

Iowa Legal Aid  
1111 9th Street, Suite 230  
Des Moines, Iowa 50314-2527

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## “Don’t lose your refund! Tax refunds for 2010 are going, going, almost gone...”

Tax time is almost here! If you have not filed a tax return for the past few years, now is the time to take care of it. The Internal Revenue Service (IRS) has rules about filing tax returns for previous years. If you believe you are owed a refund and didn’t file a return, the IRS only gives you 3 years to go back and claim that refund. The 3 years start on the date that the return was due.



To claim a refund for 2010, you must file your 2010 return by April 15, 2014. If you do not file your return by the deadline, the IRS does not have to return any money to you. Even if you do not think you are entitled to a refund, it is important to file a return if you are required to. The IRS website [www.irs.gov](http://www.irs.gov) has more information about who is required to file a tax return.

If you have questions about your tax rights and responsibilities, Iowa Legal Aid’s Low-Income Taxpayer Clinic may be able to help, to contact the clinic call 1-800-532-1275.

- The IRS requires us to tell you any of the tax information in this article was not intended or written to be used and cannot be used to avoid penalties under the Internal Revenue Code.
- This information is not a substitute for legal advice.
- Although the clinic receives funds from the IRS, the clinic, its employees, and volunteers are not affiliated with the IRS and a taxpayer’s decision to utilize the services of the LITC will not affect the taxpayer’s rights before the IRS.

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 \$10.00 annual subscription fee. The EJJ is available in a larger print edition upon request. The newsletter is available online at [iowalegalaid.org](http://iowalegalaid.org).

All correspondence should be sent to:

The *Equal Justice Journal*  
Iowa Legal Aid  
1111 9th Street, Suite 230  
Des Moines, Iowa 50314-2527



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*Note: Photographs in this newsletter are produced independently of text and bear no relationship to cases or incidents discussed herein (except where noted below a picture).*

### LOW-INCOME READERS OF THE EQUAL JUSTICE JOURNAL...

If you have a question about something you read in this newsletter, call **THE EJJ HOTLINE** at 1-800-992-8161. When your call is answered, tell the receptionist you want **The EJJ Hotline**. Your call will be transferred to a staff member who will be able to respond to inquiries from persons who are eligible for free legal help from Iowa Legal Aid.



# Health Insurance, Medicaid and the Iowa Health and Wellness Plan

By Elizabeth Norris\*

IowaCare, one of Iowa’s Medicaid programs, is ending December 31, 2013. Iowa plans to introduce a new plan on January 1, 2014. In addition, Iowans will have a chance to look for health insurance through the State Exchange.

### What is Iowa’s new plan to take the place of IowaCare?

- Iowa has proposed a plan called the *Iowa Health and Wellness Plan*.
- This proposed plan is being reviewed by the federal agency, Health and Human Services, but has not been approved as of November 25, 2013.
- If approved, the *Iowa Health and Wellness Plan* will be available to low-income Iowans, aged 19 to 64. Their income must not be more than 133% of the federal poverty level for their family size. They must also not be eligible for full benefits under Medicaid or Medicare, or eligible for affordable employer-sponsored health care coverage. They must also not be pregnant.
- The proposed *Iowa Health and Wellness Plan* will not pay for any medical care received before an individual is approved for coverage.
- You can enroll in the *Iowa Health and Wellness Plan* by using the State Exchange, or by applying at the Iowa Department of Human Services (DHS).
- Enrollment in the *Iowa Health and Wellness Plan* will last for 12 months, just like with IowaCare.
- Individuals whose income is at or below 100% of the federal poverty level will receive a member card and have a health benefits plan that is offered and generally available to State of Iowa employees, with the following coverage:



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# Protecting Yourself When Online: Personal Privacy And Safety

By Shelley Whitcher\*

*(The following article is adapted from information prepared by the Iowa Coalition Against Domestic Violence and is used with their permission.)*

Computer use can be monitored and an abuser may be able to see what websites the victim is viewing, including domestic violence advocacy sites and legal information sites like Iowa Legal Aid's website. If you are afraid your Internet usage might be monitored, you should call the Iowa Domestic Abuse Hotline at 1-800-942-0333 or use a computer that the abuser would not be able to monitor.

## Security and Monitoring:

- It is very important for victim/survivors to keep the security on the computer up to date to minimize the risk of monitoring. It is just as important to understand that these security devices do not eliminate the possibility of monitoring.
- Wireless networks are not always secure. If you are using the Internet on an unsecured network--an unlocked network that is accessible by anyone--your account information and use can be identified and accessible by other people using the network.
- If you are concerned that your computer activity is being monitored, you may want to use a computer your abuser does not have access to. Use a "safer" computer--one from a local library or a local agency or service provider.
- It is impossible to completely erase your email or computer history. Although many services claim to wipe a computer's history so your activity on it cannot be monitored, it is impossible to fully erase the activity history. These services can offer a false sense of security.
- Although you can delete your Internet browsing history, it is impossible to fully erase your activity history. Also, an abuser may be suspicious if the computer you share has a deleted browsing history.
- The term "spyware" refers to computer monitoring software. Spyware is a program

purposely put on someone's computer by another person to monitor activity. You can download software making it possible to detect some spyware, but not all. If you think your computer may have spyware, discontinue use until you can have your computer checked. Consult a computer professional or run a computer program to detect spyware, such as SpyBot.

- You should check to see if the camera is enabled on your computer. An abuser can monitor a victim by triggering the camera to turn on when the computer is turned on.

