



Neighborhood Christian Legal Clinic



INTAKE GUIDE FOR VOLUNTEER ATTORNEYS

Second Edition

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Vision for Intake

Dear Volunteer Attorney:

We are grateful for you and your commitment to the mission of the Neighborhood Christian Legal Clinic: *“to promote justice through legal representation and education for our low-income neighbors as a way of demonstrating Christ’s love.”* As you serve as a volunteer at one of our intake sites, you play a significant role in making sure we are achieving this mission!

As you do an intake, please strive toward the Clinic’s vision which is encapsulated in Psalm 82:3-4: *“Defend the cause of the weak and fatherless; maintain the rights of the poor and oppressed. Rescue the weak and needy; deliver them from the hand of the wicked.”*

We hope you begin an intake by asking the client to share about his or her legal problem(s) and actively listen. For some clients, this is the biggest gift we can give – hearing their story. After the client has had an opportunity to tell his or her story, you have the opportunity to ask questions and gather information not already provided.

This Intake Guide is a resource for you to use during intake. We hope it helps you with the following:

- Ensure that individuals who attend the Clinic’s intake sites are well-served. We want intakes to be accessible and helpful to those who are seeking legal services.
- Conduct high-quality intakes that enable you to offer legal information and advice on the spot and enable the Clinic’s staff attorneys to decide whether or not additional legal services can be offered
- Equip you to ask good questions, listen well to the client, and take opportunities to encourage them.
- Communicate to you the expectations we have for every intake and for you.

We are deeply grateful for your commitment to the mission of the Neighborhood Christian Legal Clinic. You are an absolutely essential part of “promoting justice” and “demonstrating Christ’s love” to our low-income neighbors. Thank you for faithfully volunteering with us!

In Christ,

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Expectations of Volunteer Attorney

- **Represent the Neighborhood Christian Legal Clinic in a God-honoring way.** If we are not able to provide services to someone beyond what happens at intake, their experience with you will be their only experience with the Neighborhood Christian Legal Clinic.
- **Notify the Clinic's volunteer coordinator at least one (1) week before your scheduled intake if you have a scheduling conflict and are unable to do the intake session.**
 - The Clinic's volunteer coordinator will notify the other volunteer attorneys committed to that intake site and attempt to substitute one of them for you. You will be asked to take that volunteer attorney's intake assignment.
- **Pray for the people you will meet with at your upcoming intake session and for opportunities to encourage them with the promises of God in Jesus Christ!**
- **Arrive to the intake site at or before the scheduled time.** Here is the link to our Intake Schedule: <http://www.nclegalclinic.org/IntakeSchedule.aspx>
 - We expect a volunteer attorney to commit to do the intake at a particular site at least once per month (e.g. 2nd Tuesday of the month).
- **Meet with a maximum of 4 people in a 2-hour timeframe.**
 - This means you can spend up to 30 minutes with each person.
 - This also means that a person who comes to intake does not have to wait longer than 90 minutes to meet with the attorney.
- **Use the General Intake Form to submit the intake and upload the completed Financial Affidavit form.** Here's the link that is also bookmarked on computers at each intake site: <http://www.nclegalclinic.org/Management/YellowForm.aspx>
- **Ask good questions, listen well to the client, and take opportunities to encourage them with the promises of God in Jesus Christ!**
- **Conduct high-quality intakes that enable you to offer legal information and advice on the spot and enable the Clinic's staff attorneys to decide whether or not additional legal advice and/or representation can be offered.**

Income Guidelines

- The Clinic provides legal advice and/or representation to individuals whose household income is at or below 125% of the Federal Poverty Guidelines, subject to the following exceptions:
 - The Low Income Taxpayer Clinic (LITC) can accept clients whose income is at or below 250% of the Federal Poverty Guidelines.
 - The housing counseling program does not have income restrictions.
- At intake, please make sure that the individual has completed Section II: “Income Information” with their **gross monthly income** in their household and the **total number of people in their household**.
- Staff determines if someone meets the income guidelines. You can still provide legal information and/or advice at the intake site to someone who appears to be over-income.

2016 Poverty Guidelines for the 48 Contiguous States and the District of Columbia				
Persons in family/household	Poverty guideline	125%	200%	250%
1	\$11,880.00	\$14,850.00	\$23,760.00	\$29,700.00
2	\$16,020.00	\$20,025.00	\$32,040.00	\$40,050.00
3	\$20,160.00	\$25,200.00	\$40,320.00	\$50,400.00
4	\$24,300.00	\$30,375.00	\$48,600.00	\$60,750.00
5	\$28,440.00	\$35,550.00	\$56,880.00	\$71,100.00
6	\$32,580.00	\$40,725.00	\$65,160.00	\$81,450.00
7	\$36,730.00	\$45,912.50	\$73,460.00	\$91,825.00
8	\$40,890.00	\$51,112.50	\$81,780.00	\$102,225.00

For families/households with more than 8 persons, add \$4,160 for each additional person.

Source: www.federalregister.gov/articles/2016/01/25/2016-01450/annual-update-of-the-hhs-poverty-guidelines#t-1

How much is 125% of Federal Poverty Guidelines on an hourly, weekly, and monthly basis?					
Persons in family/household	Poverty guideline	125%	Hourly (40 hrs/wk)	Weekly	Monthly
1	\$11,880.00	\$14,850.00	\$7.14	\$285.58	\$1,237.50
2	\$16,020.00	\$20,025.00	\$9.63	\$385.10	\$1,668.75
3	\$20,160.00	\$25,200.00	\$12.12	\$484.62	\$2,100.00
4	\$24,300.00	\$30,375.00	\$14.60	\$584.13	\$2,531.25
5	\$28,440.00	\$35,550.00	\$17.09	\$683.65	\$2,962.50
6	\$32,580.00	\$40,725.00	\$19.58	\$783.17	\$3,393.75
7	\$36,730.00	\$45,912.50	\$22.07	\$882.93	\$3,826.04
8	\$40,890.00	\$51,112.50	\$24.57	\$982.93	\$4,259.38

