

Overview

This document was substantially updated in 2010. Since that time, Pine Tree's capacity to provide responsive legal services has been significantly reduced as a result of funding reductions and staffing losses. However, Pine Tree remains the largest general service provider of free legal services in Maine and continues to function as both a "first resort" and "last resort" provider for many low-income households. For that reason, the Pine Tree Board of Directors intends this Statement to provide broad authorization to recognize those legal needs and to provide appropriate responses whenever feasible.

The seven program goals that are reflected in this document are not necessarily listed in order of importance. They are listed according to longstanding practice in how this document is organized:

- Preservation of housing and related needs;
- Promoting the safety, stability and well-being of low-income Mainers
- Enforce workplace opportunities, legal protections and income for low-wage workers;
- Maintaining, enhancing and protecting income and economic security for low-income Mainers;
- Improving outcomes for Maine children;
- Meeting the legal needs of populations with special vulnerabilities;
- Improving the delivery of legal services and access to justice for low-income Mainers statewide;

The level of service to be provided in response to a specific request will depend on local office capacity at the time it is received. The Board may also develop and approve an annual work plan to provide additional direction on specific case priorities that should receive attention.

I. PRESERVATION OF HOUSING AND RELATED NEEDS

A. Objective: To preserve subsidized and other affordable family housing situations.

Cases: As staff and funding resources permit, represent families or individuals with the following types of serious housing problems: families and individuals with disabilities facing eviction from publicly subsidized units; families and individuals with disabilities facing private eviction where the client will be left homeless if the eviction is successful; individuals who face the loss of their housing subsidy as a result of eviction; individuals or families facing eviction who are residents of mobile home parks; individuals facing eviction who have long term leases or other significant interests in maintaining their housing; individuals facing eviction because their landlord has been foreclosed upon, individuals facing summary eviction from motels, boarding house, and similar establishments, and individuals or families facing eviction under exceptional circumstances that would make moving a special hardship for that individual or family.

Matters: Provide information, assistance and referral where appropriate to low-income individuals with questions about subsidized and other affordable family housing and, where appropriate, individuals referred pursuant to the HUD housing counseling program. Refer individuals in long-term motel, boarding house, or other similar establishments to the Maine Revenue Service regarding rebate of motel sales taxes.

B. Objective: To protect home ownership by low-income Maine individuals.

Cases: As staff and funding resources permit, represent individuals and families who are confronted by legal challenges to initial or continued homeownership, including families denied access to or facing foreclosure from mortgage loans, individuals or families who have been denied poverty tax abatements and individuals or families who become subject to improper actions by their municipality which threaten continued residence in their family home. As *pro bono* resources permit, refer individuals with real estate disputes and individuals with foreclosure problems to pro bono attorneys through the VLP.

Matters: Provide information, assistance and referral where appropriate to low-income individuals and families who are confronted by legal challenges to initial or continued homeownership. Update and maintain self-help materials for low-income homeowners at risk of foreclosure, including website information and interactive forms. Participate in information sessions and other initiatives sponsored by the courts and others which will assist *pro se* litigants in foreclosure proceedings. Promote training activities that will assist HUD housing counseling agencies, pro bono attorneys and others to increase their capacity to handle foreclosure defense. Provide comments in response to public rulemaking involving foreclosure or mortgage lending issues. As requested, participate in projects or respond to inquiries from State agencies, legislators or others seeking Pine Tree's special expertise in foreclosure or mortgage lending issues.

C. Objective: To reduce homelessness in Maine among teens, adults, and families

Cases: As staff and funding resources permit, represent individuals and families who are at risk of homelessness where legal representation can prevent that outcome, including through courthouse "FED" projects, and provide representation to those who have already become homeless in order to stabilize their living situation.

Matters: Provide information, assistance and referral where appropriate to low-income individuals and families who either are at risk of homelessness or have already become homeless. As staff and funding resources permit, partner with the York County Shelter and other local homeless shelters to improve access to legal services that can enable residents to secure stable permanent housing.

