



NLADA

National Legal Aid &
Defender Association

nlada.org

Combating the Opioid Epidemic

HOW CIVIL LEGAL AID HELPS THOSE
AFFECTED BY THE OPIOID CRISIS

NOVEMBER 28, 2018

Webinar Goals

Agenda

- **How Civil Legal Aid Helps**
Populations served and services provided
- **Support and Resources**
Making the case and securing funding to support civil legal aid
- **Models from the Field**
Projects to help children and their caregivers affected by the crisis
- **Q & A**

Speakers

- Elizabeth Wehner
Legal Aid of West Virginia
- Karen Lash
Justice in Government Project
- Stephanie Harris
Ohio State Legal Services Association
- Radhika Singh
National Legal Aid & Defender Association

How Civil Legal Aid Helps

The Opioid Crisis Affects Millions of People

➤ Individuals

People with a Substance Use Disorder

➤ Families

Family members, including parents and children, of someone with a Substance Use Disorder

➤ Communities

Entire communities impacted when great swathes of community members' lives are destabilized – including economically and socially

The Opioid Crisis Affects Millions of People

➤ Individuals and Families

- More than 11 million are affected by the opioid crisis
- More than 2 million have a Substance Use Disorder

➤ Communities

- The economic burden is estimated to be \$504 billion
- \$28.9 billion in health care costs

Civil Legal Aid Helps Those Affected

- Help individuals enter and remain in recovery
 - SAMHSA's evidence-based areas that are crucial to managing life in recovery
 - Health, Home, Purpose, Community
 - Secure safety
 - From homelessness, human trafficking, domestic violence
 - Stabilize income, housing, health care
 - Access to benefits and housing assistance
 - Remove barriers to employment and housing, including mitigating criminal records and advocating for people to stay on medication assisted treatment (MAT)
- Stabilize Families and Communities
 - Child support, custody, guardianship, adoption, foster care
 - Including financial resources to support children, and secure medical care and other benefits
 - Help address children's medical, behavioral, and social needs

Civil Legal Aid Helps Those Affected

- Collaborations that include civil legal aid
 - Medical-legal partnerships
 - Partnerships with health care partners help people enter and remain in recovery
 - [National Center for Medical-Legal Partnership](#) brief “[The Opioid Crisis in America & The Role Medical-Legal Partnership Can Play](#)”
 - Partnerships with courts and bar associations
 - The top two referrals to treatment are the health care system and the courts
 - Help address guardianship, custody, child behavioral needs, etc.
 - [National Judicial Opioid Task Force](#) (Conference of Chief Justices and Conference of State Court Administrators)
 - Collaborations with community partners

Supporting Critical Civil Legal Aid

Opioid Webinar

November 28, 2018

Karen A. Lash

Practitioner-in-Residence and Director

THE JUSTICE IN GOVERNMENT PROJECT

GETTING RESULTS WITH LEGAL AID

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How state and local governments administer federal block/formula grants



Federal agencies



State agencies



Massachusetts
Legal
Assistance
Corporation



Local governments,
social service providers,
and...civil legal aid

Federal block/formula grants that can include legal aid to address the opioid crisis

- Substance Abuse Prevention and Treatment Block Grant
 - US Dept of Health & Human Services Substance Abuse and Mental Health Services Administration (HHS SAMHSA)
- State Opioid Response Grants
 - HHS SAMHSA
- AmeriCorps: [FY 2018 Allocations by State](#)
 - Corporation for National and Community Service
- VOCA Victim Assistance Formula Grant Program
 - US Dept of Justice Office for Victims of Crime (DOJ OVC)



What does your state government leadership say about the opioid epidemic?

“It is more critical than ever that **we bring together every group that has a stake in the opioid crisis** to combat what we now know is one of the most deadly health issues our state and country have faced in a generation.”

South Carolina Governor McMaster announces 2017 SC Governor’s Opioid Summit

“**As this crisis evolves and grows, so must our response to it.** This crisis is more than just a health crisis; it is tearing apart families and communities from one end of the nation to the other.”

