

Client Success Stories from LSC-Funded Programs

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Arizona

Success Story From Southern Arizona Legal Aid

Education Lawsuit Settled

Southern Arizona Legal Aid (SALA) has recently settled a lawsuit filed in federal District Court against the Bisbee Unified School District on behalf of a 15-year old child who had been excluded from school because of the District's "concerns about her residency."

Neeila B. is a United States citizen who had been living with her legal resident aunt in Bisbee, Arizona for three years while attending middle school. Bisbee is located approximately 15 miles from the Mexican border. On occasion, Neeila would visit her mother in Mexico. Because of this, the District became "concerned" that she may not be a resident.

In the fall of 2005, without notice or any opportunity for an administrative proceeding, the District unilaterally removed Neeila from school. Prior to SALA's intervention, she missed 22 days of classes. SALA was able to obtain a legal guardianship for her aunt and based upon that, the District allowed her to return to school. In December of 2005, SALA filed a lawsuit in federal court seeking compensation for her emotional distress, and loss of educational opportunity. Additionally, SALA sought injunctive relief to require that the District provide the minimum guarantees of procedural due process to students in similar situations.

Following a series of lengthy negotiations, the School District agreed to provide monetary compensation for Neeila and also adopted a policy that requires written notice to parents and guardians, and an opportunity for administrative review and ultimate hearing in front of the school board. The District also agreed that students already admitted to school would remain in class pending the results of the hearing.

California

Success Story from Inland Counties Legal Services

Attorneys from Inland Counties Legal Services (ICLS) helped resolve a lengthy legal battle over attempts by the City of Colton to shut down the Colton Palms, a 101-unit low income senior housing complex, without providing alternatives to the tenants. ICLS was able to secure a favorable result for the elderly residents facing eviction.

As a result of ICLS's efforts:

- The Palms will remain open until June 30, 2007
- Relocation costs of \$1.4 million will be distributed among the remaining tenants
- The city will pay moving expenses for the tenants
- The city will provide the tenants with information about alternative housing

Success Story from the Legal Aid Foundation of Los Angeles

Slumlord Forced to Make Repairs

The apartment building on East 21st street, near the University of Southern California, "was never particularly nice," according to long-time resident Maria Jimenez, quoted by the Los Angeles Times. When she moved into the building in the mid-80's, the building was home to drug dealers, drug users, and served as an office for at least one prostitute. Tenants were forced to share kitchens and bathrooms. Still, for \$200 a month she and other residents were willing to call it home.

The building did not become completely unlivable until a new landlord, Joon Ho Lee, bought the building in 2005. Seeking to capitalize on the rising property values in the neighborhood, Lee began a campaign of destruction aimed at forcing the tenants out to make way for higher-paying residents. He ripped pipes out of the wall. He stripped off the building's façade. He removed windows, cut phone lines, allowed gas and water services to function intermittently.

Enough was enough. The tenants banded together and enlisted the help of Legal Aid Foundation of Los Angeles (LAFLA) attorney Tai Glenn, Michelle Manzo from McDermott Will & Emery, and a tenant-rights group, and took Lee to court. On January 18, 2008, Lee pleaded no-contest to 10 criminal counts. He was placed on probation for three years, ordered to repair the building within a year, perform 200 hours of community service, undergo property management training, and contribute \$20,000 to an approved charity. Lee also has to pay relocation expenses for the tenants while he makes repairs to the building.

"It's not often we are able to send that message, that being a slumlord is not OK," Glenn told the Los Angeles Times.

Success Story from Legal Services of Northern California

Legal Aid Rescues Woman from Avalanche of Medical Bills

When 62-year-old Betty Simmons was rushed to the hospital after suffering a near-fatal heart attack, medical bills were probably the last thing on her mind. Before long, she would be able to think of nothing else.

"The numbers are staggering by almost anyone's standards," begins an article on InsideBayArea.com, which tells Simmons' story. After being discharged from the hospital following nearly two weeks of constant surgery, Simmons was presented with a series of bills for various services. Grand total: \$701,995.

Though she was grateful for the excellent care she received, the unemployed, uninsured Simmons simply had no way of coming up with the better part of a million dollars-what it would take to pay all the doctors and medical groups who treated her. To add to her stress, each doctor billed differently, on different timetables, using different collections

agencies. Before long, she was being pursued by six different agencies while trying to recover physically.

"The entire experience was devastating," Simmons told an InsideBayArea reporter. "I was being bombarded with bills. I was trying to recover. I was in pretty bad shape. It was just very stressful."

Unable to find a solution on her own, Simmons went to Legal Services of Northern California, where attorney Jodie Berger helped her apply for financial assistance programs that would pay most of her bills. Berger also filed suit against Solano County, arguing that it was obligated to cover the medical bills of indigent patients. The county eventually agreed to settle and covered the remainder of Simmons' bills.

Simmons told the reporter that she does not know how she would have navigated the financial maze without the help of Berger and Legal Services of Northern California.

"It was easy to see how people could get lost in the shuffle and not have any idea how to get help for themselves," she said.

Georgia

Success Story From The Atlanta Legal Aid Society

Health Law Partnership Secures Benefits For Sick Child

Lawyers with the Atlanta Legal Aid Society's Health Law Partnership (HeLP) recently secured full Social Security benefits for "Danny" a six-year-old boy with Duchenne muscular dystrophy, a disease that eventually destroys all voluntary muscles, the heart, and breathing muscles. An older brother of Danny's died from the same disease at age 13.

Despite the seriousness of his condition and short life-expectancy, Danny was denied Social Security disability insurance benefits. Lawyers with HeLP appealed the decision on Danny's behalf. Four months later, an administrative law judge reviewed the case and found that the evidence supported a fully favorable decision, and awarded the maximum level of Social Security benefits as well as 15 months of back benefits, starting when the initial application was filed.

Success Story from the Atlanta Legal Aid Society

Atlanta Legal Aid Society Wins Settlement for Victims of Predatory Lending

The Atlanta Legal Aid Society, along with the AARP, former Georgia Governor Roy Barnes, and the law firm Bondurant, Mixon and Elmore forced a settlement on behalf of 14 clients they were representing in a legal battle with Stewart Financing Company, a sub-prime lender charged by the Federal Trade Commission with deceiving consumers.

