

Project H.E.L.P.



**Homeless
Experience
Legal
Protection**

Volunteer Manual

*Knoxville Area Rescue Ministries
418 N. Broadway Knoxville, TN 37917*

Prepared by:

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WELCOME AND INTRODUCTION

Thank you for participating in our effort to provide legal consultation and notary services for the homeless in our community. Below is a brief overview of our program and what to expect as a participant.

A.) How H.E.L.P. Started:

H.E.L.P. began in New Orleans in early 2004, when newly appointed federal district court judge, Jay Zainey, accompanied his fellow judges to serve a meal at a local shelter. While serving the meal Judge Zainey began to think how much more an attorney could do for shelter clients, and how that kind of service could change their lives.

With that simple, but electrifying thought, H.E.L.P. was born. Judge Zainey began to enlist volunteer lawyers to staff a weekly clinic at the shelter, with more success than he had ever imagined. Soon he had hundreds of lawyers, clinics in more than one shelter, and the desire to do even more. H.E.L.P. began to expand to other cities, prodded and encouraged by Judge Zainey and assisted by New Orleans law firms with offices in other cities. Today, H.E.L.P. volunteers provide free legal services to the homeless in these 20 cities, and the list continues to grow:

- Atlanta, GA
- Baton Rouge, LA
- Birmingham, AL
- Bloomington, IN
- Chicago, IL
- Columbia, SC
- Detroit, MI
- Hartford, CT
- Jackson, MS
- Lafayette, LA
- Los Angeles, CA
- Lubbock, TX
- Memphis, TN
- Nashville, TN
- New Orleans, LA
- New York, NY
- Norfolk/Virginia Beach, VA
- Pittsburgh, PA
- Savannah, GA
- Shreveport, LA

B.) The Needs H.E.L.P. Serves:

In each city where H.E.L.P. is located, it partners with organizations that provide services to the homeless population. Working with a local shelter, H.E.L.P. establishes a regularly scheduled clinic offering free legal services to homeless individuals provided by volunteer attorneys from firms around the host city. H.E.L.P. clients often have many of the same types of legal issues that any other individual might encounter, but they lack access to the justice system simply because they have no attorney to advocate for them.

In many cases, the problem that is preventing the individual from applying for a job, seeking benefits to which he or she is entitled, or obtaining housing is something that a lawyer is able to resolve in a matter of hours, or by making a few simple telephone calls. Other cases are more complicated and require follow up representation, but in most instances the individual's legal problem is resolved, and what had been a major obstacle is no longer a problem.

In addition to legal representation, where possible H.E.L.P. involves law students, paralegals, and law firm secretaries who volunteer their time, skills, and services to assist the homeless. Law students assist clients in applying for social security or veteran's benefits by helping them to complete the application forms, obtaining required medical records and other documents, and accompanying clients to the agency office to complete the process. This interaction is especially important as it allows the HELP volunteer affiliated with the ABA Section of Litigation to monitor future lawyers and show one of the benefits of section membership. Paralegals and secretaries not only assist the volunteer attorneys, but often provide notary services to certify copies of driver licenses, identification cards, and other important documents.

ABA Section of Litigation H.E.L.P. Expansion Project:

During ABA year 2013-2014 and 2014-2015 the Section of Litigation will be expanding H.E.L.P. to ten (10) cities – 5 each year. For years 2013-2014 those cities are:

Knoxville, TN
Portland, ME
San Antonio, TX
Seattle, WA
Tampa, FL

The cities for ABA years 2014—2015 have not yet been identified.

A.B.A. Section of Litigation H.E.L.P. Expansion Project Contact Information is as follows:

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New Orleans, Louisiana 70170
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On occasion, it may be necessary to contact Judge Zainey:
Judge Jay C. Zainey
United States District Court for the Eastern District of Louisiana
500 Poydras Street
New Orleans, Louisiana 70130
Office: (504) 589-7590

Introduction to the Knoxville H.E.L.P. Program

The Knoxville H.E.L.P. program is coordinated by the attorneys and staff at Baker Donelson, the Knoxville Bar Association's Access to Justice Committee, The University of Tennessee College of Law, and the Legal Aid Society of East Tennessee operates a biweekly legal clinic for the homeless at the main campus for Knoxville Area Rescue Ministries, located at 418 N. Broadway. The Clinic is every other Thursday of each month from 5:30-7:00 p.m. Many of the requests received by volunteer attorneys are simple to handle, such as the need for a birth certificate or driver license, help with applying for benefits or appealing the denial of benefits, or clearing up minor criminal matters that are preventing the individual from getting housing or applying for a job.

4 to 5 volunteer attorneys staff each Clinic. Volunteers are provided by law firms that agree to coordinate a specific month and by others who enjoy participating in their individual capacity.

In addition to staffing the Clinic, H.E.L.P. is trying to build a resource of attorney volunteers that are interested in:

- Providing advice and assistance to Clinic volunteers in particular practice areas such as: criminal law, domestic and family law, social security applications and appeals, and criminal law. A referral attorney's contact information can be listed in our volunteer manual or it can be kept on file with the H.E.L.P. coordinators to be used if a volunteer requests assistance and you have the capacity to provide advice.
- Taking on a client with a matter specific to their particular practice area, even if they cannot volunteer during regular Clinic hours.

Volunteer attorneys will listen to and discuss with clients whether they have a legal issue, whether there may be a legal solution to this issue, and also help identify social service needs that the Campus for Human Development and the H.E.L.P. coordinators can address. For many H.E.L.P. clients, this is the first time they

have had the opportunity to discuss their concerns with an attorney. Simply by engaging in conversation, volunteers can help clients better understand their legal rights and provide access to resources that may assist them with general social service needs.

Our volunteers can typically expect to consult with anywhere from 4 to 15 clients. Usually, no follow up legal representation is required, but if it is necessary, the attorney who initially consulted with the client will generally be the person responsible for doing so.

Knoxville Area Rescue Ministries: History

Knox Area Rescue Ministries was formally established on December 8, 1960 by five local pastors under the original organizational name Knoxville Union Rescue Mission. Recognizing the necessity for a permanent ministry effort to meet the needs of the growing population of the homeless in Knoxville, these men forged the vision as well as established the first ministry center located in the heart of the downtown area on Fifth Avenue. Homelessness was exchanged for shelter, hot meals, decent clothing, and a welcome smile. The homeless population further increased as whole families found themselves completely without hope or resources. Crimes of violence, theft, and prostitution dramatically increased, creating a cyclical lifestyle that many of the poor and homeless found impossible to escape on their own. Accompanying issues such as alcoholism, drug addiction, and domestic violence increased, producing a culture characterized by despair, desperation and the downward spiral of acceptable human conditions.

In the midst of this seemingly hopeless and chaotic situation, Knoxville Area Rescue Ministries has emerged as Knoxville's answer to the plight of the poor and the homeless. To fulfill that pledge and to fully expand the Ministries to encompass the pressing needs of the growing Knoxville poor, Knoxville Area Rescue Ministries opened Serenity Shelter in 1985 as a place of refuge and shelter for victims of domestic violence. New Life Inn was established in 1997 in response to the growing number of homeless one and two parent families

For more information on Knoxville Area Rescue Ministries, visit <http://www.karm.org/>.

Knoxville Area Rescue Ministries ("KARM")

- Address:
 - 418 N. Broadway
Knoxville, TN 37917
- Phone: (865) 673-6540 or (865) 673-6540
- Fax: (865) 673-6556
- Email: info@karm.org
- Website: <http://www.karm.org/>

Terry Bray (Director of Frontline)

- Phone: (865) 673-6540
- Email: tbray@karm.org

Jeff Moles (Spiritual Development Chaplain/Support Services)

- Phone: 865-633-7654 ext. 152
- Email: glay@karm.org

Legal Aid of East Tennessee ("LAET")

- Address:
 - Knoxville Office
502 S. Gay Street, Suite 404
Knoxville, TN 37902
- Phone: (865) 525-3425
- Website: <http://www.laet.org>

Terry Woods

Debra House

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- Address:
 - Knoxville Office
265 Brookview Centre Way, Suite 600
Knoxville, TN 37919
- Phone: (865) 549-7000
- Website: <http://www.bakerdonelson.com>

Kelli Thompson (Coordinating Attorney)

- Phone: (865) 549-7205
- Fax: (865) 633-7205
- Email: kthompson@bakerdonelson.com

Clinic Assistance

Members of KARM Crossroads Team will be nearby and available during Clinic hours to assist with clients and answer any questions about the KARM facility and its procedures.

Generally, at least one attorney who has volunteered with H.E.L.P. in the past will be available to provide guidance to new volunteers, either in-person or by phone. New volunteers will be given this contact information upon their arrival at the Clinic.

If any further assistance is needed, please refer to **Error! Reference source not found.**

Tips for Communicating with Homeless Clients

- It is important to use simple and clear words.
- If a volunteer needs to give a client something in writing, he or she should try to use simple sentences and avoid legalese.
- In order to make sure a client understands what a volunteer is asking him or her to do, the volunteer should try asking the Client to repeat the instructions back to the volunteer.

Volunteer attorneys may encounter client issues that require a detailed knowledge of a particular area of law with which they are not familiar or do not feel comfortable giving advice. If this occurs, the following attorneys are willing and able to assist with specific problems in their areas of expertise:

1. Criminal Law
2. Employment & Labor Law
3. Family Law
4. Estate Planning & Probate
5. Tax Law
6. Finance & Banking Law
7. Health Law
8. Immigration
9. Social Security
10. Real Estate & Landlord/Tenant Law

LAET provides numerous beneficial services for people of low income in Knoxville and the surrounding areas. The general requirement for obtaining any type of assistance from LAET is that a clients must qualify as a low income household or be 60 years of age or older.

If you have a case that you cannot handle or refer to another member of your firm to handle, you may contact LAET, and through it, the Pro Bono Project. LAET's contact information can be found above.

Client Intake

Upon arriving at the H.E.L.P. Clinic, clients meet with a non-attorney intake volunteer in the order in which they arrive. The intake volunteer will walk the client through the Clinic's intake procedures, including having the client sign a Participation Agreement. By signing this agreement, the client indicates his or her understanding of and agreement to a number of provisions, including:

- The volunteer lawyer is not responsible for misrepresentations made by the client;
- The volunteer lawyer's help to the client ends when the consultation ends, and no further representation will be provided to the client unless a second agreement is reached;
- The volunteer lawyer's firm is not representing the client either; and
- Client information given to the volunteer lawyer is confidential.

The intake volunteer will also gather the client's basic contact information and summarize, to the best of their ability, the client's legal issues for the volunteer attorney. Once this process is complete, the clients will be assigned to an appropriate volunteer attorney for a consultation.

Initial Consultation

When a volunteer attorney has a client assigned to him or her, the attorney will receive the client's intake forms, which provide a brief summary of the client's legal issues. It is then the volunteer attorney's duty to give the client, to the best of the attorney's ability, legal advice to resolve those issues.

Efforts will be made to match a client's legal issues with a volunteer attorney's areas of expertise, but this is not always possible. Volunteers should not be afraid to ask each other questions, swap clients with other volunteer attorneys, or contact a referral attorney or one of the organizations listed in this manual that deals with the particular issue at hand. If all other options have been explored without success, a volunteer attorney can simply tell the client that he or she doesn't know the answer to the client's issue, and refer them to a person or organization that will be able to help them. LAET is often a good resource in such situations.

Quite often, a client's issues may not be entirely legal in nature. Depending on the client, volunteer attorneys may find themselves in a role closer to a counselor, therapist, or social worker. The mere act of listening to a client and allowing him or her to express these issues to an attorney may provide him or her with relief or satisfaction. Volunteer attorneys should embrace this role, while keeping in mind that there are many specialized organizations and programs that can provide additional assistance to clients. If a volunteer suspects that a client could benefit from such additional help, he or she should let the KARM staff know.

Many clients' legal issues can be resolved or significantly aided through a short, in-clinic consultation. The majority of clients do not need representation or follow-up. This is made explicit to the clients in the Participation Agreement that they sign upon arriving at the Clinic. However, in the event that a client's issues cannot be resolved in the clinic, or if additional representation is needed, the volunteer attorney who provided the initial consultation is the preferred follow-up attorney as well. Forms and procedures for follow-up are laid out below.

After consulting with a client, the volunteer attorney should complete a Consultation Form for the client. These forms are provided at the Clinic, and allow KARM to track the issues that clients have and how they are or are supposed to be resolved. Once the volunteer attorney has completed the Consultation Form, he or she should give it to one of the KARM staff along with the client's associated intake forms. The volunteer attorney should be sure to tell the KARM staff member of any outside assistance or services that the client is in need of.

Following-Up

In the event that a volunteer attorney needs to follow-up with or otherwise contact a client after the Clinic, there are a number of ways to go about doing so:

- The client can be contacted using the information he or she provided on the Clinic Intake Form, a copy of which can be obtained either during the Clinic or by contacting KARM after the Clinic.
- Letters or phone calls can be made to KARM using the following information:
 - Call the KARM general message line - (865) 633-7654 or (865) 673-6540. There is a message box available where clients can receive messages.
 - Send a letter to KARM at:
 - Crossroads
Attn: <client's name>
418 N. Broadway
Knoxville, TN 37917
 - If there is no response to your letter the volunteer attorney can contact Kelli Thompson (contact information in **Error! Reference source not found.**) to let H.E.L.P. know that you want to remain involved if the client returns.
- If comfortable doing so, volunteer attorneys may give their contact information to the client during or after the Clinic and ask him or her to follow-up with the volunteer attorney at a certain point in the future. If the client fails to do so, the volunteer attorney can use one of the above methods to try to contact the client instead.