D. Objective: To reduce and expose illegal discrimination in housing in Maine

Cases: As staff and funding resources permit, represent individuals and families subjected to discrimination on the basis of familial status, receipt of public benefits, race or color, sex, physical or mental disability, religion, ancestry, national origin, and/or sexual orientation. Represent individuals with physical or mental disabilities who require a reasonable accommodation in order to utilize services or facilities in the same manner as non-disabled persons or who are being evicted for conduct related to their disability.

Matters: Where special funds allow, utilize a testing program to determine the extent of illegal housing discrimination, to identify particular landlords who discriminate, and to expose the extent of illegal housing discrimination in Maine.

E. Objective: To enforce Maine law regarding housing on behalf of low-income individuals.

Cases: As staff and funding resources permit, represent individuals or families who are confronted with violations of Maine law regarding housing: individuals and families facing illegal eviction, including wrongful utility shutoffs; warranty of habitability cases (including common metering, lead and asbestos abatement); cases regarding repairs, rent abatements and/or terminating the tenancy to pursue suitable housing.

Matters: Provide information, assistance and referral where appropriate to low-income individuals with housing questions. Update "The Rights of Tenants in Maine", the Foreclosure Prevention Toolkit, and other housing legal education materials as appropriate.

F. Objective: To insure that low-income Maine families do not face illegal or unnecessary utility terminations and benefit fully from federal and state laws regarding fuel assistance programs.

Cases: As staff and funding resources permit, represent individuals or families who are confronted with utility terminations or who have been denied fuel assistance benefits.

Matters: Provide information, assistance and referral where appropriate to Maine families or individuals facing utility disconnection or needing fuel assistance. Distribute existing client education materials on these topics to appropriate clients and develop new client education materials as needed.

G. Objective: To utilize Pine Tree's special expertise in low income housing on broader issues, where appropriate:

Matters: As requested, respond to inquiries from state agencies, the Legislature or other groups on low-income housing and homelessness issues. As appropriate, participate in projects that address the legal aspects of housing for low-income individuals, as well as those that address homelessness.

II. PROMOTING THE SAFETY, STABILITY AND WELL-BEING OF LOW-INCOME MAINERS

A. Objective: To assist victims of domestic violence, sexual assault, dating violence or stalking and their children in obtaining protection from abuse and stabilizing their lives

Cases: As staff resources permit or where special grants support this work, represent victims and their children in protection from abuse cases on referral from local shelters or, in appropriate cases, self-referral. Where appropriate, final orders should address custody determinations, preservation of housing and other issues important to economic stability. Utilize the VLP *Pro Bono* Domestic Violence Panels as a resource wherever they are available.

Matters: Provide information, assistance and referral to low income individuals with questions regarding protection from abuse. Provide information, assistance and referral to victims in related legal matters that will help provide stability and financial security for the family, such as housing, employment and public benefit matters. As requested and as staff resources permit, participate in statewide and local task forces or similar projects and other forums where the needs of victims should be addressed, including trainings. Participate in the MSBA Family Law Section. Respond to inquiries from shelters, the Courts, state agencies and legislators regarding legal issues facing victims of domestic violence. Where appropriate, develop client education and website materials on protection from abuse and other topics important to victims.

B. Objective: Assist low-income individuals to make informed decisions regarding divorce and other family law proceedings, including parental rights and responsibilities.

Cases: Where staff resources permit or where special grants support this work, represent victims of domestic violence, sexual abuse, dating violence or stalking, individuals with disabilities, individuals with limited English proficiency and other individuals in special need of legal representation in divorce and parental rights and responsibilities matters

Matters: Provide information, assistance and referral to individuals with legal questions regarding family law. Update and maintain self-help materials for family law litigants, including website information and interactive forms. Participate in projects sponsored by the courts and others which will assist *pro se* litigants in these proceedings. Coordinate and maintain courthouse assistance projects, especially through VLP to minimize the risk of client conflicts, to assist *pro se* litigants.