Maryland Governor Hogan asks Congress for more federal funding to fight the opioid crisis



States should use evidence-based practices

Legal aid helps with child support, custody, adoption, and guardianship when parents are unable to care for their children:

- When parents have periods of intense drug use, **children may not be properly fed, clothed, or cared for.**
- Children of addicted parents experienced dramatically **increased medical, behavioral, and psychological issues.**
- In states with the highest number of opioid-related overdose deaths, the child welfare systems are seeing **increases in children being removed from their parents' care.**

Cites at: <https://www.american.edu/spa/jpo/upload/Opioid-fact-sheets.pdf>

States should use evidence-based practices

Legal aid can help reduce burdens on the child welfare and health care system, improve health, and reduce stress:

- When parents, including those with a Substance Use Disorder (SUD), have legal representation, children exited foster care at a rate 11 percent higher than unrepresented parents. **Representation almost doubled the speed to adoption** and doubled the speed to legal guardianship.
- **Representation leads to cost savings** for foster parents, subsidies for children's medical care, cash benefits, and the expense of monitoring the foster family.
- **Patients receiving legal services reported reduced stress levels** and improved health.
- When civil legal needs were addressed, **inpatient and emergency department use dropped** 50 percent and health care costs decreased 45 percent.
- When parents have access to legal services, **child health and access to food and income supports improved.**

Cites at: <https://www.american.edu/spa/jpo/upload/Opioid-fact-sheets.pdf>



Substance Abuse Prevention and Treatment Block Grant – HHS SAMHSA

“[States] may wish to develop and support partnerships and programs to help address social determinants of health and advance overall health equity. For instance, **some organizations have established medical-legal partnerships to assist persons with mental and substance use disorders in meeting their housing, employment, and education needs.**”

FY 2018 – 2019 [Block Grant application](#)

- State-by-state information about SAMHSA grant awards:
<https://www.samhsa.gov/grants-awards-by-state>
- Individual grant awards:
<https://www.samhsa.gov/grants/awards/2017/TI-17-014>



State Opioid Response Grants – HHS SAMHSA

PURPOSE

“The Substance Abuse and Mental Health Services Administration (SAMHSA) is accepting applications for fiscal year (FY) 2018 State Opioid Response Grants (Short Title: SOR). **The program aims to address the opioid crisis by** increasing access to medication-assisted treatment using the three FDA-approved medications for the treatment of opioid use disorder, reducing unmet treatment need, and **reducing opioid overdose related deaths through the provision of prevention, treatment and recovery activities for opioid use disorder (OUD)** (including prescription opioids, heroin and illicit fentanyl and fentanyl analogs).”

p. 5, <https://www.samhsa.gov/sites/default/files/grants/doc/sorfoafinal.6.14.18.docx>





State Opioid Response Grants – HHS SAMHSA

EXPECTATIONS

“Grantees will develop and provide opioid misuse prevention, treatment, and recovery support services for the purposes of addressing the opioid abuse and overdose crisis within the states. This service array should be **based on needs identified in the State’s State Targeted Response (STR) strategic plan.**

...grantees will be required to employ effective prevention and recovery support services to ensure that individuals are receiving **a comprehensive array of services across the spectrum of prevention, treatment, and recovery.”**

pgs. 6-7, <https://www.samhsa.gov/sites/default/files/grants/doc/sorfoafinal.6.14.18.docx>

AmeriCorps State and National Grants FY 2019 – Corporation for National and Community Service

“In the FY 2019 AmeriCorps competition, CNCS seeks to prioritize the investment of national service resources in:

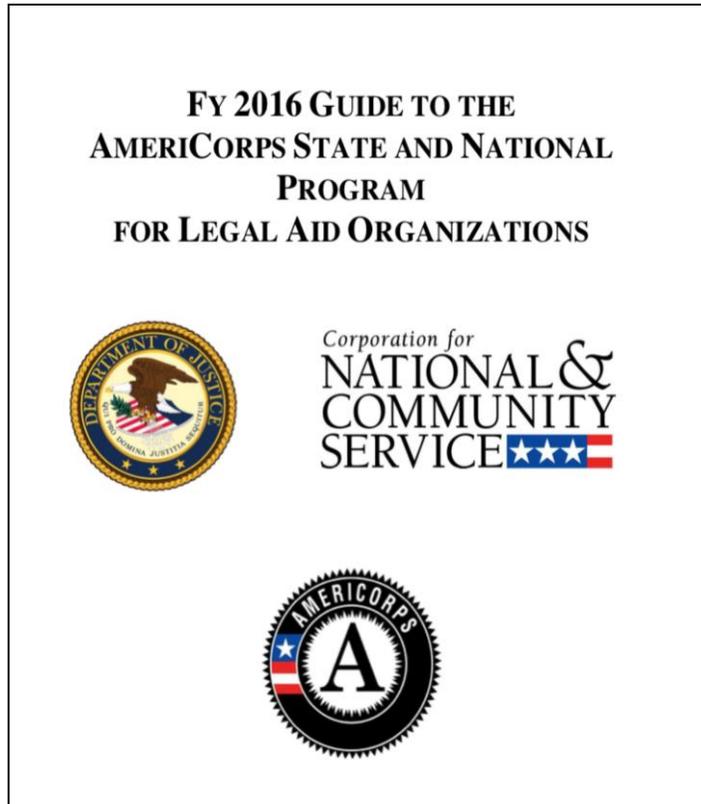
...

- **Healthy Futures - reducing and/or preventing prescription drug and opioid abuse.”**

<https://www.nationalservice.gov/build-your-capacity/grants/funding-opportunities/2019/ameri-corps-state-and-national-grants-fy-2019#2019%20AmeriCorps%20Funding%20Priorities>



AmeriCorps State and National Grants FY 2019 – CNCS



State Commissions Contacts and due dates

<https://www.nationalservice.gov/documents/2018/2019-state-commissions-contacts-and-due-dates>

Guide to AmeriCorps Program for Legal Services Organizations

<https://www.american.edu/spa/jpo/lair/upload/Guide-to-the-AmeriCorps-State-and-National-Program-for-Legal-Aid-Organizations.pdf>



Victims of Crime Act (VOCA) Victim Assistance Formula Grant Program – DOJ OVC



- State administered *victim assistance* grants are to be used for direct services “that (1) respond to the emotional, psychological, or physical needs of crime victims, (2) help victims of crime to stabilize their lives after a victimization, (3) help victims to understand and participate in the criminal justice system, and (4) restore a measure of security and safety for the victim.”
- DOJ OVC 2016 VOCA Assistance rule clarified that state VOCA administrators have **the freedom and flexibility to use their funds for “expanded forms of legal assistance,” including child abuse:**
 - “OVC adds a new definition of the statutory term ‘victims of child abuse’ to make clear OVC’s existing flexible approach of allowing States to address a broad variety of harm to children.”

<https://www.federalregister.gov/documents/2016/07/08/2016-16085/victims-of-crime-act-victim-assistance-program>



Helpful hint #1: Your state saw increased VOCA funding

- Because of fluctuations in annual CVF deposits of federal criminal fines and penalties, in 2000, Congress began “capping” annual CVF obligations
- In 2015, they raised the cap and VOCA funding increased - significantly
- Find your state’s allocations:
<http://www.navaa.org/budget/18/VOCA%20Victim%20Assistance%20Grants.pdf>

<i>VOCA Victim Assistance Grants (in thousands)</i>									
	2010	2011	2012	2013	2014	2015	2016	2017	2018
TOTAL	412,134	428,081	379,670	425,207	455,790	1,958,83	2,219,900	1,846,507	3,328,058
Alabama	6,323	6,626	5,864	6,537	6,973	29,522	33,245	27,566	49,343
Alaska	1,364	1,410	1,307	1,416	1,484	4,909	5,476	4,629	7,912
Arizona	8,656	8,692	7,739	8,705	9,373	40,786	46,514	39,074	70,800
Arkansas	4,073	4,237	3,781	4,192	4,463	18,253	20,570	17,131	30,602
California	46,205	48,244	42,593	48,127	51,829	232,723	264,297	218,943	396,642



Helpful hint #2: Find state-by-state VOCA grant-making information



1. Go to the DOJ OVC's map and click on your state: <https://www.ovc.gov/map.html>



2. See your state's VOCA Victim Assistance report on this tab

Oregon

Click on the different tabs below to locate assistance and resources.