Case Types the Clinic Does Not Take for Legal Representation

- Family Law (see section below for more explanation)
- Criminal prosecution
- Fee-generating
- Class action
- Social Security Disability (SSD) appeals
- Personal Injury
- Worker's compensation
- Employment discrimination
- Housing discrimination
- Civil rights issues
- School/education law

What to Tell Someone with a Family Law Issue

- The Neighborhood Christian Legal Clinic does ***not*** provide traditional, litigation-based legal representation in family law cases, including divorce, paternity, child support, custody, parenting time, and grandparent's visitation.
- The Clinic does provide legal representation in guardianship cases when our staff or volunteer resources allow.
- The Clinic does provide legal representation in family law cases as part of its Victim Justice Program (VJP) which serves victims of domestic violence and sexual assault who are receiving services from the Julian Center and other VJP partners. There is an intake process at the Julian Center just for these clients.
- If you are competent to do so, please offer family law advice and information at the intake. If you do this, you must submit an intake which describes their family law issue and the advice you provided.
- Instruct them to contact Indianapolis Legal Aid Society, Indiana Legal Services, or their local bar association. Here is the contact information for the first two:

Indianapolis Legal Aid Society
615 N. Alabama Street, Suite 122
Indianapolis, IN 46204
Phone: (317) 635-9538
<http://www.indylas.org/>

Indiana Legal Services
151 North Delaware, Suite 1800
Indianapolis, IN 46204
Phone: (317) 631-9410
Phone: (800) 869-0212 (toll free)
Intake Phone: (844) 243-8570 (toll free)
<http://www.indianalegalservices.org/>

How to Submit an Intake

Using the General Intake Form

1. Turn on the computer and type in the password (if required). For one of Clinic's laptops, password is: nclc1994.
2. Open up Internet Explorer to the "General Intake Form." Its address is: <http://www.nclegalclinic.org/Management/YellowForm.aspx>
3. Complete the "Details" section.
4. Complete the "Personal Info" section. Please check "Confirm Address?" and "Confirm Income?" boxes after you have confirmed that the client has legibly completed those items on the Financial Affidavit form.
5. Complete the "Legal Info" sections. Please describe the client's question(s) and what information/advice you were able to offer to client in the "Concise Statement of the Problem" box.
6. Scan the Financial Affidavit form that the client completed and save it on the desktop of computer. See instructions below for how to scan documents.
7. Scan other relevant documents that the client brought to the intake and save them on the desktop of computer. Please only include documents that are crucial to understanding the client's situation and question(s).
8. Upload the Financial Affidavit form and relevant documents in the "Attached Files" section. Select "Choose File" and then locate these documents on the computer desktop.
9. Hit "Submit." Wait until you see this message at the top of the page: "*You have successfully added the General Intake.*"
10. If the client has more than one legal issue, ***please submit a different intake*** for each issue. Please upload the Financial Affidavit form to each intake.

How to Scan Documents

1. Connect the scanner to the computer by plugging the USB cord into the scanner and the computer's USB port.
2. The scanner is installed on the startup menu, as a result a scanner box will display immediately as the computer powers up. The *Scanner* icon can also be located on the desktop and on the task bar. After clicking the *Scanner* icon, a scanner box will open. Select the *Brother DS-620* as the scanner option and an option box labeled *Brother DS-620* will appear.
3. Load the document face up into the scanner. Click on either the *Financial Affidavit* option or the *Client Documents*. The *Financial Affidavit* option is set for one page and is set to scan as a PDF. The *Client Documents* option accommodates multiple pages and is set to scan as a PDF. Please note there is a time count box that will appear between scanning. It is intended to help with multi-page documents. In the event you are done scanning or have only single-page document please select *Cancel*. Once the clock times out (20 seconds) the box will disappear and not impact the success of a scan.
4. Scanned documents will appear on the desktop. Review them to ensure the scan was successful and rename the file to reflect the respective client's name.

5. Once the documents have been renamed, please upload to the General Intake Form prior to submitting the intake.
6. At the completion of intake, please delete all the scanned documents from the desktop.
7. If the scanning at the site was unsuccessful, you are required to scan and email in PDF format all of the completed Financial Affidavit forms and other copies of relevant documents to the volunteer coordinator within twenty-four (24) hours of the intake.

Original Documents

1. Under no circumstances should you take original documents from someone who comes to intake.
2. If someone has a large collection of documents, we do not expect you to scan every page. Rather, it is helpful to tell someone (1) which of their documents are important and (2) to ensure that they keep those documents in a safe place. Use your best judgment as to what is an important document (e.g. lease for a landlord-tenant issue).

Multiple Issue Clients

1. If the client has more than one legal issue, ***please submit a different intake*** for each issue. Please upload the Financial Affidavit form to each intake.

Interpretation Needs

1. The Clinic strives to recruit volunteers to provide English/Spanish interpretation, but we cannot guarantee that it will be available at every site.
2. If the client does not speak English, please submit an intake and indicate what language the person is most comfortable with. The Clinic will call that client in that language.
3. If the client brings someone with them to interpret, please note that the interpreter's name in the "Interpreted By:" field on the General Intake Form website.

Technology Problems

1. If you have problems with the computer and/or scanner at the intake site, please notify the Clinic's volunteer coordinator, Kathleen Bloxsome at kbloxsome@nclegalclinic.org or (317) 429-4131, ext. 161.
2. If you are unable to scan and upload the Financial Affidavit forms or relevant documents, you are required to scan and email them as PDF files to Clinic's volunteer coordinator, Kathleen Bloxsome at kbloxsome@nclegalclinic.org within twenty-four (24) hours of the intake.
3. You may also drop off the Financial Affidavit forms and relevant documents at our main office (3333 N. Meridian Street, Suite 201, Indianapolis, IN 46208) within twenty-four (24) hour of the intake.

