

# The Essential Plain Language Collection

for legal aid agencies

- Over **50** sample documents on:
  - Family law
  - Seniors
  - Housing
  - Consumer rights
  - Self-representation
  - Public benefits
- Useful tools for legal professionals
- Online CALI Author<sup>®</sup> lessons
- Before and After plain language examples

# Welcome to the *Essential Plain Language Collection!*

This book is meant to serve as a resource for legal professionals and legal aid agencies. You will find sample documents from many areas of the law that you can use as guides for your own content. The *Resources* section gives you step-by-step instructions for drafting court forms and info sheets. You'll also find links to 3 great CALI Author® online classes and a YouTube video that will teach you how to make documents that your clients will want to read.

## Table of Contents

Plain Language Samples .....	1
Family Law .....	1
Seniors .....	19
Housing .....	31
Consumer Rights .....	43
Self-Representation .....	51
Public Benefits .....	69
Resources .....	77
Create a Readable Info Sheet in 6 Steps .....	79
Create a Readable Court Form in 6 Steps .....	83
Make Your Website Easy to Read and Use .....	88
Recommended Reading .....	90
Templates for LSAs .....	92
Online Training .....	95

# Family Law

How to Change Your Child's Name.....	2
How to Ask for Visitation .....	3
Who is the legal father? .....	4
Don't Put Your Kids in the Middle.....	5
How to Change a Child Custody Order .....	6
How to Divide Retirement Benefits in a Divorce .....	7
How to Divide Household Items in a Divorce .....	8
What is child custody mediation? .....	10
How to Change a Child Support Order .....	11
Tips to make your parenting plan work.....	12
Do I have to pay child support if I am in jail? .....	13
How to Ask for Help with Domestic Violence .....	14
Make a Safety Plan .....	15
Describe Abuse.....	16
Domestic Violence Poster.....	18



# How to Change Your Child's Name

There are **two** main ways to change the name of a child:

① **Fill out and file these court forms to ask the court for a name change:**

- *Petition for Change of Name*, NC-100
- *Attachment to Petition to Change Name*, NC-110
- *Order to Show Cause for Change of Name*, NC-120

You can fill out the court forms online at:  
[www.courtinfo.ca.gov/selfhelp/other/namechange.htm](http://www.courtinfo.ca.gov/selfhelp/other/namechange.htm)

Then, go to a court hearing and ask the judge for a court order with the child's new name.

**Note:** If only one parent fills out the form, you must also notify the other parent. (See below.)

② **Ask to change a child's name during or after a family law case.**

If you are involved in a family law case, like paternity or adoption, the court may be able to change the child's name as part of that case.

The Family Law Self-Help Center can help you fill out your forms. Go to:  
**400 McAllister Street, Room 009**

**Do I have to tell the other parent about the name change?**

Yes. Both parents have the right to know about a request to change their child's name. You **must** let the other parent know, even if you have sole custody of your child.

**How do I let the other parent know about the name change?**

You **must** give "notice" to the other parent. There are specific steps you must follow. Ask a lawyer or ACCESS to help you with this.

You must also **put a notice of the hearing in a newspaper** for 4 weeks in a row, one day per week.

**What if I don't know where (or who) the other parent is?**

Contact ACCESS for information and help.

**What happens if the parents don't agree?**

The court will listen to both parents and decide what is best for the child.

The court will consider:

- How long the child has used the current name
- How the name change may affect the child's relationship with both parents
- How strong the parents' relationship is with the child
- The last name(s) of the child's siblings, if any
- What the child wants (for an older child), and
- Anything else the court considers important.

**Will the Court agree to the name change?**

The court usually agrees if the name change is best for the child, and:

- Both parents ask for the name change, or
- One parent asks, and the other parent was told about the name change and does not object,
- One parent has abandoned the child.

**Need help?**

Go to the ACCESS Center for the forms and instructions you need.

Our schedule is:

**Monday – Thursday:** 8:30 a.m. – 12 Noon  
1:30 p.m. – 4:00 p.m.

**Friday:** 8:30 a.m. – 12 Noon



**ACCESS**

**San Francisco Superior Court**

575 Polk Street  
Room 001  
San Francisco, CA  
94102-4514

**415.551.5880**  
[access@sftc.org](mailto:access@sftc.org)

## How to Ask for Visitation

### What is visitation?

If your child/ren live with the other parent (or another person), you probably have the right to spend time with them. This is called visitation.

### How do I know when it's my turn to be with the children?

You may already have court orders that say what the visitation schedule is. If not, you can ask the court for a visitation schedule so you and the child/ren will know when you can spend time together.

The court wants you and the other parent (or other person with custody of the child/ren), to have a parenting schedule that is good for the *children*. A good schedule gives the children regular times with each parent. This lets the children know which parent they will be with and when. This helps the children to feel loved, secure and cared for.

If you and the other parent cannot agree, the judge may order a schedule for visitation.

### Can a grandparent ask for visitation?

In Alabama, the law is not clear about grandparents' rights to visitation. Talk to a lawyer.

### How do I ask the Court for visitation?

You must fill out and file a court form. If you already have custody and support orders, fill out a *Petition for Visitation Orders*.

### What if I was never married to the mother of the children?

If you are not listed as the legal father of the child/ren, you will have to prove to the court that you are the father. See: *Who is the legal father?*

### What if the other parent is asking for full custody of the child/ren?

If you agree with the other parent about the custody orders requested, you can file a *Petition* to ask for a schedule for visitation. If you disagree, you can ask the court for custody, too. (See: *How to Ask for A Custody Order*.)

### Will the judge make the visitation orders I ask for?

The judge may make the visitation orders you ask for if:

- You want to be involved with the child/ren,
- You are a fit and proper parent,
- You have a safe place for the child/ren to be, *and*
- The schedule you ask for is reasonable.

### Can the court help me fill out my forms?

No. But this sheet gives you general information about how to fill out the forms.

### What do I do after I fill out my forms?

Take your originals and 2 copies of each form to the court clerk in the **same** county where your current custody orders are from.

### Do I have to pay to file my forms?

Yes. You must pay a filing fee in cash or with a money order. The clerk can tell you the exact amount.

If you cannot afford to pay the fee, also fill out this form to tell the court about your income and expenses:

- *Affidavit of Substantial Hardship*

But **do not sign it** until you are in front of a notary and swear that the information is true. The judge will decide if the fees can be postponed.

### What will the clerk do with my forms?

The clerk will:

- date-stamp all your forms,
- keep 2 copies, and
- give you a date-stamped copy for your records.

### How will the other parent know I am asking for visitation?

After you file your forms, the clerk will have someone serve (give or mail) the other parent a copy of your forms. That way the other parent will know what you are asking for and when to go to court.

**Important!** If the address you give for the other parent is not current, the court cannot hear your case.

### Will the change affect child support?

Probably not. The parent with visitation still has to pay child support.

### When is my hearing?

The court will send you a letter telling you the date and time of your hearing.

### Need help?

Call Legal Services Alabama at: **877-393-2333**

Or visit: **[www.alabamalegalhelp.org](http://www.alabamalegalhelp.org)**

## Who is the legal father?

Sometimes it is not clear who the legal father of a child is. A court can decide who the legal father is if:

- the mother wants a court order that says who the legal father of her child is,
- the mother and father were not married when the child was born,
- a husband suspects he may not be the child's biological father, or
- a man wants to be recognized as the legal father of his biological child.

### Does it matter who the legal father is?

Yes! A legal father has certain rights and duties, including caring for the child physically, emotionally, and financially.

### Can I ask the Court to say who the legal father is?

Yes. You must fill out and file a court form called "*Petition to Establish Paternity*." (You need one form for each child.)

You can get the forms you need at:  
**[www.lawhelp.org/al](http://www.lawhelp.org/al)**

### Do I need a lawyer?

You do not *have to* have a lawyer. But it's a good idea. You may contact your local Department of Human Resources for help.

Paternity is complicated. The court may decide each parent's rights and responsibilities for this child.

### Can the court help me fill out my forms?

No. But this sheet gives general information about how to fill out your forms.

### What do I do after I fill out my forms?

Take your completed forms and 2 extra copies to the family or juvenile court clerk in the **same** county where the child lives.

### What will the clerk do with my forms?

The clerk will:

- date-stamp all your forms,
- keep the original plus 1 copy (for the other parent), and
- give you a date-stamped copy for your records.

### Do I have to pay the court anything?

Yes. You must pay a fee in cash or with a money order. The clerk can tell you the exact amount.

If you cannot afford to pay the fee, also fill out an *Affidavit of Substantial Hardship*. But do **not sign it until you are in front of a notary** and swear that the information is true. The judge will decide if the fees can be postponed.

### Will the other parent know I am asking for a paternity order?

Yes. The clerk will have someone serve (give or mail) the other parent a copy of your court forms. That way the other parent knows about the case and when to go to court.

### How do I prove my case to the Court?

You can ask the court to order genetic (DNA) testing. DNA tests are very accurate. The tests can say, with up to 99% accuracy, if a man is the father of a child.

### What kind of orders can the judge make?

The court can make orders that:

- Say if a man is, or is not, the child's father,
- Say which parent must pay child support and prenatal medical expenses. (The court may order the father to pay child support starting from the date the child was born.)
- Change the child's name on the child's birth certificate.
- Say one or both people involved must pay for the court costs, genetic testing, and attorney fees.

### Need help?

Call Legal Services Alabama at: **877-393-2333**

Or visit: **[www.alabamalegalhelp.org](http://www.alabamalegalhelp.org)**

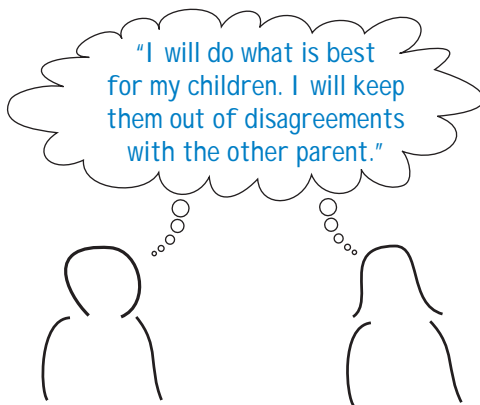
# Don't Put Your Kids in the Middle

Custody problems are hard on everyone, especially children. Read this sheet to learn how to:

- Talk with your kids about custody, and
- Make things easier for your kids.

## Golden Rules for Parents

- ① **Control your emotions.** Be polite when you talk to or about the other parent.
- ② **Keep your commitments to your kids.** This makes them feel more loved and secure. It also makes co-parenting easier.
- ③ **Be there for your kids.** Think about what they need from you now.
- ④ **Do not use your kids to communicate with the other parent.** It's bad for kids to be in the middle of your dispute.
- ⑤ **Do what is best for your kids.**



## Do it for your kids!

### How much do my kids need to know?

That depends on the child. Let your kids know that they can ask questions about custody. Tell them:

- You will answer any questions they have,
- You will do your best to make things as easy for them as you can,
- You will always love them no matter what, and
- The problems with the other parent are **not** their fault.

### How to talk to your kids about custody:

- **Keep your language positive.**
- **Explain** that you and the other parent are trying hard to agree on an arrangement that will be best for the kids.
- **Tell your kids that you love them** and will be there for them. Repeat it.
- **Use kid-friendly language.** The way you express your thoughts and feelings to your kids makes a big difference in how they (and you!) deal with custody. Choose your words carefully. For example:

*Instead of saying...*

Has visitation with  
Custody and visitation  
Wife, ex-wife  
Husband, ex-husband

*Say...*

Comes over, stays with  
Parenting plan, agreement  
Children's mother  
Children's father

- **Be a good role model.** Your kids look to you to see how to cope with a tough situation. Instead of showing stress and negative feelings, be a good listener and show respect for their feelings.
- **Do not make unkind comments** about the other parent or other people involved.
- **Keep any anger and frustration away from your kids.** When you show anger, hurt, or frustration, it upsets and worries your children.
- **Do not use your kids as messengers.** Do not ask your kids to give written or spoken messages to the other parent. It is your responsibility to find a way to communicate with the other parent that does not involve your children.

### What else can I do to make this easier for my kids?

- **Find them someone to talk to.** Talking to a trusted adult can help your children deal with the stresses of custody. This could be a counselor or a local support group.

Check out your county's Social Services Agency. They can give you information about free or low-cost child or family counseling in your area.



# How to Change A Child Custody Order

*For divorced parents who do not agree*

**SAMPLE**  
Not Legal Advice

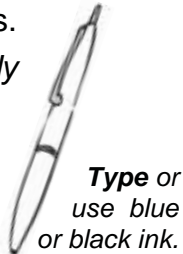
## What is a change in custody?

A change in custody means changing who your children live with, or who can make decisions about their health, education and other important things.

## How do I change my custody orders?

If you want to make a change in your custody orders, fill out these forms.

- *Request for Change of Custody*
- *Affidavit-Child Custody Information*
- *Notice of Hearing*
- *Instructions for Service*



## Can the court help me fill out my forms?

No. But this sheet gives general information that will help you fill out your forms. If you have questions or need help, call:

Southeastern Ohio Legal Services  
Phone: 1-866-LAW-OHIO

## What is my case number?

You will have the same case number as your divorce.

## What do I do after I fill out my forms?

Take your originals and 4 copies of each form to the Clerk of Court. You must go to the court in the **same** county where your divorce was completed.

The clerk will ask you to pay a fee. You can ask the clerk what the fee is for your county.

If you cannot pay the fee, also fill out this form:

*Affidavit of Indigency*

**Do not sign it yet!** You must sign it in front of a notary.

## What will the clerk do with my forms?

The clerk will file-stamp all your forms. The clerk will keep the original plus 1 or 2 copies and give you the other file-stamped copies.

**Important!** Keep a copy for your records.

## How will the other parent know I am asking for a change in custody?

After you file your court forms, the Clerk will serve (give or mail) the other parent a copy of your court forms.

The forms tell the other parent what you are asking for and when to go to court.

## Will the change affect child support?

Maybe. If you are getting or paying child support now, a change in custody could change the amount of child support.

You must let your county's Child Support Enforcement Agency know you are asking for a change. Ask the clerk to serve them.

## When is my hearing?

The Court will send you a letter telling you the date and time of your hearing.

## What should I bring to my hearing?

Yes. Bring financial information and other evidence that supports the change you are asking for. Read, "*Get Ready for Court*" in this packet. Or find it at: [www.oslsa.org/](http://www.oslsa.org/)

## What if I move?

You must let the clerk and the other parent know right away. Send them a letter with your case number and new address.

## Need help?

Southeastern Ohio Legal Services  
Phone: **1-866-LAW-OHIO**  
[www.oslsa.org](http://www.oslsa.org)



# How to Divide Retirement Benefits in a Divorce

## Retirement benefits include:

- Pension plans
- Deferred compensation accounts
- 401(k) accounts
- IRAs

## Do retirement benefits belong to both spouses?

Yes, in most cases retirement benefits are community property. That means they belong equally to both of you – even if only one of the spouses earned them.

If you each have retirement benefits, you usually each get half of the total benefits.

But some retirement accounts have community property *and* separate property funds because some of the funds were earned before or after the marriage. In those cases, each spouse has the right to half of the benefits earned *during* the marriage.

## How do I know if my spouse has retirement benefits?

Not all employers give retirement benefits. If you are not sure, ask your spouse or your spouse's employer for a statement of benefits. Or look at your spouse's pay stub. If you are still not sure, ask your lawyer to get a statement of benefits.

## Do I need a lawyer?

It's a good idea to hire a lawyer to help you divide the retirement benefits. You have to follow state and federal laws and the tax code. If you don't do it right, you could owe a lot of taxes. And, if your spouse remarries or dies, you may not be able to get your share of the pension. (Some lawyers charge a flat fee for this service.)

## Do I need a court order to get part of my spouse's retirement benefits?

Yes. You will need a court order called a *Qualified Domestic Relations Order*, called QDRO, for short.

## How do I ask for a QDRO?

Once you have a judgment of divorce or separation, follow these steps:

- Ask the employer for a QDRO form and instructions.
- Fill it out and send it back to the employer to confirm that everything is correct.
- Then both spouses sign the QDRO and file it at court.

After the judge signs it, the clerk will send you a copy. Send a copy to the employer.

## What if my spouse cashes out the retirement account?

California law says that if you write to the employer or pension plan saying the retirement account may belong partly to you, they must freeze it until your case is settled.

If they let your spouse cash out the benefits, they will have to pay you.

Protect yourself! Send a letter to the employer right away asking them to freeze the account until your divorce is settled.

## Is there a form I can use to tell the employer to freeze the account?

If your case is already filed in court, ask a lawyer to help you fill out joinder forms.

## What if I am already divorced or separated, but I forgot about the retirement benefits?

Talk to a lawyer. In most cases, you can still ask the court to divide a "missed asset."

