New Changes to the Veterans Affairs Claims Process

By: Todd Schmidt

The “effective date” of a claim for Department of Veterans Affairs (VA) Compensation or Pension runs from whichever is later: 1) the date the claim was received by the VA, or 2) the date that the claim “arose.” In the past, a veteran could ensure his/her earliest effective date by sending a letter to the VA explaining the benefits sought and asking for an application. The benefits would start from the month the letter, or “informal claim,” was received.

On March 24, 2015, the VA established a more formal process for filing claims. The main change was eliminating the informal claim. Now the VA will only accept applications for benefits on a specific VA form for purposes of establishing an effective date. The forms are available on the VA’s website at va.gov/vaforms/default.asp. This is important because veterans who do not follow the new procedure could lose several months of benefits.

The following are the most common types of VA forms:

- VA Form 21-526: Veteran’s Application for Compensation or Pension
- VA Form 21-526b: Veteran’s Supplemental Claim for Compensation
- VA Form 21-527: Application for VA Pension
- VA Form 21-534: Application for Dependency and Indemnity Compensation
- VA Form 21-526EZ: Application for Disability Compensation and Related Compensation
- VA Form 21-527EZ: Application for VA Pension under the Fully Developed Claim (FDC) program

To be eligible for the Fully Developed Claim program, a veteran must have all medical and personnel records needed to support the claim. The claimant submits this evidence with the claim, which allows VA to process the claim more quickly.

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Losing in-home care continued from page 1

What if my Elderly Waiver benefits are canceled?
You can lose your Elderly Waiver services if your personal income or assets put you over eligibility limits. You can also lose your Elderly Waiver services if you no longer need the level of care provided by the program.

Annually, the Iowa Department of Human Services (DHS) through Iowa Medicaid Enterprises (IME) reviews people getting help through the Elderly Waiver program. The evaluation is to see whether you still need the care services provided by the program. You or your physician assistant is asked to complete a new Level of Care Certification form. This is the same form that was completed when you first applied for the Elderly Waiver program. It is important that you, your doctor and other care providers understand this review and the level of care required for Elderly Waiver services. The loss of Elderly Waiver services which keep you in your home may be catastrophic.

Losing your Elderly Waiver services is usually based on the new Level of Care Certification form showing that you are independent and do not need care.

This year, Iowa Legal Aid is getting a large number of calls from people who have gotten a notice that their Elderly Waiver services are canceled. This cancellation of Elderly Waiver may determine whether you can continue to live at home or will soon need to go to a nursing home.

Do not assume that you do not qualify for Elderly Waiver services just because IME says so. There are many ways to show that you still need the services in order to remain in your home. Iowa Legal Aid has been successful in appealing the cancellation of Elderly Waiver services. If you believe you will not be able to stay in your home without your services, you should contact Iowa Legal Aid immediately.

What if I need the Elderly Waiver services to stay in my home?

• You need to file an appeal with the Department of Human Services within the 30 day deadline. A hearing will be scheduled with an Administrative Law Judge to decide if you need Elderly Waiver services. Within a 10 day deadline, you can also request that your Elderly Waiver services continue during your appeal. If you lose the appeal, you may have to repay the state for the continued care services.

• You should review the canceling of your Elderly Waiver with your doctor and other care providers. Ask them if they can provide medical support to show your need for Elderly Waiver services.

• You should call Iowa Legal Aid for advice and possible help representing you at the hearing.

Sometimes the completed level of care form does not tell the whole story of your need for Elderly Waiver services. It may be that you have told your doctor that you don’t need help when you do need help. You may feel uncomfortable talking about your personal care needs. However, it is very important to be honest in the evaluation of your care needs. Trying to do things that put you at risk of falling or risk your health in other ways is foolish. This can also lead to having to go into a nursing home. Sometimes, even though you are able to do some things on your own there may be a combination of medical care and personal care needs that would prevent you from staying at home without Elderly Waiver services.

Review the completed level of care form with your doctor.
• Be honest about your need for help and care.
• Make sure your doctor understands your limitations and needs.
• Ask your doctor to submit an updated level of care form to Iowa Medicaid Enterprises (IME) and to the Administrative Law Judge.
• Ask your doctor to write a letter explaining why you need the Elderly Waiver program to safely stay in your home.