Further Representation

In the event that a client's legal issues further representation, which the volunteer attorney is willing and able to provide, the volunteer attorney should have the client sign a Legal Representation Agreement. This agreement, which is available in the Clinic, lays out the scope of the volunteer attorney's representation of the client, and indicates the client's understanding of and agreement to a number of provisions, including:

- The volunteer attorney's ability and right to terminate the representation under certain circumstances;
- Not asking the client to pay legal fees to the volunteer attorney;
- Potential conflicts of interest;

- The client's ability and right to terminate the representation;
- Appropriate standards of contact and participation between the client and the volunteer attorney; and
- The volunteer attorney's access to the client's personal records.

Volunteer attorneys are encouraged to use their firm's conflict-checking procedures and processes before agreeing to represent a client.

COMMON LEGAL ISSUES

Many of the clients at H.E.L.P. have common legal issues which affect large portions of the homeless population. Provided below is advice, contact information, and procedures to help volunteer attorneys deal with these common issues. **NOTE:** The information provided below is liable to change at any time, and many issues may be very fact-specific. Volunteers cannot follow the provided information blindly, and must use their own judgment, knowledge, and effort to supplement the information provided herein.

Obtaining a Birth Certificate

There may be several reasons why a client may need to obtain a birth certificate, such as obtaining employment, Social Security, or Veterans Benefits. Multiple organizations can assist the client in this process:

- **KARM** has a manual available with the names and addresses of service organizations who will help the client.
- Most mental health agencies will also provide assistance to homeless patients

If additional assistance is needed, please see the printed material from LAET which is available in the clinic.

Obtaining/Correcting a Social Security Card

Whether a client needs to get a Social Security card/number for the first time, replace a lost or stolen card, or correct the information on their existing card, the following steps apply:

Gather Documentation

The first step to getting a new, replacement, or corrected Social Security card is to gather the required pieces of documentation. The types and amount of documentation needed depend on whether the client needs a new, replacement, or corrected Social Security card, and on the client's citizenship status. All of the documentation required by the Social Security Administration must either be the original documents or copies of the originals which are certified by the issuing agencies. **NOTE:** In many situations, a single document can be used for more than one purpose, but at least 2 separate documents are usually required.

i. New Social Security Cards

a. U.S. Born Citizens

Clients who are U.S. born citizens need the following documentation to prove their citizenship, age, lack of existing Social Security number, and identity.

(1). Citizenship

- U.S. passport; or
- U.S. birth certificate.

(2). Age

If the client has one, his or her birth certificate **MUST** be submitted. If it does not exist, the following **MAY** be accepted:

- Religious record made before the age of 5 showing date of birth;
- U.S. hospital record of birth; or
- U.S. passport.

(3). *Lack of Existing Social Security Number*

Client over the age of 12 must appear in person for an interview, where they will be asked for evidence that they do not already have a Social Security number. The following evidence may be used to show this:

- If the client has lived outside the United States for an extended period, a current or previous passport, school and/or employment records, and any other record that would show long-term residence outside the United States could be used to show that he or she does not have a Social Security number.
- If the client has lived in the United States and is applying for an original Social Security number, he or she may be asked for information about the schools he or she attended or to provide copies of tax records that would show he or she was never assigned a Social Security number.

(4). *Identity*

Acceptable documents must be current and show the client's name, identifying information (date or birth or age), and preferably have a recent photograph. Examples of such documentation include:

- U.S. driver's license;
- State-issued non-driver identification card; or
- U.S. passport.

If the client does not have one of these documents and cannot get a replacement within 10 days, the following **MAY** be accepted (more than one should be submitted):

- Employee ID card;
- School ID card;
- Health insurance card (not a Medicare card); or
- U.S. military ID card.

b. Foreign Born U.S. Citizens

The requirements for foreign born U.S. citizens are very similar to U.S. born citizens, but they differ in a few ways:

(1). Citizenship

Instead of a U.S. birth certificate, clients can use:

- U.S. passport;
- Certificate of naturalization; or
- Certificate of citizenship.

(2). Age

The client's birth certificate **MUST** be presented.

(3). Lack of Existing Social Security Number

Same as U.S. born citizens.

c. Noncitizens

Noncitizen clients have two additional documentation requirements that U.S. citizens do not. The Other requirements are also slightly different.

(1). Immigration Status

The client must show his or her current U.S. immigration document, such as Form I-551 (Lawful Permanent Resident Card, Machine Readable Immigrant Visa) with his or her unexpired foreign passport, I-766 (work permit) or I-94 (Arrival/Departure Record). If the client is an F-1 or M-1 student, he or she also must show his or her I-20, Certificate of Eligibility for Nonimmigrant Student Status. If the client is a J-1 or J-2 exchange visitor, he or she must show his or her DS-2019, Certificate of Eligibility for Exchange Visitor Status.

(2). Work Eligibility

In general, only noncitizens who have permission to work from the Department of Homeland Security can apply for a Social Security number. For most foreign workers, this only requires them to provide an I-94, Arrival/Departure Record, showing a class of admission permitting work. Some foreign workers must show their work permits from DHS (I-766).

If the client does not have permission to work, but is otherwise a lawfully admitted noncitizen, he or she can get many benefits and services without a Social Security number. One is not needed to conduct business with a bank, register for school, apply for educational tests, obtain private health insurance, apply for school lunch programs, or apply for subsidized housing. A client cannot get a Social Security number for the sole purpose of obtaining a driver's license.

Without permission to work, a client may apply for a Social Security number only if:

- A federal law requires the client to provide his or her Social Security number to get a particular benefit or service; or
- A state or local law requires the client to provide his or her Social Security number to get general assistance benefits that he or she already has qualified for.

To obtain a Social Security number to meet these state or local requirements, the client must provide a letter from the government agency. It must be on letterhead stationery (no form letters or photocopies) and:

- Specifically identify the client as the applicant;
- Cite the law requiring the client to have a Social Security number;
- Indicate that the client meet all the agency's requirements, except having the number; and
- Contain an agency contact name and telephone number.

If the Social Security number is needed for tax purposes and the client is not authorized to work in the United States, he or she can apply for an Individual Taxpayer Identification Number from the Internal Revenue Service (IRS).

NOTE: If the client is assigned a number for non-work purposes, he or she CANNOT use it to work.

(3). Age

The client must present his or her foreign birth certificate if it is available or can be obtained within 10 days. If not, other documents, such as a passport or a document issued by DHS, will be considered as evidence of age.

(4). Lack of Existing Social Security Number

Clients age 12 or older MUST be interviewed by the Social Security Administration. It will ask for evidence to show the client does not have a Social Security number. If the client lived outside the U.S. for an extended period, a current or previous passport, school and/or employment records, and any other record that would show long-term residence outside the U.S. could be used to show he or she does not have a Social Security number.

(5). Identity

The client will be asked to provide a current Department of Homeland Security document. Acceptable documents include:

- Form I-551 (includes machine-readable immigrant visa) with unexpired foreign passport;
- I-94 with unexpired foreign passport; or

- I-766 work permit from DHS.

ii. Replacement Cards

If a client's Social Security card has been lost, stolen, or destroyed, he or she can request a replacement card for free. Clients are limited to 3 replacement cards a year, or 10 over their entire lifetime. Certain events requiring a replacement/corrected Social Security card, such as legal name changes or changes in immigration status, do not count towards these limits. The limits may also be waived if their enforcement would cause significant hardship.

a. U.S. Born Citizens

(1). Citizenship

If not already established for the Social Security Administration, clients will need to provide the same proof required for new cards above.

(2). Identity

Same as requirements for new cards above.

b. Foreign Born U.S. Citizens

(1). Citizenship

Same as requirements for new cards above.

(2). Identity

Same as requirements for new cards above.

c. Noncitizens

(1). Immigration Status

Same as requirements for new cards above.

(2). Work Eligibility

Same as requirements/limitation for new cards above.

(3). Identity

Same as requirements for new cards above.

iii. Corrections to Existing Cards (Change of Name)

A new card may be requested if the client's name has been legally changed. The new card will have the same Social Security number as before.

a. U.S. Born Citizens

(1). Citizenship

If not already established for the Social Security Administration, clients will need to provide the same proof required for new cards above.

(2). Legal Name Change

Clients must present a recently issued document proving they had a legal name change. Acceptable documents include:

- Marriage document;
- Divorce decree;
- Certificate of naturalization showing a new name; or
- Court order for a name change.

If the document provided does not contain enough information to identify the client in the Administration's records, or if the client changed his or her name more than 2 years ago (4 years ago if under 18 years of age), the client must also provide an identity document in his or her prior name (as shown in the Administration's records). The identity document with the old name may be accepted even if it has expired.

If the client does not have an identity document in his or her prior name, the Administration may accept an unexpired identity document in the new name, as long as the Administration can properly establish the client's identity in its records.

(3). Identity

Same as requirements for new cards above.

b. Foreign Born U.S. Citizens

(1). Citizenship

If not already established for the Social Security Administration, clients will need to provide the same proof required for new cards above.

(2). Legal Name Change

Same as requirements for U.S. born citizens above.

(3). Identity

Same as requirements for new cards above.

c. Noncitizens

(1). *Immigration Status*

Same as requirements for new cards above.

(2). *Work Eligibility*

Same as requirements for new cards above.

(3). *Legal Name Change*

Same as requirements for U.S. born citizens above.

(4). *Identity*

Same as requirements for new cards above.

Complete the Application

Once a client has the appropriate documentation, he or she can complete the required application. Whether the client is requesting a new, replacement, or corrected Social Security card, the application to be used is form SS-5. This is a fairly straightforward, 1-page form, and it is accompanied by a few pages of explanations and instructions. This form can be found online at <http://www.ssa.gov/online/ss-5.pdf>, and can also be picked up from a Social Security office (Knoxville location listed below). The SS-5 must be printed out and submitted in hard copy form.

Submit Materials

Once the SS-5 is completed, the client can either mail or take the form and his or her documentation to a Social Security office. The Knoxville area's Social Security office is located at:

- 8530 Kingston Pike
Knoxville, Tennessee 37919
Phone: (866) 331-9091 or (800) 772-1213
Monday-Friday: 9:00 a.m. to 3:00 p.m. (call ahead to verify hours as they are subject to change)

The Social Security office will return the client's documentation to him or her after the application process is complete.

Clients over the age of 12 who are applying for a first-time Social Security number/card will be asked to interview in person.

Identity Theft

If a client suspects that his or her identity has been stolen (including credit/debit card theft, Social Security), he or she should take the following steps, as appropriate:

- Contact banks:
 - If the client has the requisite information to do so (a check or deposit slip will usually suffice), he or she should open a new account and move his or her money into it. The bank manager should also be informed of the situation, who can provide further assistance.
- Contact credit card companies and cancel/replace cards as needed.
- File a report with the local police department:
 - Make sure to keep a record of the report number, and get a hard copy of the report if possible. Most companies the client will deal with will want a copy of this report for their own records as well.
- Contact at least 1 of the 3 major credit bureaus:
 - The credit bureau will place a fraud alert on the client's credit report for 90 days, and the alert may be renewed as well. When the client contacts 1 of the bureaus, it is supposed to contact the other 2 and have them place fraud alerts on their own files.
 - The client can instead request a credit freeze (sometimes called a security freeze), which will prevent lenders and others (including the client) from accessing the client's credit report entirely. This is a more drastic step than a fraud alert, and must be requested from each credit bureau individually.
 - The 3 major credit bureaus are:
 - Experian - (888) 397-3742
 - Equifax - (888) 766-0008
 - Transunion - (800) 680-7289
- Contact the Federal Trade Commission at (877)-IDTHEFT (437-4338):
 - The FTC collects information about identity theft for studies and analysis. It may also send the client a copy of Take Charge: Fighting Back Against Identity Theft, a booklet to help victims recover.
 - The client should also fill out a fraud affidavit, which is available as part of the FTC's online complaint form at https://www.ftccomplaintassistant.gov/FTC_Wizard.aspx?Lang=en#last, or by itself at <http://www.ftc.gov/bcp/edu/resources/forms/affidavit.pdf>.
- Get a new driver license:

- The client should try to get a new number instead of a duplicate of his or her existing license. This will help to prevent the client from being blamed for illegal/fraudulent uses of the old, stolen driver license.
- Call any other card issuers:
 - This include library cards, ID cards, grocery/retail store shopper cards, etc. Many identity thieves can and/or will find ways to use these cards to the client's detriment if he or she doesn't deal with them.
- Call the Social Security Administration at (800) 772-1213.
 - While the Administration won't do anything to resolve the identity theft itself, it is still a good idea to inform them of the stolen information. In certain situations, the Administration may issue a new Social Security card to the client, but the existing Social Security card can still cause issues.

Obtaining a New Driver License

Clients can normally obtain a new driver license by following the procedure outlined below. **NOTE:** There are stringent documentation requirements which many clients may have trouble meeting.

Procedure

1. The client should gather all of the documentation required to apply for a driver license (details on what documentation is needed is provided below). The client should also obtain and carefully study a copy of the Tennessee Comprehensive Driver License Manual, which can be picked up at any Driver Service Center, or online at http://www.tn.gov/safety/dlhandbook/DL_Manual2011.pdf.
2. The client should locate his or her nearest or most convenient full-service Driver Testing Station to apply for a license. **NOTE:** Only full-service Driver Testing Stations can test for and/or issue new driver licenses. The full-service Driver Testing Station in Knox County is:

Strawberry Plains Driver Testing Station

7320 Region Lane

Knoxville, TN 37914

Phone: (865) 594-6399

Fax: (865) 594-6429

Monday-Friday: 8:30 a.m. to 5:00 p.m.

3. **Vision Screening.** At the Driver Testing Station, the client will be required to complete a vision screening to ensure that he or she can see well enough to drive. The client must have at least 20/40 vision, with his or her glasses or contacts, if needed.
 - a. If the client fails the vision screening, he or she will need a statement from an eye specialist of his or her choice for the Department of Safety and Homeland Security to evaluate.