## Password Rules:

- Passwords for email, Facebook, or other online systems should not be shared with anyone, and certainly not with an abusive partner.
- Avoid using easy passwords that the abuser could guess. Change your passwords regularly.
- Do not save your username and password for easy logging in. Log out after you are done using the program.
- If you have shared passwords, be sure to change them immediately.

## Email:

- Emails are not a confidential way to communicate about anything. This is important to know if the topic concerns violence. An abuser could be monitoring computer activity.
- Never open attachments from unknown sources and be cautious about requests for information.



*“Many users do not understand or utilize all the privacy options of the social networking site they use. If you do not have your privacy options set it is possible that some or all of your information can be obtained through an Internet search. Check your privacy settings.”*

- Since knowing the survivor's email address can help an abuser harass and possibly locate a victim, it's important that mutual friends and family remain cautious when using email to communicate with a victim. Using the BCC (blind carbon copy) option on email allows forwards to be sent without everyone seeing who it was sent to.
- Open a new email account on a "safer" computer and then only check that account from a "safer" computer that should not be monitored by the abuser.

## Social Networks:

- Today, almost everyone is using social networks, including victims, survivors, and abusers. Social networks include Facebook, MySpace, Twitter, Match.com, and Webkinz, to name a few.
- Many users do not understand or utilize all of the privacy options of the social networking site they are using. If you do not have your privacy options set it is possible that some or all of your information can be obtained through an Internet search. Check your privacy settings.
- Follow the password rules described earlier if you use social networks.
- Information posted on social networks can be used in court cases, so it is very important to be cautious about what you post.

\*Shelley Whitcher is a staff attorney at Iowa Legal Aid's Southwest Iowa Regional Office in Council Bluffs

# Direct Express Cards

By Erin O. Planalp\*

Last spring, some people started getting their monthly Social Security benefits on a debit card instead of a check in the mail. This debit card is called a *Direct Express* card. The federal government contracts with a private bank, Comerica Bank, to service the cards. At the beginning of each month, the debit card is loaded with that person's monthly benefits. A *Direct Express* card can be used just like any other debit card to make purchases or pay bills.

This *Direct Express* card may be a better option for people who do not have a bank account and rely on check-cashing services each month. Other benefits include a low balance alert, reduced risk of lost or stolen checks, and the ability to buy money orders at locations that accept Debit MasterCard.



## Know About Possible Fees

Card users should still be aware of possible fees. For example, card users can get money from an ATM one time per month without a charge. After that, there is a \$0.90 charge for each withdrawal. The ATM must also be in the Comerica Bank network. You can avoid the extra ATM charge by getting cash back from a bank or during a store purchase. Keep in mind that to use the card at a store, the store must accept MasterCard. Other fees include a \$0.75 charge for a monthly paper statement and \$1.50 fee to transfer money to a personal bank account.



## How to Sign Up for a Direct Express Card

Anyone receiving federal benefits can sign up for a *Direct Express* card. If you already have a bank account, think about whether the *Direct Express* card is the best choice for you. You also have the option of signing up for direct deposit. You can sign up for direct deposit or the *Direct Express* card by calling 1-800-333-1795 or online at:

[www.USDirectExpress.com](http://www.USDirectExpress.com)

\* Erin O. Planalp is a staff attorney at Iowa Legal Aid's Southwest Iowa Regional Office in Council Bluffs

Iowa Legal Aid is a not-for-profit organization providing free legal help to low-income Iowans. Financial support comes from a wide range of sources including federal, state and local governments as well as individual donors and private organizations. Iowa Legal Aid's services are supported by contributions from many United Way Agencies in Iowa.



# Apply Online for Help from Iowa Legal Aid



By Eve Ricaurte\*

People wanting help from Iowa Legal Aid can now apply online. You will find the *Apply Online for Help* link in a yellow box on the right side of website pages at [iowalegalaid.org](http://iowalegalaid.org).

- Only a few clicks are needed to complete the online interview and send it to Iowa Legal Aid.
- Iowa Legal Aid staff 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).
- If someone applies online when Iowa Legal Aid is closed, the office will review the application when it opens.
- If a case cannot be accepted, links to other possible sources of help will be provided.

**TELEPHONE INTAKES** Regular telephone intake hours are Monday through Friday from 9 to 11 am and 1:30 to 3:30 pm, except Thursday afternoon.

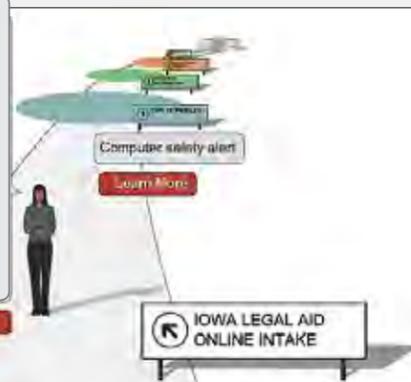
People wanting help from Iowa Legal Aid can now apply online. You will find the online application on the home page of Iowa Legal Aid's website at [iowalegalaid.org](http://iowalegalaid.org).

Apply Online for Help from Iowa Legal Aid

I am Ayla, your guide. You can apply for help from Iowa Legal Aid and find other types of help by answering the questions in this interview.

**Be safe on the computer!**

If you need to exit quickly, click the "exit" button at the top of the screen. The "Exit" buttons take you out of this interview and do not save your answers.



The interview asks questions about the person applying for help and the legal problem.

- The user enters basic personal information like name, address and phone numbers.
- Names of household members must be entered as well as name of the opposing party (person or business causing the problem).
- If someone else helps a person apply online, the interview has a place to put the name of the helper.
- Personal information an applicant provides is secure. It is not shared with any other agencies. The interview alerts users to close the interview and the browser if using a computer also used by others. This keeps the visit to the website and all personal data private.
- The website will confirm that an application was sent.
- The application is complete when Iowa Legal Aid calls the person asking for assistance to verify the request for legal help.