## Can I spend the retirement funds?

Retirement funds are still *retirement* benefits. They are intended to be used when the employee retires or reaches the age indicated in the plan. If you take money out of a retirement plan before the eligible age, there will be a huge tax penalty.

## What if I want more information?

Contact the employer, the pension plan, or a lawyer. You can also read California Family Code §§ 2610 and 755.



When couples divorce, they have to decide who gets the furniture and other household items.

You can use lawyers to help divide these things. Or you can do it yourselves and save a lot of money.

Here are two ways to divide your belongings:

## □ List, appraise, and pick

List every item of value in your household – whether it's community property or not. If possible, do this before you move anything.

*You can use page 2 of this form to make your list.*

Make sure things you agree should stay together (like a bedroom set) are grouped on your list as one single item.

Then, hire an appraiser you both agree on. *Before* the appraiser arrives, agree to accept the appraiser's values.

Then, toss a coin to see who starts. Take turns saying which item you want from the list. Once you or your spouse reaches half of the value of the list, the remaining items go to the other spouse.

## □ Two-pile system

You and your spouse can also divide the property into what you agree are two "piles" of equal value. Then, flip a coin. Whoever wins, picks the pile they want.

There may be some items that cannot go into the pile because you do not agree on the value. But you can use this system for all the items you do agree on. Then, find another way of dealing with the other items later.

## Tips...

- **Wedding gifts** – The law says you each own half of the wedding gifts. But many couples agree to keep the gifts that were given by that spouse's family or friends.
- **Photos** – Divide them up according to your preference. If you both want the same photo, make copies and share the cost.
- **Children's things** – It's best to think of the children's furniture, toys, bicycles, camping equipment, etc., as *theirs*. The children's things should stay with the parent who has custody of the children. The law says you must not charge the other parent for the value of those items.
- **About Appraisers** – Appraisers usually charge between \$250–\$600. You can share the cost, or just one of you can pay. Or you can appraise the items yourself by searching for prices of similar items on the Internet or in the newspaper. (The value is what you could buy or sell it for *now* — *not* the cost to replace it.)

## Stuck?

If you are having problems dividing some of the items, you can:

- Ask an appraiser to suggest an equal division of the property.
- Agree to donate the item to Goodwill or give it to one of the children, or
- If you already separated, you can agree to each keep what you now have.

## Avoid problems!

Agree on the method you will use *before* you begin. If any of your items are worth a lot of money, check with your lawyer first.

Item Number	Item	Notes, if needed	Current Value (What you could buy or sell it for)	Who keeps? Husband or Wife
<b>Kitchen</b>				
	Kitchen table and chairs			<input type="checkbox"/> H <input type="checkbox"/> W
	Cooking utensils			<input type="checkbox"/> H <input type="checkbox"/> W
	Dishes			<input type="checkbox"/> H <input type="checkbox"/> W
	Cutlery			<input type="checkbox"/> H <input type="checkbox"/> W
	Glasses			<input type="checkbox"/> H <input type="checkbox"/> W
	Refrigerator			<input type="checkbox"/> H <input type="checkbox"/> W
	Microwave			<input type="checkbox"/> H <input type="checkbox"/> W
	Dishwasher			<input type="checkbox"/> H <input type="checkbox"/> W
	Stove/oven			<input type="checkbox"/> H <input type="checkbox"/> W
	Housekeeping items (vacuum, broom...)			<input type="checkbox"/> H <input type="checkbox"/> W
	Washer/dryer			<input type="checkbox"/> H <input type="checkbox"/> W
	Other (describe)			<input type="checkbox"/> H <input type="checkbox"/> W
<b>Dining Room</b>				
	Dining room table and chairs			<input type="checkbox"/> H <input type="checkbox"/> W
	Other dining room furniture			<input type="checkbox"/> H <input type="checkbox"/> W
<b>Living Room</b>				
	Living room			<input type="checkbox"/> H <input type="checkbox"/> W
	Couch			<input type="checkbox"/> H <input type="checkbox"/> W
	Coffee table			<input type="checkbox"/> H <input type="checkbox"/> W
	Chairs			<input type="checkbox"/> H <input type="checkbox"/> W
	Lamps			<input type="checkbox"/> H <input type="checkbox"/> W
	Wall hangings			<input type="checkbox"/> H <input type="checkbox"/> W
	Photo			<input type="checkbox"/> H <input type="checkbox"/> W
	Other (describe)			<input type="checkbox"/> H <input type="checkbox"/> W
<b>Master Bedroom</b>				
	Bed			<input type="checkbox"/> H <input type="checkbox"/> W
	Dresser			<input type="checkbox"/> H <input type="checkbox"/> W
	Nightstands			<input type="checkbox"/> H <input type="checkbox"/> W
	Other (describe)			<input type="checkbox"/> H <input type="checkbox"/> W
<b>Guest Bedroom / Study</b>				
	Bed			<input type="checkbox"/> H <input type="checkbox"/> W
	Dresser			<input type="checkbox"/> H <input type="checkbox"/> W
	Nightstands			<input type="checkbox"/> H <input type="checkbox"/> W
	Desk, chair			<input type="checkbox"/> H <input type="checkbox"/> W
	Chair			<input type="checkbox"/> H <input type="checkbox"/> W
	Table			<input type="checkbox"/> H <input type="checkbox"/> W
	Bookshelf			<input type="checkbox"/> H <input type="checkbox"/> W
	Computer			<input type="checkbox"/> H <input type="checkbox"/> W
	Other (describe)			<input type="checkbox"/> H <input type="checkbox"/> W
<b>Outdoors</b>				
	Lawnmower, garden tools			<input type="checkbox"/> H <input type="checkbox"/> W
	Garden furniture			<input type="checkbox"/> H <input type="checkbox"/> W
	Other (describe)			<input type="checkbox"/> H <input type="checkbox"/> W

# What is child custody mediation?

## What is child custody mediation?

Custody is the legal term for a *parenting plan*.

It means:

- Who the child lives with, and
- Who makes important decisions for the child (health care, education, and other important decisions)

When parents cannot agree on the *custody* of their children, the judge will send them to child custody mediation. The mediator will help you make (or recommend) a parenting plan.

## What is a mediator?

A mediator is a court professional who helps parents make parenting plans that are good for the children.

Mediators know how to work with separated couples, and are trained to understand domestic violence. Mediators can also tell you where to get help with housing, counseling, or financial problems.

**Important!** If the mediator suspects child abuse, s/he must report it.

## What will the mediator do?

The mediator will try to help you make a parenting plan that:

- Protects you and your children
- Says how you and the other parent will make decisions about the children
- Says when the child will be with each parent

Mediators can also help with a safety plan for you and your children, including safe ways to get the children to and from visits with the other parent.

## What special words will the mediator use?

The mediator may talk to you about:

- legal custody
- physical custody
- visitation
- evaluators
- supervised visitation

If you do not understand these words, ask your mediator to explain.

## Is what I say to the mediator private?

Not always. The mediator can tell the other parent what you say. Sometimes a mediator will tell the judge what you say. The mediator may report child abuse. Ask your mediator to explain the privacy rules.

## Can I bring someone to mediation with me?

If you have a restraining order, you can bring a support person to mediation. If you do not have a restraining order, you can ask your mediator if a support person can come with you.

## What if I am worried about safety or domestic violence?

If you are worried about your or your children's safety, tell the mediator as soon as possible. You can ask to speak with the mediator alone.

Also:

- Tell your lawyer or get help from a local agency.
- Tell the judge about the violence or abuse.
- Ask your mediator about supervised visitation.

## What is supervised visitation?

Supervised visitation means the child can visit the other parent if another adult is present. Ask your mediator if there is a supervised visitation center where you live. If there is no center in your area, talk with your mediator about other options.

## What if I don't speak English?

Ask for an interpreter. If a court interpreter is not available, bring someone to interpret for you. Do not use a child to interpret for you.

## For more information about mediation or domestic violence...

- Go to: [www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)
- Call the National Domestic Violence Hotline (24 hours): **1-800-799-7233** or **1-800-787-3224** (TDD)

It's free and private.

They can help you in more than 100 languages.

# How to Change a Child Support Order

## Who can ask the Court to change the amount of child support?

Either parent (or other person with legal custody) can ask. You can ask the court for more support. Or you can ask to lower the support amount.

## Will the judge make the changes I am asking for?

Maybe. If the child/ren are under 19 and not married, you will have to prove that:

- One parent is earning more (or less) now than before so that the child support will change more than 10%, or
- Something else happened that changed the financial situation of one of the parents.

**Caution!** A new order could be more, or it could be less support than you have now. The judge will use a special formula (called guidelines) to decide the amount of support.

## How do I ask the court for a new support order?

You must fill out and file these forms:

- *Request to Change Child Support*
- *Financial Declaration*

## Can the court help me fill out my forms?

No. But this sheet gives general information about how to fill out your forms.

## What do I do after I fill out my forms?

Take your original forms and 2 copies to the court clerk in the **same** county where your current child support orders are from.

## What will the clerk do with my forms?

The clerk will:

- date-stamp all your forms,
- keep 2 copies, and
- give you a date-stamped copy for your records.

## Do I have to pay the court anything?

Yes. You must pay a filing fee in cash or with a money order. The court clerk will tell you the exact amount. If you cannot afford to pay the fee, also fill out this form to tell the court about your income and expenses:

- *Affidavit of Substantial Hardship*

**But do not sign it** until you are in front of a notary and swear that the information is true. The judge will decide if the fees can be postponed.

## Will the other parent know I am asking for a new support order?

Yes. The clerk will have someone serve (give or mail) the other parent a copy of your court forms. That way the other parent knows what you are asking for and when to go to court.

## How will the judge decide?

There will be a hearing at court. You and the other parent will have a chance to tell your side.

## When will the judge decide?

The judge will decide at or after the hearing. If you have not received the judge's decision within 45 days of your hearing, you may contact the court clerk.

## What should I bring to my hearing?

Bring financial information and other evidence that supports the change you are asking for, such as your most recent:

- pay stubs, W-2s, income tax returns,
- Social Security statements (if you get disability), or
- bank statements.

You may also bring witnesses who know about the financial changes.

## If I stop working, can I pay less support?

It depends. If you decide to leave your job, you still have to pay support. But, if you are fired or laid off, the Court may lower the support amount.

## Need help?

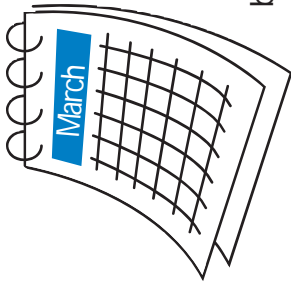
Call Legal Services Alabama at: **877-393-2333**

Or visit: **[www.alabamalegalhelp.org](http://www.alabamalegalhelp.org)**



## Tips to make your parenting plan work

### Use a Calendar



Use a calendar to show where the children will be and to keep track of their activities. Put your calendar in a place that is easy for you and the children to see and use. If there is a change in the schedule, explain why. Most children and parents do better when they know what to expect.

### Be sensitive to your children's needs

Children need a sense of security and a predictable routine — especially during difficult times.

- Reassure them that the separation or divorce is not their fault.
- Tell them often you love them and will take care of them.
- Let them tell you how they feel about how all the changes have affected them.
- Ask them if they need anything from you, the parent.

### When You Don't Agree

Over the years ahead, there will be times when you and the other parent do not agree on what is best for your children. This is natural — it happens even in the most cooperative relationships.

Do your best to listen and respect the other parent's point of view. Keep your emotions in check just like you would at work.

Read "Communication that helps your children" on pages 5 and 6 of this booklet.

## Are there rules we have to follow?

Yes. You must:

- Treat the other parent with respect.
- Listen to the other parent without interrupting.
- Give the other parent an equal chance to explain his or her viewpoint and concerns.
- Focus on what is best for the children.
- Remember that children have a right to a relationship with both parents.

**You cannot threaten or intimidate the other parent.**

## Who will mediate?

You have a choice. You can choose your own private mediator. Or, you can go to the court and ask the court to assign a court mediator.

## How do private mediators work?

Parents who use a private mediator go to the mediator's office and pay all the costs. It may take one or several sessions to create a parenting plan.

The judge will ask the name of the mediator, the date you began mediation, and if you have agreed on a parenting plan.

## How do court mediators work?

In Yolo County, court-based mediators are licensed mental health professionals. There is no cost for a session with the court-approved mediator.

Sometimes, the judge orders parents to court mediation. But, if court mediation does not help you agree on a parenting plan, you are free to see a private mediator. But you and the other parent — not the court — must pay for the private mediator.

## Do I have to pay child support if I am in jail?

Yes! Even if you are in jail, you still have to pay the full amount of support owed, *unless* the court changes the order.

### How do I ask for a new order?

Fill out and file these court forms:

- *Notice of Motion*, Form FL-301
- *Application for Order and Supporting Declaration*, Form FL-310
- *Financial Statement (Simplified)*, Form FL-155

If you do not have enough money to pay the filing fee, also fill out and file these forms.

- *Application for Waiver of Court Fees and Costs*, Form 982(a)(17)
- *Order on Application for Waiver of Court Fees and Costs*, Form 982(a)(18)

### Where can I get the forms?

You can get these forms at:

- The court clerk's office,
- The Family Law Facilitator office, or
- [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)

Or you can ask the court clerk to mail you the forms. (Your letter must say which forms you need. Also include a stamped, self-addressed envelope.)

### Are there any other forms I need to fill out?

Maybe. It depends on your case. Talk to the Family Law Facilitator (FLF) for your county. The FLF can:

- Tell you which forms you need to file,
- Answer your questions about your case, and
- Review your forms.

**Important!** The FLF can also help the other parent. The FLF is *not* your lawyer, and what you say to the FLF is not private.

### What do I do with my completed forms?

Take or mail your forms (plus 2 copies of each) to the clerk of the county where your support orders are from. The clerk will stamp your forms "Filed" and give you a date for your court hearing. The clerk will give you back a "Filed" copy.

To file by mail, also include:

- A letter asking the clerk to file your forms, and
- A self-addressed stamped return envelope.

**Tip:** Keep a copy for your own records.

### What do I do with my filed forms?

You must "serve" the other parent and the local child support agency. You can ask someone – 18 or older who is not involved in your case – to give or mail them a copy of all the papers you filed at court. You can pay the Sheriff's Department or hire a "process server." Look in the Yellow Pages, under "Process Serving." Or you can serve by first-class mail.

### Is there a deadline to serve the forms?

Yes. The deadlines are very strict:

<b>Type of Service</b>	<b>Deadline</b> (days before hearing)
<i>Personal</i> .....	16 court days
<i>By mail</i> .....	16 court days + 5 calendar days (from California)
<i>Out-of-state mail</i> ...	16 court days + 10 calendar days

To learn more about how to serve, see:

**Important!** After serving, the server must fill out and give you a proof of service form. Take this form to the clerk and file it.

### Will the judge lower my support payments?

If your situation has changed, the judge may lower your *future* child support payments. (The court **cannot** cancel or change your past due support.)

The court will follow a *guideline* that looks at your income, number of children, and other things.

### How long do I have to pay child support?

In most cases, support ends when the child turns 18 (or 19 if still a full-time high school student). Children with serious disabilities may have the right to support even after they are adults.

### What if I owe past due support?

If you missed any of your child support payments, contact your local child support agency (LCSA). You will have to pay a 10% interest penalty on your late support payments. The LCSA can tell you how much you owe and set up a payment plan. .

Look for your local child support agency at: [www.childsup.cahwnet.gov/county\\_locations.htm](http://www.childsup.cahwnet.gov/county_locations.htm)

If your local child support agency does not help you or give you the information you need, contact the Ombudsperson at: **1-866-249-0773 toll-free**

### What if I am served with court papers about child support?

Talk to your family law facilitator or your lawyer as soon as possible. If you do not answer, the court can make orders without hearing your side.

### Where can I get more information?

Contact the family law facilitator for your county. You can find your FLF at:

[www.courtinfo.ca.gov/selfhelp/lowcost/flf.htm](http://www.courtinfo.ca.gov/selfhelp/lowcost/flf.htm)

These websites have more information:

- [www.courtinfo.ca.gov/selfhelp/](http://www.courtinfo.ca.gov/selfhelp/)
- [www.childsup.cahwnet.gov/cshandbook.htm](http://www.childsup.cahwnet.gov/cshandbook.htm)
- [www.youthlaw.org](http://www.youthlaw.org) )

**For help with your specific case and to protect your rights, speak to a lawyer.**



# How to Ask for Help with Domestic Violence

Domestic violence can happen to **anyone** – young or old, rich or poor, and from any ethnic background. The abuse may be physical, sexual, or emotional.

