

Maryland Workforce Association
2019 Raising the Bar Conference
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A Vital Partnership: Maryland's Workforce Legal Services Program

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MARYLAND
LEGAL AID



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Agenda

What does civil legal aid have to do with helping people secure and retain employment?

- What does the research say?
- How did the partnership start in Maryland?
- What have we learned across the state?
- What federal pass-through money can fund civil legal aid?

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The BIG idea

Many federal, state, tribal, and local **government programs** aimed at increasing opportunities for education, employment, housing, health care, and improving public safety and family stability **are more effective and efficient when they include legal aid.**

Including programs intended to help people secure and retain a job

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Civil legal aid includes services delivered by:

- Legal aid attorneys
- Pro bono volunteers
- Self-help opportunities
- Court-based services
- Navigators and non-lawyer advocates
- Technology tools
- Community education and outreach

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Two reasons for government policy:

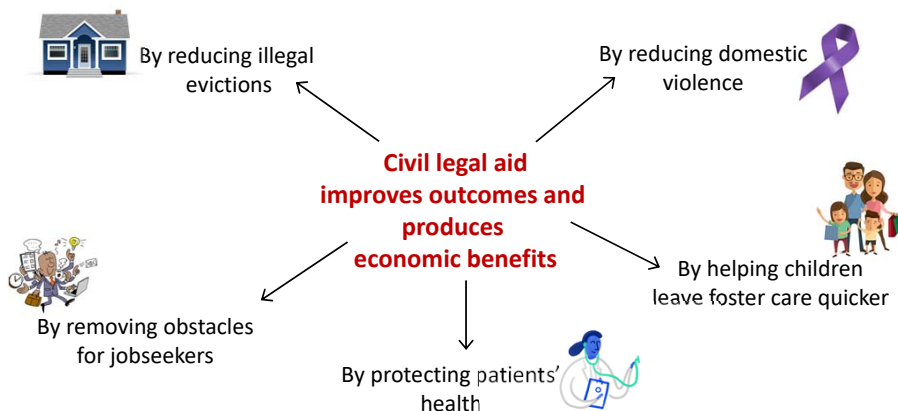
1. Studies show there is low public awareness about civil legal aid



Most low-income people – and the social service providers they work with – **do not identify a wide-range of problems as having a possible legal solution** even when evidence-base shows importance of legal help¹

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2. Studies show it improves outcomes and there are economic benefits of investing in civil legal aid



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Removing barriers to employment for people with criminal records

The Problem

- Approximately 75 million Americans - about 1 in 3 adults - have a criminal record¹
- Almost half of U.S. children have one parent with a criminal record²

With Legal Help

- Setting aside an individual's record of conviction is associated with "a significant increase in employment and average wages," and "extremely low rates" of recidivism³
- Researchers at UC Berkeley find that record clearing boosts employment rates and real earnings⁴
- "Increased availability of inexpensive or free opportunities for expungement can contribute to more successful reintegration of persons with criminal convictions into the workforce, families, and communities. Not only would this improve quality of life for the ex-offenders, but it could also increase public safety and reduce spending"⁵

TIP: Read JGP research brief: Legal aid reduces barriers to employment⁶



1. <https://www.fbi.gov/file-repository/nej-monthly-fact-sheet>
2. <https://www.prisonpolicy.org/reports/outofwork.html>
3. <http://ccresourcecenter.org/2018/02/27/michigan-set-asides-found-to-increase-wages-and-reduce-recidivism/>
4. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2486867
5. <http://journals.sagepub.com/doi/abs/10.1177/1462474516645688>
6. <https://www.american.edu/spa/jpo/toolkit/module-1.cfm>

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Legal needs of people with criminal records

- Expunge or seal criminal records
- Correct errors on RAP sheets
- Reinstate a revoked or suspended driver's license
- Secure an occupational license
- Untangle outstanding court debt issues
- Modify child support and child custody orders
- Secure certificates of rehabilitation
- Access housing and benefits

TIP: Read JGP research brief: Legal aid reduces barriers to employment¹



1. <https://www.american.edu/spa/jpo/toolkit/module-1.cfm>

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What about people who **don't have** a criminal record? What legal help might those jobseekers need?