A clear statement from your doctor stating that you need to go to a nursing home if your Elderly Waiver care is canceled is very helpful for persuading IME and the Administrative Law Judge.

If it becomes clear from your medical support that you need the Elderly Waiver services, the Department of Human Services may re-instate you in the program before the hearing. Otherwise the Administrative Law Judge will decide if your Elderly Waiver program should continue or not.

Even if you lose the appeal and your Elderly Waiver services are canceled, you can re-apply for the program should your need for in-home assistance increase.

Where can I get help with an appeal?
• Iowa Legal Aid provides help to low-income Iowans.
• To apply for help from Iowa Legal Aid: call 800-532-1275 or Iowa age 60 and over, call 800-992-8161 OR apply online at IowaLegalAid.org
• If Iowa Legal Aid cannot help, you can look for an attorney on “Find A Lawyer” on the Iowa State Bar Association website at IowaBar.org. A private attorney there can talk with you for a fee of $25 for 30 minutes of legal advice.

Fred Nelson is a Staff Attorney with Iowa Legal Aid’s Legal Hotline for Elder Iowans.

PUBLIC NOTICE
Meetings of the Iowa Legal Aid Board of Directors are open to the public. The Board of Directors meets at least four times each year. The public is encouraged to attend. The next meeting of the Board of Directors is scheduled to take place on Saturday, November 5, in Des Moines. For details on the next meeting of the Board, call toll-free: 800-532-1275, and ask for Arlys.

The Equal Justice Journal is published four times a year by Iowa Legal Aid. The Equal Justice Journal is free to low-income people in all counties of Iowa. All others must pay a $10 annual subscription fee. The EJJ is available in a larger print edition upon request.

All correspondence should be sent to:
The Equal Justice Journal
Iowa Legal Aid
1111 9th Street, Suite 230
Des Moines, IA 50314-2527

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You should see a lawyer to get complete, correct, and up-to-date legal advice. Do not rely on the general information in this newsletter for your specific case. If you need a lawyer but can’t afford one, contact Iowa Legal Aid. You may be able to get free legal help. Call or write Iowa Legal Aid, or apply online at IowaLegalAid.org.

AS YOU READ THIS NEWSLETTER, REMEMBER IT IS NOT A SUBSTITUTE FOR LEGAL ADVICE.

FREE Legal Help

800-992-8161 (282-8161 in Des Moines)

The Legal Hotline for Older Iowans (60 & Over)

An Iowa Legal Aid Project

Veterans continued from page 1

• For a surviving spouse or child applying for service-connected death benefits under the FDC program.

If a veteran does not have all of the necessary information to file a claim, the veteran can start the process by completing an “Intent to File a Claim,” VA Form 21-0966. If the veteran submits a formal claim within one year of the date the VA receives the letter that says the veteran filed a claim, the VA will consider the claim filed as of the date the Intent to File a Claim was received.

VA regulations also allow a veteran to start the process by calling 1-800-827-1000 and speaking with a benefits counselor.

A veteran can also preserve his/her earliest effective date by starting and saving a claim electronically through eBenefits. The veteran has one year from the date the electronic application is saved to submit it to the VA.

Veterans should talk with their county Veteran’s Affairs office or Iowa Legal Aid before filing a claim for VA benefits.

Todd Schmidt is a staff attorney at Iowa Legal Aid’s Northeast Iowa Regional Office in Dubuque.
What is buying a house on contract?
Buying a house on contract simply means agreeing to buy a house and entering into a contract with the seller. The buyer and seller will agree to a purchase price as well as other terms. The buyer usually agrees to make an initial down payment and then a number of regular payments. After the buyer makes all payments and completes other important obligations the seller then transfers title of the home to the buyer.

Why do people buy a house on contract?
Most people borrow money from a bank to buy a home and this is called a mortgage loan. But many people do not qualify for a loan for reasons such as a negative credit history or low income. For those who cannot get a loan from a bank they might choose to buy a house on contract instead.

How is buying a house on contract different from buying a house with a mortgage or renting?
When you buy a house on contract you make regular payments just like you would if you were renting or had a mortgage with a bank. But there are a few important differences.

When you rent a house your landlord is usually responsible for maintaining the property. When you buy a house on contract these responsibilities are yours alone.