What to Tell a Client to Expect During and After Intake

We attempt to set expectations for the client with the Financial Affidavit form's Section IV "Certification and Understanding of Client-Attorney Relationship." We also need you to reiterate the following to them:

- Any attorney-client relationship that may be formed during this initial intake does not continue after this intake session.
- Attending an intake session does not guarantee representation by an attorney affiliated with the Neighborhood Christian Legal Clinic.
- The Neighborhood Christian Legal Clinic will make every effort to let you know within the next two (2) to four (4) weeks whether you qualify for free legal representation.
- The notes that I have just taken and the copies I have just made will be reviewed by a staff attorney who will determine if the Neighborhood Christian Legal Clinic can offer you any more assistance, including legal information, advice, and/or representation.
- In the next two (2) to four (4) weeks, you will receive a letter or a phone call from one of the Clinic's staff attorneys notifying you of what the determination is.
- If you have not received a call or letter 4 weeks from today, call the Neighborhood Christian Legal Clinic at (317) 429-4131.

Here's a sample transcript on how to set expectations:

The Neighborhood Christian Legal Clinic provides two levels of service. The first is this intake. Depending on the questions you have, I will try to provide you with some legal information or advice today. The second level of service is provided by the Clinic's staff attorneys. Within the next two to four weeks, the Clinic determines whether or not it can offer you additional legal assistance which can include more legal information, advice, and in limited cases, legal representation.

Encouraging Others at Intake

May God's promises included below encourage you to minister to those you meet during intake. If you feel led reflect on and share some of these promises, offer to pray with folks, and/or pray for them before, during, and after the intake has concluded.

Knowing that God is near

"Have I not commanded you? Be strong and courageous. Do not be frightened, and do not be dismayed, for the Lord your God is with you wherever you go" (Joshua 1:9, ESV).

Replacing fear with faith

"For I am the LORD, your God, who takes hold of your right hand and says to you, do not fear; I will help you" (Isaiah 43:13, NASB). "Fear not, for I have redeemed you; I have summoned you by name; you are mine. When you pass through the waters, I will be with you; and when you pass through the rivers, they will not sweep over you. When you walk through the fire, you will not be burned; the flames will not set you ablaze. For I am the LORD, your God. Since you are precious and honored in my sight, and because I love you" (Isaiah 43:1-4, NIV).

Testing of one's faith

"In this you rejoice, though now for a little while, if necessary, you have been grieved by various trials, so that the tested genuineness of your faith—more precious than gold that perishes though it is tested by fire—may be found to result in praise and glory and honor at the revelation of Jesus Christ" (1 Peter 6:7, NASB).

Understanding God's purposes

"And we know that for those who love God all things work together for good, for those who are called according to his purpose. For those whom he foreknew he also predestined to be conformed to the image of his Son, in order that he might be the firstborn among many brothers" (Romans 8:28-29, NASB).

Praying and rejoicing

"Rejoice in hope, be patient in tribulation, be constant in prayer" (Romans 12:12, ESV).

"This is the day that the Lord has made. Let us rejoice and be glad in it" (Psalm 118:24, ESV).

Finding true peace in Jesus

"Do not be anxious about anything, but in everything by prayer and supplication with thanksgiving let your requests be made known to God. And the peace of God, which surpasses all understanding, will guard your hearts and your minds in Christ Jesus" (Philippians 4:6-7, ESV).

Knowing that Jesus Christ is the founder and perfecter of one's faith

"Therefore, since we are surrounded by so great a cloud of witnesses, let us also lay aside every weight, and sin which clings so closely, and let us run with endurance the race that is set before us, looking to Jesus, the founder and perfecter of our faith, who for the joy that was set before him endured the cross, despising the shame, and is seated at the right hand of the throne of God" (Hebrews 12:1-2, ESV).

Discovering hope in the Lord.

"And so, Lord, where do I put my hope? My only hope is in you" (Psalm 39:7, NLT).

"May the God of hope fill you with all joy and peace in believing, so that by the power of the Holy Spirit you may abound in hope" (Romans 15:13, ESV).

Domestic Violence Screening Tool

Unfortunately, domestic violence is a common experience in the lives of many clients of the Neighborhood Christian Legal Clinic. If you are doing an intake with someone who discloses domestic violence, do not advise the client to “just leave” as that could put him/her in more danger. Instead, be sure to:

- Listen;
- Ask him/her how they want to proceed and if they are safe;
- Provide a referral to the Julian Center; and
- Empower the individual to make his/her own decisions.

Finally, remind the client to always call 9-1-1 if they are in immediate danger.

In order to screen for domestic violence and encourage the safety of those who attend an intake of the Neighborhood Christian Legal Clinic, please do the following:

1. Ask him/her to answer the questions in the table below and then score using the guide.
2. In the event of a positive score, please provide him/her with the Domestic Violence Network’s orange brochure and offer to connect him/her directly with an advocate from the Julian Center who can help with a safety plan.

Relationship Questionnaire		
1. In general, how would you describe your relationship?		
A lot of tension	Some tension	No tension
2. Do you and your partner work out arguments with....		
Great difficulty	Some difficulty	No difficulty
3. Do you ever feel frightened by what your partner says or does?		
Often	Sometimes	Never

Positive score is a score of 1 or more.

A lot of tension = +1

Great difficulty = +1

Often = +1

Julian Center
 2011 N. Meridian St
 Indianapolis, IN 46202
 24-Hour Crisis Line: (317) 920-9320
<http://www.juliancenter.org/>

Immigration

Broadest question to ask: What does the immigrant want to accomplish?

“I want to get my green card.”

Questions to ask:

- 1) When did you arrive in the United States?
- 2) How did you arrive in the United States? (i.e. undocumented, refugee, visa, etc.)
- 3) Are you married to a U.S. citizen or legal permanent resident (green card holder)?
- 4) Have you ever been the victim of a crime?

Information/Advice to give:

Depending on your current immigration status, there are different wait times for a green card:

- If you are in the U.S. as a refugee, then you cannot apply for your green card until you have been here for 1 year.
- If you are in the U.S. after receiving asylum, then you cannot apply for your green card until 1 year after receiving asylum.
- If you are in the U.S. with a U-Visa, then you cannot apply for your green card until you have had your U-Visa for 3 years.
- Except for refugees, who do not have to pay the filing fee, the filing fee for the application to adjust status is \$1,070.00. There is a fee waiver available.

“I want to apply for my citizenship.”