- Secure an occupational license
- Modify child support and child custody orders
- Domestic violence restraining orders at home and in the workplace
- Health care benefits
- Eviction and foreclosure defense

TIP: Read JGP research briefs: Legal aid and barriers to employment, housing, health care, domestic violence, and child welfare

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Maryland's Legal Services Community

- MLSC Background
- Partnership in One Baltimore For Jobs
- Expansion to American Job Centers

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Partnerships that Work- On the Ground Perspective

- “I feel 30 lbs lighter”
- “Got my first full time job with a paycheck, at the Port of Baltimore”
- “Had no idea my problems were legal”
- “Finally feel like I made progress in life”
- “With my record clear, my job training actually means something”
- “Everything in one place makes it possible”

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Workforce Innovation and Opportunity Act (WIOA)



2016 final WIOA rule: legal aid among the supportive services considered “necessary to enable an individual to participate” in workforce activities:¹

- “Legal aid can uniquely address certain barriers to employment, including access to driver’s licenses, expunging criminal records, and resolving issues with debt, credit, and housing.”
- “[DOL] concurs that **legal aid can uniquely address certain barriers to employment**, as enumerated by the commenter. Therefore, the Department has included legal aid services under § 680.900 and made a corresponding change to the list of supportive services allowable in the youth program in § 681.570.”

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WIOA - Reentry Programs FOA



“Case Management and Legal Services: Case management and **legal services are fundamental services that are essential in all reentry programs**. Both of these services must begin at the time of enrollment and continue throughout the participant’s participation in the program ...

....

Identify the specific legal services, such as but not limited to expungement or diversion, that will be available to program participants and how these services will be provided...”¹

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WIOA and legal aid examples



- Workforce **Tulsa**: first known jurisdiction with a supportive services policy that includes payment for legal aid services¹

TIP: Read JGP Case Study about WIOA and Workforce Tulsa²

- **Illinois** and **Maryland** IOLTA Foundations funded legal aid lawyers to work at American Job Centers (e.g., Employ Prince George's, Inc.)
- **Several states'** plans refer to receiving input from legal aid service providers³
- In 2016, **South Carolina** issued a guidance⁴ regarding WIOA funds and legal aid services to help Title I participants overcome barriers to employment



1. <https://www.american.edu/spa/ipo/toolkit/upload/Supportive-Service-Policy-Board-Approved-12-13-2018-docx.pdf>
2. <https://www.american.edu/spa/ipo/toolkit/upload/OK-Narrative-4-1-19.pdf>
3. <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/state-plans/index.html>
4. https://www.scworks.org/media/16_ET_Instruction/ET_Instruction_16-05.pdf

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Temporary Assistance to Needy Families (TANF)



TANF is designed to help needy families achieve self-sufficiency. States receive block grants to design and operate programs that accomplish TANF's four purpose areas:¹

1. Provide assistance to needy families so that children can be cared for in their own homes
2. Reduce the dependency of needy parents by promoting job preparation, work, and marriage
3. Prevent and reduce the incidence of out-of-wedlock pregnancies
4. Encourage the formation and maintenance of two-parent families



1. <http://www.acf.hhs.gov/programs/ofa/programs/tanf/about>

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What does legal aid have to do with TANF?



HHS ACF FAQs:¹

Q19: May States use TANF funds for costs associated with providing legal representation to members of needy families who are pursuing SSI benefits? [from ACF FAQ]

A19: **Yes**, States may use TANF funds in connection with legal representation for members of needy families who are pursuing SSI benefits. Receipt of SSI benefits can further purpose one of TANF by helping needy families care for children in their own home...

Q20: May States use TANF and MOE funds to help resolve personal or family legal problems?

A20: **Yes**, States may use their funds in this way as long as such expenditures are consistent with the purposes of the program (e.g., where legal problems are a threat to family stability or **undermine the employment of needy parents**).

TIP: Read [JGP FAQs](#) about TANF and legal aid²



1. <http://www.acf.hhs.gov/programs/ofa/resource/g-a-use-of-funds?page=2>
2. <https://www.american.edu/spa/ipo/toolkit/module-2.cfm>

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Examples of TANF-funded legal aid in West Virginia; Atlanta, Georgia; Wisconsin; Arizona; and Los Angeles, California:



- Reinstatement of drivers' licenses
- Help untangling fines/fees
- Criminal record expungement and removing RAP sheet errors

As well as:

- Domestic violence and sexual assault
- Public benefits, including SSI
- Family law (adoption, custody, support, guardianship)
- Help with abusive debt collection practices



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Community Development Block Grant (CDBG)



CDBG “works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses”¹

HUD’s State CDBG Guide chapter on eligible public services² explains

“Public services include:³

…,

Legal services (including walk-in legal counseling, foreclosure mitigation and prevention, landlord/tenant matters, veterans and public benefit appeals, child support orders, reasonable accommodations for persons with disabilities, and consumer protection).”