\* Eve Ricaurte is a Managing Attorney with Iowa Legal Aid's Intake Unit.

The online application interview was developed with grants from the Legal Services Corporation and the Great River Bend Community Foundation. The Iowa Legal Aid application interview uses a program called A2J Author®. A2J is supported by grants from Chicago-Kent College of Law, State Justice Institute (SJI grant number SJI-04-N-121), Center for Access to the Courts through Technology, Center for Computer-Assisted Legal Instruction (CALI), and Legal Services Corporation (LSC).

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# Claim All the Tax Credits You Earned: What the Earned Income Credit Can Do for You at Tax Time!



By Tamara Borland\*

## How Much Can I Get?

If you have qualifying children, you can get up to \$6,044 in the Earned Income Credit (EIC).

If you are a worker without children, you can get up to \$487. The Internal Revenue Service has a tool on their website to help you figure out how much you would get from the Earned Income Credit based on your income and family size.

The calculator still has amounts for the 2012 tax year but will still give you a pretty good idea about what your 2013 EIC could be.

Find the EIC Calculator on the IRS website at [apps.irs.gov/app/eitc2012/Forward\\_2012\\_Calc.do](http://apps.irs.gov/app/eitc2012/Forward_2012_Calc.do) OR:

- Go to [iowalegalaid.org](http://iowalegalaid.org),
- Type *EIC Calculator* in the search box and click *GO*, then
- Select *EIC Calculator* from the list of the website's tax issues resources.

## What Children Qualify?

Qualifying children are sons, daughters, stepchildren, grandchildren and adopted children as long as they lived with you for more than six months during the tax year. Brothers, sisters, stepbrothers and stepsisters - and the children of any of these relatives - qualify if they were with you for more than six months during the tax year. Foster children who are placed with you by an authorized government or private placement agency also qualify. The children must be under age 19, or under age 24 if they are full-time students. Totally and permanently disabled children of any age are also qualifying children. Social Security numbers valid for employment are required for the taxpayer and the children claimed for the earned income credit. If you are not the parent of the qualifying child, you must be older than the child unless the child is totally and permanently disabled. If you live with the child and his or her parent(s), you can only claim the child if you have the required relationship, the parent chooses not to claim the child, and your adjusted gross income is higher than the parent with the highest adjusted gross income.

## How Do I Get the Earned Income Credit?

You must file a tax return. If you were raising children, you need to file a Federal 1040 or 1040A (not the 1040EZ) income tax return. If you are a married couple, you must file a joint return. (See exception for separated parents below.) A qualifying widow or widower with a dependent child may use this status to file and claim the EIC. An unmarried parent who does not pay more than half of the costs for maintaining the family home can file as single and still claim the Earned Income Credit for a qualifying child who lived with him or her for more than six months of the year. You must also file a form called the Schedule EIC with your tax return. You need to fill out only the front side of this Schedule EIC, and the IRS will calculate the exact amount of the credit on the back side. If you do not file the Schedule EIC, you will not get the Earned Income Credit. If you were not raising children, you can file any tax form including the form 1040EZ. You also do not have to file a Schedule EIC.

## What if I Am Self-Employed?

You are eligible for the EIC, but you must fill out a special series of forms: Schedule C or Schedule C-EZ, Schedule SE, Form 1040, and Schedule EIC (if you were raising children in your home). Call the IRS to get the forms or go online. You need to carefully include all income and expenses for your business. Gather all business related receipts, bank statements and mileage records to accurately fill out these forms.

## What If I Am a Permanent Resident Alien Who Is Working in the U.S.?

The EIC is available to taxpayers who have a Social Security number and have a child who has a Social Security number. All Social Security numbers must be valid for work. The taxpayer must have been a U.S. resident alien for tax purposes the entire year, and the child must have lived with the taxpayer for more than six months in the United States. If the taxpayer is married and lives with his or her spouse, the spouse must also have a Social Security number.

Who Can Get the EIC for Tax Year 2013?	Families with one child and earning less than \$37,870 (or less than \$43,210 for married filing jointly status workers)	Families with two children and earning less than \$43,038 in 2013 (or less than \$48,378 for married filing jointly status)	Families with three or more children and earning less than \$46,227 in 2013 (or less than \$51,567 for married filing jointly status)	Workers without a qualifying child and earning less than \$14,230 in 2013 (or less than \$19,680 for married workers)
How Much Could the Credit Be?	Up to \$3,250	Up to \$5,372	Up to \$6,044	Up to \$487

## What If the Parents Are Divorced or Separated?

The parent with whom the child lived for more than six months can file for the EIC, even if the other parent can claim the child as a dependent. The parent not living with the child may be able to get the smaller EIC for workers without qualifying children.

There is one case where married but separated parents who do not want to file jointly still can claim the EIC. The parents must have lived apart for the last six months of the year and their child(ren) must have lived with one of the parents for more than half of the year. In such cases, the parent with the child(ren) who meets the rules for filing as head of household can claim the EIC.

## What if the Parents Live Together But Are Not Married?

Either parent may claim the Earned Income Credit. If both parents claim the credit, the IRS will decide who receives the credit. The parent with whom the child lived the most time during the tax year will receive the credit. If they both lived with the child the same amount of time, the credit will go to the parent with the highest adjusted gross income. The parents may want to discuss how to claim the earned income credit to make sure the family gets the biggest credit permitted by the laws.