Questions to ask:

- 1) What is your current immigration status?
- 2) How long have you had that status?
- 3) What is the date of issue on your green card?
- 4) What is your alien registration number (also called “A Number” or “USCIS Number”)?
(This is a 9-digit number which starts with the letter “A”)

Information/Advice to give:

- You must have had a green card for the last 5 years, or 3 years if married to a U.S. citizen.
- You will have to pass a Civics exam in English. There are some circumstances that do not require this; however, you should make every effort to take and pass the exam.

- You should begin preparing for the civics exam. There are many free resources available to help a person prepare for the exam. Please call our office if you would like this information.

“I am afraid to go back to my country.”

Questions to ask:

- 1) When did you last enter the United States?
- 2) How did you enter? (i.e. B1/B2 visitor or “without papers”)
- 3) What are you afraid will happen if you return to your country?
- 4) Why do you think you will be targeted?
- 5) Has anybody else in your family ever applied for status in the United States? If yes, who and when? What is the status of their application?

Information/Advice to give:

- Asylum cases are very complicated and long. The attorney who works on these cases at the Clinic will review your situation and contact you regarding your case. The best thing to do now is to write down your story starting from when your fears started. It is important to be as detailed as possible.

“I was the victim of a crime.”

Questions to ask:

- 1) Were you the victim of a crime? If yes, please describe details of it.
- 2) Did you file a police report?
- 3) Did you ever go to court to testify? What is the status of the case?
- 4) Are you legally married? If so, is your spouse a legal permanent resident or U.S. citizen?
- 5) Do you know the name(s) of the alleged perpetrator(s) of the crime(s)? If so, please list their names and relationship to you (if applicable)?

Information/Advice to give:

- It is important to cooperate with the police; in order to qualify for a U-Visa the police or prosecutor’s office must agree that you were helpful.
- Keep the police updated if you move.
- Keep good records regarding any interactions you have with the perpetrator and/or the police.

“I arrived as a kid and think I qualify for Deferred Action for Childhood Arrivals (DACA).”

Questions to ask:

- 1) What year did you arrive in the United States?
- 2) How old were you when you entered the United States?
- 3) Have you already graduated from high school or obtained a GED/HSE? If not, are you still in school?
- 4) Have you ever been arrested?
- 5) Since you arrived in the United States, have you ever left the United States?

Information/Advice to give:

- If you qualify, you must be able to prove that you were here on June 15, 2012. It is important that you go ahead and collect as much documentation as you can to prove that you have been here since June of 2007. It is possible that the requirements for this program may change.

“I want to bring my family to the United States.”

Questions to ask:

- 1) When did you arrive in the United States?
- 2) How did you arrive in the United States? (i.e. undocumented, refugee, visa, etc.)
- 3) What is your current immigration status?
- 4) Who do you want to bring to the United States? (Include name, age, relationship)
- 5) Has the person you want to bring ever been in the United States before?

Information/Advice to give:

Depending on your status in this country, you can only bring certain individuals:

- If you are a **refugee** and you have been in the United States less than 2 years you are eligible to bring your husband/wife and any minor children (even if they are step-children). This petition is free, but time-sensitive.
- If you have your **green card** you are eligible to bring your spouse and any unmarried children; each application costs \$420.00 to file plus additional fees once the application is at the United States embassy or consulate. In addition, this type of application can take a long time. Typically it takes about one year for the application to be approved once filed. Then the beneficiary must wait an additional amount of time for their visa number to be available.
- If you have your **citizenship** you are eligible to bring your spouse, children, parents, and siblings. Be aware, however that depending on where you are from, these applications

can take a long time. Typically it has been taking application for parents, minor children, and spouses about a year to be approved and then they must be forwarded to the consulate. For siblings the wait time is anywhere between 7 and 25 years before they would be able to come to the United States. For the most current times, please Google “visa bulletin”.

“I am not sure what kind of help I need.”

Questions to ask:

- 1) When did you enter the United States?
- 2) How did you arrive in the United States? (i.e. undocumented, refugee, visa, etc.)
- 3) Do you have an immigration court date?
- 4) Have you ever been arrested?
- 5) Have you ever been the victim of a crime?
- 6) Do you have any relatives that are U.S. citizens or legal permanent residents?
- 7) Does your employer pay you less than minimum wage (\$7.25 per hour)?
- 8) Has your employer failed to pay you for work that you did?

Information/Advice to give:

- Always let immigration know if you move. Make sure you attend your court hearings. To find out if and when you have a court hearing you can call 1-800-898-7180 and type in your alien registration number (also called “A Number” or “USCIS Number”). This is a 9-digit number which starts with the letter “A”.

Housing

Landlord-Tenant

Questions to ask:

- 1) What has happened in your landlord-tenant relationship to date that has now led you to seek legal advice?
- 2) Are you current on rent? If so, do you have proof of that? If not, how far behind are you?
- 3) Has your landlord filed an eviction lawsuit against you?
- 4) Have you ever given your landlord written notice of your concerns about the property?
- 5) Make sure to get a copy of the lease, court documents, letters from the landlord, and inspection reports by the Marion County Health Department and/or Indianapolis Housing Agency.)

Information/Advice to Give:

- If the client is current on rent and experiencing problems with repairs/habitability:
 - Advise the client to send written requests to the landlord by either certified mail or with a signed receipt from landlord proving they have received notice of the request(s).
 - If client has already provided notice requesting repairs and landlord has failed to act – advise client to call the Marion County Health Department at 317-221-2150. MCHD will typically inspect the property within 48 hours and issue a written report to the owner and the tenant of any existing violations. This does not prove who is ultimately responsible for the violations. For example, violation of trash in the lawn may actually be tenant's responsibility.
 - In utility shutoff situations, have the client call MCHD (number above) and indicate their landlord shutoff utilities. They will typically send an inspector that same day to order them restored.
 - Client may use the MCHD report as written evidence in their own small claims lawsuit to enforce landlord's statutory responsibilities.
- If the client is not current on rent and facing eviction:
 - Ask if the client is in a position to offer a repayment plan to bring the account current.
 - If client does have resources to get current, advise him/her to attempt a payment plan with landlord.
 - If not, advise client to vacate property in a clean and sanitary condition – absent normal wear and tear, and attend all hearings related to the eviction, both possession and damages hearings in order to attempt to avoid a default judgment to landlord. Advise client that they may be subject to a monetary judgment and

collections. Advise client to take pictures or video to document the property's condition prior to vacating.