The clients claimed that Stewart charged exorbitant interest rates for short-term loans and also charged fees for bogus insurance policies. These loan packages were marketed in ways that exploited the disabled, disadvantaged and elderly.

As part of the settlement, Stewart agreed to shut down all of its businesses, liquidate all its assets, and contribute approximately \$10 million to a fund for victims.

Success Story from Georgia Legal Services Program

"Had it Not Been for Her Help, I Don't Think We Would Have Made It": Former Georgia Legal Services Client Thanks Paralegal Who Changed Her Life

Ms. Renee Green and her son Galen at her wedding on December 31, 1998. Ms. Renee Green and her son Galen at her wedding on December 31, 1998.

The Fall 2007 issue of the Georgia Legal Services Program's (GLSP) Civil Justice newsletter features a moving example of just how meaningful legal aid can be in the lives of clients.

Renee Greene was 18 years old in the summer of 1978. A recent high school graduate, Greene had no job, no real family, and a six-month-old baby boy to support. After fruitless job searches, a rejected military application, and a denial for temporary assistance from the Department of Family and Children Services (DFCS), Greene found herself living in a homeless shelter with her son. She was contemplating suicide when the shelter staff referred her to the United Way, which put her in contact with GLSP.

Paralegal Arnez Cherry took Greene back to the DFCS office and helped her successfully reapply for temporary assistance, despite the clerk's insistence that Greene did not qualify. With temporary assistance, food stamps, and Medicare benefits, Greene was able to find a job and eventually complete a paralegal training program.

Today, Greene is married, has worked as a paralegal, and is an ordained minister. She has four sons, eight grandchildren, and recently celebrated the release of her first book, *In My Skin*, the true story of her life in Columbus, Ga., during and after the Civil Rights Movement.

In the summer of 2007, Greene was able to reconnect with Arnez Cherry, the GLSP paralegal who helped her get back on her feet. "I just wanted to contact her to say 'thank you' for helping us back then....Had it not been for her help, I don't think we would have made it."

Illinois

Success Story from the Legal Aid Foundation of Metropolitan Chicago

Guardianship Granted, Eviction Prevented

The Legal Assistance Foundation of Metropolitan Chicago recently helped a woman secure guardianship of her nine-year-old sister following the death of their mother, forestalling the young girl's eviction from her subsidized apartment. This is their story.

Twenty-seven-year-old Lianka was living on her own when her mother suddenly died in October 2007. She decided to move into her mother's subsidized apartment to care for her nine-year-old sister Lorrie. Lianka was still unpacking when the landlord presented Lorrie with an eviction notice, saying she could no longer stay in the apartment because her mother, the leaseholder, had died.

The sisters buried their mother and then met with the landlord to straighten things out. He was adamant: Lorrie had to be evicted. Even though the Department of Housing and Urban Affairs (HUD) had a rule that any adult family member could keep a subsidized apartment after the leaseholder died, the landlord insisted that the rule did not apply when the surviving family member was a child.

The landlord's position made no sense to Lianka, and she could not afford to provide for her sister without the housing subsidy. Desperate and afraid they would both become homeless, Lianka turned to LAF for help. LAF attorneys Nareen Kim, Charlie Petrof, and Richard Wheelock swung into action. They got Lianka named Lorrie's temporary guardian, but still the landlord would not budge.

Several weeks later, the landlord came to the apartment demanding to know when Lorrie and Lianka were moving. Lianka replied that she and her sister were trying to stay. His response to Lianka was, "I'll see that child living on the streets!"

On December 18, LAF filed suit in federal court on the grounds that the landlord was misinterpreting the HUD rule. On December 19, the judge granted a temporary restraining order to keep Lorrie from being evicted, and scheduled a full hearing for December 21. On December 20, the landlord gave in, agreeing to let Lorrie stay in the apartment and Lianka to apply to take over the lease.

Iowa

Success Story From Iowa Legal Aid

Christy Schuldt can't recall exactly how she heard of Iowa Legal Aid, but when she had a dispute with her former daycare provider, she found herself at the Central Iowa Regional Office in Des Moines.

Christy was a working, single mom with one child and another on the way. Her son went to the only childcare center available in her neighborhood. She received assistance from the Department of Human Services (DHS) to supplement her payment for childcare. Christy began having problems with the daycare center when she noticed it was reporting and charging her and the DHS for hours when her son was not present. When she brought the matter to the daycare's attention, she was instructed not to change the hours herself; the daycare would fix it. They never did, and continued to overcharge.

Then Christy's child suffered an injury at the daycare. She pulled him out of the facility and reported the incident and the overcharging to the DHS. "This was really difficult because I did not have other child care set up. I was worried about losing my job."

Shortly, she received notice from the daycare of unpaid expenses that were significantly more than what she truly owed. Schuldt recalls, "I never wanted to avoid paying what was rightly owed. I just knew they had all these hours included where my son wasn't actually there. They weren't just overcharging me, they were overcharging a state agency too." She tried to work with the daycare about correcting the hours and paying the proper amount, but got nowhere. The daycare eventually sued Christy.

Her attorney, Shellie Mackel, states, "This suit really represented more than a small claims action. This action jeopardized Christy's DHS childcare assistance, future daycare, and consequently, her ability to work." Shellie began scrutinizing records to estimate what was actually owed. An agreement was reached with the daycare that was several hundred dollars lower than the overcharged amount. Christy paid that amount as agreed and the suit was dismissed.

When asked to reflect on these events, Christy comments, "It is so easy for single moms like me to be taken advantage of because others assume we won't fight, we'll just be quiet, because we are afraid of what might happen, that no one will believe us. I tell everybody about Iowa Legal Aid now. I tell them, you deserve to be heard and there is someone out there to help for free. Justice means you have a voice, even if you don't have a lot of money."

Mackel says of her former client, "I saw in Christy an aversion to injustice--not so much for herself though. She was thinking of how this could happen to other single mothers." It is this characteristic that made Christy Schuldt an excellent nominee for the Iowa Legal Aid Board of Directors as a client member, a position she currently occupies.

"It's a real honor to serve on the Board of Directors for Iowa Legal Aid," says Christy, who continues to work full time as the sole supporter of her family. "Now I get to be of service to an organization that helped me to be heard. It really has changed my life for the better in many ways."

