

THE JUSTICE  
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PROJECT

GETTING RESULTS WITH LEGAL AID  
American University | Justice Programs Office



**NLADA**  
National Legal Aid &  
Defender Association

# Civil Legal Aid Helps Those Affected by the Opioid Crisis

Among the nearly 72,000 drug overdose deaths in 2017, the sharpest increase occurred among deaths related to opioids.<sup>1</sup> **Every day, 1,000 people are treated in emergency rooms for opioid overdoses.** The total economic burden is estimated to be \$504 billion.<sup>2</sup> Of this, \$28.9 billion is due to health care costs. Including those in recovery and their extended family members, **more than 11 million Americans are affected by the opioid crisis**, with 2.1 million addicted.<sup>3</sup> They need our help.

Policymakers know the current epidemic requires a multi-disciplinary response that includes law enforcement, doctors, nurses, mental health professionals, social workers, and case managers.

**But civil legal aid providers are also essential partners in solving one of America's most pressing public health issues.**

## THE NEED IS GREAT...

- Substance Use Disorder (SUD) is a chronic lifelong disorder that may affect an individual's ability to meet responsibilities at home, work, and school<sup>4</sup> and result in social, economic, and/or legal consequences.<sup>5</sup>
- SUD commonly co-occurs with intimate partner violence,<sup>6</sup> homelessness,<sup>7</sup> and mental illness.<sup>8</sup>
- When parents have periods of intense drug use, children may not be properly fed, clothed, or cared for.<sup>9</sup>
- Children of addicted parents experience dramatically increased medical, behavioral, and psychological issues.<sup>10</sup>
- 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.<sup>11</sup>



## LEGAL AID HELPS...

- In Washington counties where a pilot parent representation program was established, the reunification rate between children and parents was 11 percent higher, adoption rates were 83 percent higher, and the rate of entrance to guardianships was 102 percent higher compared to counties where the program was not established.<sup>12</sup>
- Representation leads to cost savings for foster parents, subsidies for children's medical care, cash benefits, and the expense of monitoring the foster family.<sup>13</sup>
- Patients receiving legal services reported reduced stress levels and improved health.<sup>14</sup>
- When civil legal needs were addressed, inpatient and emergency department use dropped 50 percent and health care costs decreased 45 percent.<sup>15</sup>
- Legal aid can assist extended family members in obtaining legal guardianship to address the child's education, medical, dental, and mental health needs<sup>16</sup>

### Norma gets help to enroll grandchildren in school

"Norma" received a call from her daughter's neighbor in a distant city. The daughter – suffering from opioid addiction – had left Norma's grandchildren with the neighbor and disappeared. After a week, the neighbor could not care for the children and called Norma. Norma went to the Legal Aid Society of Greater Cincinnati the next day. The attorney volunteer drafted a "Grandparent Caregiver Affidavit" that Norma filed with the court the same day. This gave Norma immediate authority to enroll the children in school, take them to the doctor, and apply for benefits to ensure she could afford to properly feed her grandchildren.<sup>17</sup>

### Medical-legal partnership helps family stay housed

"Melissa" lives in a home with her adult son "Brian." While Brian is currently in recovery for an opioid-related SUD, this wasn't always the case. When still using opioids, he drained his mother's bank account to buy drugs, leaving her unable to pay her mortgage. Through a medical-legal partnership, Melissa's health care provider referred her to their Indiana Legal Services partner attorney who helped her negotiate a loan modification. Under the new terms, Melissa could make the payments and stay in her home, along with Brian, who remains in active recovery with a stable place to live.<sup>18</sup>

## HOW LEGAL AID HELPS ADDRESS THE OPIOID CRISIS

The Substance Abuse and Mental Health Services Administration (SAMHSA) identifies health, home, purpose, and community as four essential components to recovery from drug addiction.<sup>19</sup> Legal aid providers can help individuals with opioid-related SUDs secure housing and health care services, ensure their children are cared for, escape domestic violence, and remove obstacles to employment, increasing prospects for recovery. They can also help extended family members become legal guardians to children whose parents are struggling with a SUD. Legal aid programs have partnered with local courts, bar associations, schools, and their medical counterparts to provide legal help, often leveraging staff attorneys and paralegals with pro bono volunteers.