Mortgage Foreclosure

Questions to ask:

- 1) When was the last time the mortgage company took a mortgage payment from you?
- 2) Has your mortgage company offered you a work-out (loan modification, forbearance, deed-in-lieu, etc.)
- 3) Have you received a summons and complaint? If so, have you requested a settlement conference?
- 4) Have you ever called the Indiana Foreclosure Prevention Network (IFPN) at 877-GET-HOPE? If so, have you been referred to a housing counseling agency?
- 5) Make sure the client has provided their full name, phone number, address of mortgaged property, county of residence, and email address.

Information/Advice to Give:

- The Clinic is a HUD-approved housing counseling agency and a member of the Indiana Foreclosure Prevention Network (IFPN). All housing counseling services are free of charge.
- Tell the client to immediately contact the Clinic's Helping Hoosier Homeowners hotline at (317) 429-4160. This will ensure that they are placed in the correct queue for housing counseling services.

Tax

Questions to ask (Information/Advice to Give follows questions):

- 1) Is your tax problem with the Internal Revenue Service (IRS), the Indiana Department of Revenue (IDOR), or possibly both? Is the tax problem an individual federal income tax matter? If you need to file previous years' tax return(s), do you think it will result in you owing the IRS?
 - Explain that we may be able to provide representation if client has a dispute with the IRS, but, we generally do not have the resources to provide representation in state tax matters (e.g. state income, sales, and property tax).
 - Sometimes a state income tax matter is closely related to a federal income tax matter. In these cases, we may be able to handle both the federal and state income tax matters together.
 - Taxpayers who need tax preparation assistance *to obtain a refund* do not qualify as a having a dispute with the IRS. Volunteer Income Tax Assistance (VITA) programs exist for this purpose. You can contact VITA at 800-906-9887. Getting taxpayers into filing compliance to deal with a tax liability is considered a tax controversy case for which the Clinic can provide representation.
- 2) Have you received any letters from the Internal Revenue Service (IRS)? (If so, please upload copies of most recent and/or most relevant letters when submitting intake.)
- 3) How much does the IRS allege that you owe? Please provide the amount of tax debt for each tax year owed.
- 4) Do you dispute the tax liability? If so, why do you dispute it?
- 5) Do you agree with the tax liability and just need help dealing with it? If you think you could afford a payment plan, how much could you pay on this tax liability per month?
- 6) Do you think you are a victim of tax identity theft and/or tax preparer fraud?
 - Tax identity theft may have occurred if (1) client never filed a tax return but is getting letters from the IRS saying he/she has to pay back a refund or (2) client tried to file a tax return electronically, and it was rejected because a return had already been filed using that social security number.
 - Tax preparer fraud may have occurred if a tax preparer changed the tax return or persuaded client to claim income, deductions or credits for which client does not qualify.
- 7) Have you had any tax issues with a spouse or former spouse?

Expungement

Questions to ask (Information/Advice to Give follows questions):

- 1) Why are you seeking information and/or advice on getting arrest and/or conviction records expunged?
 - Most common response will be that the record is presenting barriers to getting job interviews and employment.

- 2) Have you ever been convicted of a crime in Indiana? If no, do you have an arrest that did not lead to a conviction?
 - If person has never been arrested or convicted of a crime, expungement law will not be helpful. Infractions and ordinance violations are not affected by the expungement law.

- 3) Do you have any pending criminal charges in Indiana or any other state?
 - If yes, please advise him or her that he or she does not qualify for expungement of arrest or conviction record(s) until the pending criminal case is resolved.

- 4) What is the date of your most recent conviction?
 - A petitioner must not have a conviction on their record within the amount of years required to expunge their highest level of conviction. For example, if a person wants to expunge a Class D Felony conviction from their record, then they must not have been convicted of **any** crimes (misdemeanor or felony) within the last 8 years.

- 5) What is the highest level of offense you have been convicted of? If you have had a felony conviction, what class of felony was it: Class A, B, C, or D (most serious to least serious)?

- 6) To the best of your knowledge, can you the year of conviction(s), county of conviction(s), type of conviction(s), and type of offense? (see example below)

Year	County	Type of Conviction	Offense
2006	Marion	Class D Felony	Theft
2003	Hendricks	Class A Misdemeanor	Driving While Suspended

- 7) Have you been convicted of a crime in a state other than Indiana? If so, please provide year, state, type of conviction, and offense.

- 8) Were you ordered to pay restitution, fines, fees, or court costs as part of your conviction?
 - If so, please advise him or her that a person must have proof that all restitution, fines, fees, and court costs have been paid before a court can grant the expungement.

- 9) Do you have a copy of your criminal record from Indiana State Police or a local law enforcement agency (e.g. IMPD)? Do you have a copy of the court's chronological case summaries associated with your convictions?

Information/Advice to Give:

On the "One Time" Rule:

- A person can only file one expungement petition for convictions in their lifetime. This means that if a court grants an expungement petitions, the petitioner cannot successfully file for expungement of convictions that are received after that.
- A person can file an expungement petition for records of arrests that did not lead to a conviction as many times as that person wants to and is necessary.

On Subsequent Convictions Issue:

- One common scenario that arises when analyzing time eligibility for expungement is when the petitioner was convicted of a felony in the past and also convicted a misdemeanor within the last 8 years. As stated above, in order to expunge any level of conviction, the time period required for that level of conviction must have elapsed.
- For example, if petitioner was convicted of a Class D Felony in 2000 and a misdemeanor in 2009, then the misdemeanor time period elapsed but the felony has not. Once a person is convicted of a subsequent conviction, the time period starts over.

On the Multiple County Filings:

- If a person was convicted of criminal offenses in multiple counties, they must file separate petitions in each county. All petitions will be counted as one for purposes of the expungement law if filed within 365 days of the filing of the first petition.