Most contract sales of homes also have a forfeiture clause. This means you lose your right to the home if you do not make the required payments or don't follow other important terms in the contract. If you forfeit the contract the seller usually gets to keep all payments and improvements you made while the house was under contract. This is different from a mortgage loan. With a mortgage loan you get to keep any equity in your house after the contract is forfeited and the seller is entitled to take the house back and keep all payments and improvements. The seller then usually has 30 days after forfeiture to evict you as a “holdover tenant” by filing a summary eviction proceeding in court as long as the contract includes a holdover tenant clause allowing for summary eviction. If the seller doesn’t start summary eviction proceedings within 30 days after forfeiture, or if your contract doesn’t have a holdover tenant clause, the seller will probably have to use a lengthier court proceeding to evict you.

If the seller sells multiple properties in a year, or even if he or she sells just one house on contract with the help of a broker, the seller has to follow stricter rules. These stricter rules require sellers to make sure you are able to repay the loan, to give you certain notices, and regulate what terms are allowed in the contract, among other things. These requirements come from laws like the Truth in Lending Act (TILA), the Home Ownership and Equity Protection Act (HOEPA), as well as other state and federal regulations. Make sure to keep all notices and documents the seller gives you when you purchase a home on contract. You may consult a lawyer to determine whether a seller is covered by any of these regulations and to determine your rights. If a seller violates these regulations you have remedies for damages, attorney fees, and the right to cancel the contract.

Should I buy a house on contract?
Buying a house on contract is one way for persons with low income or poor credit to become homeowners, but there are substantial risks involved. Buying a home is a big decision, so make sure to be careful before signing a contract. It’s always best to talk to a lawyer before purchasing a home on contract.

Where can I get help if I purchased my home on contract and now have problems related to the contract?
• Iowa Legal Aid provides help to low-income Iowans.
• To apply for help from Iowa Legal Aid: call 800-532-1275
• Iowans age 60 and over, call 800-992-8161
• apply online at IowaLegalAid.org

Jason Burdick is a staff attorney in Iowa Legal Aid’s Central Iowa Regional Office.
Persons who have their own business may be required to file tax returns for that business and pay self-employment tax. Some people are not aware that they have to file or pay this tax. Whether or not a person is self-employed is a question that depends upon the specific facts of that person’s situation. This article gives the rules that generally apply.

Who is considered self-employed?
There are three different circumstances that you might be considered self-employed.

• You carry on a trade or business on your own;
• You are a member of a partnership that carries on a trade or business;
• You are otherwise in business for yourself (including a part-time business).

Being in business on your own is sometimes called being a sole proprietorship or an independent contractor.

What are my tax obligations as a self-employed person?
You may be required to file an annual return and pay estimated tax each quarter. You have to file an income tax return if your net earnings from self-employment are $400 or more. If your net earnings were less than $400, you still have to file a return if you meet any of the other filing requirements listed in the Form 1040 instructions. Net business income is the money you received for conducting your business minus allowable expenses.

If your net earnings are greater than $400 you may also have to pay self-employment tax. Self-employment tax is Social Security and Medicare tax. Your payments of self-employment tax contribute to your coverage under the social security system. Social security provides you with retirement benefits, disability benefits, survivor benefits, and hospital insurance (Medicare) benefits.

Currently, self-employment tax is roughly 15% of your net business income. For employees, an employer withholds approximately 7.5% from your paycheck and pays an additional 7.5% towards your Social Security and Medicare. As a self-employed person, the difference is that you are responsible for saving this amount and paying it over to the IRS.

How do I make my quarterly payments?
You can use IRS Form 1040-ES, Estimated Tax for Individuals, to figure out the amount of your quarterly payments. You use the vouchers to mail in payments or you can pay on-line at irs.gov.

Can I deduct my business expenses?
Deductible expenses are the current operating costs of running your business. To be deductible, a business expense must be both common and accepted in your field of business, trade, or profession. It must also be one that is helpful and appropriate. An expense does not have to be indispensable to be deductible. Common expenses might include mileage, office expenses, marketing, and depreciation of equipment you use.

What type of return will I file?
Most persons who are sole proprietors, in business on their own, file a Schedule C with their individual 1040. If you are a member of a partnership, a separate return is filed for the partnership and income earned as a member of the partnership is reported on your individual return.