The abuser is usually a husband, boyfriend, or partner. But sometimes men are abused, too. Any kind of abuse is harmful.

The abuse is  
**NEVER**  
your fault.

## Domestic violence is a crime.

Even if the abuse happens at home, domestic violence is against the law.

## Take the first step...

**Ask for help.** Day or night. 24/7.

Call the Hotline: **800-799-SAFE** (7233)

## What if I am too afraid to ask for help?

It is very hard to talk about domestic violence, especially if you are afraid or ashamed. When you call a hotline, the person you talk to will understand this.

## Will the hotline give my information to the police?

No. Everything you say on the hotline is private.

## If you are not ready to leave the abuser,

The hotline will:

- Listen to you,
- Answer your questions,
- Explain how to keep you and your children safe, and
- Refer you to resources in your area that can help you when you are ready.

## If you are ready to leave the abuser, the hotline can help you:

- Find a women's shelter for safe, temporary housing
- Apply for money to rebuild your life
- Get a court order that protects you from the abuser

## What kind of help can they give me?

They can help you with many things, including:

- Getting a protective order
- Going to court
- A safety plan

## What kind of help can I get for my kids?

Your local agency will help you and your kids get:

- Counseling
- Emotional support
- Support groups, guidance, and referrals
- Food and clothing
- A job and a place to live

## Do I have to pay for the help they give me?

No. Domestic violence services are free. They will help you and your children at no charge.

## What if I am not here legally?

*Anyone* in the U.S. can get help. It doesn't matter if you are a legal immigrant or not.

Domestic violence victims who are not here legally can apply to become a legal resident. Your local domestic violence agency can help you with this, if you want them to.

## What if I don't speak English well?

If you don't speak English well, an interpreter can help you.

## Where can I get help?

Visit: [www.thehotline.org](http://www.thehotline.org)

**Warning!** If you use a computer at home, other people will be able to see the web sites you have visited. If you need a safe computer, go to a friend's house, a public library, or an Internet café.

**Call 911**, if you are in danger now.

Or call the National Domestic Violence Hotline:

**800-799-SAFE** (7233)

TTY: **800-787-3224**

It's free and private, and they can help in *any* language.

# Make A Safety Plan

A safety plan can help keep you and your children safe. Ask a domestic violence counselor to help you with your plan. And read this sheet.

## During an Attack

When an attack starts, try to escape. Leave your home and take your children, *no matter what time it is!*

- Go to a friend's house or to a domestic violence shelter.
- Defend and protect yourself. Later, take photos of your injuries.
- Call for help. Scream as loud and as long as you can.
- Stay close to a door or window so you can get out if you need to.
- Stay away from the bathroom, kitchen, and weapons.

## Be Ready to Leave

Leaving is the most dangerous time. Thinking about your safety plan *before* you leave will help you when the time comes.

- Practice your escape. Know which doors, windows, elevator, or stairs are best.
- Have a safe place to go in an emergency. Memorize their phone number.
- Keep a cell phone or calling card with you always so you can call in an emergency.
- Ask a neighbor and a co-worker to call the police if they see or hear abuse.
- Get rid of guns and weapons in your house.

- Have a "code word" to use with your children, family, friends, and neighbors. Ask them to call the police when you say that word.
- Keep a bag ready with clothes and extra keys for your house and car. Hide it in a place you can get to quickly. Or leave it at a friend's house.
- Put important things in a safe place where you can get them easily, such as your:
  - Medicines
  - Driver's license, ID, social security card
  - Cash, check book, credit cards
  - Legal papers, important phone numbers.

## Be Safe When You Live on Your Own

- Change the locks on your doors as soon as you can.
- Put locks on all your doors and windows.
- Ask your phone company for an unlisted number. Sometimes this is free.
- Give your children's school or daycare a list of who is allowed to pick up your children.
- Tell your neighbors and landlord that your partner no longer lives with you.
- Ask them to call the police if they see your partner near your home.

## Describe Abuse

**Describe the most recent abuse** (*why you came here today*).

① When did it happen? (*Date*): \_\_\_\_\_

② Where did it happen?

\_\_\_\_\_ *street address*

\_\_\_\_\_ *city*

\_\_\_\_\_ *state*

③ Did the police come? ☐ Yes ☐ No

④ If the police came, answer these questions:

What police department came? \_\_\_\_\_

What is the case number? \_\_\_\_\_

Was anyone arrested? ☐ Yes ☐ No

Was anyone cited? ☐ Yes ☐ No

⑤ Describe what happened:

What did the other person do or say to make you afraid? \_\_\_\_\_

\_\_\_\_\_

Did the other person use or threaten to use a gun or weapon? ☐ Yes ☐ No

(*If yes, describe*): \_\_\_\_\_

\_\_\_\_\_

Who else was there? \_\_\_\_\_

Was anyone hurt? \_\_\_\_\_

Other facts: (*Or you can tell us more at your interview.*) \_\_\_\_\_

\_\_\_\_\_

## Arrests



Has the other person been arrested for Domestic Violence? ☐ Yes ☐ No

Is the other person on probation for Domestic Violence? ☐ Yes ☐ No

**Has there been abuse before this time?** ☐ Yes ☐ No

*If "yes," describe each past abuse on the next page.*

## Other Cases of Past Abuse

⑥ When did it happen? (Date): \_\_\_\_\_

Where did it happen?

Address

City

State

Did the police come? ☐ Yes ☐ No

If the police came, answer these questions:

What police department came? \_\_\_\_\_

What is the case number? \_\_\_\_\_

⑦ When did it happen? (Date): \_\_\_\_\_

Where did it happen?

Address

City

State

Did the police come? ☐ Yes ☐ No

If the police came, answer these questions:

What police department came? \_\_\_\_\_

What is the case number? \_\_\_\_\_

⑧ When did it happen? (Date): \_\_\_\_\_

Where did it happen?

Address

City

State

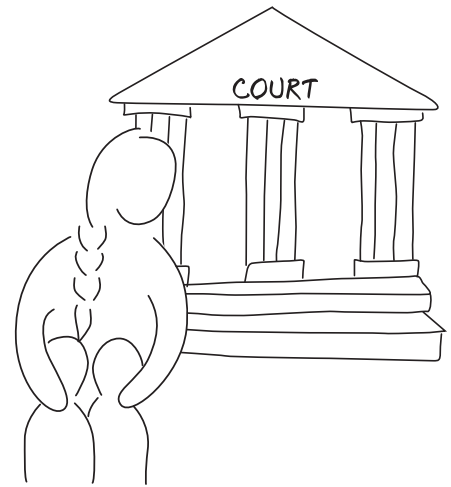
Did the police come? ☐ Yes ☐ No

If the police came, answer these questions:

What police department came? \_\_\_\_\_

What is the case number? \_\_\_\_\_

# ***The law says: no one can hurt you (or threaten to hurt you) – even if that person is a relative or someone you know.***



**SAMPLE**  
Not Legal Advice

## **The court can order the other person to:**

- Stay away from you, your work, school, and home
- Not bother you or your children
- Move out of your home
- Pay for child support and decide where the kids will stay

## **To ask for a court order:**

- 1** Fill out court forms to explain your situation to the court. You can get the forms at:

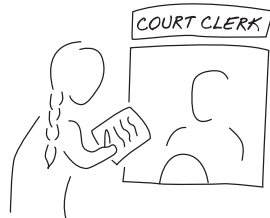
- Any courthouse or law library, or
- [www.courtinfo.ca.gov/selfhelp/protection/dv/dvforms.htm](http://www.courtinfo.ca.gov/selfhelp/protection/dv/dvforms.htm)



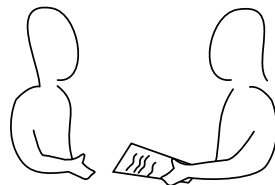
- 4** Go to your court hearing to ask for an order that lasts longer. You may also ask for custody, support, or other orders you need.



- 2** Take your completed forms to the court clerk. The court may give you a 7-day temporary order right away.



- 3** Have someone – not you – give (serve) the other person a copy of your forms. Ask the clerk for information about “serving.”



- 5** If the court decides that you need protection, it will make a restraining order.



The clerk will give you 5 copies. Keep one with you – always. You may need to show it to the police. Give the other copies to someone at work, school, etc. Keep an extra copy in a safe place.

## **If you are in danger, call 911.**

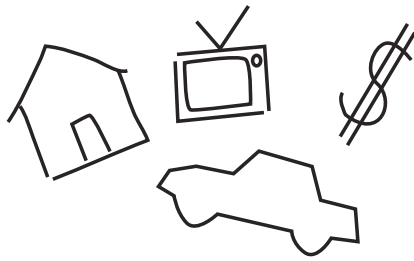
[Enter your agency name here.]

[Enter your agency address here.]

[Enter your agency phone number here.]

# Seniors

Transferring property when someone dies .....	20
Advance Health Care Directive .....	23
Before & After: How to Pay for Nursing Home Care with Medicaid .....	24
Conservatorships .....	26
Alternatives to Conservatorship .....	28
Elder Abuse (English & Spanish) .....	30



# Transferring property when someone dies...

---

## Do I have to go to Court to inherit property from someone who dies?

Not always. If you have the legal right to inherit personal property, like money in a bank account or stocks, and the estate is worth \$100,000 or less, you may not have to go to court.

There is a simplified process you can use to transfer the property to your name. But this process is not for real property, like a house.

## How do I know if the estate is worth \$100,000 or less?

To calculate the value of the estate:

### *Include:*

- All real and personal property
- All life insurance or retirement benefits that will be paid to the estate

### *Do not include:*

- Cars
- Real property outside of California
- Property held in trust, including a living trust.
- Real or personal property that the person who died owned with someone else (joint tenancy)
- Property (community, quasi-community or separate) that passed directly to the surviving spouse
- Life insurance, death benefits or other assets not subject to probate that pass directly to the beneficiaries

- Unpaid salary or other compensation up to \$5,000 owed to the person who died.
- The debts or mortgages of the person who died.

For a complete list, see Probate Code § 13050.

## Can I subtract the dead person's debts to calculate the value of the estate?

No. You are not allowed to subtract the debts of the person who died.

## What if the estate is in Probate?

You cannot use this process, unless the Personal Representative of the estate agrees in writing to let you do so.

## Can anyone use this simplified process?

You qualify if you have the legal right to inherit property from the person who died. You must be a beneficiary in the Will or an heir if the person died without a Will. Other people may qualify too, like the guardian or conservator of the estate. For a complete list, see Probate Code § 13051.



# ACCESS

**San Francisco Superior Court**  
400 McAllister Street  
Room 208  
San Francisco, CA  
94102-4514

**415.551.5880**  
[www.sfgov.org/courts](http://www.sfgov.org/courts)



## **How do I transfer the property to my name?**

If you have the right to inherit that property, give an affidavit to the person, company or bank that has the property now.

## **What if there are many assets to transfer?**

You can list all assets in one affidavit. Or, you can do one affidavit for each asset.

## **How do I write the affidavit?**

Many banks and other institutions have their own affidavit. So, check with them first and ask for one. If they don't have one, you can use the sample affidavit attached to this guide.

## **What if other people are also entitled to inherit property from the person who died?**

All of you must sign the affidavit. This shows you all agree that the property listed on your affidavit can be transferred to you.

## **Do I have to notarize the affidavit?**

No. But many institutions will ask you to. So it is a good idea to notarize it.

## **Do I have to attach any other documents to the affidavit?**

Yes. Attach:

- A certified copy of the death certificate of the person who died
- Proof that the person who died owned the property (like a bank passbook, storage receipt, stock certificate)
- Proof of your identity (like a driver's license or passport)
- An inventory and appraisal of all real property owned by the decedent in California

## **How long do I have to wait to transfer the property?**

You must wait at least 40 days after the person dies.

## **What if I need help?**

You can talk to a lawyer. Call the Lawyer Referral Service of the San Francisco Bar Association:

**415-989-1616**

Or, go to the ACCESS Center:  
Civic Center Courthouse, Room 208  
400 McAllister Street, San Francisco  
**415-551-5880**

Or, read the law on property transfers. See California Probate Code, §§ 13100-13115.

## Probate cases use special words. Here are some:

**Administrator:** the person (usually the spouse, domestic partner or close relative) that the court appoints to manage the estate of a person who dies without a Will. The administrator is also called the personal representative of the estate.

**Beneficiary:** a person who inherits when there is a Will.

**Decedent:** the person who died.

**Decedent's Estate:** all real and personal property that a person owned at the time of death.

**Executor:** a person named in a Will and appointed by the court to carry out the dead person's wishes. The executor is also called the personal representative of the estate.

**Heir:** a person who inherits when there is no Will.

**Holographic Will:** a Will that is handwritten, dated and signed by the person writing the Will.

**Intestate:** when someone dies without leaving a Will.

**Intestate succession:** the order of who inherits property when someone dies without a Will.

**Living Trust:** a trust set up during the life of a person to distribute money or property to another person or organization.

**Personal Property:** things like cash, stocks, jewelry, clothing, furniture, or cars.

**Personal Representative:** the administrator or executor that the court appoints to manage the estate.

**Probate:** the legal process of administering a Will in court. The court process for distributing a dead person's assets, paying debts owed by the dead person and settling the financial affairs of people when they die.

**Real Property:** buildings and land.

**Successor:** anyone who has the legal right to receive property of a person who dies, either under the Will or the Probate Code.

**Testate:** when someone dies leaving a Will.

**Trust:** an arrangement where property is given to someone to be held for the benefit of another person.

**Will:** a legal paper that lists a person's wishes about what will happen to his or her property after death.

# Advance Health Care Directive for Pennsylvania

Based on Title 20 Pa.C.S. § 5471

**DRAFT**

**SAMPLE**  
Not Legal Advice

Pennsylvania law gives you the right to say what kinds of health care you would and would not want if you can no longer make those decisions for yourself. You can fill out the *Advance Health Care Directive* form on pages 2-5. The information below gives you more information about this form. If you have other questions, it's a good idea to talk to a lawyer.

## Making an *Advance Health Care Directive*

An *Advance Health Care Directive* is a legal document that lets you express your health care wishes if you become unable to speak for yourself.

An *Advance Health Care Directive* has two parts:

- a living will, and
- a health care power of attorney.

It is important to put your wishes in writing using a legal form. Otherwise your wishes may not be followed. You can use the form on pages 2-5 to make your *Advance Health Care Directive*. If you want an *Advance Health Care Directive*, but do not want to use this form, talk to a lawyer.

## Making a *living will*

A *living will* says what treatment you want if you cannot make or say your decisions, including whether or not you want treatment to keep you alive.

## Choosing a *health care power of attorney*

A *health care power of attorney* is a legal document that lets you choose someone to make health care decisions for you. That person is your *health care agent*. Your health care agent is not responsible for the cost of your health care. You must pay for your own health care.

When choosing a health care agent, it's a good idea to talk to people you know and trust, such as your family, doctor, or clergy. Then:

1. Choose someone who is willing *and* available.
2. Tell that person you have chosen him or her as your health care agent.
3. Talk to that person about your beliefs and values so s/he understands what you want.

This form lets you name another person who can be your agent if the first person is not available. Naming someone else is a good idea to make sure there will be someone you trust to speak for you. If you name

your spouse, it's a good idea to name an alternative agent, too. That's because if you or your spouse files for divorce after you sign this form, s/he will not be allowed to be your agent.

If you do not name a health care agent, your doctor will ask someone for help to make decisions about your treatment. That could be your family or other adult who knows your wishes and values.

If you use *this* form you are saying your health care agent can only speak for you when you cannot speak for yourself.

**Important!** Your health care agent cannot be your doctor or other health care provider unless s/he is related to you by blood, marriage, or adoption.

## When this *Advance Directive* starts

Your advance directive starts only when your doctor says that you:

- Cannot understand, make, or say your decisions,
- Are unconscious and not expected to wake up, or
- Have an end-stage medical condition and will probably die with or without care.

If your doctor does not want to follow your wishes, s/he must say so, then transfer you to a health care provider who will follow your wishes.

## What to do with your completed *Advance Directive* form

You should give a copy to your:

- Health care agent,
- Doctors,
- Family, and
- Anyone who might be taking care of you if you cannot take care of yourself.

## Paying for Nursing Home Care with Medicaid (Title 19)

This article gives an overview of Medicaid (or Title 19) rules for people who need help paying for nursing home care. It talks about what assets, property and income a person can keep and still be eligible for Medicaid to pay the nursing home bill. It also gives information for married couples when one spouse needs nursing home care and the other spouse remains at home trying to make ends meet.

