

Justice Quarterly

a publication for advocates from the staff at
Vermont Legal Aid, Inc.
and our partner agency, Legal Services Law Line of Vermont, Inc.

Summer 2005

Vol. 2, No. 1

Benefits

Social Security Disability - Vermont Legal Aid has been litigating a number of cases where welfare recipients are being ordered to pay child support even though their sole or partial source of income is SSI or Reach Up (RUFA). Vermont law expressly prohibits the Office of Child Support (OCS) from collecting or accruing back child support while a responsible parent is receiving such welfare assistance. OCS is also prohibited from taking other actions to collect the debt, such as intercepting state or federal tax refunds. Despite numerous magistrate and family court decisions to this effect, OCS continues to seek child support from these responsible parents. Anyone on SSI or RUFA who is being ordered to pay current child support or who is continuing to accrue back child support while on welfare assistance can contact Vermont Legal Aid.

Food Stamp Overpayments - The Department for Families and Children (DCF) has been using inconsistent criteria to determine whether to compromise a food stamp overpayment claim, and if so by how much, when the overpayment is a result of agency error. Vermont Legal Aid is currently litigating at the Human Services Board (HSB) a number of cases that challenge DCF's process for determining when, whether, and how to compromise these claims. Anyone with unresolved food stamp overpayments caused by agency error can contact Vermont Legal Aid.

Unemployment Compensation - As of July 1, 2005, victims/survivors of domestic violence who have left work voluntarily because of violence may be eligible, through the Department of Employment and Training, for a transitional employment program that provides temporary financial assistance for up to 26 weeks. The victim/survivor must have left employment due to a reasonable fear that violence will continue at or en route to work, because s/he intends to relocate, or because s/he reasonably believes that leaving employment is necessary for his/her safety or that of a family member. Anyone denied this assistance can contact Vermont Legal Aid.

Taxes

Earned Income Credit Audits and Head of Household Filing Status - Please refer clients who have received notices of audits from the IRS, particularly those who the IRS feels have incorrectly claimed the Earned Income Credit (EIC) or Head of Household status. Issues with the EIC and Head of Household arise regularly for our clients because information on

eligibility to claim a child for these purposes is confusing and complicated. Many professional tax preparers do not understand the law and give clients incorrect advice. Vermonters who have received notice of an EIC or other audit can contact VLA's Low Income Taxpayer Project at 1-800-889-2047 or in Washington, Lamoille or Orange Counties the Central Vermont Community Action Council's Low Income Taxpayer Project at 1-800-639-1053.

Online Help

Legal Aid Clients Use the Web - We are often asked whether our clients have access to the web. The answer is yes. Studies by UVM's Center for Rural Studies show that significantly more than half of Vermonters eligible for services from Legal Aid have internet access at home. According to these studies:

- 50% of Vermonters with annual household income of less than \$20,000 have a home computer.
- 72.4% of Vermonters with annual household income between \$20,000 and \$35,000 have a home computer.
- 94% of Vermont households that have a home computer also have an internet connection at home.

In addition to internet access from home, clients have access to the internet from libraries, community centers, work, and schools. Thus, web access by our client base may be even higher than we estimate.

New on VTLawHelp:

- Best Interests of the Child (Family Law)
- Health Insurance Appeals

Coming soon:

- How to Apply for a Relief from Abuse Order
- General Assistance (GA) information
- More health insurance information

Contact the Legal Aid office in your area for information and advice on individual cases or to refer clients. While we are not able to take every case, we can offer information to callers; and we always need to know what kinds of problems Vermonters are experiencing. We welcome feedback about this newsletter. Send comments and suggestions to jrandy@vtlegalaid.org or contact one of our offices.

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Projects

Poverty Law Project

Disability Law Project

Health Care Ombudsman

Senior Citizens Law Project

Mental Health Law Project

Long Term Care Ombudsman

Medicare Advocacy Project

Offices

Burlington (800) 747-5022

Rutland (800) 769-7459

Springfield (800) 769-9164

Montpelier (800) 789-4195

St Johnsbury (800) 769-6728

Waterbury (800) 265-0660

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30 Elmwood Avenue

Burlington VT 05401

(800) 639-8857

(For free legal advice from Law Line, call Vermont Legal Aid at (800) 747-5022 for a referral.)

www.vtlawhelp.org