4. **Knowledge Exam.** The client must next pass a knowledge exam, which is given on a first-come first-served basis at the Driver Testing Station. This is a computerized exam, using multiple choice questions to exclusively test the client's knowledge of Section B of the Tennessee Comprehensive Driver License Manual.
 - a. Oral exams are available, by appointment, for those with learning disabilities or without the ability to read. Sign language interpreters also available if needed.
 - b. If the client fails the knowledge exam, there is a mandatory 7-day waiting period before he or she can attempt the test again. The client will have to pay an additional \$2.00 application fee to retake the exam, and will need to bring back all of the required documentation as well.
5. **Road Test.** The final step is for the client to schedule and take a road test at the Driver Testing Station; the knowledge exam must be successfully passed before a road test can be taken. Appointments for road tests can be made by calling (865) 594-6399, or online at <https://apps.tn.gov/dlappts/>.
 - a. The client must provide a validly registered vehicle that is in proper working order to take the test - the driver testing station will not provide a testing vehicle.
 - b. The test will include proper knowledge and operation of the vehicle, and the client will be observed and graded on how well they can drive in real-world conditions.
 - c. If the client fails the road test, there will be a mandatory waiting period, the length of which depends on how many errors were made during the test. This can range from 1 to 30 days. The client will also be required to pay an additional \$2.00 application fee for each attempt he or she makes.

License Duration & Fees

Tennessee driver licenses expire every 5 years on the driver's birthday that is evenly divisible by 5 (35, 40, 45, etc.). This means that the client's first driver license may expire earlier or later than 5 years from the date of its issuance, depending on the date the license is issued and when his or her next birthday that is divisible by 5 occurs.

The driver license fee is based on the number of years the license will be valid. The fee is currently \$3.50 per year, so a 5-year license would cost \$17.50. In addition, there is a \$2.00 fee to apply for the license. This fee is incurred each time a license is applied for, and must therefore be repaid each time the client fails either the knowledge exam or road test.

Required Documentation

When applying for a driver license, the client will be required to present accepted documents from EACH of the categories listed below. **NOTE: Photocopies of the documentation will NOT be accepted - the client will need the original documents.** For more information on documentation requirements, look to Section A of the Tennessee Comprehensive Driver License Manual, or online at <http://www.tn.gov/safety/driverlicense/dlnew.shtml>.

iv. Proof of U.S. Citizenship or Lawful Permanent Residency

For proof of U.S. citizenship:

- Official U.S. birth certificate (state or federally issued);
- U.S. certificate of birth abroad;
- Report of birth abroad of a citizen of the U.S.;
- Valid, unexpired U.S. passport;
- Certificate of citizenship;
- Certificate of naturalization; or
- U.S. citizen identification card.

For proof of lawful permanent residency:

- Permanent resident alien card;
- Foreign passport stamped by the U.S. government indicating that the holder has been "processed for I-551";
- Permanent resident re-entry permit;
- Arrival departure form I-94 with "temporary I-551" stamp and holder's photograph affixed;
- Travel document issued to permanent residents;
- Travel document issued to refugees; or
- Form I-94 stamped with one of the following statuses: asylee, parolee or parole, refugee, asylum, HP-humanitarian parolee, or PIP-public interest parolee.

v. Primary Proof of Identity

The following is a non-exclusive list of documents which are acceptable to prove the client's identity.

NOTE: Documents in this category must include the client's full name and date of birth.

- U.S. photo driver license, photo ID card, or a license from another country;
- Original or certified birth certificate;
 - Must be original or certified, have an official seal, and be issued by an authorized government agency such as the Bureau of Vital Statistics or State Board of Health.

- Puerto Rican birth certificates issued before July 1, 2010 will not be recognized as a form of primary or secondary identification.
- The government of Puerto Rico has provided information for citizens to apply for new birth certificates.
 - Hospital issued certificates (mother's copy) are not acceptable.
- Military identification;
- Valid, unexpired U.S. or foreign passport;
- U.S. citizenship and immigration service documentation;
- Marriage license/certificate;
 - The certificate must be the original or certified copy that is registered AFTER the marriage, not just the "license" authorizing the union.
- Federal census record;
- Client's own child's birth certificate;
 - Must include the client's (i.e., the parent's) full name and date of birth not just the "age" of the client at the time of the child's birth.
- Adoptive decree;
- Legal change of name (divorce, etc.);
 - As recorded in court decree with judge's original signature and/or official court seal.
 - A copy of a court document with a copied seal/signature is not acceptable. However, a copy of a court document with an original signature/seal that is affixed to the copy is acceptable.
- Any confirmation of date of birth in a court of law; or
 - As recorded in court document(s) with the judge's original signature and/or official court seal.
 - A copy of a court document with a copied seal/signature is not acceptable. However, a copy of a court document with an original signature/seal that is affixed to the copy is acceptable.
- Any other documentary evidence which confirms to the satisfaction of the Department of Safety and Homeland Security the true identity and date of birth of the client.

vi. Secondary Proof of Identity

The secondary proof of identity can either be a second item from the primary proof of identity list, or one of the following items:

- Computerized check stubs;
 - Must include the applicant's full name pre-printed on the stub.
- Union membership cards;
 - Must include the applicant's full name, preferably with photo and/or Social Security number.
- Work IDs;
 - Preferably with photo and/or Social Security number.
- Financial institution documents;
- Social Security documents;
- Health insurance card;
- IRS/state tax form;
- Military records;
- School records; or
- Vehicle documents.

vii. Proof of Any Name Changes

If the client's name is different from the name on any of the primary or secondary identification documents, the client must provide proof of his or her name change.

For a name change due to marriage, a marriage license/certificate is acceptable proof if it includes the client's full name and date of birth. The certificate must be the original or certified copy that is registered AFTER the marriage, not just the “license” authorizing the union.

For a name change due to a divorce decree, acceptable proof is the documentation as recorded in the court decree with judge’s original signature and/or official court seal.

viii. 2 Proofs of Tennessee Residency

Client's must provide 2 proofs of Tennessee residency. This can be accomplished by providing 2 documents from List A, or 1 document from List A and 1 document from List B, below. All documents

must have both the client's full name (or the full name of the client's spouse, and proof of the spousal relationship) and the same address that appears on the driver's license application. Both of the documents cannot be from the same source. All documents must be current documents from the last 4 months (IRS documents must be from the current tax year).

a. List A:

- Current utility bill;
 - Wireless telephone bills cannot be accepted.
- Current bank statement;
 - Internet bank statements are acceptable only if taken to the local bank, stamped, and dated by teller as an active account.
 - Checks and checkbook information are not acceptable.
- Current rental/mortgage contract or receipt, including deed of sale for property;
- Current employer verification of residence address or letter from employer (as long as it is on company letterhead with original signature);
 - If the employer does not have letterhead, then the signature of employer must be notarized.
- Current paycheck/check stub, work ID, or badge, if address is included;
- Current automobile, life, or health insurance policy;
 - Wallet cards cannot be accepted
- Current driver license/ID issued by the Tennessee Department of Safety and Homeland Security to a parent, legal guardian, or spouse of the client;
- Current Tennessee motor vehicle registration or title;
- Current Tennessee voter registration;
- Current IRS tax reporting W-2 form within the last 12 months;
- Receipt for personal property or real estate taxes paid within past last year; or
- In the case of a student enrolled in public or private school in Tennessee, the student may provide a photo student ID and acceptable documentation from the Dean or Bursar Office that the student lives on campus.

b. List B:

- Individual Taxpayer Identification Number (ITIN) issued by the IRS;
- Form I-94 issued to the client by the United States Citizenship and Immigration Service;
- Employment Authorization card issued to the client by the United States Citizenship and Immigration Service; or
- I-551 issued to the client by the United States Citizenship and Immigration Service

ix. Proof of Social Security Number

- Original Social Security card;
- IRS W-2 wage and tax statement form;
- Employer's computer generated payroll check (check stub) or an original bank statement with client's Social Security number on it; or
- Health insurance card with both client's name and Social Security number.

Clients who have never been issued a Social Security number must appear in person and sign a sworn affidavit to that effect. This affidavit is available at any Driver Service Center and must be signed in the presence of a Driver License Examiner or Notary Public. By signing this affidavit, the client attests, under the penalty of perjury, that no Social Security number has ever been issued to him or her by the U.S. government. This affidavit allows the Department of Safety and Homeland Security to process the application without the requirement of the Social Security number. Each subsequent application will require a new affidavit to be signed in person unless a Social Security number can be provided.

Obtaining a Replacement Driver License

If the client's driver license has been lost, stolen, or destroyed, it can be replaced by going to any Driver Services Center, or online at <https://apps.tn.gov/tndlr/duplicate-instr.html>. To get a replacement in person, the client will need to provide proof of their identity (using one of the primary proof of identity documents described above); if using the online replacement service, the client will need a credit/debit card to pay the fee and will also need to know his or her driver license number. The fee (for either in-person or online replacement) for the first replacement license is \$8.00; each subsequent replacement costs \$12.00. Obtaining a replacement does not change the expiration date of the license.

In addition to the full-service Driver Testing Stations listed above, the client can obtain a replacement license at the following Knox County locations:

- East Knoxville (Across from East Town Mall)
3010 South Mall Rd
Knoxville, TN 37924
Phone: (865) 215-2385
Monday-Friday: 9:00 a.m. to 5:00 p.m.
Saturday: 9:00 a.m. to 12:30 p.m.

Halls Office
7028 Maynardville Hwy
Halls Center Plaza
Knoxville, TN 37918
Phone: (865) 922-5215
Monday-Friday: 8:00 a.m. to 4:00 p.m.
- Old Knox County Courthouse/Downtown
300 W. Main Street, Room 219
Knoxville, TN 37902
Phone: (865) 215-2695
Fax: (865) 253-2517
Monday-Friday 8:00 a.m. to 4:00 p.m.

Reinstating a Driver License

If a client's driver license has been cancelled, suspended, or revoked, the client can reapply to have their license reinstated once they have satisfied the requirements of the cancellation, suspension, or revocation. There may be multiple entities or departments which have different reinstatement requirements, each of which must be satisfied before reinstatement.

Determining the Cause of the Cancellation/Revocation/Suspension

Before the client can have his or her license reinstated, the cause of the cancellation/revocation/suspension must be determined. There are a number of ways to do this:

x. Obtaining a Motor Vehicle Record

It is possible to obtain the client's 3-year driving record (Motor Vehicle Record, or "MVR") from the Department of Safety and Homeland Security for a \$5.00 fee. The client can get his or her MVR in person at any full service or express Driver Service Center, or by mailing a request to:

- Tennessee Department of Safety and Homeland Security
MVR Request
P.O. Box 945
Knoxville, TN 37202

- The request will need to provide the client's name, date of birth, driver license number, and the \$5.00 fee in a cashier's check or money order.

xi. Department of Safety and Homeland Security

The Department of Safety and Homeland Security has numerous ways to learn about the client's reinstatement requirements, and also provides mechanisms to resolve certain issues (primarily State-level fees):

- A client can check his or her driver license status and pay State-level reinstatement fees online at <https://apps.tn.gov/tndlr/reinststate-instr.html>. This system requires the client's driver license number, date of birth, and last name, and a credit/debit card is required to pay any fees through it.
- Reinstatement information is available by phone 24 hours a day from (615) 741-3954, or toll-free at (866) 903-7357. The phones are staffed by actual people from 8:00 a.m. to 4:30 p.m., Monday through Friday, and automated help is available at all other times. The client must have his or her driver license number to use this service.
- Clients can submit a letter requesting reinstatement to:
 - Tennessee Department of Safety and Homeland Security
Financial Responsibility
P.O. Box 945
Nashville, TN 37202
 - The letter must include: the client's full name, date of birth, social security number (if issued), mailing address, phone number, Tennessee driver's license number, and the reason for cancellation, suspension, or revocation (if known). Allow 2 weeks for a written response.
- In Knox County, clients can visit the Southeast Driver License Reinstatement Center to request a reinstatement in person. It is recommended that clients call one of the phone numbers listed above to learn the reinstatement requirements before going to the Reinstatement Center. The Reinstatement Center is located at:
 - West Knoxville Driver License Reinstatement Center
430 Montbrook Lane
Knoxville, TN 37919
(865) 690-6393
Monday-Friday: 8:30 a.m. to 5:00 p.m.

Remedying Specific Issues

Once the specific causes of the cancellation/revocation/suspension are known, steps can be taken to address the issues. Information is provided below on how to begin addressing certain common issues.

xii. Failure to Pay Court Costs, Fines, and Taxes

Starting in 2011, the State of Tennessee began revoking the driver licenses of persons who have failed to pay court costs, fines, and/or taxes for more than 1 year. Most clients are not able to pay these court costs outright, and must therefore petition the court for relief. The options and procedures for doing so vary wildly depending on which particular county court the client owes costs to. The process for resolving court costs must be repeated in each court where the client has outstanding costs. **NOTE:** A client may have outstanding court costs if he or she has had any traffic ticket or any contact with the civil or criminal justice system in the past year. If the client has any reason to believe that he or she has outstanding court costs, quick action is required in order to prevent additional costs from accruing.

a. File a Motion to be Declared Indigent

Many counties allow persons to file a motion to be declared indigent and thereby wipe out any currently owed court costs. **NOTE:** Courts are not required to grant such a motion - it is at the judge's discretion whether to do so, and many judges routinely deny any and all such motions.

If the motion is granted, some counties will automatically remove their "hold" on the reinstatement. Other counties will instead give the client a document (sometimes referred to as a "clearance letter") which they must bring to the Department of Safety and Homeland Security, which will then remove the hold. **NOTE:** Even if the motion is granted, some courts cannot/will not waive ALL costs; the other procedures below should be followed to make sure the client is protected regardless.

b. Ask the Court to Setup a Payment Plan

If the client does not have enough money to pay all of the court costs, but has enough to pay a portion every week or month, he or she can apply to the court to have a payment plan created. If approved by the court, the revocation of the client's license will be stayed for long as the client is current with payments and in compliance with the payment plan. This also applies for any costs which remain after a client has been declared indigent (some courts cannot/will not waive certain costs). A form is provided by the state of Tennessee for this purpose in the Appendix.

