

LAWYER IN THE SCHOOL

START UP GUIDE

Helping families
resolve legal problems
to stabilize the lives of
children and promote
the conditions for
educational success

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LEGAL SERVICES CORPORATION



Developed by
Legal Aid of West
Virginia

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About Lawyer in the School

The Lawyer in the School program provides eligible parents and caregivers of children in public schools with the opportunity to receive free, brief legal information or advice from a lawyer at legal clinics held onsite at a school, staffed by Legal Aid of West Virginia attorneys and/or a pool of volunteer attorneys recruited specifically for the program.

Lawyer in the School works to stabilize the lives of children by providing onsite civil legal help to vulnerable school families on issues like eviction, disrupted income, and legal custody for caregivers, such as grandparents or relatives who are caring for children impacted by absent parents. These are legal issues where the assistance of a lawyer can make a difference in stabilizing the lives of children to reduce childhood trauma and promote the conditions for educational success for children.

Through the program, attorneys are available at the school on a regular basis to conduct an initial meeting with clients and offer information, advice, or assistance in filling out forms. If a family needs more extensive services, the attorneys work to address that issue if there is program capacity to do so. In addition to meeting the family's civil legal needs, Lawyer in the School works to holistically address related non-legal problems by directly connecting families with community partners who provide other resources supporting the overall well-being of the family.

About Legal Aid of WV

Legal Aid of West Virginia (Legal Aid) is a statewide, nonprofit law firm that provides free civil legal services and advocacy to low-income and vulnerable West Virginians. Our lawyers and advocates help families with legal problems like domestic violence, family law issues, housing problems, and public benefits. Because the legal need is so great, we engage private lawyers to provide pro bono legal help to our clients. Legal Aid receives funding from state, local, and federal agencies like the Legal Services Corporation.

Pilot Project



Mary C. Snow West Side Elementary School, site of Legal Aid's pilot project

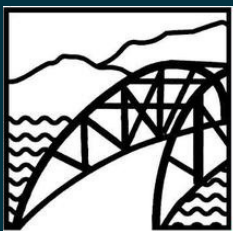
The first Lawyer in the School program started at Mary C. Snow West Side Elementary School (Mary C. Snow) in Charleston, Kanawha County, West Virginia. Operating since January 2017, the project started with funding from a two-year grant by the Legal Services Corporation, awarded to Legal Aid of West Virginia. The grant funding provided Legal Aid with the necessary attorney time to start and staff the program and to recruit volunteer attorneys to help school families through the program.

Mary C. Snow was chosen as the partner school because many school staff identified that school families were suffering from legal problems that they couldn't solve. It is not unusual for children who attend Mary C. Snow to come home and find that a landlord has tossed their belongings on the street. Many grandparents are raising students at the school but have no legal authority to seek medical care or income supports for the children.

Every Monday and Wednesday, from 2-4 p.m., project staff and volunteer lawyers meet school families in the art room at Mary C. Snow while school is in session. The program took off quickly, and school families regularly come to the legal clinic each week. Out of a school of around 400 students, over 140 school families have sought assistance through the program. The primary legal problems for which school families have sought help are often related to kids impacted by the drug crisis and their caregivers facing a broad range of civil legal issues, including child custody/guardianship/adoption and government benefits. Legal Aid also helps families facing issues related to domestic violence, housing, and employment.

Because of the large number of attorneys in Charleston, Legal Aid has worked hard to engage volunteer attorneys to help families at Mary C. Snow. This has been a successful component of the program, as it has increased Legal Aid's capacity to help families, with 77 volunteer attorneys helping at the school. The attorneys have enjoyed the experience, and some have also become engaged in the school in other ways like attending mentor lunches and volunteering for the Read Aloud Program.

Due to the program's success, Legal Aid has been able to obtain funding for two more years through local funders The Greater Kanawha Valley Foundation and The Kanawha Valley Council on Philanthropy, in addition to further sustainability funding from the Legal Services Corporation. Through this funding, Legal Aid will continue the program at Mary C. Snow and expand the program to Grandview Elementary, another school in Kanawha County.



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Greater Kanawha Valley Foundation and Legal Services Corporation

Constance's Story

Constance is a retired widow living on a small pension. She raised two children of her own and helped raise her niece after her sister died. That niece struggles with drug addiction and had a baby born addicted to drugs. Her parental rights were terminated shortly after the child's birth. The baby, Annie, was placed with Constance, and she has cared for her as a relative foster care provider for five years. Annie's father lives in another state and was incarcerated when she was born, but he was recently released.



Constance came to the Lawyer in the School legal clinic seeking to adopt Annie because she was worried that her father would try to take her to live with him out of state. His rights were never terminated, and he has sporadically sent money and gifts to Annie and visited her on a couple of occasions. A volunteer attorney working with the program agreed to help Constance.