Maine

Success Story From Pine Tree Legal Assistance

Court Rules Elderly Couple Eligible To Receive Meals

Rachel Rice, Bangor Daily News (ME) - June 23, 2006

It's a bittersweet win for Audrey and Earl Brown after the Maine Supreme Judicial Court ruled earlier this month that the elderly couple is eligible to participate in a local Meals on Wheels program.

The ruling brought to an end the couple's two-year battle with the Department of Health and Human Services over program eligibility.

Since October 2004, DHHS said the Browns could not be provided meals.

Now, however, only Earl Brown, 81, will receive the lunches as Audrey Brown, 79, had to be moved into a nursing home during the course of the litigation.

"It was maddening to find out we were right all along and they didn't get meals the whole time," the couple's Presque Isle attorney, Jeff Ashby of Pine Tree Legal Assistance Inc., said Thursday. Pine Tree Legal is a statewide, not for profit organization that provides legal services to low-income clients.

Ashby said that Audrey Brown's transfer to a nursing home was not related to a denial of meals, but that not being allowed to receive meals between October 2004 and June 2006 was a hardship. Ashby said family members used their own resources to provide the Browns with lunches during the 20-month period.

"It's hard to imagine what would have happened if they didn't have family," Ashby said.

With the judgment in hand, Earl Brown began receiving his Meals on Wheels a few weeks ago. Ashby said, though, that in six months, Brown will have to reapply to the program, and that because of a change in the eligibility criteria that took place during the couple's appeal process, a program denial and subsequent litigation are future possibilities.

Still, Ashby said the supreme court decision was an important win for his clients.

"It's good news," he said. "It's a win for now."

Maryland

Success Story from the Legal Aid Bureau

Legal Aid Secures Back Wages, Damages, for Farmworkers

The Farmworker Program of Maryland's Legal Aid Bureau has helped five farmworkers receive back wages and double damages after the workers failed to receive proper payment for their services.

Each of the workers, who were recruited from homeless shelters to pack potatoes in Delaware, will receive approximately \$5,000 in wages and damages under the terms of a settlement with the potato farm and the labor contractor that hired the workers.

"It was a home run for the clients," said Daniela Dwyer, supervising attorney of the Farmworker Program. "Under the Fair Labor Standards Act, you can get double damages for wage nonpayment. Our settlement meant we recovered twice the amount of wages our clients were owed. They also got an additional amount on top of the wages for agreeing to resolve the suit."

The farm labor contractor made false promises to the workers (all African-Americans recruited in several southeastern cities), saying they would receive wages above the minimum wage, get free food and lodging, and would get 90 hours of work a week, with overtime paid over 40 hours. "The clients upheld their end of the bargain and they all worked grueling 85- to 90-hour weeks. But, they were only paid between \$20 and \$40 each week, the housing didn't meet code and they were only fed two baloney sandwiches for lunch. They were so hungry, they put raw potatoes in their pockets to eat at night," said Dwyer.

Success Story from the Legal Aid Bureau

Within a few months of being admitted to the Maryland bar, Legal Aid Bureau staff attorney Jake Ouslander helped an elderly man in an assisted living facility regain access to the retirement benefits that were his sole source of income.

The client had designated his sister as an authorized payee for all of his bills, and arranged to have his retirement benefits direct-deposited into her bank account. The arrangement worked fine until his sister had a stroke and became incapable of managing her own affairs, not to mention her brother's. As bills from his assisted living facility kept piling up, so did the client's retirement benefits, only they were in his sister's bank account which he had no access to.

The client contacted the Legal Aid Bureau for help. Ouslander was able to convince all the parties in the case, including the bank holding the account and the daughters of his client's sister, to release the funds to his client. Eventually the client collected his approximately \$10,000 in built-up funds, and was able to pay all of his delinquent bills and remain in the assisted living facility.

Michigan

Success Story From Legal Services Of South Central Michigan

Homeowners Get Pressure To Pay Taxes - And A Helping Hand

Nick Schirripa, The Battle Creek Enquirer (MI) - February 2, 2006

Lynne Edwards almost lost her home to foreclosure.

The 49-year-old Battle Creek woman has lived in her house for the past 12 years with her 49-year-old husband, who had a stroke and is disabled, and they support themselves and their 6-year-old granddaughter with the \$413 they get from the state each month in disability benefits.

But the Edwards' property taxes haven't been paid for two years. So when the county treasurer's office threatened late in 2005 to take her home, Edwards said she began looking for help.

"It's hard," she said. "Do you pay for medication or do you eat? Do you have gas? Do you have lights?"

Edwards owns one of the more than 700 properties personally visited by the Calhoun County Treasurer's staff between mid-September and Dec. 31. Officials warned those owners of the potential loss of their property for non-payment of property taxes.

The county invigorated its tax-collecting efforts in 2005 after accepting certain property foreclosure responsibilities from the state.

"I didn't know what we were going to do. I thought, 'Oh my God, we're going to lose our home,'" Edwards said. "I went down to and applied for emergency needs with the Department of Human Services, and I was denied."

Edwards said she called the county treasurer's office and told staff about the denial, and it was then she was referred to Chris Elsworth, the tax collaboration attorney with Legal Services of South Central Michigan in Battle Creek.

Elsworth and Legal Services are part of a collaborative effort with county Treasurer Ann Rosenbaum Petredean and the Volunteer Center of Battle Creek that is designed to match people with area agencies and resources to help them avoid losing their houses to the county.

The partnership is funded by a three-year, \$264,023 grant from the W.K. Kellogg Foundation, and a two-year \$15,000 grant from Calhoun County Treasurer's office, according to Jennifer Schrand, managing attorney of Legal Services' Calhoun County office.

Elsworth said he has talked with about 50 people already this year, and more are sure to follow.

"That's a very big number and I have more appointments lined up. I can't even project more people will come in," he said. "This is not something that only helps if they're just about to lose their homes. This is for anybody who is having some troubles with property taxes or title issues."

The help he gives people is not a one-time deal, Elsworth said, and he continues to work with people after delinquency issues are resolved.

"The people who are in my office and have gotten an extension, they still stay with me and I make sure they get extra benefits they're entitled to," he said. "The idea is to get them enough resources to pay their delinquency and survive beyond."

Edwards said she is thankful for the help she has gotten from Elsworth and Legal Services.

"I know there's a lot of us here in town that are going to need this program," she said. "If I hadn't talked with Chris and he hadn't stepped in on our behalf, we could have very easily lost our home."