If the client fails to make payments as stipulated in the repayment plan for 3 months, the court clerk will terminate the stay of revocation.

c. Ask the Court for a Hardship Stay

The client can apply to the court for a temporary (up to 180 days) stay of the revocation, when it would cause extreme hardship to the client. Extreme hardship is limited to situations in which the client would not have any other means of transportation, and travel is necessary for the client's employment or a serious illness of the client or his or her immediate family member.

xiii. DUI Charges

If the client's license has been suspended for DUI charges, it must be determined whether the client completed probation requirements, such as attending an awareness class or treatment program. If so, the problem may simply be that proof of completion was never submitted to the court. If not, it may still be possible for the client to complete the requirements.

xiv. Point Suspensions

If a client accumulates 12 or more points on his or her driver license in a 12-month period, the client's license may be suspended for 6 months to 1 year. The client will usually be sent a notice of the impending suspension and given an opportunity to attend an administrative hearing. The client should request such a hearing, and if granted, he or she may be able to take a defensive driving class in lieu of the suspension, or reducing the duration of the suspension. If the client has already missed the opportunity to attend an administrative hearing, they may simply be forced to wait out the required period before applying for reinstatement.

xv. Failure to Appear

If the client's driver license is suspended due to failure to appear or pay a ticket, there is probably a bench warrant for the client's arrest for contempt. Both the contempt charge and the underlying ticket will have to be resolved for the suspension to be lifted.

xvi. Unpaid Child Support

A client's driver license may be suspended due to non-payment of child support, in which case the underlying support order may need to be addressed. In some states, if the client is unable to make the past due payments (as is likely), it may be possible to have the suspension lifted if the custodial parent agrees.

xvii. Homeland Security Suspensions

The Department of Homeland Security may cause a client's driver license to be suspended because of inconsistencies between his or her name and Social Security number. If the inconsistency is simply the result of a mistake, it can be corrected to clear up the problem.

Reinstatement of the License

If the client's license has already been revoked, he or she must still pay the Department of Safety and Homeland Security's reinstatement fees, even if he or she has been declared indigent and/or cleared up any other reinstatement requirements. These fees can be levied for each individual reason that the client's license was revoked, and can therefore be quite large.

The amount of the fee(s) can be checked at <https://apps.tn.gov/tndlr/reinstate-instr.html>, and if the client has a credit/debit card, he or she may pay the reinstatement fee there as well. Full payment is not required all at once - the client may pay in installments, but his or her driver license will not be reinstated until after the full amount met has been paid off.

Once all of the fees have been paid, the client's license does not automatically become valid. Instead, he or she will need to go to a Driver License Reinstatement Center (Knox County location is provided above) apply for a new license, and pay the requisite fees.

Restricted Licenses

If a client's driver's license has been suspended for certain violations, he or she may be able to apply for a restricted license. A restricted license allows the client to go to and from certain places such as work, church, full-time education, probation, and court-ordered alcohol safety programs.

Before becoming eligible for a restricted license, any other cancellations, suspensions, or revocations on the license (other than the one for which the restricted license application is being made) must be reinstated. The restricted license application must be made to the court in which the offense originated or is pending.

The following violations are eligible for restricted license applications:

- 18-20 year old alcohol beverage violation - 1st offense;
- 18-20 year old alcohol beverage violation - 2nd offense;
- Court ordered suspension;
- Drug free youth act - 1st offense;
- Drug free youth act - 2nd offense;
- DUI - 1st offense, child endangerment by DUI, and allowing an intoxicated person to drive;
- DUI - 2nd offense;
- Failure to establish financial responsibility following an accident or final judgment on a crash. (valid only while driving company vehicles on company business);
- Frequent traffic violation suspension;
- Implied consent, drag racing, and driving away from pump without paying for fuel; and
- Failure to satisfy a citation.

Obtaining Food Stamps

Organizations

Multiple programs and/or organizations are available to help clients sign up for food stamps:

- Initial screening for food stamps can be completed by calling 211.
- See the service directory at KARM for more organizations.

Department of Human Services

Information related to food stamps may also be obtained by visiting the Tennessee Department of Human Services ("DHS") at one of the following locations, from 8:00 a.m. to 4:30 p.m., Monday through Friday:

- Knox County Office
2700 Middlebrook Pike, Suite 200
Knoxville, TN 37921-5698
Phone: (865) 594-6151
Fax: (865)-594-3901
- State Office
400 Deaderick Street
Nashville, TN 37243-1403
Phone: (615) 313-4700
Fax: (615) 741-4165

DHS may also be reached online at <http://www.tn.gov/foodstamps>. This website contains information about eligibility, the application process, processing time, issuance of food stamps, appealing decisions, obtaining food stamps, and other helpful information. It also features an online eligibility screening program and application for food stamps, but most clients will still be required to have an in-person interview afterwards.

Interviewing for Food Stamps

Most clients will be required to have an in-person interview with a DHS caseworker to determine if he or she is eligible for and will receive food stamps. Attorneys may appear as authorized agents on behalf of the client.

The following is an excerpt of the type of answers the client may be required to provide during the interview process. The caseworker asks questions about the client's household, including its income, resources, rent or mortgage, and utility costs. Certain households may also be asked about medical expenses and childcare and child support expenses. The client will be required to present evidence of his or her household situation, so if the client has the following information (for each person in the household who is applying for benefits), he or she should bring it to the interview:

- Proof of identity;
- Proof of citizenship, such as a birth certificate, U.S. passport, hospital record, etc.;
- Immigration papers for persons who are not U.S. citizens;
- Social security numbers;
- Proof of income for each household member (check stubs, award letters from social security or veterans administration, unemployment benefits, contributions from family or friends, child support, etc.);
- Last month's rent receipt or mortgage payment book;

- Last month's telephone bill, electric bill, gas bill, water bill, etc.;
- A statement written by a third party listing who lives in the household;
- Medical bills for persons age 60 and older and/or persons who are disabled;
- Information on educational expenses for persons enrolled in college or technical or vocational schools;
- Child care receipts for children whose parents are working, in school, or in training;
- Proof of payment of child support; and
- Additional information and proof may be required depending upon the situation.

If the client does not have all the required information when he or she first applies, he or she is given 10 days from the date of the interview to obtain the required proof. The interview is an official and confidential discussion of the household's circumstances. The interviewer will not simply gather and review information, but will explore and resolve unclear or incomplete information.

If an individual in the household does not want to provide a social security number or information about immigration status or citizenship, the individual will not be eligible for food stamp benefits. Other household members may still be eligible for benefits. An individual is not reported to the Department of Homeland Security's United States Citizenship and Immigration Services, for choosing not to give a social security number. However, information that is provided by the client can be sent to other federal agencies to check to see if it is correct. If there are discrepancies, failure to resolve them may result in not receiving food stamp benefits.

Applying for Social Security Disability

Social Security may pay benefits to clients who cannot work because they have a medical condition that is expected to last at least one year or result in death. Federal law requires this very strict definition of disability. While some programs give money to people with partial disability or short-term disability, Social Security does not. Certain family members of disabled workers also can receive money from Social Security.

Application Process

The client may also apply for Social Security disability benefits directly through the Social Security Administration ("SSA"). An interview appointment can be made by calling the SSA at (800) 772-1213, applications can be completed online at <http://www.ssa.gov/applyfordisability/>, or a local Social Security Office can be contacted directly. Any required or desired interviews will be conducted via phone or at the local Social Security Office. Knoxville's local Social Security Office is located at:

- 8530 Kingston Pike
Knoxville, Tennessee 37919
Phone: (866) 331-9091 or (800) 772-1213
Monday-Friday: 9:00 a.m. to 3:00 p.m. (call ahead to verify hours as they are subject to change)

Once the client has scheduled an appointment (or at the client's request), the SSA will send the client a Disability Starter Kit which contains many useful documents and pieces of information. The Starter Kit is also available online at http://www.socialsecurity.gov/disability/disability_starter_kits_adult_eng.htm.

xviii. Disability Determination

The SSA will first determine if the client meets a few basic requirements to qualify for Social Security disability benefits:

- The client must meet a "recent work" and "duration of work" test to qualify for Social Security benefits; and
- If the client has any current work activities, they will be evaluated.

If the client meets these requirements, the SSA will send his or her application to the Tennessee Disability Determination Services ("DDS") to evaluate it in more detail. DDS will contact the client's doctors and obtain other information about his or her medical condition(s) before making a decision. DDS uses the following general criteria to determine whether a client is considered disabled:

1. Is the client working?
 - a. If the client is working and his or her earnings average more than a certain amount each month, the SSA will generally will not consider him or her disabled. The amount changes each year.
 - b. For 2013, the annual earnings limit is \$15,120.00 (\$1,260.00 monthly), and for every \$2.00 over the limit the client earns, \$1.00 is withheld from his or her benefits. If the client doesn't work, or earns less than the limit, DDS moves onto step 2.
2. Is the client's medical condition "severe"?
 - a. The client's medical condition must significantly limit his or her ability to do basic work activities - such as walking, sitting, and remembering - for at least 1 year. If the medical condition is not that severe, DDS will not consider the client to be disabled. If it is that severe, DDS will go on to step 3.
3. Is the client's medical condition on the List of Impairments?
 - a. DDS has a List of Impairments that describes medical conditions that are considered so severe that they automatically mean that the client is disabled as defined by law. If the condition (or combination of medical conditions) is not on this list, DDS looks to see if the condition is as severe as a condition that is on the list. If the severity of the client's medical condition meets or equals that of a listed impairment, DDS will decide that he or she is disabled. If it does not, DDS goes on to step 4.
4. Can the client do the work he or she did before?

- a. At this step, DDS decides if the client's medical condition prevents him or her from being able to do the work he or she did before. If it does not, DDS will decide that the client is not disabled. If it does, DDS goes on to step five.
5. Can the client do any other type of work?
- a. If the client cannot do the work he or she did in the past, DDS looks to see if the client would be able to do other work. It evaluates the client's medical condition, age, education, past work experience, and any skills he or she may have that could be used to do other work. If the client cannot do other work, DDS will decide that he or she is disabled. If the client can do other work, DDS will decide that he or she is not disabled.

If the client is denied disability benefits, he or she can appeal the disability determination.

xix. Application Timeframe

Generally, it takes between 3 to 5 months for the SSA and DDS to decide whether an individual is eligible for Social Security disability benefits.

xx. Information Required for the Interview

During an interview with the SSA, the client will be required to present a number of documents. These include:

- Social Security number;
- Birth or baptismal certificate;
- Medical records in the client's possession;
 - Names, addresses, and phone numbers of all doctors, caseworkers, hospitals, and clinics and the dates seen at each;
 - Laboratory test results;
 - Patient ID number(s); and
 - Name and dosages of all medicine(s) the client is taking.
- Worker's compensation information;
 - Settlement agreement;
 - Date of injury;
 - Claim number; and
 - Proof of other disability awarded payment amounts.
- Names and dates of birth for spouse and minor children;

- Dates of marriages and divorces;
- Summary of where the client worked and what kind of work was performed for the 15 years leading up to the disability;
- A copy of the client's most recent W-2 form, or if self-employed, the client's most recent federal tax return;
- Checking or saving account number (including routing number), if direct deposit is desired;
- Name, address, and phone number of a person to contact if the client is unreachable;
- A completed Authorization to Disclose Information to the Social Security Administration, signed and dated with a witness signature, if provided one before the interview; and
- A completed Medical and Job Worksheet – Adult, if not already filled out online.

Applying for Unemployment Benefits

Unemployment benefits provide income to clients who have lost work through no fault of their own. The benefits are intended to partially offset the loss of wages while the client searches for suitable work, or until the client's employer can recall him or her to work.

The client does not have to be totally unemployed in order to receive unemployment benefits. The client may still be eligible if he or she still has a job, but the client's employer has temporarily reduced his or her hours of work, or if the client has lost his or her regular job, but still has some work at which he or she earns less the weekly benefit amount.

Eligibility Requirements

There are certain requirements that the client must meet before he or she can receive unemployment benefits. The client must:

- Be totally or partially unemployed through no fault of his or her own and be approved for benefits;
 - This means that the client was not fired for good cause or voluntarily quit without a good, work-related reason.
- Have worked in employment that is covered by unemployment insurance and have qualifying wages in the base period;
- Be physically able to work at the time he or she files his or her first claim;
- Be available to accept suitable work offered to him or her;
 - This means that the client must have transportation and be ready to accept a suitable job.

- In addition, the client must be actively looking for work.
- Have earned enough wages at his or her work to qualify for benefits;
- After filing a claim, serve 1 week of waiting for which no payment is made; and
 - The client will be paid for the waiting week if and when he or she has certified and been eligible for benefits in the waiting week and in each of the 3 consecutive weeks immediately following the waiting week.
- Each week, report the gross amount of any money he or she has earned during that week, even if not paid until later.

Filing a Claim

Unemployment claims may be filed by telephone, online, or in-person at a Career Center. However, clients who live in Fayette, Tipton, Lauderdale, or Shelby counties, may only file "lack of work" claims online, and must otherwise file in person at certain locations.

Claims can be filed online at <https://ui.tn.gov/>. This service is only available Sunday through Friday, 8:00 a.m. to midnight.

To file by phone, call (615) 253-0800 or toll-free (877) 813-0950. The Claims Center is open Monday through Friday, 8:00 a.m. to 4:30 p.m..