**Medicaid rules are very complex and change from time to time.** Certain dollar amounts in this article also change from time to time. **You should not try to use the rules or rights explained here without first checking with a legal aid or private attorney who is knowledgeable in Medicaid law.**

### What is Medicaid?

Medicaid (or Title 19) is a program of medical assistance provided through Connecticut's Department of Social Services (DSS). This program pays medical bills for certain categories of people whose income and assets are too low to cover their medical bills. Medicaid has different rules for different types of people, including: persons aged 65 or older, disabled persons, children under 21, certain families, and persons in nursing homes.

**This article discusses Medicaid rules only for people who need nursing home care.** Different rules apply to other people, such as younger disabled individuals who need Medicaid home care services. For more information, consult an attorney with knowledge of Medicaid law.

Medicaid rules in Connecticut may be different from those in another state. If you are concerned about someone needing nursing home care in another state, you need to check that state's rules.

**Also**, do not confuse Medicaid with *Medicare*, an entirely different program. *Medicare* is a medical insurance program run by the federal government for certain people who get Social Security or Railroad Retirement benefits. *Medicare* pays only limited nursing home benefits under strict rules.

For information about *Medicare*, call the Center for Medicare Advocacy (1-800-262-4414). Call Statewide Legal Services (1-800-453-3320) or see our article, *Are You Considering Nursing Facility Care?*

### What does Medicaid pay for?

In Connecticut, Medicaid covers a broad range of medical services. For a nursing home resident, Medicaid will pay for semi-private room and board, doctor's visits, some prescription drugs and other medication, hospitalization, laboratory tests and x-rays, physical therapy, medical equipment like wheelchairs, some dental needs, hearing aids, eyeglasses and most other medical expenses.

### What assets can I have and still qualify for Medicaid to pay for my nursing home care?

You can keep certain assets and still qualify for Medicaid. Assets are things like cash, bank accounts, stocks, bonds, etc. For information about your home, see below. Also see our article, *Your Home and Title 19*.

In Connecticut, a person may have no more than **\$1600 in countable assets**, PLUS the following assets, and still qualify for Medicaid in a nursing home:

A **burial plot** of unlimited value. A burial plot may also include the purchase of a grave site, opening and closing of a grave site, cremation urn, casket, outer burial container, a headstone or marker, crypt or mausoleum.

A pre-paid **irrevocable** (non-refundable) **funeral contract** (limited to \$5400 with a Connecticut funeral home); or a refundable funeral contract for up to \$1800 (\$1500 for married persons).

**Term life insurance**--no cash surrender value.

**Cash value life insurance** if the face value of all cash value policies is \$1500 or less.

**Long-term care insurance** payments made from a Connecticut Partnership for Long-Term Care approved insurance policy may allow you to protect additional assets. Be sure to inform the DSS caseworker of any Connecticut Partnership Long-Term Care insurance you have when applying for Medicaid. (For information on the Connecticut Partnership call DSS at 1-800-547-3443 or visit on the web: [www.ctpartnership.org](http://www.ctpartnership.org)).

**Important:** See below about assets of married applicants.

Reading level: 12<sup>th</sup> grade  
Words: 634

## How to Pay for Nursing Home Care with Medicaid



This section explains how to use Medicaid to pay for nursing home care in Connecticut.

**Important!** Medicaid rules are complicated and can change. You should talk to a lawyer who is familiar with Medicaid.

### What is Medicaid?

Medicaid is a federal health insurance program. It pays medical bills for people and families with low income and resources. In Connecticut, the state Department of Social Services (DSS) administers Medicaid.

The rules are very complicated. And there are special rules for people who are:

- 65 or older,
- disabled,
- under 21, or
- in nursing homes.

The rules for Medicaid in other states may be different. If you are not sure which rules apply to you, talk to a lawyer who is familiar with Medicaid.

### Is Medicaid different from Medicare?

Yes. Medicaid and Medicare are both federal health insurance programs that may help pay for nursing home care. But they do not provide the same coverage.

- *Medicaid* will pay for your nursing home care and most of your costs at the nursing home.
- *Medicare* only pays for a nursing home in some situations, and then only up to 100 days.

To learn more about *Medicare*, call:

- Center for Medicare Advocacy: **1-800-262-4414**
- Statewide Legal Services: **1-800-453-3320**

Or see the section, Thinking About a Nursing Home?

### What does Medicaid cover?

If you qualify, Medicaid will pay for your nursing home care and most of your costs while you are in a nursing home, including:

- Doctor visits
- Medicines
- Hospital care
- Your room (shared, not private)
- Meals
- Tests and treatments
- Equipment that your doctor says you need

### If I have property or money, can I still get Medicaid to pay for a nursing home?

Maybe. When you apply, Medicaid looks at your assets (money and property). If your assets are too high, you may not qualify.

You can qualify for Medicaid if you have:

- Up to **\$1,600** in *countable* assets (cash, bank accounts, stocks, and bonds)
- A burial plot (including goods and services such as a grave site, urn, casket, headstone)
- A pre-paid funeral contract with a Connecticut funeral home that cost:
  - up to \$5,400 (non-refundable),
  - up to \$1,800 for a single person (refundable), or
  - up to \$1,500 for a married person (refundable).
- Term life insurance with no cash surrender value
- Cash value life insurance (total value must be \$1,500 or less)

Reading level: 6<sup>th</sup> grade  
Words: 393

# Conservatorships

---

Some adults need special help because of a physical or mental disability. They may have Alzheimer's or another problem that prevents them from taking care of themselves.

Sometimes you need a court order to help with someone's personal care or finances. This is called probate conservatorship.

## What is probate conservatorship?

Probate conservatorship is when a court appoints a person or organization to be legally responsible for someone who cannot manage alone. The person or organization is the *conservator*; the person cared for is the *conservatee*.

There are two kinds of probate conservators: *conservator of the person* and *conservator of the estate*.

**A conservator of the person** must make sure the conservatee has adequate food, clothing, shelter, and medical and dental care. The conservator also has the right and responsibility to:

- See the conservatee's medical records,
- Discuss the conservatee's needs with professionals,
- Make decisions about his or her care,
- Arrange for services,
- Find appropriate housing, and
- Decide if it is safe for the conservatee to drive.

**A conservator of the estate** manages the financial affairs of a conservatee who cannot do so on his own or may be easily taken advantage of. The conservator must:

- Inventory the conservatee's assets,
- Collect the conservatee's income and handle income taxes,
- Prepare a budget, pay bills, and keep financial records,
- Make investments, and
- File financial accountings with the court.

## Who needs a probate conservatorship?

Most people who need help with their personal care or finances are elders with major mental or physical disabilities. Here is an example:

*Tina Brown is an 82-year old woman with Alzheimer's who lives alone. She has become so forgetful that she no longer remembers to pay her bills, shop for food, eat, bathe, turn off the stove, or lock her doors. The phone and the gas have been disconnected and she is not paying her rent. She cannot recall how she gets her food or who prepares it.*

But some young people need a conservator, too:

*At age 20, Tom Lee was in a motorcycle accident. Although he was wearing a helmet, he was left severely disabled – unable to walk, talk, feed himself, or understand his own financial affairs. His parents were appointed his conservators. They filed and won a lawsuit against the helmet manufacturer because the helmet was defective. They use the money they got from the lawsuit to pay for the care their son needs.*

## Adults with disabilities may not need a conservator if they can:

- Provide for their needs most of the time,
- Make appropriate decisions about their care,
- Avoid being taken advantage of, and
- Count on family members or friends to help.

## Who can be a conservator?

The law gives preference to certain people, starting with:

- The person the conservatee wants,
- A spouse or domestic partner (or someone the spouse or domestic partner wants),
- An adult child (or someone the adult child wants),
- A parent (or someone the parent wants),
- A brother or sister (or someone they want).

The court will decide if it is in the conservatee's best interest to appoint the person with the highest priority.



## How do I know if I would make a good conservator?

The conservatee will depend on you. Make sure you have the time and energy to be conservator *and* take care of your other responsibilities.

If you have been convicted of a felony or had problems with the law, the court may not allow you to be conservator.

## Are there professional conservators?

Yes. The court often appoints a professional person or organization that will be conservator for a fee. Here are some:

**Private individuals.** Call the Probate Department for a list of active private conservators in our area. 415-551-3650.

**Non-profit agencies** in San Francisco:

*Coming Home:* 415-474-2250

*Jewish Family and Children's Services:* 415-449-3777

*Institute on Aging:* 415-456-8692 or  
415-750-4111

**County agency**

*Public Guardian:* 415-355-3555

## How do I ask the court for a conservatorship?

You will need to fill out and file court forms. There will also be an investigation and a court hearing.

If the court approves the conservatorship, you will have to fill out and file forms after the hearing. Also, an investigator will visit the conservatee and conservator periodically.

To learn more about the steps you must take to ask for a conservatorship, read *When adults with disabilities need the help of a conservator...*

## Should I talk to a lawyer before asking to be a conservator?

Yes, if:

- The situation is complex,
- The conservatee or other people are against the conservatorship,
- The conservatee has a lawyer, or
- You need a conservatorship right away to prevent physical or financial harm to the person.

## How do I choose a lawyer?

Look for a lawyer who specializes in probate law or elder law. For help finding a lawyer, contact:

- The Bar Association of San Francisco's Lawyer Referral Service. If you have limited income, they can refer you to their Volunteer Legal Services Program. Call: **415-989-1616**
- The National Academy of Elder Law Attorneys (NAELA). They give advice about finding lawyers with experience in legal matters affecting older people. Visit their website: [www.naela.org](http://www.naela.org)

## Where can I get more information?

The San Francisco Superior Court offers these resources:

- *Handbook for Conservators*. It costs \$20 and comes with a *Resource Supplement* that lists services available to conservatees in San Francisco. You can buy it at in Room 103 or download it for free (it's 300 pages) from: [www.courtinfo.ca.gov/selfhelp/seniors/handbook.htm](http://www.courtinfo.ca.gov/selfhelp/seniors/handbook.htm)
- A 20-minute video on the responsibilities of conservators. It is shown every Thursday at 9:00 a.m. in Room 204.
- The staff at the ACCESS Center can show you how to fill out your court forms (for conservatorship of the person only). Contact them in person, by phone, or email:

Go to: 575 Polk Street,  
San Francisco, CA 94102

Call: **415-551-5880**, or

Email: **[access@sftc.org](mailto:access@sftc.org)**



**San Francisco Superior Court**

575 Polk Street  
San Francisco, CA  
94102

**415.551.5880**

**[access@sftc.org](mailto:access@sftc.org)**



# Alternatives to Conservatorship

---

Sometimes there are other ways to help an adult besides establishing a conservatorship. But usually, the adult must be able to understand and agree.

If the adult can only understand and communicate at certain times, use these times to talk about their options. If you are not sure if the adult can understand and communicate, talk to a lawyer.

## Care for adults who can understand and communicate:

### Social Services Agencies

In San Francisco, there are many agencies that help people with special needs because of illness or disability. They assign a case manager (usually a social worker or a nurse) to see what the adult can and cannot do.

They meet with the adult regularly to see how they are doing. And they check to see if the services they are providing are helping.

The case manager can arrange for meals, housekeeping, transportation to health care appointments, and personal care at home.

### Advance Health Care Directives

You can fill out an Advance Health Care Directive (AHCD) to say:

- What type of health care you want if you become gravely ill, and
- Who you want to make decisions for you.

You can get AHCD forms and information from:

- California Coalition for Compassionate Care: [www.finalchoices.calhealth.org](http://www.finalchoices.calhealth.org)
- California Medical Association: [www.cmanet.org](http://www.cmanet.org)
- American Bar Association: [www.abanet.org/aging](http://www.abanet.org/aging)  
Look for the “Consumer’s Tool Kit for Health Care Advance Planning.”

## Care for adults who cannot understand or communicate:

California law allows teams of **health care professionals in nursing homes** to make medical decisions for adults in nursing homes who cannot do so and have no one to help them.

**Sometimes the court makes medical decisions** or allows someone else to do so. For example, a hospital may want to make a change in treatment or living arrangements for an adult who is unable to give consent and has no conservator. The court only does this if just one or a few decisions are needed.

## Financial decisions for adults who can understand and communicate:

### Daily money management programs

Many social services agencies have programs to help people with simple, financial tasks like paying bills, making bank deposits, and filing taxes.

### Joint bank accounts

The adult can set up a joint bank account with someone they trust. This lets the trusted adult write checks, make deposits and withdrawals.

It is very important to choose a trusted, competent person because the adult will have little control over the account. And, if one of the persons dies, the other can keep what is left in the account.

### General or Limited Power of Attorney

A general or limited power of attorney allows the adult to appoint someone to help them for a limited time or for a single action. The adult is called “the principal,” and the helper is called the “attorney-in-fact.”

For example, an adult with severe arthritis in his hands may give his sister power of attorney for a specific bank account so she can write the checks for the monthly bills.

Most financial institutions have their own power of attorney forms.

If the adult loses the mental ability to make decisions, the power of attorney is no longer valid.

### Durable Powers of Attorney for Finances (DPOA)

A DPOA lets someone help the adult manage their finances if they become unable to. The adult is called “the principal,” and the helper is called the “attorney-in-fact.”

The Attorney-in-fact can pay bills, hire in-home help, and file taxes for principals. A DPOA is called “durable” because the attorney-in-fact will still have power after the principal can no longer make decisions for himself.

DPOAs are fairly simple and inexpensive. But there are risks: attorneys-in-fact are not monitored or bonded. It is very important to choose a trusted, competent person because they will control your finances.

You can get a DPOA form online or from a stationery store. But, have a lawyer check your DPOA to make sure it is as “theft-proof” as possible and right for your situation.

## Financial and property decisions for adults who cannot understand and communicate:

### Representative Payeeship

Many federal agencies can authorize a person or institution to receive a check on behalf of an adult who has a disability.

This means a relative, friend, volunteer, social service agency, or nursing home can receive the monthly check and use it to pay for the adult’s needs.

Some of the agencies that allow this are:

- Social Security Administration
- Department of Veterans Affairs
- Department of Defense
- Railroad Retirement Board, and
- Office of Personnel Management

But first you must explain why the person cannot handle their finances, and a doctor must provide a statement explaining the disability.

This may be a good choice for adults whose only income is from a public agency.

### Living Trusts

A living trust lets an adult put assets and property, like bank accounts, real estate and life insurance, under the control of a *trustee*.

Most people set themselves up as the *trustee* and they also name a trusted person to be the *successor trustee*. When they die or become unable to manage the trust, the *successor trustee* takes over.

Living trusts are a good choice for people who have a lot of assets and can understand how their assets should be managed. A trust is a complicated document. You will need an attorney to set up the trust so it does what you want it to do.

## How do I find a lawyer?

Choose a lawyer who specializes in probate law or elder law.

For help finding a lawyer, contact:

- The Bar Association of San Francisco’s Lawyer Referral Service. If you have limited income, they can refer you to their Volunteer Legal Services Program.  
Call: **415-989-1616**
- The National Academy of Elder Law Attorneys (NAELA). They give advice about how to find and choose attorneys with experience in legal matters affecting older people.

Visit their website: [www.naela.org](http://www.naela.org)

### Other Resources

Buy the *Handbook for Conservators*. It costs \$20 and comes with a *Resource Supplement* that lists support services in San Francisco. You can buy it at in Room 103 or download it for free (it’s 300 pages) from: [www.courtinfo.ca.gov/selfhelp/seniors/handbook.htm](http://www.courtinfo.ca.gov/selfhelp/seniors/handbook.htm)

**AARP** has information about living trusts and other planning documents: [www.aarp.org](http://www.aarp.org)



# ACCESS

**San Francisco Superior Court**  
575 Polk Street  
San Francisco, CA  
94102

**415.551.5880**  
[access@sftc.org](mailto:access@sftc.org)

# Elder Abuse

## What is abuse?

There are different kinds of abuse, including:

- **Physical abuse:** hitting, restraining, hurting or threatening to hurt a person.
- **Neglect:** not giving basic things, like food, water, clothes, shelter, medicine and health care.
- **Emotional abuse:** intimidation, harassment, or keeping someone isolated.
- **Financial abuse:** using or taking someone's money or property without permission.

## Is it a crime to abuse an elder?

Yes. It is against the law to abuse an elder.

## Who abuses older adults?

The abuser is usually someone the victim knows, like a caregiver, relative, or friend. The abuser often thinks the victim will be too ashamed or afraid to report the crime.

## How can elders prevent abuse?

- Choose caregivers and nursing homes carefully.
- Guard personal information, such as your Social Security number and financial information.
- Do not give out personal information to telemarketers or anyone on the Internet.
- Take your time to make financial decisions. Ask your accountant or lawyer for advice.

## What if I am a victim of abuse?

Ask for help!

Call **911** if you are in danger now. Tell the police what happened, and ask for an Emergency Protective Order.

