providers are helping address the serious, unmet legal needs of those with substance use disorders and their families. Those affected by SUDs often need help with a host of family law matters such as child custody, guardianship, child support, adoption, domestic violence, and child neglect. When legal aid can meet needs associated with opioid use such as help securing health benefits, housing, and employment — it can contribute to stability and stress reduction needed for recovery. Legal aid is an essential partner to solving one of America’s most pressing public health crises and funding and partnership with legal aid can help change — and save — lives.

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The Justice in Government Project can provide technical assistance regarding federal funding options and downloadable factsheets about how legal aid can reduce the negative impact opioids have on families and communities. <https://www.american.edu/spa/jpo/upload/Opioid-fact-sheets.pdf>

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services nonprofit law firm serving seven San Francisco Bay Area counties. With over fifty years of experience serving low-income San Francisco Bay Area communities we are deeply embedded in our local counties while leveraging our regional expertise and experience to have the greatest impact. BayLegal's mission is to

ensure we are providing high quality impactful legal services that are accessible to clients in all corners of our region and we do so from our local brick-and-mortar offices, over 40 mobile advocacy sites, and two regional hotlines, including our regional Legal Advice Line which provides intake and advice, and our Health Consumer Center that combines direct services with policy advocacy to address systemic issues across California.

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A little over a year after its launch, our YPB continues to help us to fundraise and build relationships with people and companies that we could not previously tap or reach. This group continues to grow in number, responsibility and experience as our fundraisers and ambassadors. We could not be happier about our decision to launch our YPB and its current progress.

If you are considering starting a YPB, I highly recommend it. I hope that our story provided some tips and resources to help you get started.

- 1 Sang Yup Lee is the Development Manager at the Public Interest Law Initiative (PILI) in Chicago. PILI's mission is to cultivate a lifelong commitment to public interest law and pro bono service within the Illinois legal community to expand the availability of legal services for people, families and communities in need. Sang is responsible for PILI's fundraising efforts with law firms, corporations, foundations and individuals. He has previously worked as the Development Specialist at the Youth Leadership Academy, Volunteer Engagement and Events Manager at Literacy DuPage and attorney at Progressive Law Group LLC. Sang received his B.A. and J.D. from the University of Notre Dame. Sang may be reached at [slee@pili.org](mailto:slee@pili.org).
- 2 See Clary, E. G., Snyder, M., Ridge, R. D., Copeland, J., Stukas, A. A., Haugen, J., et al. (1998). Understanding and assessing the motivations of volunteers: A functional approach. *Journal of Personality and Social Psychology*, 74, 1516–1530.
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