Edwards received a confirmation letter from the state Department of Human Services verifying the full payment of about \$1,200 in delinquent property taxes.

Missouri

Success Story from Legal Services of Eastern Missouri

Legal Aid Reunites Mother and Son Torn Apart by Hurricane Katrina

When Hurricane Katrina struck New Orleans in August 2005, "Collette" lost her house, and would have lost her son, "James," were it not for the critical intervention of Legal Services of Eastern Missouri.

Once the storm subsided and the extent of the devastation was clear, Collette and James packed up their meager belongings and went to live with relatives of Collette's boyfriend hundreds of miles away in Missouri. When that arrangement fell apart, Collette found herself completely homeless and without James, who was placed into Missouri's foster care program.

She moved back to New Orleans-the only place she could call home-to try to rebuild her house and regain custody of her son. Collette began making the arduous journey to and from St. Louis to attend custody hearings and to spend a few precious hours with James. At each hearing she was asked to report on the progress she had made to rebuild her home: a task which seemed almost impossible. She successfully applied for funds through the U.S. Department of Housing and Urban Development's Road Home program,

which provides grants to Katrina victims trying to rebuild their homes, but her money was delayed for months and months. Not content to wait, Collette began rebuilding the home with her bare hands, paying for materials with wages earned from a few part-time jobs.

When staff from Legal Services of Eastern Missouri's (LSEM) Family Court Project learned of James's and Collette's plight, they immediately swung into action, working to secure custody for Collette and to connect her with valuable services back in New Orleans.

LSEM put her in contact with a faith-based organization that organized volunteers who completely renovated and refurnished Collette's home, and connected her with mental health services for trauma survivors. Finally, in October 2007, despite numerous roadblocks, LSEM was able to convince the court that James belonged with his mother, and that New Orleans offered services that Missouri did not. The judge agreed, dismissed the case, and awarded full legal and physical custody to Collette.

Success Story from Legal Services of Eastern Missouri

Bosnians in St. Louis Celebrate Citizenship

Betsy Taylor, Associated Press - June 27, 2007

After nearly eight years in the United States, Bosnian war refugee Adila Palalija finally can call herself an American.

She is one of 34 Bosnians enjoying their first days as U.S. citizens after they sued about the matter.

The group filed a federal lawsuit in March in St. Louis, claiming the government was unlawfully delaying their applications to become citizens. The roughly three dozen Bosnians became citizens Friday during a festive naturalization ceremony at Harris-Stowe State College in St. Louis. The case was dismissed in court the same day because lawyers said the refugees received the relief they were seeking.

"We're celebrating, yes," Palalija said yesterday through a translator.

About 40,000 Bosnians settled in the St. Louis area in the 1990s after the war in the former Yugoslavia.

They were asked to wait five years before applying for citizenship, said Ann Lever, litigation director for St. Louis-based Legal Services of Eastern Missouri.

Dozens sought waivers, claiming disabilities should excuse them from taking the citizenship test in English. The waiver requests were approved, but their applications toward citizenship stalled. The disabilities ranged from war-related post-traumatic stress disorder to medical conditions, such as stroke. Each person provided certification of physical or mental impairments.

The lawsuit was resolved when the government reviewed the facts and decided they were eligible for naturalization and exempt from the civics and language requirement, Lever said.

She noted 35 Bosnians were part of the lawsuit. One of them was not able to take the oath to become a citizen last week. That woman temporarily left the country because officials believed they might have found her husband's remains in Bosnia. She will become a citizen when she returns, Lever said.

Because it took so long to become a citizen, Palalija, 79, went for about a year without the benefit of a federal income supplement program that she relied on to help meet her basic needs.

She lost a son in July of 1993, a soldier who was killed by a grenade. Her other three sons live in the United States.

One of them, Ekrem Palalija, 45, is an electrician who has been sick but said he will take his own citizenship test in English next month. He said another brother has provided them an apartment for free until his mother's citizenship was resolved.

"In the meantime, we saved some money. We were able to survive," he said.

Lever said the Saint Louis University Legal Clinic and the St. Louis office of the Catholic Legal Assistance Ministry worked on the case.

Success Story From Legal Aid of Western Missouri (LAWMO)

Hurricane Evacuee's Medicaid Resumes

Seventy-one year old Abdoulaye Camara is an internationally-known African dance instructor and former director of the National Dance Company of Senegal. In 2005, his home, dance school and all of his belongings were destroyed by Hurricane Katrina, resulting in a loss of important identification and immigration documents. After being stranded in water for four days, he was airlifted to Atlanta. His longtime friend and former student Terri Brown invited him to live in her home in Kansas City, Missouri. In September, Abdoulaye moved in with Terri and began receiving Medicaid a month later.

In March 2006 Abdoulaye was diagnosed with lung and liver cancer and was notified by the Missouri Family Support Division (FSD) that his Medicaid benefits had been terminated. Unable to ambulate while undergoing cancer treatment, he could not obtain and submit the requested documentation for re-evaluation by the deadline date. LAWMO's Medicaid Appeals Project attorney, Stacy Porto contacted Abdoulaye's caseworker who canceled termination of his Medicaid, giving him two 10-day extensions. The attorney obtained Abdoulaye's alien number, which FSD accepted in lieu of a Social Security card and his Medicaid eligibility was reinstated. Working together

with LAWMO's immigration attorney, Suzanne Gladney, the attorney also obtained copies of Abdoulaye's immigration documentation.

Now that his identification and immigration documents have been replaced, he is no longer at risk of losing Medicaid, has regained proof of his identity and is no longer responsible for medical bills he incurred during the time his Medicaid was terminated.

Nebraska

Success Story from Legal Aid of Nebraska

Legal Aid of Nebraska Overcomes a "Hard Line" to Save Woman's Home

Sometimes Legal Aid lawyers have to work extra hard to overcome a hard-line position taken by an otherwise well meaning public servant. Such a matter landed on the desk of Legal Aid Attorney Laird Moore recently when he took the case of a woman faced with loss of her Section 8 Omaha Metro Area home.

The Douglas County Housing Authority (DCHA) accused the woman of defrauding them by deliberately failing to timely report her daughter's income. The stakes were high because the working single mother not only faced termination of rights to live in the house with her children, she also faced a written finding of fraud which would have prevented her from ever qualifying again.