Compensation & Assistance Programs **VOCA Reports** Events Victims' Rights Statistics Victim Notification Victims' Rights Compliance View All

VOCA Reports

[Oregon State Wide Compensation Report \(PDF 800 kb\)](#)

The annual state performance report for the Oregon compensation program.

[Oregon State Wide Assistance Report \(PDF 230 kb\)](#)

The annual state performance report for the Oregon assistance program.

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Other federal grants

- **Offender Reentry Program** – HHS SAMHSA (last offered with deadline of January 26, 2018)

“The purpose of this program is to expand substance use disorder (SUD) treatment and related recovery and reentry services to sentenced adult offenders/ex-offenders with a SUD and/or co-occurring substance use and mental disorders, who are returning to their families and community from incarceration in state and local facilities including prisons, jails, or detention centers”

<https://www.samhsa.gov/grants/grant-announcements/ti-18-003>

- **Rural communities Opioid Response Program – Planning** – HHS Human Resources Services Administration (HRSA)

(OPEN NOW: Applications due January 15, 2019)

“The purpose of RCORP-Planning is to support treatment for and prevention of substance use disorder, including opioid use disorder, in rural counties at the highest risk for substance use disorder”

<https://grants.hrsa.gov/2010/Web2External/Interface/FundingCycle/ExternalView.aspx?fCycleID=a89b862d-abda-4d83-80b4-6fb20528d035>

Other federal grants (continued)

- **Enhancing Community Responses to the Opioid Crisis: Serving Our Youngest Crime Victims** – DOJ OVC

“The purpose of this solicitation is to address an **urgent gap in crime victim services related to the opioid epidemic** and to expand upon existing or establish new programs to provide services to children and youth who are victimized as a result of the opioid crisis.”

<https://www.ovc.gov/grants/pdftxt/FY18-Opioid-Young-Victims-of-Crime-508.pdf>

Four legal aid programs received grant awards this year: Legal Aid of the Bluegrass (Kentucky), Legal Aid of Services of Oklahoma, Legal Aid of West Virginia, and Ohio State Legal Services Association

For a summary of all four programs go to:

<https://www.american.edu/spa/jpo/upload/Opioid-fact-sheets.pdf>

Forecasted again for January - March 2019 release

Spotlight: Legal Aid Society of Greater Cincinnati helps parents with SUDs navigate family court

Free legal clinic helps families care for children of addicted parents

BY: Lisa Smith

POSTED: 4:30 AM, Nov 14, 2017

UPDATED: 7:05 AM, Nov 14, 2017



VIDEO BY WCPA

<https://www.youtube.com/watch?v=fzyYxOg-Kos>

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Models from the Field

Community Partnerships - Bridge to Local, State and Federal Funding



OSLSA

Ohio State Legal Services Association

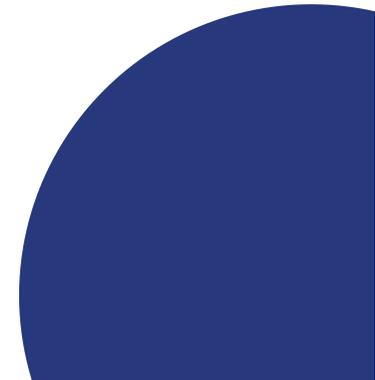


Stephanie Harris, Director of Development
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WHO WE ARE