C. Objective: Assist low-income parents who have been wrongfully substantiated for abuse and/or neglect of children by DHHS

Cases: As staff and funding resources permit, represent low-income parents in DHHS substantiation appeals where the substantiation is based upon the parent's status as a victim of domestic violence or sexual assault, the presence of a disability or where the substantiation will impact the parent's employment.

Matters: Provide information, assistance and referral to low-income parents with legal questions regarding DHHS substantiations and indications of abuse/neglect of children. Update client education materials as needed including website information.

III. ENFORCE WORKPLACE OPPORTUNITIES, LEGAL PROTECTIONS AND INCOME FOR LOW-WAGE WORKERS

NOTE: This priority area reflects ongoing work by Pine Tree's migrant farm worker unit and employment law project, as well as the low-income taxpayer clinic which primarily serves low-wage workers. All of these projects will be reorganized under a single statewide Employment Law Unit going forward.

A. Objective: To enhance opportunities for low-income individuals to find stable employment through education, training, and job placement programs.

Cases: As staff and funding resources permit, represent individuals denied benefits or opportunities through publicly-funded education, training and job placement programs and represent individuals whose employment licenses have been improperly annotated or revoked.

Matters: Provide information, assistance and referral where appropriate to individuals with questions about education, training and job placement programs. As appropriate, update or create client education materials related to this area of law.

B. Objective: To enforce legal rights of individual employees who are confronted with legal problems related to their jobs

Cases: As staff and funding resources permit, provide limited representation for individual employees on wage and hour claims, due process rights, employment discrimination, at will employment issues, severance agreements, non-competition covenants, leave rights, accommodation requests, and whistleblower retaliation. Refer fee-generating cases to members of the private bar. Refer cases that raise important public policy protections to members of the private bar who are committed to litigation cases that could increase common law protections for employees, particularly in relationship to Maine's "employment at will" doctrine.

Matters: Provide information, assistance and referral to individuals confronted with legal problems related to their jobs, including Maine's "employment at will" doctrine and other

important legal principles. Develop legal education and self-help materials on job rights and job protections, such as the unpaid wage demand form.

C. Objective: To enforce legal rights of individual taxpayers related to federal tax obligations and programs.

Cases: Consistent with a special grant from the IRS, represent or provide *pro bono* referrals through the VLP to individuals involved in tax controversies with the Internal Revenue Service, particularly on behalf of workers eligible for the earned income credit and individuals with limited English proficiency.

Matters: provide information, assistance and referral to low-income individuals and individuals who speak English as a second language regarding federal tax rights and responsibilities. As appropriate, conduct low-income taxpayer clinics for individuals who speak English as a second language or who face equivalent literacy barriers. Provide self-help materials and other resources on the Internet and in hard copy.

D. Objective: To enforce laws protecting the rights of migrant workers.

Cases: As staff and funding resources permit, represent migrant workers facing legal problems associated with their status as migrant workers, including but not limited to problems with employment, recruitment, compensation, housing, discrimination, education, Social Security benefits, workers compensation benefits and other public benefits, and immigration issues where permissible. Co-counsel with, and refer cases to, the private bar where appropriate.

Matters: Provide information, assistance and referral to migrant workers facing legal problems associated with their status as migrant workers. As requested, respond to inquiries from state agencies, the Legislature or other groups on migrant worker issues. As appropriate, participate in projects which address the legal needs of migrant workers. Provide outreach to labor camps and migrant workers sites around the State and New England associated with the various harvest activities. Produce the Harvest Calendar or comparable outreach resources annually and other appropriate client education materials.

E. Objective: Increase low-income Mainers unemployment benefit reciprocity rate

Cases: As staff and funding resources permit, represent workers denied unemployment compensation in their initial application on appeal, primarily through referral by the VLP to *pro bono* counsel. (Staff resources may be available in a limited number of cases where *pro bono* counsel is unavailable.) Provide limited representation to assist workers prepare for the initial contested hearing or to communicate with the Department of Labor in unusual situations.