The client also faced health issues which frequently prevent her from working full time. Without Section 8 assistance, it would be nearly impossible for her to provide a safe and constructive home environment for the children. One daughter took a job while still a full-time student in high school, but the trouble began when she graduated in 2006. Under DCHA guidelines, the daughter's income had to be counted because she no longer was a full-time student. This triggered a reporting obligation for the mother and a change in the share of rent. DCHA took the unusually hard-line position that the mother deliberately and knowingly failed to disclose the daughter's income to avoid an increase in her portion of rent. The client essentially was accused of committing a crime. "A representative of DCHA was really quite adamant that our client was cheating the system and that she had caught her," said Moore. "In fact, the accusation was unjust."

A review of the DCHA file revealed that the mother, at her recertification meeting in January of 2007, actually did report her daughter's income.

"This supported our position that our client was honest and so was her omission. In fact, it was our client's honesty that drew DCHA's attention to the matter in the first place," said Moore. "To punish her and her children for that, to me seemed outlandish."

"Our client is trying to raise her children in a way that society should encourage-- instilling a work ethic and stressing the importance of education. These are the keys to self-sufficiency and breaking the cycle of poverty," Moore added.

"Subsidized housing is designed to help achieve these goals."

Legal Aid argued to hearing officers that most Section 8 tenants have never seen nor been told about the regulation and there was no fraudulent intent on the part of the mother. She made a mistake. The hearing officer, a director of DCHA, agreed and overturned the termination order.

The officer wrote that it was "an honest mistake" and that the client "did not intentionally or fraudulently withhold the information."

Legal Aid also asked the hearing officer to allow the mother to enter into a repayment agreement, instead of being terminated for owing so much money, despite DCHA's position that such terminations are mandatory.

Again, the hearing officer concurred and ordered the client to enter into a repayment agreement that was to be prepared by DCHA staff. The first draft alleged that the mother "committed a fraud violation." Following Legal Aid's protest, the language was changed to an admission that the client had "committed a violation while on housing assistance...failure to accurately report all income sources."

At Legal Aid's insistence, those words were changed, too. The final order said that the client "inadvertently fail[ed] to report all sources of income."

Said Moore: "In the end, justice prevailed because our client kept her Section 8 benefit, the appeal procedure provided for by Douglas County Housing Authority worked, our client was cleared of unjust accusations of fraud, and the client entered into a repayment agreement she could live with."

New Hampshire

Success Story From New Hampshire's Legal Advice & Referral Center

LARC Reverses Eviction for Woman Threatened by Property Manager

Her property manager threatened to kill her. She notified the landlord. And for this, "Jamie" faced eviction.

One afternoon this past December, Jamie answered a pounding at her apartment door to find her property manager in a fit of rage. "If you and your husband don't stop running up and down the stairs, I swear I'll kill you!" he screamed.

Jamie was shocked and confused. Her husband was away at work. She was alone in her apartment, reading her newspaper, when the property manager delivered his threat. She notified her landlord immediately, who dismissed her concerns. Jamie then notified the police, who informed her that a threat from this individual was not to be taken lightly. They promised to discuss it with her landlord and property manager.

While this was happening, Jamie fell a few days behind on the rent, which she had done before with no repercussions. On this occasion, after being visited by the police, Jamie's landlord threatened to evict her if he did not receive the full rent in a few days. Jamie paid the rent in the time allotted, but was evicted anyway.

It was then that Jamie decided she needed legal help, and went to New Hampshire's Legal Advice and Referral Center (LARC). LARC collected all of Jamie's documents, prepared a synopsis of her issues and possible defenses, and referred her case to the Pro Bono Referral Program for direct representation. Fortunately, Jamie was assigned a pro bono attorney just two hours before her eviction hearing.

At the hearing, Jamie's attorney explained that the eviction was unwarranted, as the rent had been paid within the specified time-period. The judge agreed, the case was dismissed, and Jamie was able to return home.

After the hearing, Jamie expressed her gratitude to everyone that had helped her, saying, "The job you do is so important to so many people. I really hope you and your family are proud of how well you do it."

New Jersey

Success Story From Northeast New Jersey Legal Services

Legal Aid Negotiates Settlement For Single Mother, Restores Hope

Wendy, a single mother with a three-year-old daughter, earns \$11,000 a year working part-time for a healthcare provider-an income so low she qualifies for food stamps. Longer work hours are impossible. Wendy cannot afford day care and family members are not always available to baby-sit.

After her daughter's birth, Wendy began using a credit card to pay for necessities. Her unpaid balance grew quickly, along with interest and finance charges. Eventually, she could not afford even the minimum monthly payment. Wendy sought help from Northeast New Jersey Legal Services when the creditor sued her for \$6,200.

The only options Wendy had considered would dash her hopes for the future. If the case went to court, she would probably lose-her case was weak. If she filed for bankruptcy, it would be harder for to get credit, buy a home-even get a job-in the future.

Northeast New Jersey Legal Services advised Wendy not to file for bankruptcy-she had no other debts-and agreed to represent her in settlement negotiations. A mediation session with the creditor secured an extremely favorable settlement. Wendy would pay a total of \$1,900 at the rate of \$75 a month-less than one-third the amount the creditor originally sought.

Success Story from South Jersey Legal Services

"Sleepless Nights and Constant Worry" One Client's Story

"I had reached my wit's end with phone calls from collection agencies." 67-year-old Gloucester County resident Marlene Minard had accumulated thousands of dollars in credit card bills, and she didn't know what to do. Living on a fixed Social Security income of only \$529 per month, credit cards had become the only way she could afford basic necessities.

For most of her life, Marlene had been a stay-at-home mom to seven children, including one grandchild. While the children were still young, she was divorced and had to rely on \$1,000 per month in child support to care for her family. When the youngest turned 18, the support payments ended and she found herself faced with a new challenge. "I never had the luxury of working," she says. "When the child support stopped, I realized I had no job skills, no way to support myself. So I did what I knew; cleaning houses and babysitting."

As she got older, work became less feasible and she hadn't earned enough in her lifetime to qualify for Social Security. So, at age 62, she decided to collect half of her ex-husband's Social Security. That \$529 per month wasn't enough to make ends meet, so when a credit card offer arrived in the mail, she replied. Soon, one card became five, and Marlene found herself increasingly burdened with bills, which she could not pay. For five years, she struggled to make the minimum payments, but it was impossible. "The phone was ringing off the hook," she says. "I had many sleepless nights and constant worry."