If you are not in danger right now, these agencies can help you:

- [List agency here]: **333-222-1111**
- [List other agency here]: **333-222-1111**
- [List other agency here]: **333-222-1111**

# Abuso de personas mayores

## ¿Qué es el abuso?

Existen diferentes tipos de abuso, incluyendo:

- **Abuso físico:** golpear, limitar los movimientos, lastimar o amenazar con lastimar a una persona.
- **Negligencia:** no cumplir con las necesidades básicas, como comida, agua, ropa, refugio, medicinas y atención médica.
- **Abuso emocional:** intimidar, acosar, o mantener a alguien apartado de los demás.
- **Abuso financiero:** usar o tomar el dinero o la propiedad de otra persona sin permiso.

## ¿Es un delito abusar de una persona mayor?

Sí. Abusar a una persona mayor es contra la ley.

## ¿Quién abusa de adultos mayores?

Las personas que abusan tienden a ser personas que conoce la víctima, como por ejemplo alguien que lo cuida, un pariente o amigo. A menudo piensan que la víctima sentirá demasiado vergüenza o miedo como para denunciar el delito.

## ¿Cómo se puede prevenir el abuso de los mayores?

- Seleccionar los cuidadores y hogares de atención con mucho cuidado.
- Mantener privado la información personal, como el número del Seguro Social e información financiera.
- No dar información personal a vendedores que hablen por teléfono ni a cualquier persona en el Internet.
- Tome su tiempo para tomar decisiones financieras. Pida consejo a su contador o abogado.

## ¿Qué pasa si soy víctima de abuso?

¡Pida ayuda!

Llame al **911** si está en peligro ahora. Dígale a la policía lo sucedido y pida una orden de protección de emergencia.

Si no está en peligro en este momento, estas agencias le pueden ayudar:

- [List agency here]: **333-222-1111**
- [List other agency here]: **333-222-1111**
- [List other agency here]: **333-222-1111**

# Housing

Are you being evicted? .....	32
Need to evict a tenant? .....	34
How to Get Your Security Deposit Back .....	36
Letter: Return Security Deposit .....	37
Before & After: Energy and Utility Problems with Landlords .....	38
How to Deal with Contractors .....	40
Did the floods damage your rental unit? .....	41
Worried about Foreclosure? .....	42

## What happens if the landlord wins?

1. The court will give the landlord a *Judgment of Possession*. This gives the landlord back possession of the property. The judge can also order you to pay costs and damages, like back rent.
2. The landlord will get a *Writ of Execution*. This lets the Sheriff remove and lock you out of the property.
3. The Sheriff will serve you with a *Notice to Vacate* the property. This gives you 5 days to move. If you do not move, the Sheriff will remove you and lock you out.
4. You can ask for a *Stay of Execution*. If the judge approves, this will give you more time to move out – usually about a week. You will have to pay rent for that extra week.

## Is there anything I can do if I lose?

You can appeal or you can file a motion to set aside (cancel) the order. There are time limits for these. But, an appeal or a motion to set aside will not stop the eviction. The only way to stop or delay an eviction is to ask for a *Stay of Execution*.

## What if I don't speak English well?

The court **does not** have interpreters for unlawful detainer cases. If you do not speak and understand English, bring an adult who can interpret for you. Or, you can hire your own interpreter.

## What if I am deaf?

Ask the court for a sign language interpreter.

## Need help?

Contact any of these agencies:

Eviction Defense Collaborative  
433 South Van Ness Ave. (by 16th St.)  
415-431-8831

Bay Area Legal Aid  
50 Fell Street (by Civic Center)  
415-982-1300

SF Tenant's Union  
558 Capp St. (by 19th St.)  
415-282-6622

ACCESS Center  
SF Superior Court  
400 McAllister Street, Room 208  
415-551-5880

For a lawyer, call the Lawyer Referral Service (SF Bar Assn.):  
415-989-1616

# Are you being evicted?

A guide for tenants



400 McAllister Street  
Room 208  
San Francisco, CA  
94102-4514

**ACCESS**

415.551.5880

[www.sfgov.org/courts](http://www.sfgov.org/courts)

UD tenant 04/03

## Can my landlord evict me?

Maybe. To evict you, your landlord must first give you written notice. Usually, it's a 3-day or a 30-day notice.

If you do not do what the notice asks by the deadline in the notice, your landlord must go to court and file an *Unlawful Detainer* to evict you. If your landlord files, you will get a copy of the *Unlawful Detainer*.

## What do I do after I get the Unlawful Detainer?

You only have 5 days to respond. Get help as soon as you get the papers.

## How do I respond?

There are different ways to respond. It is very important that you ask a lawyer which is best for you.

Most tenants file an *Answer*. The *Answer* lets you tell the court your side of the story.

## Is there a fee?

Yes. But, if you cannot afford to pay the fee, ask for a *Fee Waiver*.

## Where do I get the forms I need?

Go to:

- Clerk's office, Room 103, or
- ACCESS Center, Room 208, or
- Download from:  
[www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)

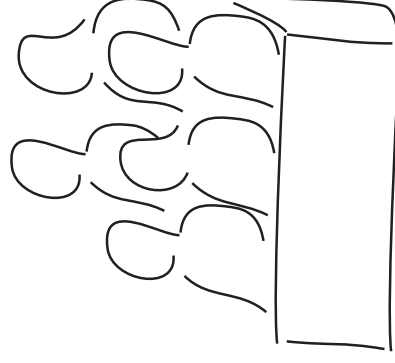
## What happens if I do not respond?

If you don't file your response before the deadline:

- You can lose the case and be evicted, and
- The landlord can take your salary, money or property without warning.

## Will there be a jury trial?

Either you or your landlord can ask for a jury trial. This means a jury, not a judge, will make the decision. To ask for a jury trial, you must file a request at the clerk's office.



## What happens after I file an Answer?

1. Your landlord will file a *Memorandum to Set for Trial*. This means your trial will take place in about 20 days.
2. In about one week, the court clerk will mail you and the landlord the date, time and place of trial.
3. If it is a jury trial, the clerk will also mail you the date, time and place for a Settlement Hearing. This is a meeting between you and the landlord to try to reach an agreement before you go to trial — usually one week before your trial.

## How do I get ready for trial?

Get all the information related to your case. This may include witnesses or papers, such as:

- copy of the lease or rental agreement
- letters you wrote or received about the property
- photos
- building inspection reports

Bring 3 copies of all your papers. If a witness refuses to come to court, you can subpoena them. For help with a subpoena, go to the ACCESS Center, Room 208.



## How do I get ready for trial?

Get all the information related to your case, like witnesses or documents that support the eviction.

Bring 3 copies of all your papers. If a witness refuses to come to court, you can subpoena them. For help with a subpoena, go to the ACCESS Center, Room 208.

## What happens if I win?

1. The court will give you a *Judgment of Possession*. This gives you back possession of your property.
2. Get a *Writ of Execution*. This lets the Sheriff remove and lock the tenant out of the property.
3. The Sheriff will serve the tenant with a *Notice to Vacate* the property. This gives the tenant 5 days to move. If the tenant doesn't move, the Sheriff will remove and lock out the tenant.
4. The tenant may ask for a *Stay of Execution*. If the judge approves, it will stop or delay the eviction. Usually, it will give the tenant more time to move out – usually about one week. The tenant will have to pay rent for that extra week.
5. The tenant can appeal or file a motion to set aside (cancel) the Judgment. This will not stop the eviction. The only way to stop or delay an eviction is to ask for a *Stay of Execution*.

## What if I don't speak English well?

The court **does not** have interpreters for unlawful detainer cases. If you do not speak and understand English, bring an adult who can interpret for you. Or, you can hire your own interpreter.

## What if I am deaf?

Ask the court for a sign language interpreter.

## Need help?

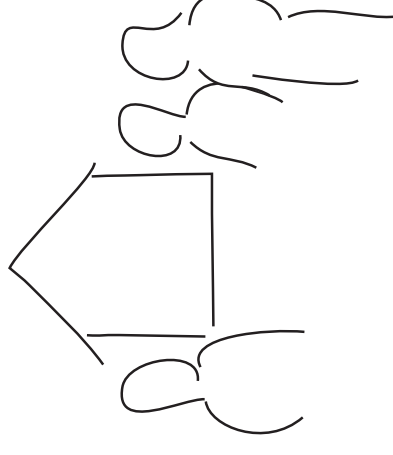
For a lawyer, call the Lawyer Referral Service (SF Bar Association): 415-989-1616

To learn how to help yourself, go to:

ACCESS Center  
Civic Center Courthouse  
Room 208  
400 McAllister Street  
San Francisco, CA 94102  
(corner of Polk and McAllister)

# Need to evict a tenant?

A guide for landlords



400 McAllister Street  
Room 208  
San Francisco, CA  
94102-4514

**ACCESS**

415.551.5880

[www.sfgov.org/courts](http://www.sfgov.org/courts)



## How do I evict my tenant?

1. Give your tenant *notice*. Usually, it's a 3-day or a 30-day notice. Notice is very important and you must do it right. Get help from a lawyer if you're not sure how to do this.
2. If your tenant does not do what the notice asks by the deadline in the notice, file an *Unlawful Detainer*.

## How do I start an Unlawful Detainer case?

1. **File a *Summons and Complaint*** in the clerk's office, Room 103.
2. **Serve the tenant with a copy** of the *Summons and Complaint*.
3. **File your *Proof of Service***.

## Is there a fee?

Yes. But, if you cannot afford to pay the fee, ask for a Fee Waiver. To do this, file an *Application for Waiver of Court Fees and Costs* when you file your *Summons and Complaint*.

## Where do I get the forms I need?

Go to:

- Clerk's office, Room 103, or
- ACCESS Center, Room 208, or
- Download from: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)

## How long does the tenant have to respond?

If the tenant was served in person, the tenant has 5 days to file a response.

If the tenant was served by mail, the tenant has 15 days to file a response

## What happens if the tenant does not respond on time?

Ask the court for an order in your favor. This is called a "default judgment". There are several documents you need to file to do this. Ask a lawyer or get help at the ACCESS Center, Room 208.

## What if the tenant responds?

The tenant can file an *Answer*, a *Demurrer*, or some other kind of motion. The tenant will serve you a copy of anything he or she files. Usually, the tenant will file an *Answer*.

If the tenant files an *Answer*:

1. As soon as you are served with the *Answer*, file a *Memorandum to Set for Trial*. Your trial will take place in about 20 days.
2. In about one week, the court clerk will mail you and the tenant the exact date, time and place of trial.
3. If it is a jury trial, the clerk will also mail you the date, time and place for a Settlement Hearing. This is a meeting between you and the tenant to try to reach an agreement before you go to trial — usually one week before your trial.

If your tenant files anything other than an *Answer*, ask a lawyer for help.

## Will there be a jury trial?

Either you or the tenant can ask for a jury trial. This means a jury, not a judge, will make the decision. To ask for a jury trial, you must file a request at the clerk's office.

# How to Get Your Security Deposit Back

## Can my landlord keep my security deposit?

Your landlord **must** refund your security deposit, unless:

- You owe back rent,
- You did not leave the rental unit as clean as it was when you moved in, or
- There was damage to the rental unit while you were renting.

## What if there was very little damage to my rental unit?

If the damage was normal wear and tear (for example, faded paint), and you left the rental unit as clean as when you moved in, the landlord cannot subtract *anything* from your security deposit.

**Note:** It is a good idea to take photos or make a list of any damage you notice when you move in and out of the rental unit. Sign and date the list and photos. They may help you if you need to go to court.

If the damage was more than normal wear and tear, the landlord can deduct what it will cost to return the unit to how it was when you moved in.

## Can the landlord keep all of my security deposit?

The landlord must only deduct the amount of money it will take to clean or repair the rental unit. The rest of the security deposit must be returned to you.

## What if I paid the last month's rent when I moved in?

Any *extra* fee you paid (except for an application fee) is considered a security deposit and must be returned to you even if it is called something else, such as a:

- |  |                                  |
|--|----------------------------------|
| <input type="checkbox"/> Cleaning fee      | <input type="checkbox"/> Key fee |
| <input type="checkbox"/> New tenant fee    | <input type="checkbox"/> Pet fee |
| <input type="checkbox"/> Last month's rent |                                  |

## What if I don't remember how much my security deposit was?

Look at your records. You will probably find it in:

- Your original rental contract,
- The check you wrote when you signed the contract, or
- The receipt the landlord gave you when you signed the contract.

## Will it be hard to get my security deposit back?

Maybe. Many renters have trouble getting their security deposit back. When you are ready to move out, it is a good idea to write the landlord a letter that looks like the one below. Keep a copy for your records.

[Date]

RE: Security Deposit Refund for  
[address of rental unit that you  
are moving out of]

To: [Landlord's name & address]

The law says you must give me a full refund of my security deposit within [#] days.

You can mail the security deposit to: [list the address where you want the money sent]

If you deduct anything from my security deposit for cleaning or repairs, I want a list with the amount and reason for each deduction, and receipts for any needed repairs.

[Your name and signature]

## Does the landlord have a deadline to return my security deposit back?

Yes. In [list your state here], the landlord must mail it to you within [XX] days.

## What if I don't get my security deposit by the deadline?

Write your landlord a letter like the one on the next page. If your landlord still does not give you the security deposit back, you may have to sue in Small Claims Court.

## Where can I get more help if I need it?

Your local court may have a self-help center in the courthouse or online. You may also qualify for free or low-cost help from your local legal services agency.

[Today's date]

[Landlord's Name]  
[Landlord's Street Address]  
[City, State, ZIP]

Re: Security Deposit

## RETURN SECURITY DEPOSIT

Dear Mr./Ms. [Landlord's Last Name]:

I moved out of the rental property at [Street address, City, State, ZIP of the rental unit] on [Date you moved out]. I have not received my security deposit or an itemized statement.

The law says that you had to refund my security deposit and/or provide an itemized statement listing any amount that you subtracted from my refund within [Number of days allowed] days of the end of my lease.

It is against the law for you to keep my security deposit. If you do not return my security deposit by [list your deadline here], I will sue you in small claims court. The court may make you pay extra for not sending it to me on time. You may also have to pay for damages.

Please send my security deposit, and any interest owed to me, to this address:

[Your Full Name]  
[Your Street Address]  
[Your City, State, ZIP]

Sincerely,

[Sign Your Name Here]

# Energy And Utility Problems With Landlords

## When you don't have heat

Your landlord is responsible for providing a working heating system that can heat your home to at least 65°F. If the heating system doesn't work properly and your landlord fails to fix it, she/he can be arrested. (*NOTE*) The only time your landlord may require you to pay for heating fuel is when the heat is only for your use. You are not responsible for heating fuel if any of the fuel is used to heat other apartments or areas shared with other tenants (for example, a shared hallway or basement).

If your landlord is responsible for supplying heating fuel but doesn't and the temperature stays below 65°F, she/he can be arrested. If you do not have heat because your landlord's utility bill (electricity or gas) was not paid, see below ([\*When The Landlord Is Responsible For The Bill and Utility Service Is Shut Off\*](#)).

**If you don't have heat, there are steps you can take to get heat when you need it right away:**

1. Use a thermometer to check the temperature in your home. Write down the date, time and temperature.
2. Contact your landlord or the manager. Ask for heat of at least 65°F.
3. If you cannot contact your landlord or the manager, or if they don't resolve the problem, contact your local housing or health code enforcement official. You can usually find these health officials through the blue pages in the telephone book, through your town hall, or through the [CT Department of Public Health's web site](#). If you cannot find the health official, call the Connecticut Department of Public Health at (860) 509-7660. Ask for their help in arranging adequate heat.
4. If you still do not have heat, or if the housing code enforcement office is closed for the night or weekend, contact the police and ask that your landlord be arrested. Tell the police that the law being violated is "Connecticut General Statutes section 19a-109." The police officer will take the temperature in your apartment. If it is 65° or higher, the officer cannot do anything, so if you are using a space heater or your stove to heat a cold apartment, there may not be evidence that the landlord has broken the law. It is dangerous to use a stove for heating unless the stove is specially equipped to provide heat. You may need to be insistent with the police and file a formal complaint. Often the threat of arrest will "encourage" your landlord to arrange for adequate heat for you.

## When you don't have cooking gas, electricity, hot water, or running water

If you do not have cooking gas, electricity, hot water or running water when your landlord is responsible for providing these services, your landlord can be arrested. You cannot be required to pay for cooking gas, electricity, hot water or running water if any of the service is used by any other tenant or used in an area shared with other tenants (for example, a shared hallway or basement).

If you need these services immediately, follow steps 2, 3 and 4 above. First contact your landlord or the manager, then housing or health code officials, and then the police. It also violates "Connecticut General Statutes section 19a-109" when your landlord is responsible for, but does not provide, cooking gas, electricity, hot water or running water.

If you don't have these services because your landlord is responsible for the utility bill (electricity, gas or water) and the utility company has shut off service, see [\*When a Landlord Requests That Utility Service Be Shut Off\*](#) below.