## What If I Have Not Filed in the Past?

You also can get EIC payments for the last three years - even if you did not file a tax return in those years - in addition to anything you may be eligible for in the current tax year. Therefore, you can get payments for the tax years 2010, 2011 and 2012 *plus* your 2013 return if you have not filed federal income tax returns during those years and you were eligible for the EIC. For 2010, you must have the return on file by April 15, 2014 in order for it to be considered timely. You will need to get a Form 1040 or 1040A for those years.

## Where Can I Get Forms for a Prior Year?

You can get the forms you need by contacting the IRS:  
By Telephone: Call 1-800-829-3676

On the Internet: Go the IRS website at [irs.gov](http://irs.gov)

- Select the gray tab *Forms and Pubs*
- Click *Prior Year Forms & Pubs*
- Put the number of the form you need in the *Find box* and click the *Find* button.

If you filed taxes in 2010, 2011 or 2012 and did not claim the earned income credit but you have learned you were eligible, you can file amended returns.

## Can I Get the EIC with Electronic Filing?

Electronic filing with direct deposit is the fastest way to get your refund. You can get it in as little as 10-15 days. Lower-income taxpayers may go a local free tax assistance site to get this service for free.

## Does the EIC Affect Public Assistance?

EIC payments are not income for the purposes of FIP (AFDC), Medicaid (Title 19), SNAP (food stamps), SSI or public/subsidized housing in the month received. That means the Earned Income Credit will almost never affect your eligibility for these programs or the amount of benefits you get. Money from the EIC may be counted as a resource in the following months, depending on rules for the individual program.

## Where Can I Get Free Help to Prepare My Taxes?

To find out about free tax preparation at a local Volunteer Income Tax Assistance (VITA) site:

- Call the IRS at 1-800-829-1040. If you live in Des Moines, call (515) 283-0523. Persons with impaired hearing impairment who have access to TTY equipment should call 1-800-829-4059;
- Call the AARP *Tax Counseling Program* at 1-877-227-7844; or

In most areas, starting in mid-January, you are also able to get the same information by dialing 211.

\* Tamara Borland is Project Manager of Iowa Legal Aid's Low-Income Taxpayer Clinic.

## FREE LEGAL TAX HELP

- Find out about the Earned Income Credit
  - Get Assistance With Tax Controversies
- Call Iowa Legal Aid for details on the **Low-Income Taxpayer Clinic**  
**1-800-532-1275**  
or apply online at [iowalegalaid.org](http://iowalegalaid.org).

- The IRS requires us to tell you any of the tax information in this article was not intended or written to be used and cannot be used to avoid penalties under the Internal Revenue Code.
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# If Your Landlord Shuts Off Your Utilities...

By Nadia Igram\*

Iowa's Residential Landlord Tenant Act (Chapter 562A of the Iowa Code) governs the rental of nearly all houses and apartments in Iowa. This law gives both landlords and tenants remedies if the other party violates the rental agreement or the law itself. There are strict limits on what a landlord can do to evict a tenant, even when the landlord has good reasons to evict the tenant.

A landlord is not legally allowed to force a tenant out of rental property without first going to court and getting an eviction order. This is so even if the tenant is behind on paying rent or has violated the rental agreement in some other way. To make a tenant leave, a landlord cannot:

- Change the locks,
- Move the tenant's belongings out of the property, or
- Turn off essential utilities, such as water, gas, or electricity.

## What should I do if my landlord turns off my utilities?

If your landlord turns off your utilities, you should seek legal advice to be sure that you know the best solution to this problem and how to protect your rights. Options available to you include:

- You can call the utility company and ask them to turn the utilities back on in your name (but you may have to pay a security deposit).
- You can end your lease by sending your landlord a written notice (and then the landlord must return any pre-paid rent and security deposit). For example, if you pay your rent on October 1st for the whole month of October and your landlord shuts off your utilities on October 5th, your landlord should return the money you paid for the rest of the month.
- You can file a court case to ask for an order forcing the landlord to reconnect your utilities. This is more complicated and best done with a lawyer's assistance.

## Could I consider suing the landlord for his illegal actions?

Yes. You can file a lawsuit to ask for an order requiring the landlord to immediately restore utility services (or give you a key to the new locks). You can also ask the court to award you actual damages. "Damages" includes the cost of temporary lodging, a utility re-connection fee, loss of frozen or refrigerated food, compensation for the trouble and inconvenience from not having utilities, or other expenses

caused by the illegal action of the landlord. The court can also award you reasonable attorney fees. Save your receipts for the expenses incurred because you did not have utilities. You would need this as evidence of your damages. A recent change in Iowa law also says the court can require the landlord to pay a penalty of up to twice your monthly rent.

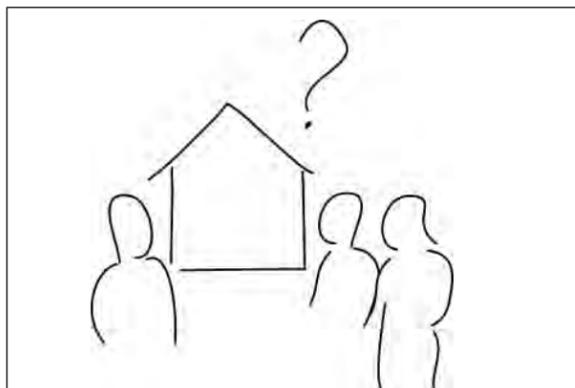
## Where should I file a lawsuit?