## EXAMPLES OF PARTNERSHIPS WITH LEGAL AID

### Medical-legal partnerships help individuals with SUDs

Indiana Legal Services and Eskenazi Health teamed up to help people with SUDs expunge criminal records, secure housing assistance, and navigate custody issues.<sup>20</sup> In Ohio, Good Samaritan Hospital Faculty Medical Center's program to help opiate-addicted pregnant women addresses legal needs related to homelessness, human trafficking, domestic violence, and access to benefits through their partnership with Legal Aid Society of Cincinnati. Training ensures that attorneys and paralegals better understand SUDs, and nurses and social workers learn how to spot problems with possible legal solutions and make referrals.<sup>21</sup>

### Partnerships with courts and bar associations

Local news profiled [Texas Legal Services Center](#)<sup>22</sup> and [Legal Aid Society of Greater Cincinnati](#)<sup>23</sup> when they launched pro bono partnerships with courts and bar associations to provide grandparents and other extended family members with free legal

help to care for the children when the opioid epidemic robs them of their parents.

### Legal aid programs awarded US Department of Justice grants to partner with nonprofits and schools

In September 2018, the US Department of Justice Office for Victims of Crime awarded *Enhancing Community Responses to the Opioid Crisis: Serving our Youngest Crime Victims* grants to ensure critical legal help: Ohio State Legal Services Association convenes community partners to launch the Appalachian Ohio Children's Victim Assistance and Prevention Project; Legal Aid Services of Oklahoma partners with the Center on Child Abuse and Neglect, and Kids' Space, for wraparound multidisciplinary services; and Legal Aid of West Virginia and Legal Aid of the Bluegrass provide trauma informed legal and other services to children and their caregivers in partnership with public elementary schools.

## FUNDING OPPORTUNITIES

Several federal grants can fund social services – including legal services – to individuals and families dealing with SUDs. Examples of federal grants administered directly by federal agencies that have allowed funds for legal help include the *Enhancing Community Responses to the Opioid Crisis*<sup>24</sup> and the *Rural Community Opioid Response Program*.<sup>25</sup> Examples of federal block grants administered by states include Substance Abuse<sup>26</sup> and Mental Health Block Grants,<sup>27</sup> *Opioid State Targeted Response Grants*,<sup>28</sup> and VOCA Victim Assistance Formula Grants (for SUD-related child and elder abuse).<sup>29</sup> Additional information on grant sources for legal services can be found in the Justice in Government Project's Toolkit.<sup>30</sup>

**For more information** about using federal funds to expand legal services for people dealing with the opioid epidemic, contact Karen Lash, The Justice in Government Project, American University: [klash@american.edu](mailto:klash@american.edu) or Radhika Singh, National Legal Aid & Defender Association's Civil Legal Aid Initiative: [r.singh@nlada.org](mailto:r.singh@nlada.org). For more information about medical-legal partnership, contact Ellen Lawton, National Center for Medical-Legal Partnership: [ellawton@gwu.edu](mailto:ellawton@gwu.edu)

### Endnotes

1 Centers for Disease Control and Prevention. (2018). Provisional drug overdose death counts. Retrieved from <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>

2 The Council of Economic Advisers. (2017, November). The underestimated cost of the opioid crisis. Office of the President of the United States. Retrieved from <https://www.whitehouse.gov/sites/whitehouse.gov/files/images/The%20Underestimated%20Cost%20of%20the%20Opioid%20Crisis.pdf>

3 Substance Abuse and Mental Health Services Administration. (2017, September). Key substance use and mental health indicators in the United States: Results from the 2016 National Survey on Drug Use and Health. Washington DC: R. Ahrensbrak, J. Bose, S. Hedden, R. Lipari, & E. Park-Lee. Retrieved from <https://www.samhsa.gov/data/sites/default/files/NSDUH-FFR1-2016/NSDUH-FFR1-2016.pdf>

4 U.S. HHS, Office of the Surgeon General. (2018). *Facing Addiction in America: The Surgeon General's Spotlight on Opioids*. Retrieved from [https://addiction.surgeongeneral.gov/sites/default/files/Spotlight-on-Opioids\\_09192018.pdf](https://addiction.surgeongeneral.gov/sites/default/files/Spotlight-on-Opioids_09192018.pdf)

5 SAMHSA, The CSHSQ Report. (2017). *Trends in Substance Use Disorders Among Adults Aged 18 or Older*. Retrieved from [https://www.samhsa.gov/data/sites/default/files/report\\_2790/ShortReport-2790.html](https://www.samhsa.gov/data/sites/default/files/report_2790/ShortReport-2790.html)