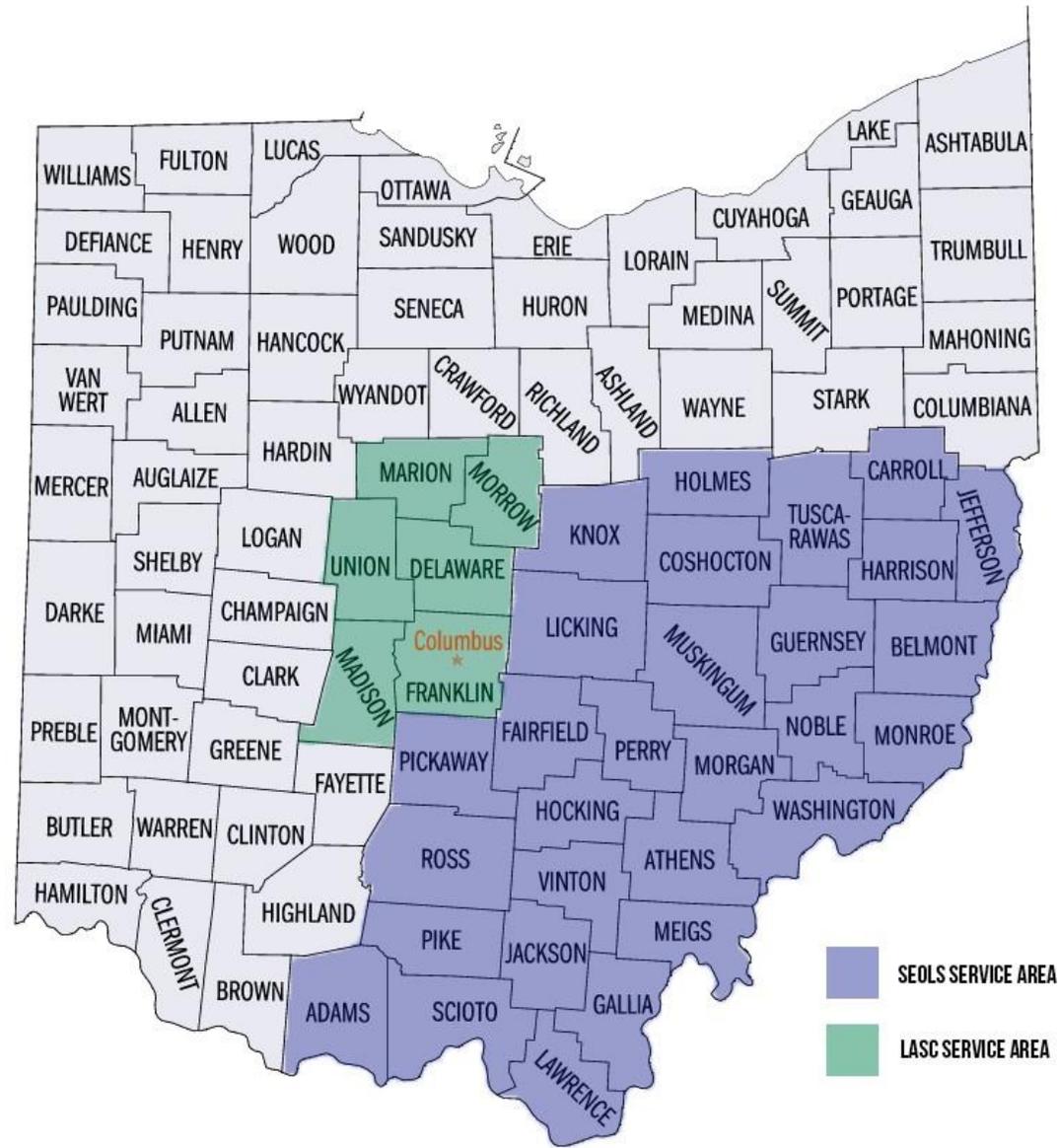
OSLSA is committed to searching out the patterns, causes of, and solutions to the repetitive and fundamental legal problems facing low-income Ohioans and pursuing the legal recourse needed to address those problems.



LASC serves 6 counties in Central Ohio and has offices in Columbus and Marion.

SEOLS serves 30 counties and has offices in Athens, Chillicothe, New Philadelphia, Newark, Portsmouth and Steubenville.