You should file your case in the county where the rental property is located. If you want to ask for a court order requiring your landlord to restore utility service (called an "injunction"), that must be done in District Court (not the Small Claims Division). As noted above, obtaining an injunction would be difficult to accomplish quickly (or at all) without a lawyer's assistance, but the court can order your landlord to pay your attorney's fees.

To file a case asking only for damages less than \$5,000, you can file the case in Small Claims Court. If your damages are more than \$5,000, you will have to file in District Court even if you are not asking for an injunction.

A tenant facing a utility shut-off or other landlord tenant law problems should get advice from a lawyer. To find out if you may be able to get free legal help from Iowa Legal Aid, call 1-800-532-1275 or apply online at [iowalegalaid.org](http://iowalegalaid.org)

\* Nadia Igram is a staff attorney at Iowa Legal Aid's Cedar Rapids Regional Office



## Will I lose my home?

If you cannot make your house payments, you may be able to get free legal help from Iowa Legal Aid. Call toll-free: 1-800-532-1275 or apply online at [iowalegalaid.org](http://iowalegalaid.org).

For help with your financial problems, call the Iowa Mortgage Help Hotline: 877-622-4866 or visit the website: [www.iowamortgagehelp.com](http://www.iowamortgagehelp.com). They may be able to help you find out if a loan modification or other solution is available.

# What To Do If You Cannot Make Your House Payments

By David M. Loetz\*

Will I lose my house if I can't make my payments?

Maybe. But there are things that you can do to get more time and to negotiate what you owe.

If the lender sent you a *Notice of Right to Cure* saying you are in "default" because your payments are past due, read it carefully.

The *Notice* will also say:

- How much you must pay to get out of default (missed payments and late charges) and
- Your deadline to pay or make other arrangements.

## Should I do what the Notice says?

- If the information on the Notice is correct, and you can, yes! And do it by the deadline.
- If you do not do what they ask by the deadline, they can take steps to take away your home.

## What if I can't pay by the deadline?

Call Iowa Mortgage Help at 877-622-4866 right away. This is a free service. Housing counselors will help you by contacting your lender to try and help with your mortgage problems like finding a way to cancel late fees or lower your mortgage payments or interest.

## Will the lender try to help me?

Most lenders will try to work with you. But, if you cannot come to an agreement, they can start a foreclosure lawsuit to take your house away.

## How will I know if they start to foreclose?

You will get served with a copy of the court papers that start the lawsuit.

- Look at the papers carefully. If anything is wrong, such as how much money you owe, you should file an *Answer*.
- You should also file an *Answer* if you simply want to prevent a default from being entered against you.
- You have 20 days after getting served to file your *Answer* with the court clerk. You must also send a copy of your *Answer* to the lender.
- If you do not file an *Answer*, you will get one more notice saying you have 10 days to *Answer*.
- If you do not file an *Answer* within 10 days of the date on that notice, a default judgment can be entered against you without any further notice.

## What happens after I file my Answer?

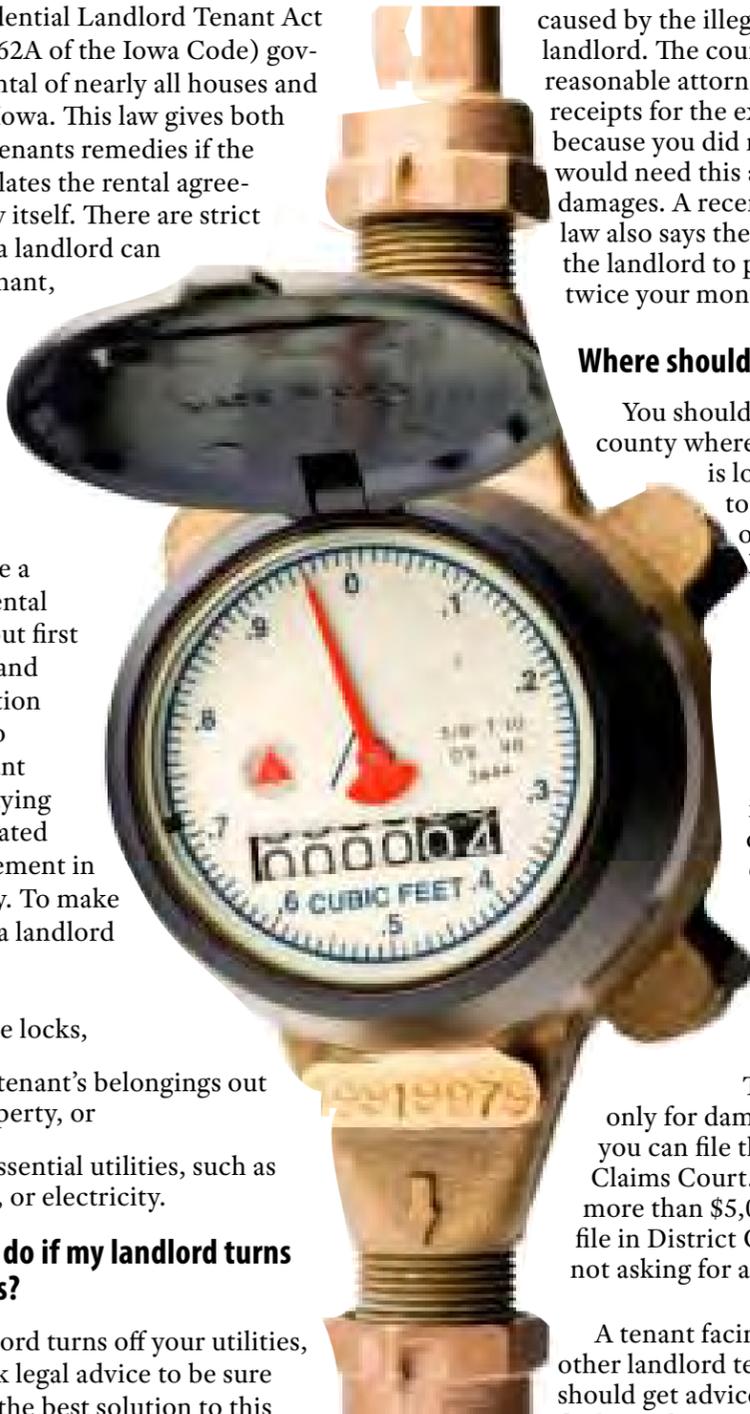
- The lender will probably ask the court to decide the case right away (summary judgment).
- Unless your *Answer* shows that the lender's facts are not correct, the court will probably allow the lender to foreclose on your home.