6 National Center on Domestic Violence, Trauma, & Mental Health. (2015). *The Relationship Between Intimate Partner Violence and Substance Use: An Applied Research Paper*. Retrieved from <http://www.nationalcenterfordvtraumamh.org/wp-content/uploads/2014/09/IPV-SAB-Final202.29.1620N020LOGO-1.pdf>

7 National Coalition for the Homeless, *Substance Abuse and Homelessness*. (2017). Retrieved from <https://nationalhomeless.org/wp-content/uploads/2017/06/Substance-Abuse-and-Homelessness.pdf>

8 Mericle, A. A., Ta, V. M., Holck, P., Arria, A. M. (2012). *Prevalence, Patterns, and Correlates of Co-Occurring Substance Use and Mental Disorders in the US: Variations by Race/Ethnicity*. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3327759/>

9 Barnard, M., & McKeganey, N. (2003). The impact of parental problem drug use on children: What is the problem and what can be done to help? *Addiction*, 99, 552-559, p. 553.

10 Shulman, L., Shapira, S. R., & Hirschfeld, S. (2000) Outreach developmental services to children of patients in treatment for substance abuse. *American Journal of Public Health*, 90, 1930-1933. 69 percent of the children had cognitive limitations; 68 percent had speech impairments; 16 percent had emotional or behavioral problems; and 83 percent had medical problems.

11 See e.g., DeWine, M. (2017, February). Ohio joint study committee on drug use prevention education: Final report. Ohio Attorney General. Retrieved from <https://www.ohioattorneygeneral.gov/DrugUsePreventionEducation>

12 Courtney, M. E., & Hook, J. L. (2012). Evaluation of the impact of enhanced parental legal representation on the timing of permanency outcomes for children in foster care. *Children and Youth Services Review*, 34, 1337-1343. Retrieved from <https://www.sciencedirect.com/science/article/pii/S0190740912001399> (study of parents generally, not specifically parents with SUD)

13 Zill, N. (2011, May 19). Adoption from foster care: Aiding children while saving public money. Brookings Institution. Retrieved from <https://www.brookings.edu/research/adoption-from-foster-care-aiding-children-while-saving-public-money/>

14 Ryan, A. M., Kutob, R. M., Suther, E., Hansen, M., & Sandel, M. (2012). Pilot study of impact of medical-legal partnership services on patients' perceived stress and wellbeing. *Journal of Health Care for the Poor and Underserved*, 23(4), 1536-1546. Retrieved from <http://muse.jhu.edu/article/488862/pdf> (study of patients generally, not specifically patients with SUD)

15 Martin, J., Martin, A., Schultz, C., & Sandel, M. (2015, April 22). Embedding civil legal aid services in care for high-utilizing patients using medical-legal partnership. *Health Affairs*. Retrieved from <https://www.healthaffairs.org/doi/10.1377/hlthaff.20150422.047143/full> (study of patients generally, not specifically patients with SUD)

16 Child Welfare Information Gateway, Children's Bureau. (2018). *Kinship Guardianship as a Permanency Option*. Retrieved from <https://www.childwelfare.gov/pubPDFs/kinshipguardianship.pdf>; See e.g., <https://www.courts.ca.gov/1211.htm>

17 Legal Aid Society of Greater Cincinnati. (2018). *Ohio Legal Assistance Foundation 2019 Discretionary Grant Proposal: Comprehensive Services for Kinship Families: Kinship Care Team*. Cincinnati, OH.

18 Chaudhary, J., Marple, K., & Bajema, J. (2018, March). The opioid crisis in American & the role medical-legal partnership can play in recovery. *Medical-Legal Partnership Population Series, Issue Brief One*. Retrieved from <http://medical-legalpartnership.org/wp-content/uploads/2018/02/MLP-and-the-Opioid-Crisis.pdf>, p. 5

19 Substance Abuse and Mental Health Services Administration. (2017, September 20). *Recovery and Recovery Support*. Retrieved from <https://www.samhsa.gov/recovery>

20, 21 Chaudhary, J., Marple, K., & Bajema, J. (2018). *Brief: How Medical-Legal Partnership Services Can Help Address the Opioid Crisis*. Retrieved from <https://medical-legalpartnership.org/mlp-resources/opioid-crisis-brief/>