Desperate, she realized she needed to file for bankruptcy, but she couldn't afford an attorney. Then she heard that South Jersey Legal Services provides legal assistance at no cost to clients. Within a few days of her request, a pro bono attorney was on her case.

Marlene's Chapter 7 case was handled by Dan Hutchinson in Woodbury. "I immediately felt comfortable with the staff at SJLS, and I was surprised at how quickly I was contacted by the pro bono attorney. The attorneys involved in my case really listened to me and answered all of my questions. Money simply was not an issue--they treated me like I was a paying client." Marlene's bankruptcy was filed within a few weeks and discharged in November. Finally, she could get on with her life, which she says was a "great relief."

"I really don't know what I would have done with-out the services of the Private Attorney Involvement Program. It is a wonderful thing that a program like this exists for those of us who cannot afford a lawyer. I wish the attorneys who take our cases could know how much we appreciate the work they do and the way it impacts our daily lives."

New Mexico

Success Story from New Mexico Legal Aid

Life Support Restored

"Jessica" contacted New Mexico Legal Aid in a panic. Her electricity company had just cut off her service, eliminating the power needed to operate her mother's life support system. She hurriedly told legal aid advocates an almost unbelievable story. When an employee from the power company came to shut off her service, Jessica explained the situation and pleaded with him to leave the power on while another solution could be reached. The employee told her that if she could not pay the bill, her mother did not deserve to breathe.

Her mother's system could run off a battery pack for a few hours, but what then? Could Jessica really lose her mother over a billing issue? The clock was ticking.

Legal aid attorneys swung into action. They tracked down a letter signed by a doctor stating that the utility company could not shut off service for non-payment. The utility company argued that the letter no longer applied, since Jessica and her mom now lived at a different address than the one referenced in the letter. No one could find the doctor and ask him to sign a new letter.

Finally, in desperation, legal aid attorneys told a power company representative that they would contact the media, and explain that the company was essentially threatening the life of an elderly woman for not paying her bill.

The power company finally relented and turned the power back on, restoring power to Jessica's mother's life support system. Later, it was discovered that the power company had been mistaken all along, and that Jessica had paid her bill.

New York

Success Story From Legal Services For New York City

NY Associates Regain Custody Of Son For Falsely Accused Immigrant

Thomas Adcock, New York Lawyer - October 14, 2005

For the client, a hard-working immigrant supporting her young son and student husband, it was an ordeal in which she nearly lost custody of her child.

For Sally Kim Christie and Virginia H. Johnson, third-year litigation associates at Weil, Gotshal & Manges who took on the woman's case pro bono and won the day five months later, it was a powerful lesson in a lawyer's obligation to sometimes perform above and beyond the neat strictures of the law.

"There are no parts of this story that are not worthy of daytime soap opera," said Steven Bernstein, Brooklyn project director at Legal Services for New York City, where the Weil Gotshal attorneys served as pro bono externs this year.

At issue, he said, was the child's now-estranged father and paternal grandparents attempt in Brooklyn Family Court to steal the boy away by falsely claiming the mother to be a suicidal drug abuser who abandoned her child.

According to court papers, the case began one day in March. A young Egyptian woman in an arranged marriage of Muslim tradition arrived at a Brooklyn hospital to pick up her 3-year-old son following a minor surgical procedure. Hospital officials refused to release the boy to her, informing the mother that, unbeknownst to her, an order from Judge Grosvenor had stripped her of custody rights.

An attorney for the hospital directed the distraught woman to a clerk at Family Court, who in turn referred her to Legal Services.

Ms. Christie and Ms. Johnson assembled an arsenal of documentation, researched applications under the Uniform Child Custody Jurisdiction and Enforcement Act and interviewed corroborating witnesses in the cause of their petition to Judge Hepner, seeking to vacate Judge Grosvenor's original order.

"What they did, in terms of offering emotional support, was superb," said Mr. Bernstein. "They were sensitive and supportive, and their lawyering was thoroughly professional. I admire them enormously."

Ms. Johnson said the experience with Legal Services - her first social justice work since student days at the Benjamin N. Cardozo School of Law, where she participated in the Innocence Project - was beneficial to both her client and herself.

The two Weil Gotshal associates believe their professional skills were enhanced by the stint at Legal Services.

"It's obvious that this was beyond legal," Ms. Christie said. "It's a whole new dimension that law school doesn't prepare you for. Nothing prepares you for this but life experience."

Success Story from Legal Services of the Hudson Valley

Protective Clothing Secured for Disabled Child

Legal Services of the Hudson Valley (LSHV) recently helped "Abdul," an eight-year-old boy with an extreme skin condition, secure protective clothing covered by Medicaid.

Abdul suffers from Basal Cell Nevus Syndrome, which causes pre-cancerous cells to develop when his skin is exposed to UV rays. UV-filtering clothing is available, but is

expensive and hard to find. Without the clothing, surgery would be required to remove the potentially deadly cells.

The HMO administering Medicaid for the county initially denied an application for the clothing, stating that it was not medically necessary. At a hearing on the matter, LSHV helped Abdul's mother demonstrate that the legal standard for medical necessity was met. The Administrative Law Judge noted that the parent and LSHV submitted compelling evidence and remanded the matter for re-determination.

The HMO denied the application again, stating that the clothing was not included in the New York State Medicaid Plan.

LSHV took the case to a second hearing, arguing that medically necessary items must be covered despite their exclusion from the State Medicaid Plan, for children from birth to 21. The Administrative Law Judge agreed and ordered the agency to cover the clothing for the child.

North Carolina

Success Story from Legal Aid of North Carolina

Legal Aid Helps Save Home for Foster-Child

Legal Aid of North Carolina (LANC) has forced a child-welfare agency to use a teenager's Social Security benefits to pay the mortgage on a house he inherited, instead of using the money in its own budget.

"The ruling saves the foster child's house from a threatened foreclosure that may have rendered him homeless when he turns 18 years old," said Lewis Pitts, the LANC attorney who represented the foster child, known as "John G." "Obviously, it is in the best interest of the child that the property not be foreclosed and that the asset be preserved for the child's future."