## Can I ask for more time?

Yes. If the mortgage company has chosen foreclosure without redemption and there is no court order yet saying your home can be sold.

- You can file a *Demand for Delay of Sale*. Do this as soon as you can! Most mortgage companies in Iowa choose foreclosure without redemption. The court papers will say if the mortgage company chose foreclosure without redemption.
- If you file a *Demand for Delay of Sale*, you can stay in your home for 6 months after a court order (judgment) foreclosing on your home is entered by the judge.
- However, the mortgage company can sell your house and evict you at the end of those 6 months if you do not pay off the judgment or work things out with them during that time.

Continued on Next Page...



## What To Do If You Cannot Make Your House Payments

Continued from page 4

**Exception:** If the court papers you were served with do not waive (give up the right to) a deficiency judgment, talk to a lawyer before you file a *Demand for Delay of Sale*.

### What if the court says they can sell my home?

If this happens, the court paper will say when your home can be sold. You can probably stay in the home until it's sold.

### Is there any way to stop the sale?

- Yes. If you can pay what you owe the lender, you can stop the sale and get your home back.
- After the lender gets a judgment, you may be required to pay back the judgment amount. You may not be able to just get your payments up-to-date.

### May I stay in my home after the sale?

- Probably not. After it is sold, unless the new owner agrees to let you stay, you must go.
- If you do not move out, the new owner can use a court order to make you move.

### May I try to buy my home back?

Yes. You can put in a bid.

### Where can I get legal help?

- You may hire a lawyer to do some or all parts of your case. Some lawyers will let you make payments.
- You may be able to get FREE help from Iowa Legal Aid. Call toll-free: 1-800-532-1275 (se habla español). Visit our website at [iowalegalaid.org](http://iowalegalaid.org)

### For help with your financial problems

- Call the *Iowa Mortgage Help Hotline*: 877-622-4866, or
- Visit the website: [www.iowamortgagehelp.com](http://www.iowamortgagehelp.com)

They may be able to help you find out if a loan modification or other solution is available.

*\* David M. Loetz is a staff attorney working with the Iowa Legal Aid Foreclosure Defense Project at the Southeast Iowa Regional Office in Ottumwa.*



**EXPERIENCE COUNTS!** Iowa Legal Aid staff members who reached anniversaries of 5 to 35 years working for hope, dignity and justice for low-income Iowans were recognized in October at Fall Work Group Training Day in Des Moines. Representing a combined total of 185 years of service were (from left to right) Dennis Groenenboom, Shelley Whitcher, Alex Kornya, Danni Harris, Scott Hartsook, Vivian Meyer Betts, Diane Wilson, Ed Conrad, Michelle Jungers and Justin Gross. Not pictured but also observing employment milestones were Bethany Tatman, Linda Molyneaux and Bob Heimer.

## PUBLIC NOTICE

Meetings of the Iowa Legal Aid Board of Directors are open to the public. We encourage the public to attend.

The next meeting of the Board of Directors is scheduled to take place on February 22, 2014. The Board of Directors meets at least four times each year. For details on the next meeting of the Board, call toll-free: 1-800-532-1275.

# Watch Out for the Latest Consumer Scams

By Joseph Ferrentino\*

The Federal Trade Commission (FTC) is a government agency whose job is to look out for consumer scams. With advances in technology, they are seeing more scams related to smartphones. The FTC is also reporting that scammers are lying about the Affordable Care Act ("Obamacare") to get people to give the scammers personal information. You should be careful, know the law, and report these scams.

### Mobile

The FTC calls smartphones, cell phones, tablets, and laptops all "mobile" devices. There are a lot of ways scammers can prey on mobile technology. Apps can get you to click on fake ads that sign you up for \$9.99/month bills without you knowing. Apps can lie about what they do, like the app that promised to cure acne by shining blue or red light on acne. Apps can also collect personal information, like the app that collected children's personal information without asking for parental consent.

The FTC wants you to report scams you see. You can do that at <https://www.ftccomplaintassistant.gov>.

### Affordable Care Act

The Affordable Care Act (the "ACA") is the new health care law that is often called "Obamacare." There is a lot of confusion about the law, and scammers know this. They will often make up things about the law to convince you to give them information about yourself.

One scam is about Medicare. The ACA does not affect Medicare eligibility, so if you had Medicare before, you can still have Medicare. But scammers are calling Medicare recipients and telling them that the scammers can give them new insurance. This is a scam. If you have Medicare, you can stay with Medicare. If you have questions about that, you should contact Medicare first.

The ACA creates new health care exchanges, where you can buy insurance. Some scammers create fake websites. Do not use a site you are not sure about. The easiest and best way to access these exchanges is through <http://www.healthcare.gov>.