In Knox County, there is 1 Tennessee Career Center where claims can be filed:

Tennessee Career Center at Knoxville
 1610 University Avenue
 Knoxville, TN 37921-6741
 Phone: (865) 594-5500
 Fax: (865) 594-6266
 Monday-Friday: 8:00 a.m. to 4:30 p.m.

xxi. Required Information

When filing a claim, the following information is required:

- Social Security number;
- Proof of immigration status is not a U.S. citizen;
- Person check with account and routing number if direct deposit is desired;
- Driver license number;
- Address;
- Telephone number;

- Separating employer's name;
- Separating employer's address;
- Separating employer's telephone number;
- Separating employer's fax number (if known);
- Last day worked;
- Reason for separation; and
- Names and address of all places of employment for the Last 18 months.

When filing in-person, the client should be sure to bring his or her original Social Security card, and if the client has one, a separation notice provided or issued by the employer.

NOTE: Claims are effective on the date they are filed and are not retroactive to the Last day worked. Additional information on obtaining unemployment insurance may be reached by calling the Unemployment Insurance Claim Center at (615) 253-0800 or by visiting its website at <http://www.tn.gov/labor-wfd/Claimants/appintro.shtml>.

LAET can also assist clients who have been denied unemployment benefits.

NOTE: If the client was fired because of race, age, sex, or handicap, he or she should contact the Equal Employment Opportunity Commission at (800) 669-4000.

Homeless Veterans

The U.S. Department of Veterans Affairs provides numerous programs for homeless veterans. The Knoxville Regional Office can be found at:

- Nashville Regional Office
110 9th Ave. S.
Nashville, TN 37203
Phone: (800) 827-1000

The Tennessee Department of Veterans Affairs may also be able to help put homeless veterans in touch with helpful resources. It has two offices in Knox County:

Field Office
601 So. Concord St., Suite 108
Knoxville, TN
Phone: (865) 594-6158

Families First - Temporary Assistance for Needy Families ("TANF")

Families First is a program run the by the Tennessee Department of Human Services in compliance with the federal TANF guidelines - it is equivalent to welfare. It provides temporary cash payments and other benefits to clients who have or are taking care of children and are experiencing financial difficulties.

Eligibility

To qualify for Families First, certain criteria must be met by the Assistance Unit (AU) - the group of individuals requesting assistance:

- The AU includes either:
 - A child under age 18;
 - A child under age 19 who is expected to complete high school or an equivalent vocational/technical training before his/her 19th birthday;
 - A pregnant woman in her last trimester; or
 - The otherwise eligible parents or caretakers of an SSI child.
- The child lives in the home of a parent or a relative who maintains care and control of the child.
- All members of the AU are U.S. citizens or qualified aliens and have provided a Social Security number.
 - Clients with U.S. citizen or qualified alien children can apply for Families First regardless of the parents' immigration status.
- The child meets deprivation standards based on the absence, death, incapacity, or unemployment of a parent.
- The Household meet income eligibility standards, including an income test and a resource test.

In addition to the above requirements, there is a 60-month lifetime limit on receipt of Families First benefits, which will only be extended in special instances as decided on a case-by-case basis.

Benefits Provided

Families First provides numerous benefits, including:

- Cash payments;
- TennCare (must be requested when the client first applies for Families First);

- Help paying for child care for children under 13;
- Help paying for transportation;
- Dental work and eye glasses;
- Adult education; and
- Job skills training.

Participants in Families First can also receive help in accessing treatment for:

- Medical problems;
- Domestic abuse;
- Learning problems;
- Nerve problems;
- Someone hurting the client or the children;
- Drug problems; and
- Drinking problems.

Participant Responsibilities

Clients who receive Families First benefits must agree to and follow a Personal Responsibility Plan ("PRP"). The PRP requires that participants:

- Make sure their children receive immunization shots and health checks;
- Make sure their children attend school, including kindergarten, regularly;
- Cooperate with child support requirements; and
- Agree to work or attend a work preparation activity, if not exempt.

In addition to the above, young parents under the age of 18 must:

- Stay in school and attend regularly; and
- Live at home with their parents or another responsible adult.

Applying

To apply for Families First, clients can call the Department of Human Services' customer support line at (866) 311-4287, apply online at <https://fabenefits.dhs.tn.gov/vip/website/signupservlet>, or contact or visit one of the Knox County offices for the Department of Human Services:

- Knox County Office
2700 Middlebrook Pike, Suite 200
Knoxville, TN 37921-5698
Phone: (865) 594-6151
Fax: (865) 594-3901

- District Office - East Tennessee
531 Henley Street, Suite #210
Knoxville, TN 37902
Phone: (865) 594-6060

Subsidized Housing / Home Ownership

KARM & Related Programs

KARM maintains a database of housing opportunities, and works with clients to help them find housing. Any client who has questions or an interest in this service should inquire with a member of the KARM Crossroads Team. See KARM's directory of services.

Knoxville Community Development ("KCDC") Programs

The KCDC has several ways to provide assistance to low-income clients seeking affordable housing, including Public Housing and the Housing Voucher Program. Below is information on these programs, including how to apply and contact numbers for additional assistance. More information on these and other programs can be obtained by contacting the KCDC at:

- KCDC
901 Broadway NE,
Knoxville, TN 37917
Phone (865) 403-1100
Fax (865) 403-1117
Job Line (865) 403-1111
Email info@kcdc.org
Monday-Friday: 7:30 a.m. to 4:00 p.m.
<http://www.Nashville-KCDC.org/>

- *Mailing Address*
P.O. Box 3550
Knoxville, TN 37927-3550

In addition, the U.S. Department of Housing and Urban Development (HUD), which oversees the KCDC, has a local field office which can answer questions and provide some limited assistance. It can be contacted at:

- Knoxville HUD Field Office
John J. Duncan Federal Building
710 Locust Street, Third Floor
Knoxville, TN 37902-2526
Phone: (865) 545-4370
Fax: (865) 545-4569
Monday-Friday: 7:30 a.m. to 4:15 p.m.

xxii. Public Housing

a. Eligibility

Eligibility for Public Housing is based on a number of considerations, including whether the client has:

- A recent criminal record
- A bad landlord reference report
- Income within applicable limits (described below)
- Stayed up to date with lease payments at his or her current location.
- A satisfactory rent payment history over the past 12 months.
- Household members who were involved in drug-related or violent criminal activity in the past 3 years
- If a prior resident of KCDC housing or other public housing program anywhere, paid in full any balance owed to KCDC and any other federal subsidized housing program

A client may be eligible for Senior Housing if he or she meets the above requirements and is also at least 62 years old. A client may be eligible for Senior & Disabled Housing if he or she meets the above requirements, is at least 50 years old, and is handicapped or disabled.

To be eligible for Contemporary Housing, a client must meet the above requirements in addition to those below:

- Client must meet one of the following:

- Have a history of stable employment (i.e., for the past 12 months, must have been earning employment income equivalent to at least \$200.00 per week);
 - Be elderly or disabled and be receiving Social Security, SSI, or similar pension or disability income;
 - Have other stable income of at least \$10,400.00 annually; or
 - Be receiving Aid to Families with Disabled Children (AFDC) and be participating in a training program for at least 20 hours per week for at least the past 6 months.
- Unless elderly or disabled, he or she must be willing to sign and participate in a self-sufficiency contract that becomes a part of their lease.
 - If a prior resident of KCDC Public Housing, he or she must:
 - Have had no poor housekeeping reports within the past 12 months;
 - Have no history of conflicts with neighbors or management in the prior 12 months; and
 - If no longer in Public Housing, have left KCDC in good standing (not evicted).
 - Must be able to have utilities turned on in his or her name.

b. Income Limits

Local housing authorities use income limits developed by the United States Department of Housing and Urban Development. Income limits vary depending on family size and area, so a client may be eligible for Public Housing in one area, but not another. In general, the client's household income must be less than the low (80%) income limit to be eligible for Public Housing.

For 2013, the following income limits apply for Knox County (and some surrounding counties):

Family Size	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
Extremely Low (30%)	\$12,750	\$14,600	\$16,400	\$18,200	\$19,700	\$21,150	\$22,600	\$24,050
Very Low (50%)	\$21,250	\$24,300	\$27,350	\$30,350	\$32,800	\$35,250	\$37,650	\$40,100
Low (80%)	\$34,000	38,850	\$43,700	\$48,550	\$52,450	\$56,350	\$60,250	64,100

c. Applying

Applications for Public Housing must be made in-person at the property where the client wants to live. There are numerous properties throughout Knox County, and the KCDC keeps lists of all of them. These lists are available online at <http://www.kcdc.org/en/Housing-Opportunities.aspx>.

NOTE: Many communities are not currently accepting applications, and those that do may have long waiting lists.

d. Information Needed

Either the client or an HA representative will fill out the application for public housing. There are a number of pieces of information and/or documents that will be needed during the application process, some requiring original or official documentation. The client should bring the following information and documentation with him or her when applying:

- For each person in the household:
 - Name, sex, date of birth, and relationship to the Head of Household
 - Birth certificate
 - Social Security card
 - I-94, if born outside of the U.S.
 - Picture I.D., for all household members 18 years of age and older
- Verification of income and checking and savings accounts
- Verification of any asset owned (i.e. 401(k), life insurance with cash value, stocks, bonds, etc.)
- Present address and phone number
- Household characteristics (e.g., veteran) or circumstances (e.g., living in substandard housing) that might qualify the household for tenant selection preferences
- Names and addresses of current and previous landlords for information about household's suitability as a tenant
- Estimate of household's anticipated income for the next 12 months and the sources of that income
- Names and addresses of employers, banks, and any other information needed to verify income and deductions, and to verify the household composition

e. Selection & Waitlist

If the KCDC determines that the client is eligible, his or her name will likely be put on a waiting list, unless there is an immediate vacancy (which is not likely). It is possible that the waiting list itself will be closed, which occurs when there are more families on the list than can be assisted in the near future. The KCDC is also given some discretion in establishing selection preferences to best help the local community; this may result in the client being pushed farther down the waiting list, or bumped up closer to the top of the waiting list.

Once the client's name is reached on the waiting list, the KCDC will contact him or her.

If it is determined that the client is ineligible, the KCDC must say why and, if desired, the client can request an informal hearing. LAET may also be able to help the client if they are denied Public Housing.

f. Leasing & Rent

Clients that are approved for and awarded a spot in Public Housing must sign a lease with the KCDC, and they may have to give the KCDC a security deposit. Rent will be determined on an individual basis, and will be the highest of the following:

- 30% of the household's monthly adjusted income (adjusted by certain deductions allowed by HUD regulations);
- 10% percent of the household's monthly income;
- Welfare rent, if applicable; or
- A \$50.00 minimum rent.
 - If the client does not have income, he or she must provide a person or agency to sign and provide that they will be responsible for the \$50.00 monthly rent.

NOTE: Any adult age 18 or over and not disabled or on TANF who lives in the household must agree to 8 hours of community service a month, even if they are not the Head of Household.

xxiii. Section 8 Voucher Program

The Section 8 Voucher Program administered by KCDC is intended as another way to assist low-income individuals and families rent safe and sanitary living spaces in the private housing market. To get a housing voucher, the client must first fill out a Section Eight Registration Form.

Under these programs the client's family pays between 30-40% of its adjusted income or a minimum of \$50.00 per month for rent and utilities. KCDC pays the difference. The private owner and renter both benefit, as the owner receives fair market rent for his/her property, and the family gets a decent, affordable place to live.

a. Eligibility

The eligibility requirements for Section 8 vouchers are very similar to those for Public Housing. The client must:

- Along with his or her household, qualify as a "family" (this is given a very broad definition, including a single person);
- Be within the income limits (under the low (80%) income limit described in the Public Housing section above);

- Meet citizenship or eligible immigrant criteria;
- Provide documentation of Social Security numbers;
- Sign consent authorization documents; and
- Be suitable for tenancy (criminal background, and other factors screened for by the property owner).

b. Applying

More often than not, Section 8 applications are closed. Even if applications are being accepted, it is very difficult to get into the program. The client must have a 12-month work history or be disabled. If utilities are not provided, the client must have them in his or her name, and having them shut off for failure to pay the bill can result in termination. In addition, Section 8 landlords and Section 8 complexes can turn an applicant down for a history of poor credit.

When open, applications can be picked up, submitted in-person, and/or mailed to the KCDC at:

- 400 Harriet Tubman Street
Knoxville, TN 37915
Phone: (865) 403-1258
E-mail:section8@kcdc.org

NOTE: As of June 26, 2013, only applications who meet the following criteria may apply:

1. Displaced by Government Action – a family whose dwelling has been extensively damaged or destroyed as a result of a government action or declared disaster pursuant to Federal Relief laws.
2. Involuntary Displaced – A family who is in need of immediate shelter by reason of extreme hardship or disaster. The hardship will be governed by the position that preference will not be given to a family who is, or is expected to be without housing for failure to pay rent or carry out other normal obligations of residency.

Evictions and Detainer Warrants

If the client lives in any subsidized housing and they are facing eviction, he or she (or the volunteer attorney) should contact LAET.

Grounds for Eviction

Under the Uniform Tennessee Residential Landlord and Tenant Act (“URLTA”), T.C.A. § 66-28-101 et seq., a tenant can be evicted from their housing for any of the following reasons:

- Failure to pay rent;
- Failure to surrender the premises at the end of the lease term; or
- Breach of the lease, if the terms of the lease provide that such a breach entitles the landlord to terminate the lease.

Eviction Process

A landlords cannot simply evict the client outright; there are certain steps that must be taken:

1. The landlord must demand (preferably in writing) that the tenant (client) give up possession and vacate the premises.
2. If the tenant refuses, the landlord must go to General Sessions Court and file a Detainer Warrant.
3. The Detainer must state the following:
 - a. Name of the landlord
 - b. Name of the tenant
 - c. Amount of rent or money owed, if any
 - i. Usually there is a generic statement: e.g., “all rent, arrearage, and damages due at the time of hearing.”
 - ii. All detainer warrants are for possession, but certain detainer warrants may be for possession ONLY.
4. A sheriff must serve the warrant upon the tenant in one of three ways:
 - a. Delivering it personally to the tenant at home;
 - b. If the tenant is not at home, delivering it to an adult on the premises who understands the importance of the summons; or
 - c. If no one is home when personal service is attempted, the sheriff may tack the summons on the door of the home.
 - i. If a detainer warrant is posted without personal service, the landlord can only get possession of the property. In order to sue for money the tenant must be served. However, the landlord can file suit at a later time for money.