After consulting with Constance and Legal Aid staff, it was clear that the biological father was not likely to consent to the adoption, and she could not prove abandonment based on their interactions. Annie would also not be eligible for certain public benefits she was receiving if Constance adopted her. Because of her attorney's assistance, the biological father was willing to enter into a custody agreement giving Constance primary legal and physical custody, with visitation as agreed upon by the parties. The Court also awarded child support payable to Constance for Annie's care.

These legal proceedings occurred without any notable interference with Annie's education. Annie received a perfect attendance certificate on awards day at the end of the school year and was also named Student of the Month for her grades.

Starting Lawyer in the School

Phase I: Laying the Groundwork

Starting a successful Lawyer in the School program requires understanding the needs and resources of both the proposed school and legal community in the area where the partnership will be established. These two initial steps are important to ensuring that there is sufficient buy-in and capacity to start the partnership, which will ultimately improve the success and sustainability of the program.

Step 1: Identifying School Partner(s)

- A.** Identify an appropriate host school by using data regarding school population, truancy, student performance, and school district income. It may be helpful to start by looking at schools that receive Title I funding because they have a high percentage of school children coming from low-income families.
- B.** Once a school has been identified, begin by talking with school administration explaining the program, outlining how it can help school families and, ultimately, the school. It is important to be clear about the expectation of what will be needed from the school, like space and time to meet with staff, to start a partnership.
 - i.** School nurses, attendance directors, and counselors are important staff to meet with, as they are often seeing and dealing with families that may need legal assistance.
 - ii.** A prior relationship with the school or county Board of Education office is helpful. If there is already school buy-in for moving forward, it is important to also obtain support from the County Board of Education office, including the County Superintendent.

C. Assess whether there are other school partners, like a local Handle with Care program or after-school programs, that would also be good partners in guiding families to the Lawyer in the School clinic. Perform outreach to them to assess their willingness and ability to partner.

Lessons Learned from Pilot Project

Lesson 1

Choose a school location that has been designated a “community school” or a school where other onsite services are offered, such as a school-based health clinic, public library, or community agencies. With community schools, families are more accustomed to coming to the school for other resources, meaning they will more likely feel comfortable seeking out legal help at the school.

Lesson 2

Based on Legal Aid’s experience, we believe elementary schools are preferred partner schools because there is generally a higher level of parent involvement with younger children, and parents pick up and drop off students more often than in higher grades.

Step 2: Assessing Capacity of Legal Partner(s)

- A.** Determine the proximity of a Legal Aid office to the school, and work with that office to assess staff capacity for a Legal Aid attorney, who would staff the clinic or organize pro bono attorneys to assist with staffing the clinic.
- B.** If it is best to consider pro bono to increase capacity, determine whether there are enough local attorneys willing and able to volunteer. For example, the school and Legal Aid can perform outreach to the local County Bar Association, if one exists.
- C.** If capacity is an issue for Legal Aid, this is the time to consider seeking dedicated funding for Legal Aid staffing of the clinic. Legal Aid and the school system should work together to identify and possibly apply for funding to operate the clinic.



Volunteer attorneys Jon Amores (left) and Christopher "Kip" Power

Lessons Learned from Pilot Project

Lesson 1

To initiate a new Lawyer in the School program, having Legal Aid staff with dedicated time to work on the project increases the likelihood of success and sustainability.

Lesson 2

Even if there is strong pro bono interest, the volunteers want to have Legal Aid staff available with them at the school, particularly at the outset of the program, to ensure volunteers are supported by attorneys with experience in the areas of law typical of a school setting.

Lesson 3

Legal Aid staff are also needed to ensure that the relationships with the school administration and staff are well-maintained so there is good on-going communication and coordination about the project.

Lesson 4

If there is going to be a pro bono component, the school and Legal Aid need to clearly define a policy for volunteer access to the school and whether there is to be any special training or background checks for attorneys participating in the program.

NOTE: In the pilot project at Mary C. Snow, the volunteers are typically at the school during very limited time frames, like when the students are leaving or have left the school, and do not interact directly with students.

Phase II: Building Infrastructure



Assuming the school and Legal Aid have resolved the issues around addressing needs and capacity, the next phase focuses on the details of how the program will operate at the school and how to build support for the program among school staff and community partners before launch.

- A.** Legal Aid and the County Superintendent, county level staff designated by the Superintendent, and/or the school principal must meet to agree on terms, outline expectations, and enter into a Memorandum of Understanding (MOU). Legal Aid has a sample MOU that could be used as a starting point.
- B.** Once an agreement has been established, the school and Legal Aid need to then identify a regular, consistent location(s) for the legal clinic at the school. The space must be a designated, confidential space located onsite at the school. The school should carefully think through all safety and security concerns and clearly outline who may or may not utilize the legal clinic.