1. https://www.hud.gov/program_offices/comm_planning/communitydevelopment/programs
2. <https://www.hudexchange.info/resources/documents/Basics-CDBG-Chapter-2-Public-Services.pdf>
3. <https://www.hudexchange.info/onecpd/assets/File/CDBG-State-National-Objectives-Eligible-Activities-Chapter-2.pdf>

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More from the State CDBG Guide:¹



“Any services provided by a nonprofit development group that are specifically designed to increase economic opportunities through job training and placement and other employment support services (for example, peer support programs, **legal services to secure or retain employment**, counseling, child care, transportation, and other similar services), and ...”

Example of CDBG-funded reentry legal services:

Southeast Louisiana Legal Services uses CDBG funds for a Clean Slate Expungement Project to cover the cost of expungement filing fees and legal services delivered through a combination of staff and pro bono attorneys to handle expungements from start to finish.



1. <https://www.hudexchange.info/onecpd/assets/File/CDBG-State-National-Objectives-Eligible-Activities-Chapter-2.pdf>

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Takeaways

- Civil legal aid providers are key partners in effective reentry
- Multiple federal funding streams allow it
- Evidence base shows improved outcomes and economic benefits
- Helpful resources available
- You can do this too!

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Using Workforce Innovation and Opportunity Act (WIOA) Funds for Legal Services to Keep Tulsa Oklahomans Working

In 2018, Workforce Tulsa adopted a new supportive services policy that includes providing legal aid to jobseekers to help with barriers to employment such as expunging or sealing old criminal records, obtaining or reinstating a revoked driver's license or occupational license, resolving credit report problems, filing for domestic violence restraining orders, and assisting veterans with accessing healthcare, education grants, and housing services using Workforce Innovation and Opportunity Act (WIOA) federal formula funds. In 2019, Workforce Tulsa and Legal Aid Society of Oklahoma (LASO) signed an MOU where Workforce Tulsa could refer clients and pay LASO for their services and ensure Tulsa jobseekers maximize their chance for getting and keeping a job.

THE PLAN. Oklahoma has the highest incarceration rate in the world, with an incarceration rate of 1,079 incarcerated per 100,000 people.¹ An estimated 8.2 percent of Oklahomans are in prison or on probation.² The U.S. average is 698 incarcerated per 100,000 people. The next country is El Salvador, with 614 incarcerated per 100,000 people. Before Workforce Tulsa began discussing introducing legal services into their repertoire of supportive services, they were already aware that many individuals with criminal records often faced significant barriers to employment.

In 2018, Workforce Tulsa commissioned the Lobeck Taylor Community Advocacy Clinic at the University of Tulsa College of Law to research the barriers people with criminal records face when seeking employment. The assessment found discrimination against workers with criminal records, a complex expungement process, occupational licensing regulations, past-due child support that accrued during incarceration resulting in the need for wage garnishment, and securing housing were the top barriers to employment for Oklahomans with criminal records.

THE POLICY. The then Executive Director of Workforce Tulsa Shelley Cadamy attended a workshop called "A Conversation on Civil Access to Justice in Tulsa" at the Lobeck Taylor Community Advocacy Clinic. After the workshop, the Director of the Clinic connected Workforce Tulsa with Karen Lash at the Justice in Government Project (JGP). At this point, Workforce Tulsa was broadly aware of the inclusion of legal services as a supportive service under Workforce Innovation and Opportunity Act (WIOA) funds. Workforce Tulsa was also in the process of rewriting their supportive services policy and included legal services as a supportive service. With assistance from the JGP, Workforce Tulsa put more of a priority on utilizing legal services in their supportive service policy as written and reached out to Legal Aid Society of Oklahoma (LASO) to partner.

Aware of the barriers to employment people with criminal records face, Workforce Tulsa's Board adopted the new supportive services policy.⁴ After board approval, Workforce Tulsa and LASO signed a Memorandum of Understanding (MOU) outlining how the partnership will work. Staff can also recommend payment of expungement filing fees with WIOA funds.

The Workforce Tulsa supportive services policy tracks language from the WIOA rule at 20 CFR § 680.900 and § 681.570. The funding caps presented in this policy are for the lifetime of the individual, not per enrollment. The policy reads:

12. LEGAL AID SERVICES. There are many ways legal aid can help jobseekers. Legal aid can help support WIOA's goals by:

- a. Expunging or sealing old criminal records;
- b. Obtaining, reinstating revoked or suspended driver's licenses;
- c. Assisting with securing occupational licenses when a criminal record is a discretionary obstacle;
- d. Untangling outstanding court debt issues;
- e. Negotiating wage garnishments, such as for child support orders;
- f. Securing certificates of rehabilitation for the formerly incarcerated;
- g. Stabilizing lives by preventing illegal evictions, resolving credit report problems, or filing for domestic violence restraining orders;
- h. Assisting veterans with accessing healthcare, education grants, and housing services.