John G has been in the legal custody of Guilford County Department of Social Services (DSS) since 2004. As his guardian, DSS became payee of John G's Social Security Benefits of \$538 per month. Although DSS was bound by law to use the funds in the child's best interest, DSS refused to pay the \$220 monthly mortgage payment on a Habitat House held in trust for the child. Instead, DSS opted to retain the money to help pay its costs of providing care for the child.

A judge ordered the agency to begin paying the mortgage but the agency appealed, arguing that the court had no jurisdiction in the case. An appeals court disagreed, ordering the agency to begin making mortgage payments on the house.

"These children have many needs, including clothing, educational supplies, and recreational, for which the funds should be used. DSS needs to raise public awareness

about their budgetary nightmares, not create nightmares and deprivation by pocketing the children's money."

"Because this ruling is so clear and so strong, advocates for foster children all around the state should be able to get District Judges to halt DSS use of the funds that are not in the child's best interest," Pitts concluded. "Now we should all work to ensure adequate legislative funding for all services for children and take away the incentive for DSS to misuse the funds rightfully belonging to the children."

Success Story from Legal Aid of North Carolina

State must pay rape victim's medical bills

A state agency was wrong in refusing to pay for the medical bills for psychiatric treatment of a 14-year-old rape victim, a Superior Court judge ruled this month in a Wake County lawsuit.

The N.C. Crime Victims Compensation Commission initially told the victim's mother that it wouldn't pay \$8,000 owed to doctors and hospitals because the Brunswick County girl was drinking alcohol and using marijuana at a party the night she was raped.

But Superior Court Judge R. Allen Baddour Jr., in a Sept. 5 ruling, found that the 20-year-old man who raped the girl, and other adult men at the 2004 party, plied the girl with drinks and encouraged her to use marijuana once she was intoxicated. The man has never been charged, and Baddour indicated that Brunswick County investigators did not conduct a thorough investigation.

The mother's attorney, Monica R. Savidge, with Legal Aid of North Carolina, said the victim faced resistance throughout the ordeal.

"She did all the right things, and at every juncture she was told it doesn't matter," Savidge said.

The mother agreed.

"The state is not there for a victim of a crime," the mother said.

Other states -- including Alaska, California, Indiana, Kansas, Minnesota and Pennsylvania -- have laws that say the conduct of a sexual assault victim cannot be held against him or her, Savidge said. In North Carolina, the commission may deny a victim money if he or she was engaged in a nontraffic-related crime at the time of the incident. It can award money whether or not someone is charged in the crime.

The 14-year-old girl went into a deep depression following the incident and was diagnosed with post-traumatic stress disorder, according to court records. The family didn't have medical insurance at the time, and bills from doctors and hospitals began arriving at their home.

Ohio

Success Story from the Legal Aid Society of Columbus

Ann's partner, Joe, threatened to kill her by brandishing guns and knives, so her eldest child called 911. Joe was charged with aggravated assault and jailed. At the time, Ann was about to be evicted for being behind on rent because of debt and wage garnishment. She was worried about finding a place to go into hiding with her children before Joe was released. One of Legal Aid Society's Victim's Advocates found a shelter for her and her children.

In just a week, an attorney and advocate worked with Ann to decide the legal action that would be in her family's best interest. They helped her address landlord expenses, a civil-protection order, divorce and custody issues. A safety plan was developed to ensure that she and her children would be able to act quickly in case of another emergency. The family was also offered counseling to help them deal emotionally with these issues. Internet access to arrange bus transportation for her children and consumer-credit counseling helped Ann take charge of her children's safety and family finances. With the guidance of an advocate, Ann is looking for a permanent home and uses the Benefit Bank Internet program to manage her money.

A holistic approach has ensured that Ann's family is stabilized. Legal Aid believes in providing holistic service to clients in order to help them with other issues in addition to the problem at hand. This is often done in collaboration with other agencies that support the same low-income client base. This particular case involved collaboration with Franklin County Children's Services, where Legal Aid places attorneys and victim's advocates in four locations.

Ann is among the thousands of people who benefit from United Way-funded programs, thanks to generous donors. Together, we are doing what works and what matters.

Tennessee

Success Story from the Legal Aid Society of Middle Tennessee and the Cumberland *Eviction Struggle Has Happy Ending*

LaFaye Johnson and her three children were living in a motel room after being evicted from their apartment. Homelessness seemed almost certain if they could not find an affordable home.

Johnson, 30, never had trouble paying the rent on her old apartment, thanks to her job at McDonald's. When she fell on the job and hurt her knee, she missed some work and could only work part-time when she returned. The loss of work meant she could not afford her \$635 monthly rent. She fell behind, and was eventually evicted.

Johnson's plight was featured in a recent series of articles in The Tennessean on affordable housing in Nashville. After the articles ran, good Samaritans came out of the woodwork to try and help Johnson and her family, including the Legal Aid Society of Middle Tennessee and the Cumberland. The organization helped Johnson apply for a Section 8 voucher, which was accepted by a landlord who had also read about Johnson's plight. She and her children now live in a new three bedroom apartment with one-and-a-half bathrooms.

"I never would have imagined being in a home like this," she told The Tennessean. "I can rest comfortably now," she said.

Success Story From The Legal Aid Of East Tennessee

Legal Aid Of East Tennessee Offers Help To Those Who Cannot Help Themselves
The Valley Beautiful Beacon (TN) - July 27, 2006

Lindsay (name changed to protect her privacy) and her mother walked into Legal Aid of East Tennessee two years ago after being referred by her juvenile probation officer. She had such a severe anxiety disorder that she was unable to attend school due to the crowds of people. She made a series of poor choices, especially when it came to the peers with whom she associated, stopped going to school, and became involved in drugs.

As a condition of her probation, she was ordered to attend school. Laurie Draves, director of the Special Education Advocacy Project at Legal Aid of East Tennessee reviewed her educational and medical records to determine her specific problems and assisted her in obtaining special education certification. Lindsay soon began attending a specialized program in the local school system and experienced tremendous success. To date, she is drug free.

Earlier this year, as a high school junior with excellent grades, Lindsay came back to Legal Aid and asked for assistance in graduating early from high school and going to college. Once again reviewing records, Ms. Draves found that Lindsay had met all of the requirements for graduation from high school with a regular diploma. Ms. Draves invited a vocational rehabilitation counselor from the Tennessee Department of Vocational Rehabilitation to meet with Lindsay and, before the meeting was over, she was accepted for their services and signed the paperwork for her college tuition to be paid through that agency. In addition, if she chooses to pursue a post-graduate degree, they will provide full funding for her studies. She will be attending a local college this fall and plans on obtaining a four-year degree in the medical field.