C. The school and Legal Aid also need to set legal clinic days and times when attorneys will be available to meet with school families.

i. School administration and staff will have the best idea of the days and times when it will be most effective to reach parents. The days and times should always be the same so parents and staff are familiar with the schedule.

ii. If pro bono attorneys are going to be involved, Legal Aid will assess what days and times might be more effective in engaging volunteers.

iii. The school and Legal Aid should also discuss referral protocols for times when the clinic is closed, including summer and holiday vacations.

D. Before the project launches, it is important for Legal Aid staff to have an opportunity to meet with school staff, including school administrators, school nurses, guidance counselors, teachers, aides, cooks, and custodians, to talk about Lawyer in the School, when it will be available, how to refer families, and how it can help school families.

E. If using pro bono attorneys to help staff the program, Legal Aid will develop a plan for recruitment of volunteers at this phase. If possible, Legal Aid staff should plan to cover the first month of legal clinics to work out any issues before bringing in volunteers.



Lessons Learned from Pilot Project

Lesson 1

Given the importance of school safety, resolving issues around Lawyer in the School's use of school space and security are important issues to address upfront. There may be some logistical issues to work out and it is best to do these before launch if possible.

Lesson 2

Having an opportunity to speak with school staff before launch to address any questions or concerns is crucial toward obtaining their buy in for the program.

Lesson 3

At Mary C. Snow, the legal clinic is available at the times parents are coming to pick up children at the end of the day: generally 2-4 p.m. This has been a good time for the legal clinic to be available to parents because they are often coming to the school to pick up children anyway.



Debbie's Story



Debbie Thomas has two children: a teenage daughter from a previous marriage and an elementary-age son from a more recent relationship. Debbie separated from her son's father, Charles, because he had been verbally abusive to both children and verbally and physically abusive to her.

After the separation, Charles repeatedly broke into her home and made threats. She sought and was granted a domestic violence protective order; however, the order stated that they share custody of their son and exchange custody at a supervised location. Despite the order, Charles kept showing up at Debbie's home and workplace and followed her to "check on his son." He even climbed through a bedroom window one night when no one would answer the door. The kids were so terrified at night that they wouldn't sleep and would often miss school the next day.

Constantly living in fear was disrupting her family's life, so Debbie visited the Lawyer in the School clinic while she was picking her son up from school. A volunteer attorney advised Debbie on how to file a contempt petition for violation of a protective order for some immediate relief. Legal Aid was also able to assign her case to a volunteer attorney to provide court representation to file for a modification of custody and child support in family court. The case has since been resolved: Charles no longer threatens the family, and last semester, Debbie's son won an award for perfect attendance.

Phase III: Launch

Now for the exciting part: launching Lawyer in the School! You've worked through all the details and are ready to start helping school families.

Reaching school families and continuing to engage school staff about the program is key at this phase.

A. Each school communicates with parents a little differently, so there will likely need to be a school-by-school approach. Examples of what can be done include: sending home flyers in school back packs, creating signage to be placed throughout the school, robocalls to parents, Facebook posts on the school page, information posted to school electronic billboards, and notices sent to parents electronically through services like Class Dojo or Schoology.

B. Legal Aid will need to develop a set of resources and tools for the legal clinic, like court forms, laptops, and printers, that can be brought to the school to help serve families during the legal clinics. It is ideal if there is a secure space where Legal Aid can leave these resources when needed. Legal Aid may also need access to the school's Wi-Fi network.

C. With the details about the clinics outlined, the school and Legal Aid will then need to perform outreach to community programs with information about the clinics. Target audiences should include faith leaders and nonprofits that serve the school community.

D. As the clinic begins operating, Legal Aid will also implement its pro bono recruitment plan, if possible. Once Legal Aid staff feel there is a regular flow of school families coming to the clinic to seek help, they will start to engage volunteers at the school. Volunteers will first be given an orientation by Legal Aid and provided with a short manual that describes the volunteer experience and what to expect.

E. Outreach to school families never ends. Even after the initial push to let families know about the legal clinic, there will be regular reminders sent home, possibly through flyers each month that provide legal information to families. Also, it's important for Legal Aid and/or volunteers to be visible at school events outside of clinic hours, when possible.

Lessons Learned from Pilot Project

Lesson 1

It's helpful if the school invites Legal Aid staff and volunteers to attend school events to perform outreach, like parent nights or award ceremonies. These are key opportunities to let parents and families know about the program and its services.

Lesson 2

It's important to have a consistent, designated location and time for clinics, with visible posters at the school as a constant reminder to school staff and visitors of the dates and times that attorneys are in the school.

Lesson 3

Although Legal Aid staff and volunteers cannot share specific information about the families helped in the clinic, the school staff like to know that families are being helped. Presentations at faculty senate meetings or staff meetings/curriculum development days are opportunities to update staff on the number of families served and the types of assistance given.