Ohio Poverty Law Center is a statewide legislative and policy analysis organization



Successful Re-entry Programs through Partnership

Career Pathways – Department of Labor – Partnership with Alvis Workforce Development

- Adult Re-entry - Two grant cycles - \$175,000
- Challenges: Time

Juvenile Re-Entry Assistance Program (JRAP) – Department of Justice and HUD – Partnership with Columbus Metropolitan Housing Authority

- Youth 16-24 – First Year - \$100,000
- Challenges: Locating Youth Participants
- Working with Housing Authority

Medical-Legal Partnerships – Urban and Rural Communities

Ohio Better Birth Outcomes

Focus of legal help – Reducing infant mortality by addressing health harming social and environmental issues that impact the lives of at-risk pregnant women and their infants.

The Counseling Center

Focus of legal help – Improving percentages of positive outcomes for individuals with substance use disorder participating in outpatient treatment.

Nationwide Children's Hospital

Focus of legal help – Improving physical and behavioral health outcomes of children by addressing health harming living conditions. And, by working with schools to make sure children get special education services needed for success.

Partnerships with ADAMH Boards

Paint Valley ADAMH Board – Rural Service Area

- Less than Successful Partnership
- Referrals from Providers in Several Counties
- Agency Internal Challenges

ADAMH Board of Franklin County – Urban Service Area

- Successful Three-Year Partnership
- Board Participation – Introduction by LASC Board Member
- Referrals by ADAMH Board Service Providers through Ombudsman
- \$135,000/year – Line Item ADAMH Board Budget

Services to Victims of Crime in Rural Communities

<p>Department of Justice – VAWA and VOCA Programs in rural communities</p>	<p>Partnerships with domestic violence shelters, community HUBs 15th year of funding - \$330,000 Challenges – Time</p>
<p>Department of Justice/ Office of Victims of Crime – Multi-dimensional partnership</p>	<p>Provide services to children who are victims of crime as a result of the opioid crisis. \$750,000/3 years – SEOLS will be the project leader and catalyst to work with community partners to create system-wide change in how and what services are provided for children and youth in 17 rural southeastern Ohio counties.</p>

Resources:

1. Ohio Attorney General's Office. Ohio Joint Study Committee on Drug Use Prevention Education. February 2017.
2. Public Children Services Association of Ohio. "Opiate Epidemic." December 2017.
3. Children's Defense Fund: Addressing Children's Trauma: A Toolkit for Ohio Schools. July 2015.
4. Ohio Department of Health. Fentanyl, Carfentanil and Cocaine Drive Increase in Drug Overdose Deaths in 2016. Ohio Public Health Data Warehouse. December 2016.
5. U. S. Department of Justice. Office of Justice Programs. Office of Victims of Crime. "Vision 21: Transforming Victim Services." May 2013.
6. Mitchell, Penelope F. "Evidence-based practice in real-world services for young people with complex needs: New opportunities suggested by recent implementation science. Children and Youth Services Review. Volume 33, Issue 2. Pages 2017-2036. February 2011.

LAWYER IN THE SCHOOL:
A CIVIL LEGAL PROJECT SERVING
OPIOID IMPACTED FAMILIES



Seeking Justice, Changing Lives



The Lawyer in the School Crime Victims' Project:

An Overview

- **Our funding:** 'Enhancing Community Responses to the Opioid Crisis: Serving Our Youngest Crime Victims', awarded by DOJ Office for Victims of Crime.
 - **Our goal:** stabilize kinship caregiver families with civil legal support.
 - **Our model:** school based holistic legal services with pro bono support (based on successful pilot project without opioid focus).
 - **Our services:** civil legal help for kinship families navigating permanency options, public benefits, housing, employment, and access to childcare.
- 

Why an **opioid impacted** kinship families project?:

- **Our Needs Assessment:** Nine 2016 community meetings held statewide with “thought leaders” on poverty overwhelmingly identified the epidemic at the center of our client’s legal needs.
- **Our Strategic Plan:** Prioritized civil legal work to positively impact our clients impacted by the crises.
- **The imperative of the epidemic:** Touches every LAWV local office, and our own families, schools, and communities. A defining issue for legal services in Appalachia.