Can I deduct my home office expenses?
If you use part of your home for business, you may be able to deduct expenses for the business use of your home. The home office deduction is available for homeowners and renters, and applies to all types of homes. For more information, see Schedule C (Form 1040) and its instructions.

Which supporting documents should I keep?
Keep documents generated from the day-to-day transactions of your business. These might include receipts from equipment purchased, advertising, supplies; invoices for work you have done; copies of checks received or sent; mileage log you keep for business travel; or bank statements. It is a good idea to use a spreadsheet, written log, or bookkeeping program for recording your earnings, expenses, and taxes paid. Updating your books regularly will help. Organizing your folders by month and year might be one method to use. If you have a computer file, make sure to have a back up. Keep records in a safe place. You will need these to prepare your tax return and if you are ever audited.

Where can I get help with my tax problems?
If you have questions about your tax rights and responsibilities, Iowa Legal Aid’s Low-Income Taxpayer Clinic may be able to help.

• To apply for help from the Low-Income Taxpayer Clinic:
  • call 800-532-1275 OR
  • apply online at iowal egalAid.org

NOTE: The information in this article is not a substitute for legal advice.

As a general rule, Iowa Legal Aid’s Low-Income Taxpayer Clinic does not prepare tax returns.

Tamara Borland is Managing Attorney of Iowa Legal Aid’s Low-Income Taxpayer Clinic.
Private Student Loan Borrowers Face Increased Collection

By Nancy Thompson

Paying for college is expensive. Tuition and other costs of attending college or trade school are high. Even attending a community college or public university can cost $10,000 to $20,000 each year. To pay for that education, many students borrow money from the federal government or a private lender.

What are the advantages and disadvantages of federal government guaranteed student loans compared to private student loans?

Student loans made or guaranteed by the federal government offer some of the best terms and repayment plans:

- Their repayment plans are based on your income.
- For example, some payment plans for federal student loans allow payments as low as 10% of your discretionary income.
- Discretionary income is the amount of income left over after subtracting what is equal to 150% of the poverty line.
- The federal repayment plans also offer forgiveness of any remaining debt after a borrower makes payments for 20 to 25 years.
- There is the possibility of subsidized interest rates.
- There is the possibility of discharges of loans for disability or a school closing prior to graduation.
- Not paying on a federal student loan can result in offset of tax refunds, public benefits (social security, VA, etc), and garnishment of wages.
- There is no statute of limitations for collecting on federal loans.
- Getting out of default on a federal loan can often be much easier than a private loan.
- Federal loans may well be the better choice if you must borrow money to attend school.

Private student loans, made by a private lender without any involvement of the federal government, don’t come with the same benefits:

- Private lenders are not required to offer payments based on a borrower’s income.
- Private lenders are not required to forgive debt.
- Some private lenders will make favorable payment plans and settlements but there are no laws or rules forcing them to do anything helpful for a borrower.
- Many private loans require a co-signer, meaning someone else besides the student borrower is also at risk of debt collection.
- However, if you default on a private student loan, more of the borrower’s property may be protected from collection than in federal student loan cases.

Who tries to collect when the borrower defaults on a student loan?

Many Iowa lawsuits to collect private student loans are filed by one of the National Collegiate Student Loan Trusts. These trusts are given a number such as National Collegiate Student Loan Trust 2007-1 or National Collegiate Student Loan Trust 2006-2. The trusts contain thousands of private student loans sold by the original lenders to National Collegiate Funding and then to one of the trusts. The student loan has usually been sold at least twice before the trust sues the student borrower. Not only are the loans themselves bought and sold, but the debt-collection agency trying to collect the loan may also change several times.

What defenses might a student borrower have when there is a lawsuit filed?

When a debtor is sued, the party filing the suit has to prove it owns the debt. If the company suing doesn’t own the debt then it is not the real party to bring the lawsuit. This is an important legal rule. If the company suing a student cannot prove ownership of the debt, someone else could sue the same debtor for the same debt sometime in the future.

In the lawsuits filed by one of the National Collegiate Student Loan Trusts, the trusts are often unable to prove they own the student loans. They cannot prove the borrower’s loan was sold to the trust or that the loan balance being collected is correct. The original loan documents signed by the borrower may be missing and the trusts may be suing after the statute of limitations has passed.