Matters: Provide information, assistance and referral to unemployed workers eligible for unemployment benefits

F. Objective: Protect the right of injured workers to receive compensation as required under Maine law

Cases: As staff and funding resources permit, represent injured workers denied workers compensation or employer-based disability insurance benefits or refer to *pro bono* resources through the VLP.

Matters: Provide information, assistance and referral to injured workers eligible for workers compensation benefits

IV. MAINTAINING, ENHANCING AND PROTECTING INCOME AND ECONOMIC SECURITY FOR LOW-INCOME MAINERS.

A. Objective: To protect subsistence income through public assistance programs.

Cases: As staff and funding resources permit, represent individuals appealing denial, reduction or termination of income and non-cash assistance programs. Pursuant to a special state contract, represent individuals who are recipients of general assistance or TANF in obtaining disability benefits. Refer individuals with disability claims who are ineligible for the Pine Tree contract to *pro bono* attorneys through the VLP.

Matters: Provide information, assistance and referral where appropriate to individuals with questions about income and non-cash assistance programs. Update and maintain or create other appropriate legal education materials. Provide comments in response to public rulemaking requests involving public assistance programs. Respond to inquiries involving public assistance programs that seek Pine Tree's special expertise in these programs on behalf of State agencies, local communities or the Legislature.

B. Objective: To insure the accurate administration of Maine's child support payment system.

Cases: As staff and funding resources permit, represent clients in cases involving clear and serious errors in the administration of the Maine Department of Health and Human Services' child support payment program.

Matters: Provide information, assistance and referral to individuals regarding child support collection by the State.

C. Objective: To protect individual family assets and income essential to maintain stability.

Cases: As staff and funding resources permit, represent individuals with serious consumer problems, including onerous installment purchases, financial scams or price

gouging. As staff resources permit, represent individuals who have a meritorious defense to an alleged overpayment of a public benefit where collection of the overpayment will diminish the household income if unaddressed. Refer individuals needing bankruptcy protection to the VLP for *pro bono* assistance.

Matters: Provide information, assistance and referral to individuals regarding consumer problems and legal remedies. As appropriate, update "Debt Collection in Maine" and other related client education materials.

D. Objective: To enforce federal and state laws regarding debt collection to Maine consumers and to enable individuals to avoid predatory lending schemes.

Cases: As staff and funding resources permit or special funding authorizes, represent individuals who have been subjected to predatory consumer lending practices or illegal debt collection practices, particularly where necessary to protect exempt income under state law. As staff resources permit, provide limited or full representation to individuals where debt collection threatens household stability or future employability.

Matters: Provide information, assistance and referral to individuals regarding debt collection, As staff resources permit, provide information, assistance and referral to individuals regarding predatory lending where no other legal service is available.

V. IMPROVING OUTCOMES FOR MAINE CHILDREN

A. Objective: To give all children access to appropriate educational programs

Cases: As staff and funding resources permit, provide limited or full representation in the following matters: Represent children with special education and/or 504 claims in those cases where students are removed from or not regularly attending school, have severe mental health issues that are not recognized by the school, or are chronically failing. Represent students for whom residency is a barrier in enrollment in local schools, especially homeless and/or unaccompanied students. Represent children in disciplinary proceedings where they are at risk of being expelled or suspended for more than 10 days from school and assist with readmission for those students who have been removed from school. Represent students in safety planning at school where the students have been victims of violence, including dating violence and sexual assault, and bullying based upon protected classes under the Maine Human Rights Act. Refer individuals who cannot access free legal services to the VLP for possible *pro bono* representation.

Matters: Provide information, assistance and referral to individuals whose children do not have access to appropriate educational programs. Update or create client education materials involving educational issues for inclusion on the Pine Tree and KIDS websites. As staff resources permit or where supported by funding, provide trainings and

professional consultations and participate on task forces and other collaborations as invited by State agencies, the Courts and the Legislature.

B. Objective: To Provide for Family Stability and the Safety of Children who are not Accompanied by Their Parents.

Cases: As staff and funding resources permit, educate and represent children and adults on Maine laws regarding the rights of runaways, emancipation, and guardianship of minors. Represent in protection from abuse actions that are brought solely on behalf of the child.