5. The detainer warrant lists the time and date of the court hearing. Usually the hearing is not held any sooner than 6 days from the time it is served. (This is slightly different if the warrant is served by a private process server.)
6. If the tenant disputes the reason for the detainer or has proof they don't owe as much as is stated on the warrant, he or she needs to go in front of the judge:
 - a. If there is a dispute about the money but the tenant agrees with giving possession, he or she can agree to possession and ask for a continuance on the money issue to obtain legal representation.
7. If the tenant disagrees with the judge's ruling, he or she has 10 days to file an appeal. An appeal does not keep the tenant in the property unless he or she put up a bond of 1 year's rent.
 - a. If the landlord prevails in court and no appeal is filed, the judgment becomes final after 10 days.
 - b. If the tenant has not moved out after the 10 days, the landlord is required to go back to court and get a writ of restitution. There is no requirement in the law that the landlord, court, or sheriff must give the tenant any notice that a writ was filed or when the sheriff will be there to set the tenant and his or her belongings out of the property.

A client can be no more than 14 days late, a single time, on payment of rent. Thereafter, the landlord is NOT required to accept late rent. The landlord can, however, hold any checks, money orders, etc. until after the judgment. Any amount paid would then go towards the judgment.

NOTE: A landlord CANNOT change the locks, cut off utilities, or otherwise obstruct or impede the tenant's access to the property without going to court.

Home Defense & Fighting Mortgage Fraud

LAET is a great resource for referrals and legal representation for clients who are victims of mortgage scams, predatory lending, and similar issues. Its contact information is provided above.

To make a complaint about a mortgage lender, mortgage broker, or home improvement contractor who has engaged in fraudulent or illegal activity with respect to their services, the following offices can be contacted:

- Tennessee Department of Financial Institutions (complaints against financial institutions)
414 Union Street, Suite 1000
Nashville, TN 37219
Phone: (800) 778-4215, (615) 741-6013, (615) 741-2336
Fax: (615) 253-7794, (615) 532-3721
<http://www.tn.gov/tdfi/crd/CCF.shtml>

- Tennessee Department of Commerce and Insurance, Division of Consumer Affairs
500 James Robertson Parkway
Nashville, TN 37243-0600
Phone: (800) 342-8385 or (615) 741-4737
Fax: (615) 532-4994
<http://www.tn.gov/consumer/complaint.shtml>
- Federal Trade Commission (FTC)
600 Pennsylvania Avenue, NW
Washington, DC 20580
Phone: (877) FTC-HELP (382-4357)
<https://www.ftccomplaintassistant.gov/>
- Better Business Bureau of East Tennessee
BBB Headquarters
255 N.Peters Rd. Suite A
Knoxville, TN 37923
Phone: (865) 692-1600
Fax: (865) 692-1590
Email: info@knoxville.bbb.org
Monday-Friday 9:00 a.m. to 4:00 p.m.
<https://www.bbb.org/consumer-complaints/file-a-complaint/get-started>
Mailing address
P.O. Box 31377
Knoxville, TN 37930

Criminal Issues

In Knox County, arrest information can be found at <http://tennessee.arrests.org/index.php?county=134>

NOTE: You do not have to have the client's date of birth to use this system, but you must have the exact spelling of his or her name at the time of arrest.

Expungement

The client must pay all court costs and fees, and any applicable expungement fees to be eligible for expungement.

Mandatory Expungement

Certain charges or records can be expunged without cost, simply by filing a petition:

- Charges that were dismissed;
 - The client cannot have been convicted of an offense relating to the same criminal conduct or episode as the charged offense, or charged with multiple offenses in the same indictment and convicted of at least 1 of them

- Charges on which no true bill was returned by the grand jury;
- Records relating to having been arrested and released without being charged;
- Charges on which a verdict of not guilty is entered by the jury in a jury trial, or the judge in a bench trial;
- Charges on which the court enters a nolle prosequi;
- Records relating to orders of protection which were successfully defended and denied

Pretrial/Judicial Diversion Programs

Clients who have completed pretrial or judicial diversion programs must apply for expungement (it is not mandatory), pay a clerk's fee of \$450.00, and the offense for which the client was diverted cannot have been a sexual or violent sexual offense.

Expungement is not guaranteed, and the court may deny the application.

Expungement of Convictions

With the passage of T.C.A. § 40-32-101(g) in 2012, Tennessee began providing for the expungement of certain convictions. However, only the categories of convictions listed below can be expunged: if the client's conviction is not listed, it cannot be expunged from his or her record.

Even if the client's particular conviction is listed below, expungement is not guaranteed. The court will consider all of the evidence and weigh the client's interest against the best interests of justice and public safety.

xxiv. Requirements for All Conviction Expungements

All client's seeking conviction expungements must meet the following requirements:

- The client must never have been convicted of any criminal offense, including federal offenses and offenses in other states, other than the offense for which the petition for expungement is filed;
- At least 5 years have elapsed since the completion of the sentence imposed for the offense (if probation and/or parole are part of the sentence, the 5-year period begins at the end of the probation and/or parole); and
- The client has fulfilled all the requirements of the sentence imposed by the court in which the client was convicted of the offense, including:
 - Payment of all fines, restitution, court costs, and other assessments;
 - Completion of any term of imprisonment or probation;
 - Meeting all conditions of supervised or unsupervised release; and

- If so required by the conditions of the sentence imposed, remaining free from dependency on or abuse of alcohol, a controlled substance, or other prohibited substance for a period of not less than 1 year.
- The client must pay a fee of \$350.00 to the Clerk of the Court
- The petition for expungement must be filed in the court in which the person was convicted of the offense
 - Petition forms for Knox County courts can be found in the index to this manual.

xxv. Class E Felonies Committed on or after November 1, 1989

To be eligible for expungement, such convictions must have resulted in a sentence of less than 3 years, and be one of the particular felonies INCLUDED on a list which can be found in T.C.A. § 40-32-101(g)(1)(A), or online at [http://da.nashville.gov/portal/page/portal/da/expungementsUnder40-32-101g/Expungements%20under%2040-32-101\(g\)%20Content/TCA%2040-32-101%20CHECKLIST%20DA%20LST.pdf](http://da.nashville.gov/portal/page/portal/da/expungementsUnder40-32-101g/Expungements%20under%2040-32-101(g)%20Content/TCA%2040-32-101%20CHECKLIST%20DA%20LST.pdf). In general, eligible felonies are not violent, DUI, or sexual in nature.

xxvi. Misdemeanors Committed on or after November 1, 1989

To be eligible for expungement, such convictions must not be found on a list of particular EXCLUDED misdemeanors which can be found in T.C.A. § 40-32-101(g)(1)(B), or online at [http://da.nashville.gov/portal/page/portal/da/expungementsUnder40-32-101g/Expungements%20under%2040-32-101\(g\)%20Content/TCA%2040-32-101%20CHECKLIST%20DA%20LST.pdf](http://da.nashville.gov/portal/page/portal/da/expungementsUnder40-32-101g/Expungements%20under%2040-32-101(g)%20Content/TCA%2040-32-101%20CHECKLIST%20DA%20LST.pdf). In general, the eligible misdemeanors are not violent; DUI, or sexual in nature.

xxvii. Misdemeanors or Felonies Committed Prior to November 1, 1989

To be eligible for expungement, such convictions must meet the following requirements:

- The sentence for the conviction was:
 - A determinate sentence of 3 years or less; or
 - An indeterminate sentence for which the client served 3 years or less;
- The client has never had a previous conviction expunged as the result of the successful completion of a diversion program; and
- The offense for which the client was convicted:
 - Did not have as an element the use, attempted use, or threatened use of physical force against the person of another;
 - Did not involve, by its nature, a substantial risk that physical force against the person of another would be used in the course of committing the offense;

- Did not involve the use or possession of a deadly weapon;
- Was not a sex offense for which the offender is required to register as a sexual offender or violent sexual offender or any sex offense involving a minor;
- Did not result in death, serious bodily injury, or bodily injury to a person;
- Did not involve the use of alcohol or drugs and a motor vehicle;
- Did not involve the sale or distribution of a Schedule I, II, III, or IV controlled substance;
- Did not involve a minor as the victim of the offense; or
- Did not result in causing the victim or victims to sustain a loss of \$25,000.00 or more.

Probation

Problems completing probation may contribute to homelessness or joblessness. Where a client has a record of good behavior on probation, it may be possible to seek early termination of the probation, or to seek to change the probation to non-reporting status or report by phone status, so that the client does not have to regularly appear in person at the probation office. It may also be possible to transfer probation to another jurisdiction (e.g., the client has family or an opportunity for employment elsewhere and is prevented from moving due to probation).

Outstanding Warrants & Pending Criminal Charges

If a client has outstanding warrants or knows of pending criminal charges against him or her, he or she should seek the assistance of a public defender. The Knox County public defender's office can be contacted at:

- Knox County Public Defender's Community Law Office
1101 Liberty St
Knoxville, TN 37919
Phone: (865) 594-6120
Fax: (865) 549-6169

Wage Garnishment

If a creditor has obtained a judgment against a client in court, the creditor may be able to get a court order that the client's wages should be garnished in order to satisfy the judgment.

Income & Assets that Can be Garnished

The following are forms of income and types of assets that CAN generally be garnished:

- Wages, salary, commission, or other compensation paid for personal services;

- Bank accounts;
- Tax refunds; and
- Personal property.

By law, the maximum amount of a client's income that can be garnished is limited to the lesser of:

- 25% of the client's weekly disposable earnings; or
- The amount by which the client's weekly disposable earnings exceed 30 times the federal minimum hourly wage.

However, if the client's wages are being garnished due to debts owed for child support or alimony, these limitations are not applicable. Instead, up to 50% of the client's weekly disposable earnings may be garnished, and other assets or sources of income which are not normally subject to garnishment are allowed to be garnished.

Income & Assets that Cannot be Garnished

The following are forms of income and types of assets that CANNOT generally be garnished (other than for child support garnishments):

- Supplemental Security Income (SSI);
- Families First/TANF benefits;
- Amounts held in a pension plan, retirement program, IRA, etc.;
- Worker's compensation awards;
- Unemployment benefits;
- Social Security benefits; and
- Child support.

Slow Pay Motion

If the client can be garnished, he or she should file a slow pay motion in the General Session Court Clerk's office. There is a \$25.00 charge for this filing, but the client can request that the costs be included in the slow pay. In Knox County, after a slow pay is filed, a clerk will call to give the client an amount he or she must pay each month (or week). As long as these payments are made, the client's income and bank accounts cannot be garnished.

Personal Property Exemption

Whether the client can be garnished or not, he or she should file a personal property exemption ("PPE"). A PPE will protect up to and including \$4,000.00 of the client's property and cash from being seized to satisfy the debt. There is \$25.00 fee to file the PPE, and if the client is only filling the PPE, he or she will need to pay the court costs in advance.

Bankruptcy (Chapter 7)

Judgment-Proof Clients

Usually, a client does NOT need to file for bankruptcy in Tennessee if he or she would answer no to all of the following questions:

- Did the client put anything up as security (collateral) that the creditor can take if he or she doesn't pay?
- Does the client earn more than \$217.50 per week after subtracting Social Security and taxes?
- Does the client own or is in the process of buying a home or other real estate?
- Does the client have personal property (cars, furniture, cash, etc.) worth more than \$10,000?

If the client answers no to all of these questions, he or she is "judgment proof," and doesn't need bankruptcy to keep creditors from taking his or her money and belongings. If the creditors sue, the client will just need to file a Claim of Exemption with the court. This can normally be filed by the client without an attorney, and will protect the client's money and belongings.

Exempt Property

When a client files for bankruptcy, his or her belongings will be sold to pay his or her creditors. However, the client is permitted to declare and hold certain property as "exempt" and thereby keep it. There are multiple categories of items which can be exempted, including:

- \$10,000 worth of personal property (cars, furniture, bank accounts, cash, etc.);
 - If the client is filing a joint bankruptcy with his or her spouse, each of them can keep \$10,000 in personal property.
- Clothes;
- Burial plot; and
- Other items.

If may be possible for a client to keep his or her home, but only if he or she is up to date on payments and doesn't have too much equity in it.

Non-Dischargeable Debts

There are certain debts that cannot be discharged by filing for bankruptcy. These include:

- Tax debts;
- Alimony;
- Child support;
- Debts from doing something illegal
- Student loans, unless it can be proven that repaying them would cause “undue hardship”; and
- Some debts that are run up just before filing for bankruptcy.\

NOTE: After filing for Chapter 7 bankruptcy, a client must wait 8 years before filing for Chapter 7 bankruptcy again.

Other Options

Some clients may be better off taking courses of action other than filing for bankruptcy. Some other options include:

- Setting up a payment plan with a creditor, so that the debt can be paid in small increments. Credit counseling services may be able to help with this.
- If the client only has 1 or 2 debts he or she is being sued on, the client can file a "slow pay" motion with the court. This allows the client to make small payments though the court.
- Chapter 13 bankruptcy may allow the client to setup a payment plan with the creditors, such that all or part of the debt is paid over time. This also allows the client to retain his or her possessions. However, this requires that the client make enough income to pay his or her basic living expenses in addition to the Chapter 13 payments.

Debt/Bill Collection

If debt/bill collectors are calling, sending letters, or otherwise contacting a client who wants them to stop, the following information may be helpful. **Note:** Getting collectors to stop contacting a client doesn't make the debt go away. In addition, if the actual company that the client owes money to is contacting him or her, the client's options are more limited.