Landlords **must** provide utilities that work. This section tells you what to do if you have problems with your landlord about your heat, gas, electricity or water.

## Is my landlord responsible for providing heat?

Yes. Your landlord **must** provide a heater that heats your home to at least 65°F. If not, your landlord can be arrested. If the temperature stays below 65°F, the landlord must:

- Fix the broken heater
- Replace the heater
- Provide heating fuel (if the landlord is responsible for this)
- Pay the utility bill (See below: [\*What if my power is shut off when my landlord is responsible for the bill?\*](#))

You do not have to pay for heating fuel for shared areas like the basement or hallway. You may have to pay for heating fuel that is for your use only.

## What can I do if I don't have heat?

If you don't have heat, follow these steps:

1. Check the temperature in your home. Use a thermometer. Write down the temperature and the time and date that you checked.
2. Ask your landlord or manager to provide heat of at least 65°F.
3. If you cannot reach your landlord or the problem does not get fixed, call your local housing or health officials. Ask them to help you get proper heat.
4. If you still have no heat and the housing and health offices are closed (because it is after hours, a weekend or holiday), call the police. Ask them to arrest your landlord under Section 19a-109 of the Connecticut General Statutes.
5. When the police come, they will check the temperature in your home. The police cannot do anything if the temperature is 65°F or above. The temperature will go up if you use a space heater or the stove to keep warm. **Caution!** Space heaters or stoves can cause a fire.
6. Don't give up! File a formal complaint with the police. Sometimes the threat of arrest is enough to get the landlord to fix your heat.

## What if I don't have gas, electricity, hot water or running water?

If your landlord must provide these services but does not, your landlord can be arrested. You do not have to pay for these services if other tenants use these services or if they are used in common areas.

If you need these services right away:

1. Ask your landlord or manager to provide these services.
2. If you cannot reach your landlord or the problem does not get fixed, call your local housing or health officials. Ask them to help you get proper heat.
3. If you still have no heat and the housing and health offices are closed (because it is after hours, a weekend or holiday), call the police. Ask them to arrest your landlord under Section 19a-109 of the Connecticut General Statutes.
4. Don't give up! File a formal complaint with the police. Sometimes the threat of arrest is enough to get the landlord to fix the problem.

If you have no services because your landlord did not pay the bill, see below:

[What if my landlord asks that the utility service be shut off?](#)

Reading level: 5<sup>th</sup> grade  
Words: 115

## Legal Help for Disaster Victims

# How to Deal with Contractors

### My house was damaged by the storms.

#### What can I do?

A contractor can help you fix your house. But some contractors try to cheat disaster victims. A dishonest contractor may:

- charge too much or do sloppy work, or
- leave before the job is finished.

#### How do I find a good contractor?

Ask for recommendations. Talk to:

- Friends and family
- Neighbors and coworkers
- Insurance agents or claims adjusters

#### How do I know if a contractor is good?

*Follow these steps* before you hire a contractor:

1. Make sure the contractor is licensed and insured.
2. Call your Better Business Bureau to see if anyone has complained about the contractor.
3. Ask the contractor for a list of recent customers. Call them and ask if they were happy with his work.
4. Get written estimates from at least 3 contractors. Ask if the estimate is free before letting them into your house. *Important!* The lowest bidder may not be the best choice.
5. Before you sign a contract, ask someone you trust to read it.

#### **Warning!** Watch out for contractors who:

- Sell door to door
- Are not from your community
- Offer you a very low price
- Try to rush you into signing a contract

If a contractor says s/he just did a job near your house, ask for the customer's name. Call them.

#### How should I pay the contractor?

Pay by check, money order or credit card. **Do not pay cash.** Pay the final amount only when the work is done and you are happy with it.

#### Do not:

- Pay for the whole job before the work starts
- Make a big down payment
- Make expensive, temporary repairs

#### What if I need to a loan to pay for repairs?

Be careful. If you put up your home as security and cannot repay the loan, you may lose your home. If you get a loan, ask someone you trust to read the loan documents.

#### I think I was cheated. What can I do?

Call the consumer division of your Attorney General's office. Also call the Better Business Bureau to report the problem.

If you think a Federal Emergency Management Agency (FEMA) program was involved, call FEMA:  
**1-800-323-8603**

You can also complain to the Federal Trade Commission (FTC). If the FTC thinks a business has broken the law, it will investigate the business.

- Call toll-free at: **1-877-FTC-HELP (382-4357)**  
TDD **1-866-653-4261**
- Fill out a complaint form at: [www.ftc.gov](http://www.ftc.gov)
- Or mail a written complaint to:  
Federal Trade Commission  
600 Pennsylvania Ave, NW  
Washington, DC 20580

#### Contact us for legal help with problems related to the storms:

[your agency name here]

- Call: **1-111-222-3333**
- Or visit: [url for your agency here]

This flyer gives you legal information, not legal advice. To know how the law applies to you, talk to a lawyer.  
Find other Emergency Flyers in plain language at: <http://writeclearly.org> & [www.transcend.net](http://www.transcend.net)



# Did the floods damage your rental unit?

If the floods have affected a home or apartment that you rent, this information explains your legal options to stay or leave.

## Can I stay in my rental unit?

Yes, if it is safe and legal to stay, you do not have to move out. If it is *not* safe, you can end your lease and move.

## To stay in a rental unit that is safe,

you must make sure you have the *essential* services that you need, electric, gas, and water services and a safe structure. If you have essential services, and nothing in your lease requires you to leave, you have the right to stay.

## Does my landlord *have to* provide essential services so I can stay?

Yes. The law says that your landlord *must* provide essential services. Write a letter to your landlord, listing the services and repairs you need. Keep a copy of the letter for your records.

If your landlord does not provide the essential services, you have the right to get them on your own. When you pay your rent, subtract the cost of those services from your rent. Send your landlord copies of your receipts for the essential repairs and services that you had to get on your own.

## Can my landlord charge me for the repairs?

If the repairs and services are for *essential* services, your landlord **cannot** charge you, unless you did something that caused the damage).

## Can I move out if my landlord will not provide essential services?

Yes. If you do not have essential services, you have the right to leave without penalties. To do this, send a letter to your landlord explaining why it is not safe for you to stay there. Your letter must:

- List the date you are leaving.
- Be mailed (or personally given) to your landlord **within 14 days** of your leaving.
- List an address where your landlord can return your deposit and any rent paid for days you were unable to live there.

Keep a copy of the letter for your records.

## Will I get my security deposit back?

Yes, your landlord must return your entire deposit within **30 days**. (If you owe money for past due rent, the landlord can subtract it from the deposit.)

## What if the repairs I need are not essential?

You can still ask the landlord to make those repairs.

To do so, you must send your landlord a letter at least **7 days** before your rent is due. Your letter should:

- List the repairs needed, and
- Say that if the landlord does not make the repairs within a reasonable amount of time, you will have someone else do them and deduct the cost of repairs from your rent. (When you pay your rent, send your landlord copies of your receipts for the repairs and services that you had to get on your own. Keep a copy of the letter for your records.)

**Caution!** The maximum amount that the landlord has to reimburse you is for one month's rent.

## What if I can't afford to hire someone to make the needed repairs?

If you have no other place to live, and cannot pay for the repairs yourself (or get your landlord to do them), consider reducing the rent you pay. For example, if the flood left half of your home unsafe to live, you can try paying just half of the rent for the period of time you were affected.

Your landlord may agree to this arrangement. But if not, your landlord can ask the court to order you to pay the full rent.

## What if there is so much flood damage that I cannot live in my home?

If your home is unsafe to live, you can tell the landlord you will not pay any rent for the days that the home was uninhabitable. If your landlord tries to make you pay, you can go to court and show proof of the damage to your home.

Keep proof, such as photos, notes, or other information that show the condition of your home. Also keep the rent money available in case the court decides that you have to pay.

## For more information...

Call [name] at:

Or visit: [list url here]

## Iowa Legal Aid

1111 9th St., Suite 230  
Des Moines, IA 50314  
(515) 243-1193



# Worried about Foreclosure?

If you are having problems paying your mortgage, and want to protect your home from foreclosure, read this information.

## To protect your home from foreclosure...

- ① Talk to a HUD-approved financial counselor.\*
- ② Talk to your mortgage lender.
- ③ Apply for a mortgage modification.

\*HUD = U.S. Department of Housing & Urban Development

## How much do I have to pay to talk to a HUD-approved counselor?

You can talk to a HUD-approved counselor in your area for free or at a low cost. To find one near you:

- Call the Homeowners HOPE Hotline at **(888) 995-4673**, or
- Search for counselors in your area on [www.FindaForeclosureCounselor.org](http://www.FindaForeclosureCounselor.org).

They can:

- Help you make a budget,
- Work with your mortgage lender, and
- Help you decide what is best for your situation.

## Why should I talk to my lender?

Your lender does not want you to lose your home. They have modification programs that will make it easier for you to make your monthly payments. For example, they may:

- Lower your interest rate, or
- Allow you to not have to make payments for a few months.

## Where is my lender's contact information?

Look on your mortgage statement or visit <http://HopeNOW.com/index.php>.

## How do I apply for a modification?

Ask your lender about their modification program or federal program that they work with, such as **Making Home Affordable**. To see if you qualify, visit: <http://makinghomeaffordable.gov>.

**Note:** If you applied for a modification, but were not accepted, don't give up! Talk to a financial counselor about finding new programs.

## Are there other people that can help me get a modification?

Foreclosure scams are very common in this economy. It's best to deal directly with your lender or with a federal program.

## Do not give any money or your personal information to private companies that:

- Guarantee to stop your foreclosure, no matter what
- Charge you money right away
- Tell you not to talk to your lender, lawyer or financial counselor about them
- Push you to sign paperwork that you don't understand or haven't had time to read
- Offer to fill out the paperwork for you
- Want you to pay them with cashier's checks or wire transfers
- Tell you to transfer the property deed or title

The Federal Trade Commission website has more tips on how to spot a scam: [www.ftc.gov](http://www.ftc.gov).

## I think I was scammed. What can I do?

Report the scam right away. Contact:

- The Federal Trade Commission:  
**1-877-FTC-HELP**  
**1-866-653-4261** (TTY)
- Your state's Consumer Protection Office:  
[www.consumeraction.gov/state.shtml](http://www.consumeraction.gov/state.shtml)

## What should I do if my home is foreclosed?

1. Talk to your lender right away.
2. Talk to a financial counselor about your situation.
3. Get a lawyer. You can get a list of free or low-cost legal services from [\[URL for LSA finder\]](#).

## Where can I get more information?

**MyMoney.gov** has lots of tips about managing money, including how to:

- Manage your mortgage
- Get loans
- Deal with debt and credit
- Save and invest

Visit: [www.MyMoney.gov](http://www.MyMoney.gov)

Or call the toll-free hotline: **1-888-MyMoney**.

# Consumer Rights

Are Debt Collectors After You?.....	44
Letter: Cease & Desist.....	45
Before & After: Can a creditor take money from my bank account?....	46
How to Prove Your Identity.....	48
Prepaid Funeral Contracts & Burial Plots .....	49

# Are Debt Collectors After You?

**SAMPLE**  
Not Legal Advice

If a debt collector is writing or calling you about a debt you owe, it is a good idea to talk to them at least one time. You may find a way to agree on how to handle the debt.

## Can I stop a debt collector from contacting me?

Yes. If you do not want them to contact you or others you know, write them a letter that looks like this:

[Date]

RE: CEASE & DESIST

To: [Debt collector's name & address]

This letter is to tell you to stop contacting me, my family, or other people I know about any debt that you think I owe.

Federal law says you must stop contacting me (CEASE & DESIST) immediately.

If you do not stop trying to collect from me, I will file a complaint with the Federal Trade Commission and the Attorney General for my state. I may also file civil or criminal suits.

[Your signature]

[Your full name]

[Your address]

After they get your letter, they are allowed to contact you one more time to let you know what action they will take.

## If they stop contacting me, do I still owe money?

Yes. You still owe the debt.

## Can a debt collector take money from my bank account or my wages?

If you don't pay a debt, debt collectors are usually allowed to sue you.

## What if the debt collector sues me?

You must answer the lawsuit by the deadline. If you do not, you may lose important legal rights. If you need help, talk to a lawyer.

If they win, the court will enter a judgment against you, which allows the debt collector to take money from your bank account.

If the debt collector gets a court order for it, they may also be able to take money from your wages.

## Can a debt collector take money from my federal benefits?

Probably not. Most federal benefits are protected from debt collectors, including:

- Social Security and SSI Benefits
- Veterans' Benefits
- Service Members' Pay, Military Annuities, and Survivors' Benefits

## Can the debt collector contact other people about my debt?

Yes. If you have not sent them a "Cease and Desist" letter, they can contact:

- Other people you know – but only once, and only to find out your phone number, home address, and work address.
- Your lawyer, if you have one.

In most cases, they must not talk to anyone about your debt, except your spouse or lawyer.

## What can I do if a debt collector does not stop contacting me?

You can:

- Contact your state Attorney General's office. Find their contact information at: [www.naag.org](http://www.naag.org)
- File a complaint and get free information from the Federal Trade Commission.

**1-877-382-4357** – it's a free call!

TTY: **1-866-653-4261**

[www.ftc.gov](http://www.ftc.gov)

## Where can I get help if I need it?

These web sites have more information:

- [www.MyMoney.gov](http://www.MyMoney.gov)
- [www.ftc.gov/credit](http://www.ftc.gov/credit)

Your local court may have a self-help center in the courthouse or online.

You may also qualify for free or low-cost help from your local legal services agency.

**If you want a debt collector to stop contacting you, follow these steps:**

- Fill in the gray areas with your information,
- Make a copy of the letter, then
- Send the signed, original letter from the Post Office by Certified Mail. Ask for a Return Receipt!

The debt collector is allowed to contact you one more time *by mail* to tell you what action they will take.

.....

[Your Name]

[Your Mailing Address]

[Today's Date]

[Name of debt collection agency]

[Debt collector address]

## **CEASE & DESIST**

RE: [Your account # that the debt collector has tried to collect on]

Dear [Name of debt collection agency]:

This letter is to tell you to stop contacting me, my family, or other people I know about any debt you think I owe, including for the account listed above.

Federal law says you must stop contacting me (CEASE & DESIST) immediately.

If you do not stop trying to collect from me, I will file a complaint with the Federal Trade Commission and the Attorney General for my state. I may also file civil or criminal suits.

[Your signature]

[Your full name]

[Your address]

## **New Protection Against the Garnishment of Exempt Funds: The Exempt Income Protection Act**

Starting in January of 2009, some types of income will be exempt from being frozen by the people you owe money to. The Exempt Income Protection Act (EIPA) **prevents the first \$1,716 of any bank account from being frozen** and makes it easier to un-freeze an account. This article talks about the changes that EIPA has made to the law, and what types of income can't be taken.

In addition to the \$1,716 that is exempt for your living expenses, there are also many other types of exempt income. When income is "exempt" it means that it can't be frozen.

### **Types of Exempt Payments Include:**

Social security (including retirement)  
Survivors' and disability benefits  
SSI  
Child support and spousal support  
Public Assistance  
Worker's compensation

Unemployment Insurance  
Veteran's benefits, Black lung benefits  
Railroad retirement  
Public or private pensions  
College tuition trusts  
Life insurance

\*For a chart of all types of income that are exempt, go to the Empire Justice Center's website at [www.empirejustice.org](http://www.empirejustice.org).

If you have exempt income, and your exempt payments are directly deposited into your bank account 45 days before the bank got the freeze notice, then the first \$2,500 of your account should not be frozen. If your account has less than \$2,500, then your account should not be frozen at all.

If you don't have exempt income, then your bank account with more than \$1,716 can be frozen and banks can charge a fee to accountholders for doing this to their accounts.

### **Claiming Exemptions and Releasing Frozen Accounts**

EIPA also talks about how to release a frozen account. If any money is actually frozen, the bank must send the Notice and Claim Form to the accountholder within two business days. These two papers tell you that your account has been frozen, and explains how to "release" your account if it contains any income that doesn't count.

To un-freeze an account, you must complete the Exemption Claim Form, show proof of exempt income, and turn it in within the time deadlines that apply. If you do not complete and return the form within twenty-five days from the date sent, your account could be frozen.

EIPA also says that a person can only have 2 restraints on their account per year.

*This article was based on an original article by Gina Calabrese and Kirsten Keefe. Gina Calabrese is a Professor of Clinical Education and Associate Director of the Elder Law Clinic at St. John's University School of Law. Kirsten Keefe is a Senior Staff Attorney with the Empire Justice Center.*



# Can a creditor take money from my bank account?

A new law limits the amount of money that a creditor can take from your bank accounts. The law, called the Exempt Income Protection Act or EIPA for short, says a creditor cannot take **all** your money. Some of the money in your bank accounts is safe.