With over 850,000 private student loans in default nationally, defending lawsuits brought by debt collection agencies trying to collect private student loans, including the National Collegiate Student Loan Trusts, will be increasingly important for low-income debtors.

Iowa Legal Aid provides help to low-income Iowans.

To apply for help from Iowa Legal Aid:

- call 800-532-1275
- Iowans age 60 and over, call 800-992-8161
- apply online at IowaLegalAid.org

If Iowa Legal Aid cannot help, you can look for an attorney on “Find A Lawyer” on the Iowa State Bar Association website at IowaBar.org. A private attorney there can talk with you for a fee of $25 for 30 minutes of legal advice.

Who should I contact if I am having problems related to collection of my student loans?

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Nancy Thompson is a staff attorney in Iowa Legal Aid’s Central Iowa Regional Office in Des Moines.

Changes to Child-care Assistance for Families

If you have a child or children in day care and your household income is below a certain amount, you may qualify for child-care assistance from the Iowa Department of Human Services (DHS). Parents must meet one of the following requirements: 1) working; 2) attending school or vocational training; 3) looking for employment; 4) receiving Family Investment Program (FIP); 5) need child care due to the parent’s illness or disability; or 6) have a child with special needs.

Starting July 1, DHS made some changes to child-care assistance. The changes include:

- certification for 12 months instead of 6 months;
- families will have 3 months instead of 1 month for job searches when there is a temporary change in employment or education;
- child-care assistance can continue for 12 months regardless of temporary changes;
- a family’s assistance may only be canceled after a non-temporary change; and
- the family resource/asset limit will be higher.

For more information about child-care assistance and these changes, contact your local DHS office. If you aren’t getting the benefits that you think you should be getting, contact Iowa Legal Aid.

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Nancy Thompson is a staff attorney in Iowa Legal Aid’s Central Iowa Regional Office in Des Moines.
New Rules Could Require New Training For Child-care Providers

The Iowa Department of Human Services (DHS) wants to add new rules for people who provide child care in their homes. These rules would require new trainings for in-home care providers. The changes would not apply to all people who watch children in their homes. Rather, the proposed rules would apply only to child-care providers who:

- care for five or fewer children;
- care for the children in their home;
- are approved to care for children in their home through the State of Iowa; and
- receive money from DHS through the child-care assistance program.

DHS wants in-home child-care providers to have more training on issues that may come up when supervising children. Specifically, DHS wants care providers to take classes on the following topics:

- immunizations and preventing and controlling the spread of dangerous diseases;
- safe sleeping for children and prevention of Sudden Infant Death Syndrome (SIDS);
- obtaining parent permission to give medications and safe practices when giving children medication;
- how to handle food allergies and allergic reactions;
- identifying unsafe areas in the home, including electrical dangers and bodies of water;
- preventing shaken baby syndrome and head injuries for children;
- planning and preparing for emergencies;
- handling dangerous liquids and materials and how to properly dispose of them; and
- safely transporting children.

The proposed rules would require that providers complete training on these topics every five years. Providers would also need to complete two hours of mandatory child-abuse reporting training, as well as keep their CPR and first-aid certifications up-to-date.

New Ruling Impacts Workers Who File for Unemployment

Recently, the Iowa Supreme Court decided that an employee was eligible for unemployment benefits after she was fired from her job while being held in jail for a crime she didn’t commit. Because she could not post the bond to get out of jail, she informed her employer that she would have to miss work. The employer terminated the worker’s employment while she was jailed. After the worker was released from jail, the criminal charges against her were dismissed.

The Iowa Supreme Court decided that in this situation, the worker did not voluntarily quit her job and she did not commit misconduct. Misconduct is deliberate bad behavior that harms the employer. Both a voluntary quit and misconduct are actions that disqualify a worker from receiving unemployment benefits.

Apply Online for Help from Iowa Legal Aid

People wanting help from Iowa Legal Aid can apply online. You will find the Apply Online for Help link in a yellow box on the right side of web pages at IowaLegalAid.org.

Iowa Legal Aid staff will review the request for assistance within a day or two and call the applicant. If the matter is urgent or involves a short deadline, DO NOT APPLY ONLINE. Call 800-532-1275 to apply for help. Offices are open from 8:30 am to 4:30 pm (emergencies taken when open).