On Crimes Excluded From Expungement Law:

- Homicide, human trafficking, and violent sex crimes **cannot** be expunged.
- Perjury, official misconduct, and elected officials convicted of offenses while serving the official's term or as a candidate for public office **cannot** be expunged.

On the Effects of a Granted Petition:

- A person whose conviction record(s) is expunged shall be treated as if the person had never been convicted of the offense. This means that a person can check the "NO" box when an application asks: "Have you ever been arrested for or convicted of a crime that has not been expunged by a court?"
- Employers cannot suspend, expel, or refuse to promote a person because of an expunged conviction.

Project GRACE's Help Desk at the City-County Building

The Clinic's Project GRACE operates a Help Desk in the City-County Building. Help Desk volunteers are able to give information on the expungement process, but do **not** provide legal advice or representation.

The Help Desk is currently located in Room G-25 of the City-County Building and is open several days per week depending on volunteer availability. Call (317) 429-4131, extension 164 to hear a recorded message about the Help Desk, including its hours for the week and current location (if other than G-25).

What the Help Desk Volunteers Can Do:

1. Provide legal information about Indiana's expungement law.
2. Provide access to forms for petitions to expunge arrests and/or conviction records.

What the Help Desk Volunteers Cannot Do:

1. Give legal advice.
2. Represent you in court.
3. Handwrite court forms.
4. Proofread your written documents.
5. Do legal research.
6. Interpret the law for you.

Bankruptcy

Questions to ask:

- 1) Have you ever filed a bankruptcy before? If so, was it a Chapter 7 or Chapter 13 Bankruptcy? What year(s) did you file? Where did you live when you filed it?
- 2) What would you estimate your debts to be in each of the following categories?
 - Medical debt:
 - Credit card debt:
 - Student loans:
 - Tax debts:
 - Child support arrearage:
 - Auto loan deficiency:
 - Lease deficiency owed to landlord:
 - Judgments against you (from other than medical and credit card debt):
 - Overdrawn bank accounts:
 - Payday loans:
 - Utilities:
 - Any other debts you are aware of?
- 3) Is your name on the deed to any real estate anywhere? If yes, is anyone else's name on that deed too?
- 4) Is your name on the certificate of title for any automobile(s)? If yes, is anyone else's name on that certificate of title too?
- 5) Do you have a bank account or other financial account? If yes, does it have more than a \$400.00 balance?
- 6) Have you filed your state and federal income tax returns yet? If yes, have you received and/or spent your tax refund(s) yet?
- 7) Do you currently receive income? If yes, what is the source of the income? What is the amount of income you receive each month?
- 8) If you have wages, are they currently being garnished? If yes, how much is being garnished from each paycheck? How often do you get paid?
- 9) Are there any court cases currently pending against you? If yes, in which county? What debt(s) do you think the case about? Has the plaintiff obtained a judgment against you?

Information/Advice to Give:

On Types of Bankruptcy:

- There are two types of bankruptcies that consumers typically file: Chapter 7 and Chapter 13. A Chapter 7 is often called “liquidation bankruptcy” because the bankruptcy trustee takes non-exempt assets to pay back your creditors. A Chapter 7 bankruptcy usually takes 3 to 6 months if the trustee does not take any of your property. A Chapter 13 bankruptcy requires a 3 to 5 year repayment plan to pay your creditors. You typically keep all your property in a Chapter 13 bankruptcy.

On Being Judgment Proof:

- If you have no income from employment, then you are most likely “judgment proof,” which means that, though civil creditors can sue you, they cannot collect from you. Generally, the Clinic advises people who are judgment proof to wait to file bankruptcy until they are working again.
- Most times bankruptcy is not beneficial to a person who is judgment proof. By law, you cannot get a Chapter 7 discharge of debt after filing the bankruptcy for another eight (8) years. When you are unemployed, you are more likely to incur debt since you do not have income to pay bills as they come due.
- If you have income, it may be exempt from a civil creditor’s collection efforts. Please be advised that a civil creditor cannot collect from the following sources of income: Social Security Retirement benefits, Social Security Disability Income (SSDI), Supplemental Security Income (SSI), Child Support, Veterans Benefits, Workers Compensation, Unemployment Compensation.
- If you wait to file bankruptcy until you are working, then you can include in the bankruptcy all the debt you have incurred up to that time. You can also use the bankruptcy to protect your wages from garnishment. When you are working again, please attend another one of the Clinic’s intakes to be considered for a bankruptcy.
- Please be advised that you may have the right to file a bankruptcy, but it is our advice that you wait until you are working. If you want to file a bankruptcy before you start working again, then you should consult with a private attorney.
- To stop a debt collector from contacting you, send a letter to the debt collector telling them to cease almost all communications with you. This letter should be sent by certified mail, return receipt requested. Also, please keep a copy of the letter for your records. Once the collector receives your letter, they may not contact you again except to say there will be no further contact. However, the collector may notify you if the collector or the creditor intends to take some specific action, which may include filing a lawsuit against you.

Debt Collection

Questions to ask:

- 1) What would you estimate your debts to be in each of the following categories?
 - Medical debt:
 - Credit card debt:
 - Student loans:
 - Tax debts:
 - Child support arrearage:
 - Auto loan deficiency:
 - Lease deficiency owed to landlord:
 - Judgments against you (from other than medical and credit card debt):
 - Overdrawn bank accounts:
 - Payday loans:
 - Utilities:
 - Any other debts you are aware of?

- 2) Is your name on the deed to any real estate anywhere? If yes, is anyone else's name on that deed too?

- 3) Is your name on the certificate of title for any automobile(s)? If yes, is anyone else's name on that certificate of title too?

- 4) Do you have a bank account or other financial account? If yes, does it have more than a \$400.00 balance?

- 5) Have you filed your state and federal income tax returns yet? If yes, have you received and/or spent your tax refund(s) yet?

- 6) Do you currently receive income? If yes, what is the source of the income? What is the amount of income you receive each month?

- 7) If you have wages, are they currently being garnished? If yes, how much is being garnished from each paycheck? How often do you get paid?

- 8) Are there any court cases currently pending against you? If yes, in which county? What debt(s) do you think the case about? Has the plaintiff obtained a judgment against you?