Collector Limitations

Collectors are limited in the times, ways, and means that they can contact a debtor. The Fair Debt Collection Practices Act ("FDCPA") prohibits the following conduct on the part of collectors:

- Making a debtor think they are some-one else (like an attorney or a deputy sheriff);

- Saying a debtor will be arrested or put in jail for a debt;
- Lying to a debtor when collecting a debt;
- Telling a debtor they are going to garnish his or her wages or take his or her property (unless they have a legal right to do that);
- Threatening to hurt a person, property, or anyone's good name;
- Using dirty or bad language;
- Calling many times a day;
- Calling before 8:00 a.m. or after 9:00 p.m. unless they know those times are better for you;
- Call over and over to bother you; and
- Threatening or abusing anyone else about the debt.

Stopping Contact from Collectors

To stop all communication from a collector, a client can simply send the collector a letter (telling them over the phone isn't enough) telling them not to contact him or her or anyone else about the debt. The letter should also state that this is the client's right under the FDCPA. The letter should be sent by certified mail with a return receipt. A sample of such a letter can be found online at <http://nedap.org/resources/documents/CeaseLetterwithElectronicForm.pdf> and in the Form Appendix (ignore/remove mentions of NY law or agencies).

If a client simply wants the collector to stop contacting them at work, he or she can tell them this orally or in a letter as above. The client should say that they are not allowed to receive such calls or communications while at work.

xxviii. After Sending the Letter

After receiving the letter, collectors are prohibited from contacting the client regarding the except to tell him or her there will be no further contact or to let him or her know that they or the creditor intend to take a specific action, like filing a lawsuit.

If the collector bothers the client after receiving the letter, the client should take note of the dates and times of the contact and what is said. Any letters received by the client should be kept as well. This information should then be taken to an attorney. The FDCPA provides that debtors who violate its provisions may be required to pay the debtor up to \$1,000, even if no actual damages are proven. The collector may also have to pay for the debtor's attorney's fees and court costs.

Disputing a Debt

Every collector must send a debtor a written "validation notice" which provides how much money he or she owes within 5 days after they first contact the debtor. This notice also must include the name of the creditor

to whom the debtor owes the money, and how to proceed if the debtor doesn't think he or she owes the money.

If a client doesn't think that he or she owes some or all of the amount listed in the notification, the client should send the collector a letter disputing the debt, and/or asking for verification of the debt. After receiving this letter, the collector must stop contacting the client until it sends back written verification of the debt, such as a copy of a bill. This also requires the collector to mark the account as "disputed." A sample of such a letter can be found online at

<http://nedap.org/resources/documents/DCDisputeLetterwithElectronicForm.pdf> and in the Form Appendix.

NOTE: The dispute letter must be sent within 30 days after receiving the validation notice to officially dispute the debt.

Taxes

Advice & Clinics

Clients can receive federal tax help from the Tennessee Taxpayer Project, a free, low-income taxpayer clinic. The Project can be reached for questions or appointments at (866) 481-3669. It can provide assistance on a number of matters, including:

- Answering tax questions;
- Helping with IRS audits or exams;
- Settling tax debts;
- Stopping tax liens and levies;
- Representing clients in Tax Court;
- Reducing the amount of back taxes owed;
- Retrieving tax refunds;
- Proving a client is an employee and not an independent contractor; and
- Filing appeals.

The Volunteer Income Tax Assistance (VITA) Program generally offers free tax help to people who make \$51,000 or less and need assistance in preparing their own tax returns. At VITA, IRS-certified volunteers provide free basic income tax return preparation with electronic filing to qualified individuals in their local communities and can inform taxpayers about special tax credits for which they may qualify. VITA clinics are generally located at community and neighborhood centers, libraries, schools, shopping malls, and other convenient locations.

There are thousands of VITA sites located across the country. A local VITA can usually be found between January and April using the VITA Locator Tool at <http://irs.treasury.gov/freetaxprep/>, or by calling (800) 906-9887.

Uniform Civil Affidavit Of Indigency (Pauper's Oath)

Tennessee Supreme Court Rule 29 provides that any civil action may be commenced by a resident of Tennessee without giving security for costs and without payment of litigation taxes by filing a Uniform Civil Affidavit of Indigency, commonly known as the Pauper's Oath.

The affidavit does not provide automatic relief from court costs; instead, the court will consider the information provided in the affidavit and determine if the applicant meets established poverty guidelines. The court has the power to find that certain persons who do not meet these guidelines are still indigent.

The Uniform Civil Affidavit of Indigency can be found online at <http://tncourts.gov/rules/supreme-court/29> and in the Form Appendix.

TennCare (Medicaid)

TennCare is the State of Tennessee's Medicaid program. The program is overseen by The Centers for Medicare and Medicaid Services (CMS), a department within the federal government that oversees both Medicaid and Medicare. Although they are often mistaken for the same program, Medicaid and Medicare are two different programs - some people can be on both Medicaid and Medicare.

TennCare provides acute and preventative medical care, prescription drug coverage, dental care, and long-term services and support, primarily to low-income children, parents, pregnant women, and elderly and disabled adults.

Eligibility

Categories of individuals who are eligible for TennCare include:

- Children under age 21;
- Women who are pregnant;
- Single parents or caretakers of a minor child (the child must live with the parent or caretaker and be a close relative);
- Two-parent families with a minor child living at home when one of the parents:
 - Has lost his or her job or had his or her work hours cut; or
 - Has a health or mental health problem expected to last at least 30 days (proof from the individual's doctor is required)
- Women in need of treatment for breast or cervical cancer;
- People who get an SSI check (Supplemental Security Income);

- People who have gotten both an SSI check and a Social Security check in the same month at least once since April, 1977 AND who still get a Social Security check; and
- People who:
 - Live in a nursing home and have income below \$2,022.00 per month; or
 - Get other long-term care services that TennCare pays for.

To more accurately determine if a client can qualify for TennCare or to obtain more information, call the Family Assistance Service Center at (866) 311-4287, complete an online screening at <https://fabenefits.dhs.tn.gov/vip/website/signupServlet?pagename=homepage>, or contact or visit the Department of Human Services at one of its local offices:

- Knox County Office
2700 Middlebrook Pike, Suite 200
Knoxville, TN 37921-5698
Phone: (865) 594-6151
Fax: (865) 594-3901

- District Office - East Tennessee
531 Henley Street, Suite #210
Knoxville, TN 37902
Phone: (865) 594-6060
Fax: (865) 594-5729

- State Office - Citizens Plaza Building
400 Deaderick Street
Nashville, TN 37243-1403
Phone: (615) 313-4700
Fax: (615) 741-4165

Applying

To apply for TennCare, the client can use the online application located at <https://fabenefits.dhs.tn.gov/vip/website/signupServlet?pagename=homepage>, or fill out a paper application which can be obtained from one of the Department of Human Services officers listed above, requested by calling (866) 311-4287 or printed from <http://www.tn.gov/humanserv/forms/hs-0169.pdf>. Paper applications should be returned to one of the local offices listed above.

Once the Department of Human Services has received the application, they will inform the client if any additional information or documentation is needed.

Appealing a Denial

If a client's application for TennCare is denied, he or she may appeal the decision. This can be accomplished by calling the Family Assistance Service Center at (866) 311-4287, or by writing to:

- Tennessee Department of Human Services
Division of Appeals and Hearings
P.O. Box 198996
Nashville, TN 37219-8996
Fax: 1 (866) 355-6136 (keep the page that shows your fax went through)

- The writing should include the following information:
 - Client's full name;
 - Client's Social Security number;
 - Names of anyone else in the client's household with the same problem;
 - Client's daytime phone number and the best time to call;
 - The specific mistake that was made in denying the application; and
 - Any proof that shows why or how the mistake was made.

LAET may be able to provide help with the appeal as well.

Family Assistance Service Center may be able to help. Call 1-866-311-4287

TennCare Advocacy Program can help those with a mental illness. Call 1-800-758-1638

Reproductive & Sexual Health

The Knoxville Health Center provides a variety of services to both men and women in need of reproductive and/or sexual health services. These include:

- General healthcare;
- HIV testing;
- LGBT services;
- Men's reproductive care;
- Women's reproductive care;
- Emergency contraception;
- Pregnancy testing and services; and
- STD testing, treatment, and vaccines.

The Knoxville Health Center is located at:

- Knoxville Health Center
710 North Cherry St.
Knoxville, TN 37914
Phone: (865) 694-7155
Fax: (865) 694-7154

The East End Women's Health & Birthing Center can also provide many of the same services. It is located at:

- Lisa Ross Birth & Women's Center
1925 Ailor Avenue
Knoxville, TN 37921
Phone: (865)524-4422

Emergency Room Care

Hospitals have a legal duty to treat medical emergencies whether or not a person can pay.

All Tennessee hospitals (even private, for-profit hospitals) that give general medical and surgical services must furnish emergency services to any person who is injured or who suffers from an acute illness, if that injury or illness is likely to cause severe injury or illness if left untreated.

It is a crime to deny emergency care, and a hospital with an emergency room may be liable for monetary damages if it fails to provide an appropriate medical screening to anyone presenting himself or herself for care. In addition, a hospital that fails to provide necessary stabilizing care to a person with an emergency medical condition may be liable for monetary damages.

Transfers of emergency patients (including women in active labor) without adequate provision for their care, subjects a hospital to fines, damages, loss of all Medicare funds, and revocation of its license.

If a hospital has received federal Hill-Burton construction subsidies (many Tennessee hospitals have done so), it cannot deny emergency care because a person is unable to pay. The hospital cannot transfer or discharge the person unless they determine there is not a significant risk that it will make the patient's medical condition worse.

A brochure, found online at <http://www.sitemason.com/files/cwp3UY/ERcard308.pdf> and in the Form Appendix, can be given to clients to carry in case they are denied medical treatment by an emergency room.

Suicide Prevention

Risk Factors

Many homeless persons have or are exposed to risk factors for suicide. Volunteers should be aware of a client's risk factors, including:

- Mental disorders, particularly mood disorders, schizophrenia, anxiety disorders and certain personality disorders;
- Alcohol and other substance use disorders;

- Hopelessness;
- Impulsive and/or aggressive tendencies;
- History of trauma or abuse;
- Major physical illnesses;
- Previous suicide attempts;
- Family history of suicide;
- Job or financial loss;
- Loss of relationship;
- Easy access to lethal means;
- Local clusters of suicide;
- Lack of social support and sense of isolation;
- Stigma associated with asking for help;
- Lack of health care, especially mental health and substance abuse treatment;
- Cultural and religious beliefs, such as the belief that suicide is a noble resolution of a personal dilemma; and
- Exposure to others who have died by suicide (in real life or via the media and Internet).

Warning Signs

The following signs may mean that a client is at risk for suicide:

- Talking about wanting to die or to kill themselves;
- Looking for a way to kill themselves, such as searching online or buying a gun;
- Talking about feeling hopeless or having no reason to live;
- Talking about feeling trapped or in unbearable pain;
- Talking about being a burden to others;
- Increasing the use of alcohol or drugs;
- Acting anxious or agitated; behaving recklessly;

- Sleeping too little or too much;
- Withdrawing or isolating themselves;
- Showing rage or talking about seeking revenge; and
- Displaying extreme mood swings.

Getting Help

If a volunteer recognizes any of the warning signs above, he or she, or the client, should contact one of the following organizations that operate 24/7 to assist clients and/or volunteers with these issues:

- National Suicide Prevention Lifeline: (800) 273-TALK (8255);
- Mobile Crisis (offered through Mental Health Cooperative): (615) 726-0125;
- Veterans Crisis Line (for veterans and/or their families): (800) 273-8255 and press 1;
- National Hopeline Network:
 - General help hotline: (800) 442-HOPE (4673);
 - Veterans peer support hotline: (877) VET2VET (838-2838);
 - Spanish-speaking hotline: (800) SUICIDA (784-2432);
 - Teen to teen peer counseling hotline: (877) YOUTHLINE (968-8454);
 - Grad student hotline: (800) GRADHLP (472-3457); and
 - Post partum depression hotline: (800) PPD-MOMS (773-6667).
- Trevor Project Lifeline (for lesbian, gay, bisexual, transgender, and questioning youth): (866) 488-7386.

Domestic Violence

Questions to Ask

If a volunteer suspects that a client has been the victim of domestic violence, he or she may choose to immediately refer them to the YWCA or another community partner. Should the volunteer choose to interview the client regarding the abuse, he or she should think carefully about his or her manner of speaking and actions before beginning to ask questions. The following questions can be asked:

- Has your partner ever pushed, slapped, hit, or hurt you in some way?

- Has your partner ever threatened you?
- Has your partner ever forced you to do something that you did not want to do?
- Is there anything that goes/went on at home that makes/made you feel afraid?
- Does your partner prevent you from eating or sleeping or endanger your health in other ways?
- Has your partner ever hurt your pets or destroyed your clothing, objects in your home, or something you especially cared about?
- Has your partner taken the children without permission, threatened to never let you see them again, or otherwise harmed them?
- Has your partner ever called/contacted you in a repeated and excessive manner?
- Has your partner ever forced you into unwanted sexual activity?
- Has your partner ever used a weapon to threaten, intimidate, or control you?

Orders of Protection

xxix. Who Can Get an Order of Protection

A client can get an Order of Protection if he or she is physically harmed or threatened by:

- A past or present husband or wife;
- His or her child's other parent;
- Someone he or she has lived with;
- Someone related to him or her by blood, marriage, or adoption;
- Someone he or she has dated or had sex with;
- Someone who stalked him or her; or
- Someone who raped or threatened to rape him or her.

xxx. What an Order of Protection Does

An Order of Protection can do the following:

- Orders the other person not to bother the client or his or her children;
- If the other person bothers the client or his or her children after they know about the Order, it gives the client the power to have the other person arrested on the spot;

- Can make the other person move out of a shared dwelling or pay for another place for the client and his or her children to live;
- Can order the other person not to hurt or threaten the client or his or her children, even if the other person still lives with the client;
- Can give the client temporary custody of her or her children and/or pets; and/or
- Can order the other person to pay support money for the client and/or his or her children.

xxxi. Obtaining an Order of Protection

a. Get an Ex Parte Order

(1). What is an Ex Parte Order?