Matters: Provide information, assistance and referral to youth 14 – 17 years old in guardianship matters and represent petitioners for children under 14 years old as staff resources permit and as issue conflicts do not arise with the family law unit of Pine Tree Legal Assistance. Provide information, assistance and referral to individuals regarding runaways and/or emancipation. Provide information, assistance and referral to adults seeking protection from abuse actions solely on behalf of a minor who is being abused. Update or create client education materials and provide trainings and professional consultations.

C. Objective: To maximize and protect income specifically intended for children, including public benefits programs

Cases: Where supported by special grants or contracts, represent individuals in denials of child's SSI benefits. Represent youth directly in meritorious waiver of recovery of child's SSI and Social Security overpayment denials and in seeking a change in the minor's representative payee. Represent teen parents in accessing benefits programs that will provide needed support for their family. Represent unaccompanied youth in obtaining public benefits, such as Food Stamps, and General Assistance, to which they are eligible.

Matters: Provide information, assistance and referral for teen parents, unaccompanied youth, and families facing legal problems involving income for their children,

D. Objective: To maximize children's access to necessary health care

Cases: As staff and funding resources permit, represent children denied Medicaid benefits or Medicaid-type services with a focus on residential services or services where a shortage of providers exists in a geographical area. Represent minors who have a right to consent to or refuse to consent to and confidentiality issues related to health services when facing barriers asserting those rights.

Matters: Provide information, assistance and referral to youth and individuals whose children need health care or health-related services, including early intervention services.

E. Objective: Improve coordination of services for children in the juvenile justice system

Cases: As staff and funding resources permit, represent children requiring enhanced coordination of governmental services in the juvenile justice system,

Matters: Provide comments in response to public rulemakings involving governmental services, including educational services and juvenile justice services, for children . Participate in projects which will foster improved coordination of services for children and youth in the State. As requested, respond to inquiries in this area from state agencies, the Courts and the Legislature.

F. Objective: Represent the interests of children in contested family law matters

Cases: As staff and funding resources permit, accept court appointment as a Guardian *ad litem* as upon request of the court in those cases with complex issues for the child(ren) such as mental health or educational issues are identified, and where the parties are low-income. Priority will be given to those matters where one or both parties are unrepresented. Utilize *pro bono* resources through the VLP to secure Guardian ad litem appointments for appropriate cases. [Note: Pine Tree has not had the resources to accept such appointments except through the Coffin Fellowship program since 2010.]

Matters: Provide trainings to GALs as requested by the Courts and other agencies that work with guardians *ad litem*. Participate on task forces, commissions as invited by the courts. Update and revise client education materials for GALs.

VI. MEETING THE LEGAL NEEDS OF POPULATIONS WITH SPECIAL VULNERABILITIES

A. Objective: To enforce laws protecting the rights of Native Americans.

Cases: As staff and funding resources permit, represent Native Americans facing legal problems related to their status as Native Americans, including but not limited to: tribal housing, employment, benefits and services; other rights arising under tribal law; racial discrimination; access to healthcare; legal needs of Indian elders and youth; the Indian Child Welfare Act; education; border crossing rights, treaty rights, and other rights arising under federal Indian Law. Represent Native Americans in tribal court proceedings (including juvenile proceedings) to insure access to justice. As staff resources permit, represent Native Americans with other legal problems.

Matters: Provide information, assistance and referral to Native Americans regarding legal problems related to their status as Native Americans, as well as with other legal problems, as resources permit. As requested and staff resources permit, respond to

inquiries from tribal and state agencies, the Legislature or other groups on Native American issues and participate in projects that address the legal needs of Native Americans, including projects which address the tribal and state justice systems more generally. Provide outreach and maintain contact with community groups at all four reservations on a regular basis. Produce regular issues of the Wabanaki Legal News and other appropriate client education materials. Coordinate with the Volunteer Lawyer Project and other PTLA offices to enhance services to Native Americans statewide

B. Objective: To enforce laws protecting the rights of low-income individuals with limited English proficiency.

Cases: As staff and funding resources permit, represent individuals with limited English proficiency who need legal intervention to enforce their rights, including the following: victims of domestic violence, individuals facing eviction or unable to access housing because of discrimination; individuals who have received denials or have been unable to access government benefit programs, and individuals confronting immigration issues (where permissible under LSC regulations.)