The ACA also requires states to train people called

"navigators" to help consumers understand the health care exchanges. Some scammers are pretending to be navigators. These scammers are using two different kinds of scams.

- The first scam says it costs money to use their "navigator" services. Real navigators do not cost money, so beware of that.

### Do you know what to do if:

- While making a payment using your mobile phone or an app, something definitely starts going wrong during the transaction?
- You realize the personal information you have been sharing went over a public wifi connection?
- Details about your interests, buying habits and online behavior are being collected without consent?

Find out how to protect yourself and steps you can take to avoid such situations. Learn more at <http://www.onguardonline.gov>.



- The second scam is when fake navigators direct consumers to bad products or bad services. You should beware of anyone calling you on the phone pretending to be a navigator, and directing you to services you don't want.

Find a REAL Navigator to help you understand the new health care exchanges. Go to [localhelp.healthcare.gov/](http://localhelp.healthcare.gov/) OR:

- Go to [iowalegalaid.org](http://iowalegalaid.org),
- Type *marketplace* in the search box and click *GO*, then:
- Select *Marketplace Navigators* from the list of the website's health insurance resources.

Scammers are also targeting immigrants, saying they are from the government and if the immigrants don't sign up for the services the scammers are offering, the immigrants will be deported or arrested. Immigrants are not at risk of being deported or arrested based on the ACA. The "government" is not calling people about the ACA. These are scammers.

A final scam the FTC has heard about is a "medical discount plan." Scammers will try to sell a medical discount plan, saying it gives discounts on prescriptions or other medical services. The plan is not real insurance - it does nothing but costs money. Beware of these medical discount plans.

*\* Joseph Ferrentino is a staff attorney at Iowa Legal Aid's Northeast Iowa Regional Office in Dubuque.*

Health Insurance, Medicaid and the Iowa Health and Wellness Plan  
Continued from front cover

## Coverage Groups and Income Limits for Health Care Programs

Household Size (Persons)	Family Medical Assistance Program and Child Medical Assistance Program	Mothers and Children, for pregnant women (for the household and for infants under one year of age)	Mothers and Children, for children aged 1 through 18 years	Medicaid for Independent Young Adults	Family Planning Services
1	\$ 447	\$3,591	\$1,599	\$2,432	\$3,533
2	\$ 716	\$4,847	\$2,159	\$3,283	\$4,769
3	\$ 872	\$6,103	\$2,750	\$4,134	\$6,005
4	\$1,033	\$7,359	\$3,227	\$4,985	\$7,242
5	\$1,177	\$8,616	\$3,838	\$5,836	\$8,478
6	\$1,330	\$9,872	\$4,398	\$6,687	\$9,714
7	\$1,481	\$11,128	\$4,956	\$7,537	\$10,950
8	\$1,633	\$12,384	\$5,515	\$8,388	\$12,186
9	\$1,784	\$13,616	\$6,075	\$9,239	\$13,422
10	\$1,950	\$14,897	\$6,634	\$10,090	\$14,659
+ per additional person	+ \$178	+ \$1,260	+ \$ 559	+ \$ 851	+ \$1,236

**NOTE: Income limits for the four programs above are based on federal poverty income guidelines. Federal poverty guidelines are updated each year in February.**

- ▷ Essential health benefits;
- ▷ Prescription drugs;
- ▷ Dental services, and
- ▷ Habilitation services for individuals with certain psychiatric needs.
- Individuals whose income is between 101 and 133% of the federal poverty level will receive a marketplace choice plan, unless they are exempt. The premiums for the plan will be paid for by DHS.
- ▷ Exempt individuals will be given a choice of receiving benefits through Iowa Wellness Plan or normal Medicaid.
- ▷ If an individual in this income range has access to cost-effective employer-sponsored health coverage, then that person can be enrolled in Iowa's HIPP program (where DHS pays the premiums to the employer's health insurance).

### Is Iowa's Medicaid Plan changing in any other ways?

- Yes. One change is that there is a new coverage group for former foster care children, up to age 26.
- Another change is that dependent relatives of a recipient of State Supplementary Assistance will no longer be eligible for Medicaid. DHS says this is because there are now other medical programs that are available for those people.
- Another change is that beginning January 1, 2014, financial eligibility for regular

- Medicaid will be determined using something called "Modified Adjusted Gross Income," or MAGI.
- ▷ MAGI is defined by the IRS. It is your adjusted gross income, with some other amounts added back to it.
  - Beginning January 1, 2014, there will be no assets or resource limit for Medicaid or waiver program eligibility.
  - The new income limits for certain programs are in the chart above.

### What about other options for health insurance?

- Iowa will have an Exchange available for people to consult about options for health insurance.
  - ▷ The Exchange will take information from individuals about their household composition and income, and provide them with information about what plans are available, and whether the individuals qualify for a "premium tax credit."
  - ▷ A premium tax credit is a potential way to help pay for your health insurance premiums.
  - ▷ The Exchange will also inform people about whether they or their family members would qualify for Medicaid, the Iowa Health and Wellness Plan, Hawk-i, or other medical assistance programs.
- The general enrollment period for the Exchange will last from October 1, 2013 to

March 31, 2014. People who need insurance starting January 1, 2014, must enroll by December 15, 2013. People can enroll in Iowa's Health and Wellness plan at any time during the year.

The Exchange is a new program and there have been startup problems. If you have questions, you may call Iowa Legal Aid for advice. For online resources, go to [iowalegalaid.org](http://iowalegalaid.org) and enter **marketplace** in the search box for a list of resources with more information.