The first step is to get a short-term Order of Protection which lasts until a judge can hold a hearing. The short-term order is called an ex parte order. It orders the other person to leave the client alone until the hearing.

Once the other person knows about the order, the client can have him or her arrested on the spot if he or she hits, threatens, or contacts the client. The ex parte order does not cover child support or custody. It does not provide that the other person must move out of the house. A judge will decide those things after a hearing.

(2). Filing out a Petition

Clients under age 18 and not emancipated (declared an adult) by a court must have someone sign for him or her when he or she files for an Order of Protection.

When the client files for an Order of Protection, he or she must fill out several documents, including a petition. On the petition, the client describes how he or she has been hurt or threatened. The client should try to give the exact dates and provide exactly what the other person did. For example, instead of writing, "He got in my face," the client should write, "He pushed me against the wall. He drew back his fist and said he was going to beat my brains out." Don't stretch the truth or make things up.

There is no fee at the time of filing for an Order of Protection.

(3). Where to File

There are 3 locations where a client can file for an Order of Protection:

- City County Building
Fourth Circuit
400 W Main St
Knoxville, TN 37902
Phone: (865) 215-2404 (call ahead if possible)

- Knoxville Police Department (If you live in the city)
800 Howard Baker Jr. Ave
Knoxville, TN 37915
Phone: (865) 215-7385 (call ahead if possible)
- Knox County Sheriff's Department Family Crisis Unit (If you live in the county)
The Family Justice Center
448 Second Ave. North
Knoxville, TN 37201
Phone: (865) 215-6820 After 4:30 p.m. call (865) 215-2243

b. Until the Hearing

A Sheriff will serve the petition to the other person, telling him or her when and where the hearing will be held to decide the case. The Sheriff will also tell the other person about the ex parte order.

The client should always keep a copy of the ex parte order with him or her to show to the police. As soon as the other person knows about the order, the client can have him/her arrested on the spot if he or she harms or threatens the client again. The client should call the police right away if the other person contacts him or her. This includes:

- Phone calls;
- Text messages;
- Sending flowers;
- Showing up at the client's home or work; and
- Having someone else give the client messages.

c. Court Hearing

The client **MUST** go to the hearing on the petition for an Order of Protection. If the client doesn't go, the judge will dismiss the case, and the client may have to pay the court costs and the attorney's fees. Many people go to the hearing without an attorney. However, if the other person has an attorney, the client may want one, too. The client can ask the judge to give him or her time to get an attorney if needed.

To get an ongoing Order of Protection, the client must show the judge that he or she is in danger. The client should bring to court any proof he or she has that the other person harmed, threatened, or stalked him or her. Doctor's reports, police reports, and pictures of injuries can all be used. The client should also bring witnesses - anyone who saw the events happen, saw the injuries, or heard the other person admit it. People who were merely told about what happened usually cannot help at the hearing.

At the hearing, the judge will ask the client about what happened. The client should stick to the facts about when and where he or she was harmed, threatened, or stalked. The client must explain to the

judge why he or she is afraid of the other person. The client should say exactly what the other person did to cause this fear.

After the hearing, the judge can either stop the ex parte order of protection, if he or she thinks the client is not in danger, or issue a full Order of Protection to protect the client and his or her children and pets. The Order will last for a year, and can require that the other person move out, provide money for another place for the client to live, and/or make the other person attend counseling sessions.

Child Support

Obtaining Child Support

To apply for child support, a client must fill out an application in person at one of the Department of Human Service's child support offices. In Knox County, this office is located at:

- **Child Support Office**
520 West Summit Hill Drive, Suite 602
Knoxville, TN 37902
Phone: (865) 862-0366
Fax: (865) 862-0403

xxxii. Information Needed

Applicants must bring a number of pieces of information with them when applying for child support. The client should bring as many of the following pieces of information/documentation with them when applying as possible:

- Full name, address, and phone number of the parent who is responsible for support, and the dates they have been living at the present and prior addresses;
- Date of birth and physical description (or photograph) of the non-custodial parent;
- Social Security numbers of the parties (custodial and non-custodial parents, and/or others seeking child support);
- Children's birth certificates;
- Listing of all legal actions relating to child support and/or paternity taken against the non-custodial parent and certified copies of orders and payment records;
- Date and place of marriage, divorce, or separation;
- Name and address of the current or most recent employer of the non-custodial parent and his or her gross/net income, if known;

- Names of friends and relatives of the non-custodial parent and organizations to which he/she belongs
- Any other information pertaining to income or property of the non-custodial parent such as cars, boats, or homes
- Whether the applicant has contacted an attorney regarding support and/or paternity
- Whether the applicant receives or has ever received Families First support or Medicaid, and whether the applicant wishes a health insurance order to be pursued; and
- The kind of medical plan the absent parent has and the policy number, if known.

xxxiii. Legitimation (Paternity)

In order to receive child support from a non-custodial father, the child at issue must be legitimated, or have the paternity of his or her purported father established. In many situations, a particular man may be rebuttably presumed to be the child's father, but in situations where this doesn't apply, Child Support Services will handle much of the legitimation process for the client.

First, child support services must locate the purported father. The client can assist this process by providing as much information and documentation as possible when applying for child support. Once the father has been located, he can sign a Voluntary Acknowledgement of Paternity, which will greatly simplify the process. If he is unwilling to sign this form, a court may order genetic tests to be performed. Based on the results of these tests and other evidence, the court may enter an order of paternity.

Enforcing Existing Child Support Orders

If a client has received a child support order, but the non-custodial parent is not abiding by its terms, the client can seek to the order enforced. The client can contact Child Support Services of Tennessee using the contact information above, and for court-ordered child support, Child Support Services of Knox County can be contacted at (865) 862-0366. These agencies can take numerous actions to enforce the order, such as garnishing the non-custodial parent's wages, placing a lien on his or her property, etc.

A client can also directly petition a court to enforce the order, and the Department of Human Services provides a form for this purpose online at http://www.tn.gov/humanserv/cs/forms/Petition_to_Enforce.doc.

Modifying a Child Support Order

Under certain situations, either the party receiving child support or the parent paying child support can seek to have the child support order modified to either increase or decrease the child support payments.

Usually, the party seeking the modification must show a "significant variance" between the existing amount of child support payments, and what the presumptive child support payments would be under the new and current circumstances. A significant variance is a change of more than 15% between the current and presumptive payments, but in cases in which the party seeking modification is a low-income provider (making less than the federal poverty level), this is reduced to a 7.5% change. **NOTE:** A significant

variance may not exist merely because the parent paying child support has a change in their INCOME of more than 15%. A modification may also be granted whenever necessary to provide for a child's healthcare needs, regardless of whether there is a significant variance.

When a significant variance exists (or when necessary for the healthcare needs of the child), the Department of Human Services will usually modify the child support payments, unless the parent paying child support is found to be willfully or voluntarily unemployed or underemployed. The fact that the parent paying child support is behind on payment (in arrears) will not prevent a modification, unless the parent is intentionally in arrears. The amount in arrears may also be recalculated to reflect the modified payment amount.

Divorce

Pro Se Divorce

In Tennessee, some clients may be able to get an agreed, pro se divorce by filing a simple petition. This is only available to clients that meet all of the following criteria:

- One or both of the spouses lived in Tennessee for at least the past 6 months, or lived in Tennessee when they decided to divorce;
- The wife is not pregnant now;
- Both spouses want to end the marriage;
- The spouses don't own buildings, land, or a business together or have retirement benefits;
- The spouses can agree on alimony and how to divide their property, and they will both sign a Divorce Agreement; and
- The spouses have no children together who are:
 - Under age 18;
 - Disabled; or
 - Still in high school.
 - "Children together" means children that the spouses had together that were born before the marriage, and any children adopted or born during the marriage.

A client will still need an attorney if:

- Even one of the above requirements is not met;
- He or she finds the court papers hard to understand or has questions (the court can't give legal advice);
- Either spouse has an IRS-qualified pension or retirement plan;

- His or her spouse has an attorney; or
- He or she doesn't know how to find his or her spouse.

The forms to file for a pro se divorce can be found online at http://www.sitemason.com/files/bJpJF6/agreed_divorce_ALL.pdf and in the Form Appendix.

Other Forms of Divorce

Unfortunately, contested divorces or divorces involving young children or real property quickly become too complicated and messy to handle in the Clinic setting. For these types of divorces, clients should be referred to a divorce attorney.

Scams

Noncitizen clients need to be warned away from seeking or receiving help from those who claim to be able to “file papers” or “get status.” These people or businesses are usually known as notarios. They are not attorneys and are practicing law without a license. Many times notarios will charge a hefty fee to file applications that the client may or may not be eligible for. In addition, many web sites purport to offer services to noncitizens; these are mostly scams as well. Client's should be encouraged to only trust licensed attorneys, organizations like those listed above that are affiliated with an established church or university, and Board of Immigration Appeals (BIA) accredited agents.

Clients who have been victimized by notarios can file a report with the Tennessee Attorney General's Office by calling (615) 741-3491.

USCIS

The U.S. Citizenship and Immigration Services (USCIS, part of the U.S. Department of Homeland Security) is the agency that handles immigration cases. Its website, www.uscis.gov, is where noncitizen clients can find more information about the immigration system, explore lists of resources, and access immigration forms. This is the only trusted source for immigration forms; external websites should not be used.

Noncitizen clients should speak to an immigration expert before they travel outside the U.S.. Noncitizens may be barred from coming back into the U.S. if they fall into certain categories of people barred from entering.

Gaining Legal Immigration Status

Each immigration status has different requirements. The system for getting an immigration status is very complicated and applying for any status is risky. Noncitizen clients should consult with someone well versed in immigration law before applying for any status because serious consequences can arise from filing for a status that he or she is not eligible.

Deferred Action for Childhood Arrivals (DACA)

On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several key guidelines may request consideration of deferred action for a period of two years, subject to renewal, and would then be eligible for work authorization. Deferred action is a discretionary determination to defer removal action (deportation) of an individual as an act of prosecutorial discretion. Deferred action does not provide an individual with lawful status, but often times, it is better than nothing.

A client may request consideration of deferred action for childhood arrival if he or she:

- Was under the age of 31 as of June 15, 2012;
- Came to the U.S. before reaching his or her 16th birthday;
- Has continuously resided in the U.S. since June 15, 2007, up to the present time;
- Was physically present in the U.S. on June 15, 2012, and at the time he or she makes the request for deferred action with USCIS;
- Entered the U.S. without inspection before June 15, 2012, or his or her lawful immigration status expired as of June 15, 2012;
- Is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a general education development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- Has not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and does not otherwise pose a threat to national security or public safety.

If a client meet all of these requirements, he or she may be eligible for DACA. The USCIS website explains in detail how determine whether a client is eligible and explains how to file the application. The website address is

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=f2ef2f19470f7310VgnVCM100000082ca60aRCRD&vgnnextchannel=f2ef2f19470f7310VgnVCM100000082ca60aRCRD>.

The total fee per person for DACA is \$465, which is not waivable.

KARM

KARM provides numerous services to the homeless population of Knoxville. While it cannot help every individual, or assist with every issue, the following programs and services are provided by KARM, and a KARM team member should be informed if a client need any of them:

Crisis Support

- Day shelter & emergency winter shelter

Hospitality

- Documentation assistance
- Meal program
- Transportation services
- Personal care services, supplies, and laundry services
- Address/mail services and telephone/internet access

Education

- Job Training
- Literacy programs and lending library
- Workforce development
- Computer skills, creative expression, and life skills classes
- Alcohol and drug education and referrals
- Daily spiritual reflection

Shelter

- Recuperative care for the medically fragile
- Housing for those awaiting alcohol and drug treatment programs
- Transitional housing for the chronically homeless
- Transitional housing for veterans
- Short-term storage

Long-Term Solutions

- Launchpoint
- Case management and supportive counseling
- Employment search and placement assistance
- Long-term communities of support

United Way 211 Call Center

The United Way 211 Call Center, reached by calling 211 from a land-line phone, is the nationally designated number for easy access to community resources. The 211 Call Center is a valuable community service that is available to help clients get assistance with their non-legal social service needs. By dialing 211, the client will reach counselors who can provide information and referrals for social services, including the basics of food, utility assistance, child care, and numerous other social services that are available in Knoxville. If a volunteer or clients is using a cell phone or calling from a phone system that does not support 211 calls, he or she will need to call (800) 749-2673 for this service.

FORMS

H.E.L.P. CLINIC – PARTICIPATION AGREEMENT

This agreement is between you and the Homeless Experience Legal Protection (H.E.L.P.) Clinic. You have come to this clinic to get free legal advice for a problem.

By signing this agreement you are agreeing to the following:

1. You will speak with a volunteer lawyer today. The lawyer will provide legal advice to you based upon the facts which you tell him or her. The volunteer lawyer is not responsible for any misrepresentations that you make to him or her.
2. When your meeting with the volunteer lawyer ends, the volunteer lawyer's help to you is over and he or she will not represent you further in this or any other legal matter, unless you sign a second Legal Representation Agreement with him or her to continue representation.
3. The H.E.L.P. Clinic's volunteer lawyer is not representing you in this or any other legal matter unless you sign a second Legal Representation Agreement with him or her to continue legal representation.
4. The H.E.L.P. Clinic's volunteer lawyer's law firm is not representing you.
5. You understand that the information you give the staff of the H.E.L.P. Clinic and your volunteer lawyer is confidential. The volunteer lawyer will not tell anybody else about your finances or the facts that you tell them without your permission.

I understand and agree to the above:

Print Name: _____

Sign Name: _____

Date: _____

I am a U.S. Citizen: Yes _____ No _____