Why an opioid impacted **kinship families** project?:

- **Existing partnerships:** we saw these families in our partnership with WV DHHR to serve TANF recipient clients. By 2017, 71% of WV's TANF caseload was "child only" -- due mainly to the opioid crises.
- **New partnerships:** The West Virginia Healthy Grandfamilies Project approached us to request legal training and help for their participants.
- **Changing service demographics:**
Lawyer in the School original pilot project designed as LSC pro bono innovation grant but was serving mainly kinship families.



Launching a project for opioid impacted kinship families – identify funding:

- **VOCA and other federal funds.** Consult with Karen Lash and the staff at NLADA. Other federal funding is listed in “Federal Resources for Rural Communities to Help Address Substance Use Disorder and Opioid Misuse” at <https://www.rd.usda.gov/files/RuralResourceGuide.pdf>
- **State funds:** Look at funds administered by your Department of Health and Human Resources and Department of Education (for school based projects).
- **Foundation funds:** some foundations are unwilling to fund civil legal services to those with Substance Use Disorder, but will fund kinship work for relatives raising kids.

Launching a project for opioid impacted kinship families – identify referral partners and a project site:



- Connecting with kinship clients is critical to the project.
- Kinship families can be difficult to reach due to cultural/ generational factors.
- School based projects work well due to staff referrals and drop-ins – see our LAWV launch guide.
- Law firms enjoy helping with school based clinics for these families – adds pro bono element.
- School district and individual school buy-in is critical.

Launching a project for opioid impacted kinship families – find data to support the project application:

- State Child Protective Services investigations data, especially information on the number of substantiated cases involving SUD.
- State level statistics on the number of children in foster care and how many estimated due to SUD.
- State Kids Count child abuse statistics by county and kinship care statistics by county if available.
- CDC neonatal abstinence syndrome statistics by state and county.
- U.S. Census data by state and county on the number of Grandparents responsible for kids living with them.



Launching a project for opioid impacted kinship families – determine staffing and costs for the project:

- LAWV as subgrantee on Marshall University school-based counseling services DOJ OVC opioid grant. DOJ OVC grant funds most of 1 attorney's salary and benefits. LAWV covers transportation, training, technology: **\$75,600/ year or \$226,800 for 3 years.**
- LAWV as grantee for Marion County Lawyer in the School DOJ OVC opioid grant. DOJ OVC grant funds most of 1 attorney, 1 paralegal, and required 50% FTE Project Coordinator. LAWV covers 15% of attorney and paralegal salary and 50% of Coordinator salary. DOJ OVC covers mileage, training, technology. **\$183,252/ year or \$549,726 for 3 years.**
- DOJ OVC opioid grant **requires** grantee to coordinate with other community actors such as CPS, law enforcement, counseling services, schools, and victims' services' groups.



Next on the horizon for LAWV in responding to the opioid epidemic's impact on our clients:



- Several LSC funded programs have already developed Medical Legal Partnerships with substance use disorder treatment centers.
- We are looking at funding administered by our DHHR and from federal sources to support a medical legal partnership with a treatment provider. Project will focus on disability discrimination against clients in recovery using Medication Assisted Treatment.

Contact Information for LAWV Opioid, Kinship and Lawyer in the School resources:

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Find us on  or at www.lawv.net

Q & A

Resources

Speakers

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Additional Resources

- Webinar recording and additional materials
 - www.nlada.org/opioid-webinar-2018
- National Center for Medical-Legal Partnership Brief
 - <https://medical-legalpartnership.org/mlp-resources/opioid-crisis-brief/>
- Justice in Government Project and NLADA Fact Sheet
 - <https://www.american.edu/spa/jpo/upload/Opioid-fact-sheets.pdf>
- LSC's Opioid Task Force
 - <https://www.lsc.gov/opioid-task-force>
- National Judicial Opioid Task Force:
 - <https://www.ncsc.org/Topics/Court-Management/Leadership-and-Change-Management/CCJ-COSCA-Task-Force.aspx>



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