For more information, The Justice in Government Project published research summaries detailing how legal aid can support each of these goals, which can be accessed in the JGP Toolkit.⁵

NEXT STEPS. Workforce Tulsa has received a very positive response from the community. They are currently in the process of beginning to offer referrals for legal services at LASO. Workforce Tulsa plans to have a fulltime embedded legal aid attorney to provide job seekers with the legal services they need. Workforce Tulsa is looking to raise additional funds for this position.

1 Prison Policy Initiative, *States of Incarceration: The Global Context 2018* (June 2018), available at https://www.prisonpolicy.org/global/appendix_2018.html

2 Oklahoma Criminal Justice Resource Center, Prison Policy Initiative, *Estimated Prevalence of Felons Among the Oklahoma Adult Population* (September 2006), available at <http://www.prisonpolicy.org/scans/PrevalenceOklahomaAdultFelon.pdf>

3 Workforce Tulsa, Lobeck Taylor Community Advocacy Clinic, The University of Tulsa College of Law, *Increasing Job Opportunities, Improving the Economy, Investing in Oklahoma* (January 2019), available at <https://law.utulsa.edu/wp-content/uploads/sites/3/2019/02/IncreasingImprovingInvestingWorkforceJan2019.pdf>

4 Workforce Tulsa, *Supportive Service Policy*, available at <https://www.american.edu/spa/jpo/toolkit/module-3.cfm>

JGP Toolkit, available at <https://www.american.edu/spa/jpo/toolkit/index.cfm>

5 The Justice in Government Project, *Module 1*, available at <https://www.american.edu/spa/jpo/toolkit/module-1.cfm>





Grants Matrix: State-Administered Federal Funds that can Support Legal Aid

The Justice in Government Project searches for opportunities to connect good government with access to justice. This includes identifying state and local government policies, programs, and priorities where evidence shows including legal services alongside other supportive services can improve outcomes, effectiveness, and cost efficiencies for the people government seeks to serve.

States receive a significant influx of federal grants to implement many public policies and programs including those to enable access to health care, income security, education, employment, social services, and housing, and improve family stability and public safety. Federal grants account for about [one-third of state government funding](#) and more than half of state government funding for health care and public assistance.

Many opportunities to financially support civil legal aid flow from states' powers to administer some of those federal funding sources. Avoiding here the technical differences among the [different grant mechanisms](#), this matrix focuses on those [block](#), [formula](#), and [open-end reimbursement grants](#) where the federally-established amounts and spending parameters give states flexibility to tailor spending to local priorities and allow state spending on civil legal aid – whether to support self-represented litigants, brief counsel and advice, or limited and/or full representation. Each of the federal funding sources in the matrix have their own authorizing statute, regulations, formulas, sub-regulatory guidance and degrees of flexibility.

The matrix is intended as an introduction to the possibilities for partnering with state and local governments to address the need for civil legal help that advances government priorities involving low-income and other underserved populations. It provides an overview of those state-administered federal funds that can support legal aid and examples of how states have used these funds to advance their goals with legal aid. It also gives helpful tips, like how to find your state's administrator, how much funding is available, and where to find state-specific plans and reports.

This matrix features:

- AmeriCorps [State and National](#), [VISTA](#), [NCCC](#), and [Senior Corps](#)
- [Community Development Block Grant \(CDBG\)](#)
- [Community Services Block Grant \(CSBG\)](#)
- [Family Violence Prevention and Services Formula Grants \(FVPSA\)](#)
- [Opioid State Targeted Response grants \(Opioid-STR grants\)](#)
- [Ryan White HIV/AIDS Program](#)
- [Substance Abuse Prevention and Treatment Block Grant \(SABG\) and the Community Mental Health Services Block Grant \(MHBG\)](#)
- [Social Services Block Grant \(SSBG\)](#)
- [STOP \(Services, Training, Officers, and Prosecutors\) Violence Against Women Formula Grant](#)
- [Temporary Assistance for Needy Families \(TANF\)](#)
- [Title IV-D – Child Support and Establishment of Paternity](#)
- [Title IV-E – Federal Payments for Foster Care and Adoption Assistance](#)
- [Victims of Crime Act \(VOCA\) Victim Assistance Formula Grants](#)
- [Workforce Innovation and Opportunity Act \(WIOA\) State Formula Funding](#)

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To download this Grants Matrix, go to: <https://www.american.edu/spa/jpo/toolkit/module-2.cfm>