Helping low-income Iowans who face legal problems impacting a basic family need like eligibility for Medicaid or health insurance is a priority for Iowa Legal Aid. To find out if help is available for a legal problem you may have, call Iowa Legal Aid at 1-800-532-1275.

*\*Elizabeth Norris is a Senior Staff Attorney at Iowa Legal Aid's Iowa City Regional Office.*

The information in this newsletter was correct as of November 2013 when printed. The laws may have changed. **DO NOT ASSUME THE INFORMATION IS STILL CORRECT WHEN YOU READ IT.**

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, you may be able to get free legal help from Iowa Legal Aid. Call, write or apply online at [iowalegalaid.org](http://iowalegalaid.org)

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

## 2014 VITA Checklist: Getting Help to Prepare Your Taxes and What to Bring with You

If you need help completing tax forms, a Volunteer Income Tax Assistance (VITA) site near you can help. Call 1-800-906-9887 to find the nearest location.

When you go to a VITA site, or if you choose to go to a commercial tax preparer, be ready. Take these items with you:



- Valid picture ID
- Copy of 2012 tax return (if you have it)
- Social Security Cards, Social Security Number verification letters or Individual Taxpayer Identification Number (ITIN) letters for you, your spouse and any children born before December 31, 2013.

- Income documentation including:
  - ▷ W-2 Forms from all jobs worked in 2013
  - ▷ All 1099 Forms showing other income received in 2013
  - ▷ A blank check for direct deposit of your refund (If you don't have a checking account, bring your bank account name, number and the 9-digit American Bankers Association (ABA) routing number. Contact your bank if you need assistance identifying the ABA number.)

### If any of the following apply to you, take documentation with you:

- Child care expenses, including the provider's address and federal tax ID #
- Mortgage company statements
- Adoption expenses
- Alimony paid or received
- Any notices received from the IRS or state tax office

- Property tax bills
- College tuition and student loan interest statements
- Additional forms of income such as:
  - ▷ Prizes and awards
  - ▷ Scholarships and fellowships
  - ▷ Lottery/ gambling winnings

If you lost or do not have all of these items, you can still get your taxes prepared. Call the IRS helpline at 1-800-829-1040 to find out what you need to do and how to obtain replacement documents.

*The preceding information is from the Center on Budget and Policy Priorities, 820 First Street, NE, Suite 510, Washington, DC 20002*

*Telephone number: 202.408.1080  
Email: [center@cbpp.org](mailto:center@cbpp.org)  
Website: [www.cbpp.org](http://www.cbpp.org)*

# Iowa's Senior Health Information Insurance Program (SHIIP) Helps with Medicare and Health Insurance Information Related to Medicare Throughout the Year



By David Huston\*

*Last year, we needed to find a Medicare supplemental health insurance policy for my 90-year old mother. There is lots of information out there - maybe too much information. We didn't want to rely on advice from a policy salesman. Finding a local SHIIP office and going over the options with a SHIIP counselor was just what I needed. The options were clearly explained and I was able to make a decision with confidence it was the right choice. Here are some details on what SHIIP can do for you.*

Each year, there is an open enrollment period for Medicare's Prescription Drug Coverage program. For 2014, it was October 15 to December 7, 2013. During open enrollment, you can review the Medicare prescription drug plans to determine whether your current plan is still the best plan for you, or whether you could save money by changing plans. SHIIP counselors can help you with this comparison.

SHIIP has a form to get basic information. A list of current medications is often available from your pharmacist. If you write the list, be careful to spell the names of the medications correctly and include prescribed strength and how often it is taken. Be sure to include all your prescription medications.

All information you provide will be handled confidentially, and will only be seen by a SHIIP counselor.

If your prescriptions are covered by insurance through your employer or former employer and you plan to keep that insurance, you do not need a Medicare prescription drug plan comparison.

## How to Contact SHIIP

For the location of sites in your area, contact SHIIP:

- By Telephone  
**1-800-351-4664**
- Online  
**www.therightcalliowa.gov**

The website includes a map of the state with contact information for SHIIP sites in your area.

*\*David Huston is Iowa Legal Aid's Public Information Coordinator at the Central Office in Des Moines.*

The form SHIIP counselors use to get your information is just one sheet front and back with basic questions. You can often get a list of medications you take and dosages from your pharmacist.



# FREE Legal Help

**1-800-992-8161**  
(282-8161 in Des Moines)

## The Legal Hotline for Older Iowans (60 & Over)

**An Iowa Legal Aid Project**

## 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 Georgia?



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 1-800-532-1275 or apply online at [iowalegalaid.org](http://iowalegalaid.org)

Iowans age 60 and over, call Iowa Legal Aid's Legal Hotline for Older Iowans at **1-800-992-8161**



Visit us online at

**[iowalegalaid.org](http://iowalegalaid.org)**

HOPE. DIGNITY. JUSTICE.

## Iowa Legal Aid Helps With Pension Problems

Iowa Legal Aid provides FREE help with your pension issues! You can call our toll-free number at 1-800-992-8161. Des Moines area residents can also call 282-8161.

The **Pension Rights Project** provides help with employer, union and government pensions. This includes traditional defined benefit plans as well as plans like 401(k)'s. Services include:

- Contacting pension administrators on your behalf;
- Finding "lost" pension funds when companies merge or go out of business;
- Helping you apply for your benefits;
- Helping with appeals if your pension is denied;
- Getting survivor benefits;
- Checking benefit calculations;
- Assisting with pension issues in divorces;
- Sending out information about pension issues.

The **Pension Rights Project** is partially funded by the U.S. Administration on Aging. Services are free to all Iowans without regard to age or finances.