Information/Advice to Give:

On Being Judgment Proof:

- If you have no income from employment, then you are most likely “judgment proof,” which means that, though civil creditors can sue you, they cannot collect from you. Generally, the Clinic advises people who are judgment proof to wait to file bankruptcy until they are working again.
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- If you have income, it may be exempt from a civil creditor’s collection efforts. Please be advised that a civil creditor cannot collect from the following sources of income: Social Security Retirement benefits, Social Security Disability Income (SSDI), Supplemental Security Income (SSI), Child Support, Veterans Benefits, Workers Compensation, Unemployment Compensation.
- If you wait to file bankruptcy until you are working, then you can include in the bankruptcy all the debt you have incurred up to that time. You can also use the bankruptcy to protect your wages from garnishment. When you are working again, please attend another one of the Clinic’s intakes to be considered for a bankruptcy.
- Please be advised that you may have the right to file a bankruptcy, but it is our advice that you wait until you are working. If you want to file a bankruptcy before you start working again, then you should consult with a private attorney.
- To stop a debt collector from contacting you, send a letter to the debt collector telling them to cease almost all communications with you. This letter should be sent by certified mail, return receipt requested. Also, please keep a copy of the letter for your records. Once the collector receives your letter, they may not contact you again except to say there will be no further contact. However, the collector may notify you if the collector or the creditor intends to take some specific action, which may include filing a lawsuit against you.

On Wage Garnishment:

- If you have wages from employment, then a creditor might be able to garnish these wages. It requires a court order for wages to be garnished. The amount garnished is determined by using the below formulas. Whichever formula yields the lowest amount is the one used.
 - *The 25% Formula* → 25% of weekly earnings AFTER mandatory deductions required by law.

- *The Minimum Wage Formula* → any income greater than 30 times the federal minimum hourly wage prescribed by the United States Code. Just like the 25% formula, taxes and court ordered deductions are subtracted before your wages are garnished.
- A court does not have to sign a garnishment order simply because an individual has wages subject to garnishment. It is up to the judge's discretion. However, in the vast majority of cases, judges will sign the garnishment order. Nevertheless, if you have a court case, you should show up and bring evidence (e.g., documents that show income and expenses).

On Disputing a Debt:

- Federal law allows consumers to dispute a debt within thirty (30) days of receiving a collection notice from an alleged creditor. The letter should ask the debt collector to provide a copy of the proof of this alleged debt and the name and address of the original creditor.

On Stopping a Debt Collector from Making Contact with You:

- To stop a debt collector from contacting you, send a letter to the debt collector telling them to cease almost all communications with you. Once the collector receives your letter, they may not contact you again except to say there will be no further contact. However, the collector may notify you if the collector or the creditor intends to take some specific action, which may include filing a lawsuit against you.

Driver's License

Questions to ask (Information/Advice to Give follows questions):

- 1) What is the current status of your driving privileges in Indiana?
 - If the individual is unsure of the current status of their driving privilege, they can access a copy of their “Viewable Driver Record” for free by creating an account at the Indiana BMV’s website: <http://www.in.gov/bmv/2331.htm>.
 - An Indiana driver record will identify active suspensions and the steps necessary to reinstate driving privileges. Active suspensions are marked with an asterisk (*) along the left side and they have an effective date listed along the right side.

- 2) Do you have active suspensions for any of the following reasons? If so, please offer the following information.
 - Unpaid Traffic Ticket(s) – All ticket(s) must be paid to the appropriate traffic court before a person can be eligible for valid Indiana driving privileges.
 - Driver Safety Program – This course must be completed before a person can be eligible for valid Indiana driving privileges. Information is available at <http://www.in.gov/bmv/2376.htm>
 - Failure to Appear – Advise the person to call the traffic court to determine the process for appearing in court and if paying the ticket will be sufficient to lift the suspension.
 - Unpaid Reinstatement Fee – A reinstatement fee must be paid to the BMV or waived by a traffic court in the person’s county of residence. Reinstatement fee waiver requires a showing of: inability to pay fee, insurance coverage, and that waiver is appropriate given person’s character and circumstances surrounding the suspension.
 - Delinquent Child Support – If suspended for failing to make child support payments, a person will be eligible for valid Indiana driving privileges once they resume paying child support. Advise the person to contact the county prosecutor’s office listed on the driver record to discuss an arrangement to get suspension lifted.
 - Judgment from an Automobile Accident – If suspended because there is an unpaid judgment from an automobile accident, the person must begin payment on the judgment, discharge the judgment in bankruptcy or, wait until the expiration date of the suspension (typically, seven year from effective date of suspension)
 - Time-based suspension - If suspended for a certain time period, the individual must wait until the end of that period or seek specialized driving privileges
 - Proof of Current Financial Responsibility (“SR-50 Insurance”): Once you purchase insurance coverage, the insurance agent is required to send electronic notice of the policy to the BMV.

- Proof of Future Financial Responsibility (“SR-22 Insurance”): Once you purchase insurance coverage, the insurance agent is required to send electronic notice of the policy to the BMV. If you fail to pay insurance premiums, the insurance agent notifies the BMV and driving privileges may be suspended again.
- 3) If a person thinks they only have time-based suspension (for fixed period of time or indefinitely), you should ask them the following questions to determine whether or not they might qualify for specialized driving privileges:
- a) Have you ever had a valid Indiana driver’s license before?
 - b) Do you currently hold a commercial driver’s license (CDL) in Indiana?
 - c) Is the suspension of your driving privileges from a traffic case in which you refused to submit to a chemical test?
 - d) Have you ever been granted specialized driving privileges before? If so, please specify the county and time period.
 - e) Have you ever violated a court-imposed condition, which the court created after you were convicted a crime involving death or serious bodily injury to another with a motor vehicle?