Telephone intakes: Regular telephone intake hours are Monday through Friday from 9 to 11 am and 1:30 to 3:30 pm, except Thursday afternoons.

MEDICAID MANAGED CARE

Remember: You may change your Medicaid MCO for good cause, including that your provider:

- is not enrolled with your MCO,
- you need services that your MCO does not cover, or
- you have a change in eligibility (for example, changing to the Medicaid PACE program).

Patients who are new to Medicaid will be given an opportunity to choose an MCO within 10 days of receiving a notice.

If you do not choose an MCO, you will be assigned an MCO. You may change your MCO within 90 days of enrollment for any reason. After 90 days, you need good cause.
New Law Expands Protection for Safe at Home Participants

By Torey Robinson

State lawmakers passed a new law that gives Safe at Home participants new protections if they are involved in a court case or administrative hearing.

The Safe at Home program is an address confidentiality program through the Secretary of State’s office. Through Safe at Home, victims of domestic violence, sexual assault, trafficking, or stalking crimes are assigned a substitute address to use for mail and public records. Mail, court papers, and other documents are received by the Secretary of State’s office and then forwarded to participants’ physical address. The goal of the program is to keep victims of certain crimes safe from their abusers.

The original law, which took effect January 1, 2016, did not say whether Safe at Home participants had to give their physical address to attorneys, judges, and other parties when they are involved in court cases or administrative hearings. Lawmakers added to the law this year to clarify when a physical address must be disclosed in court or administrative hearings.

Under the new law, a participant does not have to give her or his physical address just because an attorney or judge asks for it. If a party or lawyer believes the physical address is needed in the court case or administrative hearing, the participant must then give the judge a substitute address.

At the hearing, the participant can state what safety concerns she or he has if the address is turned over as part of the case. The judge must listen and consider the participant’s safety concerns. A judge will decide if the safety concerns and possible harm to the participant are greater than the need for the address as part of the case. In order for Safe at Home participants to have to turn over their physical address, a judge must:

• The physical address is necessary in order for the court case or investigation to happen; AND
• There is no other way to get the information from anywhere else.

There may be other reasons a judge can order a participant’s address be turned over as part of a criminal case. Even if the judge orders that the address must be turned over, it can only be used as needed for the investigation, court case or administrative hearing.

The new law applies not only to Iowa Safe at Home participants, but those that live in Iowa that are involved in other states’ programs that are similar to Safe at Home.

Those who have questions about the new law or whether or not they can participate in Safe at Home should contact the Secretary of State’s office or an attorney.

Torey Robinson is a Staff Attorney in Iowa Legal Aid’s Central Iowa Regional Office in Des Moines.

SAFE AT HOME

How do I apply?

• Contact an advocate or the Secretary of State’s office for more information:
  • SafeatHome@iowa.gov
  • 515-725-SAFE (7233)
• Fill out an application and return it to the Secretary of State’s office at:
  • Safe at Home 321 E. 12th Street Des Moines, IA 50319
• If certified, you will be notified by the Secretary of State’s staff and get a participation packet.
• Notify everyone of your new address.

Property-tax Suspension May Create a Problem If You Have a Mortgage

Property Tax Suspension for low-income seniors or people with a disability is an important program. Having your property taxes suspended means you do not make payments on your property taxes as long as the taxes are suspended or until you transfer the property. This can be a big help if you are having difficulty making ends meet. However, if you have a home mortgage—including a reverse mortgage—or you are buying your home on contract, then property tax suspension can be a problem.

How do property taxes get suspended?

Homeowners receiving Supplemental Security Income (SSI) or State Supplemental Assistance (SSA), or who live in a health-care facility that is receiving payment from the Department of Human Services for care, are automatically eligible for property-tax suspension. Other people may also ask for their property taxes to be suspended if they have low income and are unable to pay their property taxes. In both cases, you contact the county board of supervisors to have your property taxes suspended.

Sometimes people get property taxes suspended without realizing that it can cause a problem if you have a home mortgage or bought the home on contract.

Why would having my property taxes suspended be a problem if I don’t have to pay my taxes?