## How much money in my bank account is safe from creditors?

\$1,716 is protected. That means the bank cannot freeze it and your creditors cannot take it. If your account has more than \$1,716, your bank must leave at least \$1,716 unfrozen.

## Can the bank charge me for freezing my account?

Yes, the bank can charge you a fee to freeze your account. But the bank cannot freeze your account more than 2 times in 1 calendar year.

## How will I know if my account has been frozen?

If the bank freezes your account, they must send you a *Notice* and a *Claim Form* within 2 business days.

## What if all of the money in my account was frozen?

The law says the bank must unfreeze the first \$1,716. They must also unfreeze any other protected income. (See *below*.)

## Does the law protect any of my income?

Yes! The law says that creditors are not allowed to take any income that you get from:

- Social Security benefits, including retirement, disability, and SSI
- Child support and spousal support
- Public Assistance
- Worker's Compensation
- Unemployment Insurance
- Veteran's benefits

## Is any other kind of income protected?

Yes. The law also protects the following kinds of income:

- Black lung benefits
- Railroad retirement
- Public or private pensions
- Survivors' and disability benefits
- College tuition trusts
- Life insurance

To see a complete list of other kinds of protected (exempt) income, visit:  
[www.empirejustice.org](http://www.empirejustice.org)

## What if my protected income is direct-deposited to my account?

If your protected income was direct-deposited 45 days before the bank got the freeze notice, then the first \$2,500 of your account must not be frozen. If your account has less than \$2,500, then your account must not be frozen at all.

## What if the bank froze money that is protected?

Read the *Claim Form*. It tells you what to do to unfreeze the protected income in your account.

## Is there a deadline for me to submit my Claim Form?

Yes! You have **25 days** from the date the Notice was mailed. Submit your completed Claim Form and show proof of why your income is protected by the deadline. (The deadline is printed on the *Notice*.)

## What if I have other questions?

You can find more information at these websites:

- [www.lawhelp.org/ny](http://www.lawhelp.org/ny)
- [www.empirejustice.org](http://www.empirejustice.org)



# Legal Help for Disaster Victims

## How to Prove Your Identity

### I lost my driver's license and other photo ID. How can I prove who I am?

Many agencies will accept your word when you apply for disaster relief. Others will help you get the proof you need. You should also get a replacement driver's license or ID.

### How can I get a replacement driver's license or ID card?

To get a replacement driver's license or identification card (ID), fill out the application form. You can get a form at any driver's license office or online at:

[list url for your state agency here]

### Do I have to pay for a replacement license or ID?

[If no fee, type: No. If a fee, type: Yes. The fee is \$XX.XX.]

### Where can I get more information about proving my identity?

Contact the office that issues driver's licenses in your state:

- Call: **1-111-222-3333**, or
- Visit: [list url for your state agency here]

### What if I lost my Social Security card?

Go to a Social Security office. Or complete Form SS-5 "Application for a *Social Security Card*."

Social Security will want proof of your identity. If you were born outside of the United States, you must show proof of your U.S. citizenship or current lawful immigration status.

You can show them your:

- U.S. driver's license,
- U.S. state-issued non-driver ID card, or
- U.S. passport.

### What if I don't have any of those documents?

If you can't get a replacement ID within 10 work days, Social Security may accept other documents that show your legal name and personal information, such as your:

- Military ID Card,
- Certificate of Naturalization,
- Employee ID card,
- Certified copy of medical record (clinic, doctor or hospital),
- Health insurance card,
- Medicaid card, or
- School ID or school record.

### How do I prove my young child's identity?

Social Security may accept:

- Medical records from a medical provider,
- Final adoption order, or
- School ID or school record.

### What if I'm not a U.S. citizen?

You must show Social Security your current U.S. immigration document(s) and your foreign passport with personal information and photo.

### How do I find a Social Security office near me?

Visit the Social Security Administration web site at:

<https://secure.ssa.gov/apps6z/FOLLO/fo001.jsp>

### Contact us for legal help with problems related to the storm:

[your agency name here]

- Call **1-111-222-3333**
- Or visit [url for your agency here]

This flyer gives you legal information, not legal advice. To know how the law applies to you, talk to a lawyer.  
Find other Emergency Flyers in plain language at: <http://writeclearly.org> & [www.transcend.net](http://www.transcend.net)

# Prepaid Funeral Contracts & Burial Plots

## What is a prepaid funeral contract?

A prepaid funeral contract is a legal agreement that says you will pay for funeral services *now* that will be needed *in the future*. You can pay with money, insurance, or an investment that you own.

A funeral contract may include a:

- Funeral,
- Burial,
- Cremation, and
- Other services or merchandise.

There are two kinds of prepaid funeral contracts: *revocable* and *irrevocable*.

- *Revocable* means you may cancel the contract and get most of your money back.
- *Irrevocable* means you cannot cancel the contract, but you may transfer it to another funeral home if you want to.

## How can I tell if a prepaid funeral contract is good?

Prepaid funeral contracts cost *a lot of money*. Before you buy, do the following:

- Find out if the funeral home has a good reputation, is financially stable, and gives you the information you need to make good decisions.
- Ask your family and friends for recommendations. Shop around and interview a few different homes.
- Make sure you feel comfortable with the people at the home you choose.
- Find out exactly what is included in the contract. Think about how you could lower the cost if you do not need all of the services offered. For example, if you want to be cremated, you would not need to pay for embalming.
- Be ready: when you visit a funeral home, they will try to sell you a contract. Take the checklist below with you. If you can, take a trusted friend or relative.

## What happens to the money I give the funeral home?

The money you give the funeral home *must* be put in an escrow account and invested for your benefit. The funeral home contract must say:

- The name and address of the escrow agent,
- How the funds will be invested,
- What happens if the total amount in escrow (with accrued interest or dividends) at the time of your funeral is more or less than the price of your funeral.
- You will get a yearly statement of the money in your account.

## What should I do with my signed contract?

If you buy a funeral contract, give a copy of your contract to several people you trust, such as a relative, friend, lawyer or doctor. Keep the signed original with your important documents. If you go into a nursing home or hospital, give the facility a copy of your contract.

## Does a funeral contract include a burial plot?

No. You must pay for the burial plot separately. The burial plot cost usually only includes opening and closing the gravesite during the burial. It does *not* include:

- Cremation urn,
- Casket,
- Outer burial container, or
- Headstone or marker.

## How much do burial plots cost?

The cheapest burial plot is about \$500. If you have no assets to pay for the burial plot, your family may pay for it, or they can have you buried in the state cemetery.

## Are burial plots transferable?

No. Prepaid burial plot contracts are not transferable. If you decide on a different cemetery, you must pay for a plot again.

## Checklist Before You Buy

- ☐ **Ask a lawyer** to look at the documents **before** you sign! Your contract may not mean what you think. It is easier to get the funeral home to change the contract before you sign it. If you already signed a contract, read it carefully.
- ☐ **Compare several funeral homes.** Each home must give you a written price list if you ask for it. Make sure all the services and goods you want are listed. If not, ask for a list of prices of those items. (There may be items that you have not thought of yet, such as: pick-up and delivery to funeral home, house of worship, cemetery or mausoleum, type of casket, including the maker, model number, type of wood, etc.)
- ☐ **If someone other than the funeral home** will handle some of the services, make sure those services are not included in your contract price.
- ☐ **Are the prices given guaranteed not to change?** If not, your relatives or estate may be billed for additional charges. If the price is guaranteed, your contract should say that:
  - The funeral home will not charge more, and
  - Your estate will get any funds in escrow that exceed the guaranteed price.
- ☐ **Look at the payment terms.** How much do you have to pay and when? If you make payments, how much interest do they charge? What happens if a payment is late or if you die before all payments are made? If you pay the whole amount now, is there a discount?



# Self-Representation

- How Do I Represent Myself? ..... 52
- How to Serve ..... 53
- How to Clear An Arrest from Your Record ..... 54
- How to Apply for Compensation..... 55
- Before & After: How to Get Ready for Court ..... 56
- Get Ready for Court ..... 58
- Get Ready for Your Child Support Hearing ..... 59
- Can I Complain About a Bad Judge? ..... 60
- Request for Fee Waiver ..... 61
- Request to Not Pay Court Fees ..... 62
- How to collect your money after you win your case ..... 64
- How to use a court interpreter (English, Spanish & Chinese) ..... 66
- Civil Restraining Orders ..... 67
- Small Claims Mediation ..... 68

# How Do I Represent Myself?



## Do I need a lawyer?

It is a good idea to have a lawyer to represent you. But it is not always necessary or possible. This guide will help you decide if you need a lawyer, or not.

## You may need a lawyer if...

- You have a complicated case or a case that may become complicated.
- You want legal advice.
- You want to discuss strategies for your case.
- You want a confidential attorney-client relationship.

## How do I hire a lawyer?

To hire a lawyer, you can call your local Bar Association, and ask for a referral. If you are low income, you may qualify for free or low-cost legal help.

## You may not need a lawyer if...

- You understand all your options and can make informed choices about your case.
- You are willing to learn and understand the law and the rules and procedures that apply to your case.
- You have time to prepare your case.
- You can follow written instructions and work on your own.

## How do I represent myself?

1. Read about the law that applies to your case. Do research at the Law Library.
2. Make sure you follow the court procedures. To do this, you must read the laws that affect your case. We can show you how to do this.
3. Look at other options that could solve your problem without having to go to court, such as mediation. For more information on mediation, contact our office.

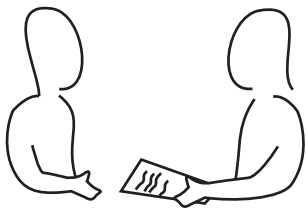


4. Keep track of all deadlines — especially deadlines for filing papers and serving the other party. If you miss these deadlines, you may lose your case.
5. Go to the courtroom where your hearing will be and watch some cases. You can learn:
  - Where everyone sits
  - How to explain your case to the judge
  - How much time each side has to talk
6. Be prepared for your court hearing. Have copies of:
  - All the papers you filed
  - All the papers the other party served you
  - Anything you have not served the other side but want to use in court. If you have photos or letters, you must mark each one with a label. (Exhibit 1, etc.)
7. Explain your side. Be brief and clear. Do not talk about things that do not support your case.
8. Show respect for the judge, the court clerks, and other people in the courtroom. Do not interrupt the judge or the other side. Do not make personal attacks against the other side.

## Can I get help to represent myself?

Yes. We cannot be your lawyer, but we have information and books that will help you represent yourself.





# How to Serve (for the person suing)

If you are suing, you are the *Plaintiff*. The person you are suing is the *Defendant*. Someone must serve (give) the Defendant copies of your court papers.

**Be careful!** There are special rules and strict deadlines for service. If you do not follow them carefully, you may have to pay a court fine or even start your case again.

## 1 What papers do I serve?

Make copies of and serve:

- The *Summons* and the *Complaint*
- Any other papers you filed at court for this case

## 2 Can I be the server?

No. Ask a friend or relative to serve the papers. Or, you can pay the Sheriff's Department or hire a "process server." Look in the Yellow Pages, under "Process Serving."

*Remember:* The server must:

- Be 18 or over.
- Not be involved in your case.

## 3 What does the server do?

The server must:

- Personally give the Defendant a copy of your court papers.
- Fill out and sign the *Proof of Service* form and give it to you.

## 4 Can the server mail the papers?

You can only serve by mail if the Defendant is willing to sign and mail back a *Notice and Acknowledgement of Receipt* form saying s/he received a copy of your court papers.

If the Defendant does mail it back, the server must fill out a *Proof of Service* and give it to you along with the signed *Notice and Acknowledgement of Receipt*.

If the Defendant does not mail it back, then you must do in-person service.

## 5 What if the server can't find the Defendant to serve in person?

If the server has tried several times, without success, to serve the Defendant at home or work, (called a 'good faith' effort) ask the server to follow these steps for *substituted service*.

## How to do Substituted Service:

Tell the server to:

- Give the papers to a responsible adult where the Defendant lives, or to someone in charge where the Defendant works.
- Say, "These are court papers."
- Then, mail (first-class) a copy of the papers to the Defendant at the same address where s/he left the papers.
- Fill out and sign the *Proof of Service* form and give it back to you.
- Fill out a *Declaration of Due Diligence* form to explain in detail everything s/he did to try to serve the Defendant in person.

## 6 What do I do with the completed *Proof of Service*?

File your *Proof of Service* and other court papers at the Clerk's Office in Room 103. If there is a *Notice and Acknowledgement of Receipt*, file that too.

## 7 Can ACCESS help me?

ACCESS can only explain how legal papers must be served.

## 8 What if I need more help?

Call the San Francisco Bar Association. Ask for a lawyer who can help you. If you are low income, ask them if you qualify for free or low-cost legal help.

**415-989-1616**



**ACCESS**

**San Francisco Superior Court**  
400 McAllister Street  
Room 208  
San Francisco, CA  
94102-4514

**415.551.5880**  
[www.sfgov.org/courts](http://www.sfgov.org/courts)

# How to Clear An Arrest from Your Record

## Can I clear an arrest from my record?

It depends. Some arrests can *never* be cleared, including arrests for sex-related crimes and drivers license suspensions.

## Are there other requirements to clear an arrest from my record?

Yes. You must also meet these requirements:

- You had no felony convictions during the 5-year period before your arrest.
- You were released after your arrest and not charged or convicted of a crime.
- You have never been under community supervision for a sex-related crime for this arrest.
- Your arrest was not part of a “criminal episode,” and you have never been charged for any other crime as a part of a criminal episode.

## What if I was convicted, but appealed and won?

If you won your appeal and you meet all other requirements, you are eligible to have the arrest cleared from your record.

## How do I ask the Court to clear my record?

You must:

- Fill out a court form, called ***Petition to Clear Record***.
- Sign the form in front of a Notary, then make extra copies.
- Submit an official record of your fingerprints. (The clerk’s office can tell you how to do this.)
- File the ***Petition to Clear Record*** and your fingerprints in the same county where you were arrested.
- Go to a court hearing. (The clerk will give you the date when you file your *Petition*.)

## Do I have to fill out any other court forms?

Yes. You must also fill out a court form, called *Order to Clear Record*. Take it to your hearing. If the judge agrees to clear the arrest from your record, s/he will sign the *Order*. Then, the court clerk will send a certified copy of the *Order* to everyone listed on your *Petition* ordering them to return or destroy all records about this arrest.

## Will my court record be destroyed?

No. But the Court will not allow *anyone* to see or use your old record again. It is a misdemeanor to violate the Court Order.

## If my record is cleared do I have to tell anyone about the arrest?

No, *unless* you are under oath in a criminal proceeding about the arrest. But, you can explain that the arrest was cleared from your record.

## Do I have to go to Court to clear the record?

Yes. You must go to a court hearing so a judge can decide your case. Any of the people and agencies listed in your *Petition* may go to your hearing, too. If they do not want your record cleared, they can tell the judge at your hearing.

## When will the hearing take place?

The hearing will be at least 30 days after you file your *Petition*. The court will send you a notice with the exact date, time, and location of your hearing.

## Do I have to give notice to anyone?

Yes. You must send a copy of the *Petition* to the District Attorney. Send it by certified mail, return receipt requested. Keep the receipt or mailing of your records.

## Will the Court automatically approve my Petition?

No. The Court will *not* approve your *Petition* if:

- You do not meet the requirements, or
- If an official or agency opposes your *Petition*, and the judge agrees with their opinion.

## How can I prove my record was cleared?

If the court approves your *Petition*, everyone listed on your *Petition* will be ordered to remove the arrest from your record.

## Do I need a lawyer?

You do not *have to* have a lawyer, but it may be a good idea. Asking for a record clearance can be complicated. If you need help, contact your local lawyer referral service.

# How to Apply for Compensation

## Who can apply for compensation?

Innocent victims of crime, certain relatives, dependents and the guardian can apply to CVB (Crime Victims Board) for compensation of out-of-pocket expenses not covered by insurance or other resources.

## What kinds of expenses can I get compensated for?

CVB offers compensation related to personal injury, death and loss of essential personal property.

The specific expenses CVB may cover include:

- Medical and counseling expenses
- Loss of Essential Personal Property (*up to \$500, including \$100 for cash*)
- Burial or Funeral Expenses (*up to \$6,000*)
- Lost Wages or Lost Support (*up to \$30,000*)
- Transportation (court/medical)
- Occupational/Vocational Rehabilitation
- Use of Domestic Violence Shelters
- Crime scene clean-up (*up to \$2,500*)
- Good Samaritan property losses (*up to \$5,000*)

## How do I ask for compensation?

Send us your completed CVB application along with copies of:

- Correspondence with insurance companies or benefits plan saying if they will cover your loss
- Medical bills
- Police reports
- Insurance cards
- Receipts for essential personal property
- Death certificate and funeral contract
- Victim's birth certificate

## What if I don't have some of the papers CVB needs?

Send your application in right away. You can send the other documents later.