Matters: Provide information, assistance and referral for individuals with limited English proficiency who do not have equal access to governmental services, or who are confronted with a civil legal problem for which they have sought assistance from Pine Tree.. As requested, respond to inquiries from state agencies, the Legislature or other groups on legal problems facing individuals with limited English proficiency and participate which projects which address their legal needs. As requested and staff resources permit, serve as a trainer for Court interpreters and other groups that can facilitate access to justice by individuals with limited English proficiency.

C. Objective: To enforce laws protecting the rights of low-income individuals with disabilities.

Cases: As staff and funding resources permit, represent individuals with disabilities who need legal intervention to enforce their rights, including the following: individuals facing eviction or unable to access housing because of discrimination on the basis of disability; individuals who have received incorrect denials of SSI and social security benefits for non-disability reasons and in meritorious waiver of recovery of SSI and Social Security overpayment denials; individuals with disabilities whose access to governmental services is limited due to disability.

Matters: Provide information, assistance and referral for individuals with disabilities who do not have equal access to governmental services or other legal benefits and rights. As requested, respond to inquiries from state agencies, the Legislature or other groups on legal problems facing individuals with disabilities, and participate in projects that address their legal needs.

D. OBJECTIVE: To enforce laws protecting the rights of service members, veterans and their families

Cases: As staff and funding resources permit, represent service members, veterans and their families in accessing the special legal protections and benefits available to them as a result of military service, particularly where other advocacy resources are not available.

Matters: Provide information, assistance and referral for service members, veterans and their families via web-based resources at www.statesidelegal.org. As staff and funding resources permit, develop additional content under State law for inclusion on www.ptla.org.

VII. IMPROVING THE DELIVERY OF LEGAL SERVICES AND ACCESS TO JUSTICE FOR LOW-INCOME MAINERS STATEWIDE

A. Objective: To respond to the emergency needs of low-income individuals who are unable to access any other legal service and whose legal claims involve a problem within Pine Tree's expertise.

Cases: As staff and funding resources permit, represent eligible individuals or families facing emergencies which threaten basic necessities, personal safety or wellbeing, and those who cannot otherwise access free legal services to address these problems.

B. Objective: To improve the ability of low-income individuals to respond and resolve legal problems without requiring representation.

Matters: To maintain and update Pine Tree's legal education materials, in both written form and on the Internet. To assist and support alternative dispute resolution mechanisms relevant to potential clients, including mediation projects. To maintain and coordinate the VLP's courthouse assistance projects using volunteers to provide information to pro se litigants. To maintain and coordinate the VLP "helpline" for pro se litigants in family law cases. As requested, to participate in projects or work with the Courts, state agencies and the Legislature in addressing the needs of pro se litigants.

C. Objective: Foster expanded resources for low income individuals with legal problems.

Matters: As necessary, provide information and referral to individuals seeking legal assistance for which a resource other than Pine Tree is available. Sponsor a regular "intake and referral" statewide conference. Work with the Maine Bar Foundation to develop the potential of *pro bono* resources through the VLP and other initiatives. Participate in projects sponsored by the MBF, the Courts and others which will promote new or expanded legal resources for low income individuals.

D. Objective: Improve the ability of Pine Tree staff to deliver high quality legal services.

Matters: Promote effective program management through the use of Central administrative staff and local Directing Attorneys. Encourage professional development and utilize training events where appropriate. Hold office and program wide meetings to review staff activities and office issues. Monitor administrative activities in order to maximize effective use of staff time. Facilitate use of technology where it will expand resources available to potential clients. Encourage collaboration with other legal services staff and private attorneys, especially where this will promote innovation or improved services at Pine Tree.