Ms. Draves recently received a rewarding phone call from the Upper East Tennessee Human Development Agency inviting her to an awards dinner. They informed her that, because of Lindsay's outstanding progress, they were awarding Lindsay another college scholarship to help with related expenses. "As I watched Lindsay accept her award, I was reminded of the rewards of the work we do every day at Legal Aid. It is very gratifying to watch as a young person blossoms from a confused kid, spinning out of control, into a

bright, articulate young woman who will now become a productive member of our community," said Ms. Draves.

Texas

Success Story from Texas RioGrande Legal Aid

TRLA Provides Legal Shelter to the Abused

Julie remembers with vivid detail the event that would mark the beginning of her abusive relationship with Robert, her husband. One day, a simple trip to the grocery store quickly became the scene of intense arguing. With her daughter riding in the front child seat of a grocery cart, Robert raced the cart up and down the aisles, turning corners violently. After finding bruises on her daughter's inner thighs once they returned home, she confronted him.

A fistful of hair. A bathroom mirror. Robert made use of both, grabbing her hair and slamming her face into the mirror. A phone call. An arrest. Three days later, Robert returned home begging for forgiveness through tears, promising nothing similar would ever happen again.

But the violence didn't stop. Over a 15-year period, Julie found herself caught in a cycle of violence colored by conflict and empty reconciliation amidst physical and emotional abuse.

In 2001, Julie tried to break free. After seeing her eight-year-old son Jacob stand between her and Robert as the arguing once again escalated one evening, she left and spent four months at the Guadalupe Family Violence Shelter. Four months later, she had a protective order and a new place for her to live. Robert would be arrested multiple times for violation of the protective order. Despite her attempts to distance herself from him, her financial problems led her right back to him. And so the cycle continued, until one fateful day in 2006, when Robert beat her repeatedly with a baseball bat until she was rendered unconscious on the floor.

After coming to, Robert passed out on the bed beside her, Julie walked out the door and vowed never to look back. With the help of the Guadalupe Family Violence Shelter and Texas RioGrande Legal Aid (TRLA), Julie was welcomed with open arms at the shelter and assigned a TRLA family law attorney, Veronica Medina, to re-start divorce proceedings.

"The partnership between the Guadalupe Family Violence Shelter and TRLA has changed my life tremendously," Julie said. "Without the help of TRLA, my legal advocate, and my attorney, I have no doubt that I would still be running and hiding from Robert and searching for a way out."

The shelter's legal advocate and TRLA staff worked with Julie to move things forward. Months later, Julie followed through on her divorce, and she left Robert for good.

"The lessons I've learned throughout this process are that I have the right to make decisions about my life," Julie said. "I have the right to say no and mean it. I have the right to embrace life fully and enjoy my life. And I have the right to not be abused and to reach out for help when I need it."

Utah

Success Story From Utah Legal Services (ULS)

"Lucy's" subsidized housing was terminated by the Salt Lake Housing Authority based upon allegations that her unit was overcrowded. She attended an administrative hearing with no representation, the only witness from whom the hearing officer who took testimony was a caseworker with no personal knowledge of her situation who merely read aloud police reports to the hearing office. Lucy was not given the opportunity to cross-examine the police officers or to even review the police report. Following the 15-minute hearing, her housing assistance was terminated and she was subsequently sued by her landlord for non-payment of rent.

ULS received Lucy's complaint and filed a third-party action against the Housing Authority on the grounds that Lucy's procedural due process rights were denied. The case went to trial, only this time - with competent representation making Lucy's case for her - the court ruled in her favor. Her housing assistance was reinstated and the Housing Authority was ordered to compensate the landlord for 14 months of rent. The ruling explained that Lucy had been denied a right to a fair hearing, and reinforced the right of self-represented litigants such as Lucy to confront and cross-examine witnesses.

Washington State

Success Story from the Northwest Justice Project

"Martha" is a 51 year-old homebound SSI recipient who came to Seattle-based Northwest Justice Project to seek help in filing for bankruptcy. The bulk of her debt was a \$4,000 telephone bill. Martha's telephone bill included a host of unknown charges from various long distance carriers' dial-around numbers and collect calls. The bill also included charges for Internet service and a cell phone plan, although Martha had neither. Martha's local carrier had terminated her telephone service and the only other company servicing her area was charging her \$54 a month for basic service. This was an especially critical problem because Martha's medical condition required her to have access to a telephone to contact her doctor when necessary.

An attorney with the Northwest Justice Project contacted the carrier, who agreed that items on the bill were inexplicable but refused to amend any charges. The attorney then enlisted the help of the Washington State Utilities and Transportation Commission. After several rounds of negotiations, the carrier agreed to restore service at \$4 per month and

enrolled Martha in the Telephone Assistance Program if she agreed to a payment plan for a portion of the bill representing local phone service.

West Virginia

Success Story from Legal Aid of West Virginia

Legal Aid Helps Victim of Domestic Violence Leave Abuser and Gain Financial Independence

Jackie was a 40-year-old mother of two when she first sought help from Legal Aid of West Virginia. For seven years, she had been married to a man who was extremely controlling and physically abusive. Legal Aid of West Virginia worked with Jackie to secure a protective order against her abusive husband and represented her in the divorce.

During the divorce proceedings, Jackie learned that her husband was a bigamist--he had been married to several other women while married to her. The divorce was soon finalized, and Jackie's husband was forced to pay spousal support. In lieu of child support, Jackie's husband claimed their two children as dependents so they could receive part of his Social Security disability benefits.

Some years later Jackie began receiving letters from the Social Security Administration demanding repayment of more than \$20,000. Social Security had learned that Jackie's ex-husband was working sporadically while receiving disability benefits. The letter explained that since her children were receiving some of that ill-gotten money, it was her responsibility to repay it.

Legal Aid of West Virginia helped Jackie appeal Social Security's decision, arguing that she was without fault and did not have the means to repay the large sum of money. After several months of conversation, Social Security agreed to waive the entire overpayment.

Upon hearing the news, Jackie said, "Legal Aid has given my girls and me our life back! I thank God every day for you!"