Phase IV: Sustaining and Growing the Partnership

Once Lawyer in the School has launched, it is important for Legal Aid and the school to consider how the program will continue and grow. If grant funding is involved, there will be important data to collect about the program. Even if grant funding is not involved, keeping data is important to demonstrate the impact of the program.

A. Legal Aid will track of the number of families that seek help from Lawyer in the School. The specific case information cannot be provided to the school without the client's permission, but Legal Aid can provide numbers of cases and an overview of the types of issues that are being handled.

B. The school should work with Legal Aid to provide access to the overall number of school transfers and attendance data. If Legal Aid can obtain releases from school families, it is helpful if the school can share specific attendance/transfer dates of families served through clinic.

C. Legal Aid will also survey and work with parents and guardians to obtain information on improved grades and behavior from students.

D. As an expansion, Legal Aid and the school may want to consider whether it would be beneficial to offer parent education workshops to educate school families about their legal rights around housing, benefits, and effective self-advocacy.

E. If there is going to be a pro bono aspect at the designated school, Legal Aid will keep track of the number of volunteers, the number of hours volunteered, and if those volunteers go on to serve the school community in other ways.

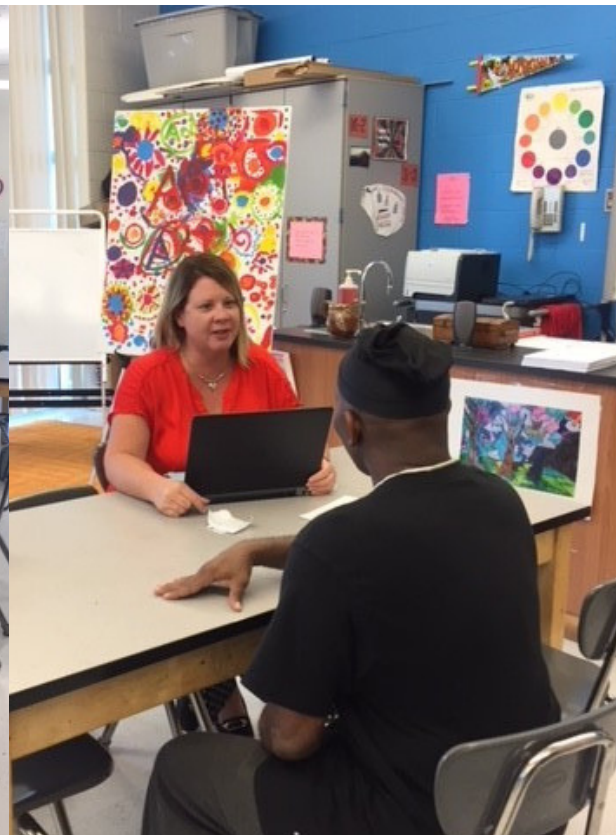
Lessons Learned from Pilot Project

Final Lesson

The program is working to resolve legal needs of school families. Legal Aid is able to stabilize more families by meeting them in a familiar, comfortable, and convenient location. OVER 90% of the families who participated the Lawyer in the School clinic at Mary C. Snow reported that they would not have had anywhere else to go and likely would not have received help without the program.



The art room at Mary C. Snow where legal clinics are held



A client meets with Legal Aid staff at Mary C. Snow.

Winnie's Story



Winnie Davis is a grandmother who is raising her grandson, Jacob, a student at Mary C. Snow. Winnie is a home health worker, and she was suspended from work without pay or explanation. After two weeks of calling to see when she could return to work, only to be told to “call back tomorrow,” she came to the legal clinic. She was desperate. She had missed one paycheck, and if she missed one more, she would not be able to pay her rent.

The day after Winnie's visit, a Lawyer in the School attorney contacted her employer's headquarters to discuss the suspension. The HR officer agreed that the situation was not handled properly and reinstated Winnie on the spot. Winnie was able to return to work the very next day. Because of the speedy resolution, she did not miss a second paycheck, enabling her to meet her monthly obligations, including rent. Because she and her grandson were able to remain in their home, Jacob did not have to move schools and remained at Mary C. Snow, his home school since kindergarten.

Conclusion

Based on our pilot project, Legal Aid has seen firsthand how a school-based legal clinic can resolve legal problems that contribute to homelessness, hunger, access to health care, disrupted school attendance, and overall family instability. Particularly as schools are faced with children and families experiencing complex problems, in part due to the drug epidemic, this model works in a complementary way with other school services like counseling. This combination of services helps reduce the impact of childhood trauma while educating and assisting school families in a way that promotes student attendance, educational attainment, physical health, and emotional well-being.

Legal Aid has also seen how helpful volunteer attorneys can be to providing these services, while encouraging further lawyer engagement in the school community. Legal Aid would like to work with new schools and counties to consider whether this model might work in other areas.

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