Suspended property taxes are still owed. Most mortgages and real estate contracts require that you pay your property taxes. You are not required by the county to pay your suspended taxes until you sell your home or it is transferred, but property taxes are still owed. Payment on your property taxes is only deferred until later. The problem is that under Iowa law when you sell your home, the suspended taxes must be paid before what is owed on your mortgage loan or on your house contract. This could result in the mortgage lender or contract holder not getting full repayment.

Having your property taxes suspended can violate your mortgage agreement or real estate contract, leading to foreclosure or forfeiture of your real estate contract. In some cases the mortgage holder or contract seller may pay the suspended taxes and then require you to reimburse them.

What if my property taxes are already suspended and the mortgage company contacts me to pay the back property taxes owed?

It can be overwhelming to be asked to come up with several hundred or thousand dollars in back taxes. If you have equity in your home, you may finance a portion or all of the suspended property taxes from your home equity. If you have a reverse mortgage, you may be allowed to borrow an additional amount to catch up on payments. Some mortgage companies will work out a monthly payment plan to avoid foreclosure. Family members may be able to help you catch up.

To succeed in working out a plan with the mortgage company, you need to pay your taxes going forward. This means also applying each year for the property-tax credit program to lower the amount of taxes owed.

How can I avoid this problem?

One option is the Property Tax Credit Program for people over age 65 or with a disability. This program reduces property taxes owed. The program does not create a problem with your mortgage and the reduction of your taxes does not have to be paid back. You need to apply for this program every year. With the property tax credit, you may be able to pay the lower taxes and not need to have the remaining taxes suspended. Even if you have suspended property taxes, you should apply for the property tax credit to lower your taxes and the amount of taxes that would need to be repaid in the future.

If you have a mortgage (including a reverse mortgage) or home contract, have an attorney review the documents before you ask to have your property taxes suspended. If your property taxes are already suspended, do not take out a new mortgage without checking with an attorney.

Having your property taxes suspended when you have a mortgage or a home contract can lead to foreclosure or forfeiture of your home contract.

Where can I get legal help?

If you get a notice about these rules from DHS and have questions about how it may impact you, please feel free to call Iowa Legal Aid.

• Iowa Legal Aid provides help to low-income lowans.
• To apply for help from Iowa Legal Aid:
  • call 800-532-1275
  • lowans age 61 and over, call 800-992-8161

OR

• apply online at iowalegalaid.org
• If Iowa Legal Aid cannot help, you can look for an attorney on “Find A Lawyer” on the Iowa State Bar Association website at iowabarr.org. A private attorney there can talk with you for a fee of $25 for 30 minutes of legal advice.
Iowa Legal Aid helps low-income Iowans

Did you know... after calling what looked like a local number for “legal aid” in the phone book, some Iowans got return calls from somewhere in Kentucky? Don’t be misled...

- Iowa Legal Aid provides FREE legal assistance to those who qualify.
- Iowa Legal Aid helps low-income Iowans with civil legal problems including:
  - Domestic violence
  - Housing
  - Public benefit programs

The intake number for Iowa Legal Aid is 800-532-1275 (se habla espanol)

Iowans age 60 and over, call Iowa Legal Aid’s Legal Hotline for Older Iowans at 800-992-8161

Visit us online at IowaLegalAid.org

**How to Talk to a Lawyer**

By Catherine Nelson

When clients walk into our office or call us on the phone, we greet them with a friendly, “How are you today?” But truthfully, we usually already know the answer. If you have a legal issue that you want to discuss with a lawyer, chances are you are not having the best day. More than likely, something bad has happened to you and you want advice about how to handle it. You might be upset. You might be stressed. You might even be scared. Talking to someone about the problem may be the last thing you want to do. Making the call or visit to our office can be a difficult step. To ease your concern and help you get the most out of the time with your lawyer, we put together a list of tips.

Be patient. When you talk to your lawyer, he or she hears your story for the first time. You know your story, your lawyer does not. Your lawyer will most likely have to ask many, many questions to make sure he/she fully understands your situation. Certain parts of your story that are important to you may not be important to your lawyer. This does not mean he/she doesn’t care. In reality, he/she is working to understand the necessary facts to give you the best legal advice.

Be prepared. You will need to describe what has happened and what you are hoping your lawyer can do for you. Be prepared to provide dates, names, and locations that are relevant to the problem you want to solve. You should also have any important documents with you.

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