22 Lee, S. (2017, November 24). Prescription drug abuse leading more grandparents raising grandchildren. *ArkLaTex*. Retrieved from <https://www.arklatextext.com/news/prescription-drug-abuse-leading-to-more-grandparents-raising-grandchildren/862459945>

23 Smith, L. (2017, November 14). Free legal clinic helps families care for children of addicted parents. *WCPO Cincinnati*. Retrieved from <https://www.wcpo.com/news/local-news/hamilton-county/free-clinic-helps-families-care-for-children-of-addicted-parents>

24 [https://www.ovc.gov/grants/pdf/Opioids\\_FY2019-CompetitiveSolicitation.pdf](https://www.ovc.gov/grants/pdf/Opioids_FY2019-CompetitiveSolicitation.pdf)

25 <https://www.hrsa.gov/about/news/press-releases/hrsa-rural-communities-opioid-response-initiative-fy2018.html>

26 <https://www.samhsa.gov/grants/block-grants/sabg>

27 <https://www.samhsa.gov/grants/block-grants/mhbg>

28 <https://www.samhsa.gov/medication-assisted-treatment/training-materials-resources/state-grant-programs>

29 <https://www.ojp.gov/ovc/pubs/crimevictimsfundfs/intro.html#VictimAssist>

30 <https://www.american.edu/spa/jpo/toolkit/module-2.cfm>



## U.S. Department of Justice Awards *Enhancing Community Responses to the Opioid Crisis Grants to Connect Children and Caregivers with Legal Help*

Civil legal aid programs in Kentucky, Ohio, Oklahoma, and West Virginia are launching projects to provide legal help to children and their caregivers affected by the opioid crisis. The U.S. Department of Justice Office for Victims of Crime (DOJ OVC) *Enhancing Community Responses to the Opioid Crisis: Serving Our Youngest Crime Victims* grant announcements were made on October 1, 2018.<sup>1</sup>

Across the nation, communities struggle to respond to the opioid crisis. DOJ OVC invited proposals calling for a multi-disciplinary approach: “A strong link between crime victimization and substance abuse has been evidenced for some time, and these issues cannot be successfully addressed in ‘silos’ or by one discipline or agency.”<sup>2</sup> These projects will work collaboratively with schools, law enforcement, health and social service providers, and other community partners.

### **Legal Aid of the Bluegrass (LAB): KY Children RISE (Reducing Impediments to Stable Education)**

Studies show that children living with parents who have substance use disorders are three times as likely to be emotionally, physically, or sexually abused, and four times as likely to be emotionally or physically neglected. Local school districts also point to opioid abuse as a leading cause of soaring chronic absentee rates among their students. LAB will collaborate with school districts, family resource centers, health professionals and other community partners to create community driven clinics that holistically help child victims and families affected by the opioid crisis.

### **Legal Aid Services of Oklahoma (LASO)**

The Centers for Disease Control and Prevention rank Oklahoma 5th for the highest rate of opioid prescriptions nationally. In the last 15 years, death by drug overdose has increased 91%. Legal Aid Services of Oklahoma, Inc. (LASO) will provide civil legal aid to children victimized by the opioid epidemic. Together with its two partner programs, the “A Better Chance” (ABC) Program Clinic at the Center on Child Abuse and Neglect and Child Study Center at the University of Oklahoma Health Sciences Center (OUHSC), interdisciplinary teams will address the children and caregivers’ wraparound needs, including help to ensure safe housing, legal custody or guardianship, and access to health and other benefits.

### **Legal Aid of West Virginia (LAWV): Lawyer in the School Project**

As the opioid crisis devastates West Virginia communities, an increasing number of children whose parents have a substance use disorder have caused the prevalence of child abuse and neglect to soar. LAWV’s Lawyer in the School Project will provide services to youth impacted by the opioid crisis and who attend Marion County Schools. The Project seeks to stabilize the lives of the youngest victims of the opioid crisis by providing onsite legal help to school families on issues like legal custody for caregivers, eviction, and disrupted income.

### **Ohio State Legal Services Association (OSLSA): Appalachian Ohio Children’s Victim Assistance and Prevention Project**

Children of parents addicted to opiates are flooding into Ohio’s child protection system. Ohio’s child welfare system has seen a 19% increase in the number of children removed from parental care since 2010 and now has close to 15,000 children in custody. OSLSA will convene a comprehensive group of experienced community partners to provide evidenced-based, trauma informed care for children and youth victims of crime.