Information/Advice to Give:

- As of January 1, 2015, Indiana repealed legal remedies known as restricted (often called “hardship”) and probationary licenses. The only legal remedy to reinstate driving privileges in a civil court proceeding is called specialized driving privileges (SDP).
- Habitual traffic violators (HTV) can seek specialized driving privileges from a Court.
- Time-based suspensions can be imposed by a criminal court (e.g. Marion County Traffic Court), the Bureau of Motor Vehicles, or both simultaneously.
- The Indiana BMV has the legal right to deny driving privileges to a person if another state has placed a hold on that person’s driving privileges in the National Driver Register.
- It will be difficult to fully advise someone on everything they must do to reinstate driving privileges in Indiana without reviewing their Indiana driver record first. If someone brings a driver record to intake, please upload a copy of it when submitting the intake.

Guardianship

Questions to Ask:

(These questions are meant for a person who is interested in becoming guardian of another person.)

- 1) Who do you want to be appointed as guardian over?
- 2) What is your relationship to the person you want to be appointed guardian over (a/k/a the ward)?
- 3) Does the ward currently have a guardian? Has the ward ever had a guardian?
- 4) Why does the ward need a guardian?
- 5) If the ward is a minor child (less than 18 years old), please ask the following questions:
 - a) Has paternity ever been established? If paternity has been established, was it done by a paternity affidavit? In paternity court?
 - b) Has the ward ever been involved in Child in Need of Services (“CHINS”) case?
 - c) Has the Department of Child Services (“DCS”) ever been involved with ward?
 - d) Were the ward’s parents ever married and then later divorced?
- 6) What assets does the ward have?
- 7) Has a court ever appointed you as the guardian of someone else?
- 8) Have you ever been convicted of a crime? If so, please list the date of conviction, county/state of conviction, and type of offense.
- 9) To your knowledge, is there any document (e.g., last will and testament, power of attorney, etc.) that specifies who is to be the guardian of the ward?
- 10) Do you think anyone will contest you being appointed guardian over the ward?

Information/Advice to Give

- A court must appoint a guardian over the incapacitated person (i.e., the ward). A person cannot be a guardian over another person without a court appointment. Once a petition for guardianship is filed in court, then the court will set a hearing. Generally, the incapacitated person must attend this court hearing. There are, however, exceptions (including it not being in the incapacitated person’s best interest to attend the hearing because of health reasons).
- The court will appoint a guardian if (1) the individual for whom the guardian is sought is an incapacitated person or minor; and (2) the appointment of a guardian is necessary as a

means of providing care and supervision of the physical person or property of an incapacitated person or minor.

- A guardianship can be a guardianship of the person, a guardianship of the estate, or a guardianship of the person AND a guardianship of the estate. The guardian over the person can also be the guardian over the estate; however, the guardianship can be held by two separate individuals.
- The guardian of the person is answerable for the incapacitated individual's care and custody. Thus, the guardian would make sure that the ward is obtaining adequate and necessary medical care. The guardian could also be in charge of food and shelter (among other things) for the ward.
- The guardian of the estate is in charge of the ward's finances. Thus, the guardian would be entrusted with protecting the ward's assets. The guardian would also be responsible for paying the ward's debts and expenses.
- If the court appoints a guardian over the estate, then the guardian must file an accounting with the court every two years. This accounting lists the ward's income for the accounting period. It also specifies how all of the ward's money was spent during this period.
- If the guardian is the guardian of a minor, then the guardian has all the responsibilities and authority of a parent.
- The court has the authority to limit the responsibilities and rights of any guardian, creating a limited guardianship.
- If an individual is guilty of certain crimes, then the court will not appoint the individual as guardian of anyone.

Wills & Estate Planning

Questions to ask:

- 1) What type of estate planning document(s) would you like to have prepared for you? (e.g., will, power of attorney, living will, life prolonging procedures declaration, designation of a healthcare representative, etc.)
- 2) What is your marital status: married, single, separated, or legally divorced?
- 3) Do you have children? If so, what are their ages?
- 4) If single, separated, or divorced, is the children's father/mother in the picture?
- 5) Do you own any real estate (e.g., a house)?
- 6) Do you have life insurance? If so, how much? If so, do you have a copy of the policy?
- 7) Are you responsible for any disabled persons?
- 8) Who would you like to be the administrator/executor in your will and a backup, if that person cannot do it?
- 9) Who would you like to be your power of attorney and a backup, if that person cannot do it?

Information/Advice to Give:

- We often have clients wanting a power of attorney or healthcare directive for a parent or other relative. The person signing a power of attorney or healthcare directive is the client, and that person is who the estate planning attorney will want to meet with.
- An individual must be competent to sign any estate planning document. Additionally, the individual signing an estate planning document must not be doing so because of the undue influence of someone else.
- The Clinic does only simple wills — no trusts for children or special needs trusts.
- The Clinic does not prepare do not resuscitate (DNR) orders. If the client is healthy enough to come to the Clinic, they are not ready for a DNR.
- A living will memorializes a person's choice to no longer receive life support if hope of recovery is considered futile. A life prolonging procedures declaration means that the person wants to be on life support, even if the hope of recovery is considered futile.
- A power of attorney ends at death.

Other Resources

Connect2Help 2-1-1

Dial 2-1-1

Alternate Phone Number: 317.926.4357

<http://www.connect2help211.org/>

Connect2Help 2-1-1 provides information and assistance with food, utilities, aging issues, counseling and finding safety from violent situations.

Indiana Legal Services

151 North Delaware, Suite 1800

Indianapolis, IN 46204

Phone: (317) 631-9410

Phone: (800) 869-0212 (toll free)

Intake Phone: (844) 243-8570 (toll free)

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

Indiana Legal Services (ILS) is a nonprofit law firm that provides free civil legal assistance to eligible low-income people throughout the state of Indiana.

Indianapolis Legal Aid Society

615 N. Alabama Street, Suite 122

Indianapolis, IN 46204

Phone: (317) 635-9538

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

The Indianapolis Legal Aid Society (ILAS) is dedicated to ensuring that qualified low-income persons living in the Central Indiana community have access to quality legal assistance for civil disputes.

Julian Center

2011 N. Meridian St

Indianapolis, IN 46202

24-Hour Crisis Line: (317) 920-9320

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

The Julian Center provides the support victims of domestic violence and sexual assault need to recover and build a life free of abuse. That support comes mostly through supportive services including emergency shelter, outreach, counseling, transitional housing, affordable housing, advocacy, education, and case management.

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