## What if there is not enough room on the application form?

You can attach as many pages as you need to the application form.

## Do I need a lawyer to file a claim to CVB?

No. But, if you hire a lawyer to help you with this claim, you can ask CVB to reimburse up to \$1,000 of the legal fees.

## What if my property was lost, damaged or destroyed because of the crime?

If you are under 18, 60 or over, disabled or were injured, you may apply for benefits to replace your **essential** personal property or cash that was not covered by any other resource.

**Essential** means necessary for your health and welfare, like eyeglasses and clothes.

## What if I move?

Write to CVB right away. Tell us your new address and phone number. Also let us know if your email address changes.

## What if I have questions or need help filing a claim?

We can help you find a victim assistance program near you. Call us at: **1-800-247-8035**

Or visit our website: **[www.cvb.state.ny.us](http://www.cvb.state.ny.us)**

It's best to fill out the form completely, or it may take longer to process your claim.

## Who can sign the claim?

Generally, the victim must sign the claim. However, if the victim is under 18, or is physically or mentally incapable of signing, then the legal guardian (the person receiving the benefits) must fill out section 2 of the claim and sign the claim.

If the victim died, the person asking for benefits must fill out section 2 of the claim and sign the claim.

## Do I *have to* fill out the attached HIPAA form?

Yes. Fill out one HIPAA form for **each** service provider. You can photocopy a blank form to make extra copies.

New York State  
Crime Victims Board  
1 Columbia Circle, Suite 200  
Albany, NY 12203-6383  
Tel: 1-800-247-8035  
TTY: 1-888-289-9747  
[www.cvb.state.ny.us](http://www.cvb.state.ny.us)



Rev. March 2007

## Your Testimony

During the preliminary hearing, evidence suppression hearings, or during the trial, you should be questioned by the prosecutor and the defense attorney. The prosecutor may discuss courtroom rules and testimony with you before court appearances.

The following are some pointers for testifying in court:

- Be truthful. Never exaggerate or shade your testimony. Just tell the facts, simply and concisely, as you know them.
- Be attentive. Listen carefully to the questions. If you do not understand a question, ask that it be repeated or explained. Answer only the question asked.
- Do not try to say everything at once or volunteer information that is not requested.
- Explain your answer, if necessary. If a question cannot be answered truthfully and fully with a “yes” or “no,” you have the right to ask the judge to permit you to explain after first answering “yes” or “no.”
- Do not guess. If you do not know an answer, do not be afraid to say so. Do not try to figure out whether your testimony will help or hurt the prosecution or the defense. Just answer questions to the best of your knowledge.
- Be patient. Wait until the attorney finishes the question before answering.
- Be prepared. Do not try to memorize what you are going to say; try to recall relevant facts.
- While in trial, do not talk to jurors, prospective jurors or anyone who may be a juror.
- If asked, “Have you talked to anyone about the case?”— do not forget your conversations with the prosecutor, defense attorney, and staff members such as paralegals, investigators or victim advocates.
- When an attorney objects to a question, do not answer the question until the judge rules on the objection and instructs you to answer the question. If the judge agrees with the grounds for an objection, the objection will be “sustained.” When the judge does not believe the objection has

merit, the objection will be “overruled.” If you are confused, ask the judge for direction.

- Remain calm and courteous. Do not lose your temper or become angry, as it may diminish the impact of your testimony.
- Speak clearly and loudly. Always face the person questioning you, and speak clearly enough to be heard by the jury. Do not simply nod for a “yes” or shake your head for a “no” or say “uh huh” or “uh uh.” The court reporter must be able to clearly understand your responses and record them for the official court records.
- Dress neatly. Do not wear shorts, tank tops or hats. Always show respect for the court. For example, chewing gum and disruptive behavior are acceptable in court. Be yourself. The judge, jurors and attorneys are human also and appreciate sincerity.

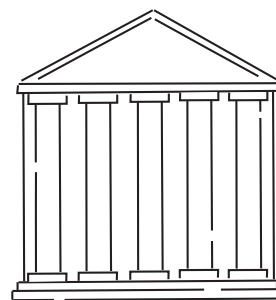
## Relatives And Friends In Court

Relatives and friends may elect to attend court proceedings. The deputy district attorney or the victim advocate will instruct friends and relatives on the rules of the court pertaining to them. The following are suggestions on courtroom behavior for visitors:

- Dress neatly. Take hats off. Remember to show respect for the court.
- Leave drinks and food, including gum, outside of the courtroom.
- Smoke only in designated areas and never in the courtroom.
- Stand when instructed to do so by the judge or bailiff. This will usually only occur when either the judge or the jury enter or leave the court.
- Never talk loudly or for a prolonged period of time. Save conversation for breaks. Keep gestures, facial expressions and head shaking to a minimum.
- NEVER attempt to talk with a member of the jury.
- Wait until the jury exits before leaving when the court recesses.

*Excerpt from Department of Justice Handbook  
600 words, 6.5 grade level*

# How to Get Ready for Court



## Be prepared:

- Get to Court 30 minutes early and find your courtroom.
- When the courtroom opens, go in and tell the clerk or officer you are present. They may ask you to wait in the hallway until it's time for you to testify.
- Most courtrooms do not allow children.



## You will raise your right hand and swear to tell the truth.

- The judge or lawyers will ask you questions. Wait until they finish the question before you start to answer.
- Tell the truth and don't exaggerate.
- Give complete answers.
- Speak slowly and speak loud enough so the people in court can hear you.
- Be yourself and just say what happened. (Do not try to memorize what you are going to say.)
- Always look at the person who is asking you questions.
- Say "Yes" or "No" out loud. A court reporter will write down everything you say. So, you must use words. It's not enough to nod or shake your head.
- If one of the lawyers objects, do not answer until the judge says you can.
- Only answer the question asked. If they want more information, they will ask you more questions.
- If you do not understand a question, say, "I don't understand".
- If you do not know an answer, say, "I don't know".
- If they ask you "Have you talked to anyone about the case?" you must mention your conversations with the D.A., defense lawyer, investigators and/or victim advocates.



# Get Ready for Court



## Get to the courthouse 15 minutes early.

- Find the courtroom.
- When the courtroom

opens, go in and tell the court staff you are present. When your name is called, go to the front of the courtroom.

## Get ready.

- Bring proof of why the changes you are asking for would be best for the children. You can explain or you can bring evidence and/or witnesses.
- Bring “File-Stamped” copies of all your court forms.
- Bring proof of your income, like bills, paycheck stubs, bank accounts, and tax returns. Or you can bring a letter from your employer, social security or the welfare office.

## Do I *have to* bring witnesses?

If the other parent does **NOT** agree with the change you are asking for, it’s a good idea to bring a witness.

Make sure the witness knows about your family situation and understands why you are asking for the changes.

## What if my witness does not want to go to court?

You can ask the Clerk to order (subpoena) the witness to go to court.

## Practice what you want to say.

Make a list of the changes you want and why. Practice saying them.

Do not take more than 5–10 minutes to say what you want.

If you get nervous at the hearing, just read from your list.

## What if the other parent agrees but cannot go to court?

Bring a notarized statement from the other parent. The judge may accept it.

## What if I don’t speak English?

When you file your papers, tell the clerk you will need an interpreter.

If a court interpreter is not available, bring an adult to interpret for you. Do not ask a child or witness to interpret for you.

## What if I am deaf?

When you file your papers, ask for an interpreter or other accommodation.

## The judge may ask questions.

The other parent or his or her lawyer may also ask you questions. Tell the truth. Speak slowly. Give complete answers.

If you don’t understand, say, “I don’t understand the question.”

Speak only to the judge unless it is your turn to ask questions.

When other people are talking to the judge, wait for them to finish. Then you can ask questions about what they said.

## What happens after the hearing?

The judge or magistrate will decide. Then the court will mail you a copy of the decision (order). Keep a copy of the order for your records.

If you do not agree with the court’s decision, you can file papers and ask them to reconsider. If a judge decided your case, you have **30** days to file an appeal. If a magistrate decided, you have **14** days to file your objection.

## Need help?

Contact Southeastern Ohio Legal Services:  
Phone: **1-866-LAW-OHIO**  
**[www.oslsa.org](http://www.oslsa.org)**



# Get Ready for Your Child Support Hearing



## Get to the courthouse 15 minutes early.

☐ Find the courtroom.

☐ When the courtroom

opens, go in and tell the court staff you are present.

☐ When your name is called, go to the front of the courtroom.

## Get ready.

☐ Bring proof of why the orders you are asking for are best for the children. You can explain or you can bring evidence and/or witnesses.

☐ Bring “File-Stamped” copies of all your court forms.

☐ Bring proof of your income, like bills paycheck stubs, bank accounts, tax returns. Or you can bring a letter from your employer, social security or the welfare office.

## Practice what you want to say.

Make a list of the child support orders you want and why. Practice saying them.

Do not take more than 5–10 minutes to say what you want.

If you get nervous at the hearing, just read from your list.

## What if the other parent agrees but cannot go to court?

Bring a notarized statement from the other parent. The hearing officer may accept it.

## What if I don’t speak English?

When you file your papers, tell the clerk you will need an interpreter.

If a court interpreter is not available, bring someone to interpret for you. Do not ask a child, or a witness to interpret for you.

## What if I am deaf?

When you file your papers, ask for an interpreter or other accommodation.

## The judge may ask questions.

The other parent or his or her lawyer may also ask you questions:

- Tell the truth.
- Speak slowly.
- Give complete answers.
- If you don’t understand, say, “*I don’t understand the question.*”

Speak only to the judge, unless it is your turn to ask questions.

When other people are talking to the judge, wait for them to finish. Then you can ask questions about what they said.

## What happens after the hearing?

The hearing officer will decide. Then the court will mail you a copy of the decision (order). Keep a copy of this order for your records.

## What if I disagree with the child support order?

If you do not agree with the order, you can file an *Objection* and ask them to reconsider. The other parent can also file an *Objection*.

## Is there a deadline to file an objection?

Yes. You have **30** days to file an objection. For more information, read LIFT’s, *What if I disagree with the Child Support Order?*

## Need help?

Call: [insert phone number]

Or visit: [insert web address]

# Can I Complain About a Bad Judge?

## Can I complain about a bad judge?

**Yes**, if the judge did something wrong, such as:

- Did not let you speak or ask questions
- Talked to the other side's lawyer alone
- Was a friend, relative, or business associate of someone involved in your case
- Made rude, sexist, or racist comments, or was prejudiced against a person or group of people
- Was drunk
- Was bribed
- Did anything illegal

You may also complain about things a judge did or said that seemed to be caused by a physical or mental disability.

## Who do I complain to?

You may file a complaint with the New York State Commission on Judicial Conduct.

## How do I file a complaint against a judge?

1. **Fill out a complaint form** (or write a letter). Include:
  - The case number
  - Your name, address, and phone number
  - Copies of court papers that support your complaint
  - Your signature and the date

Get a complaint form at: [www.scjc.state.ny.us/General%20Information/complaintform.htm](http://www.scjc.state.ny.us/General%20Information/complaintform.htm)

### Tips:

- List the facts that support your complaint (what the judge said or did)
- Do not exaggerate
- Do not use emotional language, like "He was a jerk!"

2. **Mail your complaint** (and any supporting papers) to the Commission Office nearest you.

61 Broadway, Ste. 1200, New York, NY 10006  
400 Andrews St, Rochester, NY 14604  
Corning Tower, Ste. 2301, Empire State Plaza, Albany, NY 12223

## Can I get a record of what was said at my court hearing?

Yes. All court hearings are recorded. If you want to listen to the recording of your hearing, tell the court clerk. You may also buy or make a copy of the audio recording.

## What happens after I file a complaint?

The Commission will read your complaint and decide to investigate or not. If they decide to investigate, they may:

- Interview people who were at your hearing,
- Ask the judge what happened, and
- Look at court documents from your case.

## What happens if the Commission decides my complaint is valid?

The Commission will:

- File charges against the judge, and
- Schedule a formal hearing. (You may have to go to the hearing to answer questions.)

After the hearing, the Commission will decide what actions to take. The punishments could be:

- A private warning
- A public warning
- An order to retire or be fired

## How will I know what the Commission decides?

The commission must send you a letter that explains how they decided your complaint.

## Can I get a new hearing?

No. But if you think the judge's bad behavior affected the decision in your case, you may file an appeal.

## Where can I learn more about complaints?

Call the NY State Commission on Judicial Conduct:

NYC: **(646) 386-4800**

Albany: **(518) 453-4600**

Rochester: **(585) 784-4141**

Go to the Commission's web site:

[www.scjc.state.ny.us](http://www.scjc.state.ny.us)

Or contact your local legal aid program. To find a program near you, visit: [\[LSA finder URL\]](#)



In the Court of Common Pleas  
County: \_\_\_\_\_, Ohio



Case No: \_\_\_\_\_

## Request for Fee Waiver

I, *(name of person unable to pay the court fees)*: \_\_\_\_\_ state that:

- I am not able to pay the court fees or costs to file or serve my court forms,
- My expenses are greater than or equal to my income, and
- I have no assets that I can use to pay these fees.

I ask the court waive the court fees or costs for my case at this time.

This statement was made in \_\_\_\_\_ County, Ohio.

Name of person who is not able to pay the court fees: \_\_\_\_\_

*You must sign below in front of a Notary!*

Date: \_\_\_\_\_ Sign here ► \_\_\_\_\_

### **Notary Public's Declaration** *(Notary fills out below):*

This statement was sworn and subscribed before me,

*(Notary's name)*: \_\_\_\_\_

on *(Date)*: \_\_\_\_\_

Notary Public's signature: ► \_\_\_\_\_

## Request to Not Pay Court Fees

You may use this form to ask the court to “waive” your court fees if:

- You are getting need-based public assistance,
- You have a legal-aid type lawyer for this case,
- You are low-income and do not have enough income to pay for your household’s basic needs *and* your court fees.

**Q Your Information** (*person asking the court to waive the fees*):

Name: \_\_\_\_\_

Street or Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone number: \_\_\_\_\_

You are the (*check one*): ☐ Petitioner/Plaintiff ☐ Respondent/Defendant

## Minnesota District Court

*Affidavit for Proceeding in Forma Pauperis*



Clerk fills out below:

County: \_\_\_\_\_

District: \_\_\_\_\_

File #: \_\_\_\_\_

Case type:

- |  |  |
|--|--|
| <input type="checkbox"/> Adoption        | <input type="checkbox"/> Guardianship      |
| <input type="checkbox"/> Conservatorship | <input type="checkbox"/> Landlord / Tenant |
| <input type="checkbox"/> Custody         | <input type="checkbox"/> Name Change       |
| <input type="checkbox"/> Child Support   | <input type="checkbox"/> Paternity         |
| <input type="checkbox"/> Divorce         | <input type="checkbox"/> _____             |

**Why are you asking the court to cancel your court fees?** (*check one*):

**W** ☐ I receive public assistance from (*check all that apply*):

- ☐ MFIP ☐ SSI or MSA ☐ Food Stamps ☐ General Assistance / Discretionary Work Program  
☐ Medical Assistance ☐ Energy Assistance ☐ Other need-based help (*specify*): \_\_\_\_\_

You must attach **proof** or provide proof later, if the judge asks for it.

**e** ☐ I am represented by a legal-aid type lawyer.

Lawyer’s name: \_\_\_\_\_ Lawyer’s agency or program: \_\_\_\_\_

— If you checked **W** or **e** above, take your form to the Court Administrator. Do **not** fill out page 2. —

**r** ☐ I am low-income, and the gross **monthly** income of everyone in my household is less than the amount listed below. (*If you check this box, you **must** fill out **y** on page 2 of this form.*)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$1,064	3	\$1,789	5	\$2,514
2	\$1,426	4	\$2,151	6	\$2,876

*If more than 6 people at home, add \$363 for each extra person.*

**t** ☐ I do not have enough income to pay for my household’s basic needs *and* the court fees. (*If you check this box, you **must** fill out **y** and **u** on page 2 of this form.*)

I have good reasons for being involved in this case, and my court forms are attached. I verify that the statements made in this affidavit are true and correct.

**Do not sign yet!** You must sign this form in front of the Court Administrator or a notary.

Date: \_\_\_\_\_

Sign here

**Notary fills out below—**

Sworn to / affirmed before me, on this date: \_\_\_\_\_



Signature of notary/court administrator

## y Income

☐ Check here if your income changes a lot from month to month. Fill out below based on your *average* income for the past 12 months.

### Your Monthly Income

2. a. Gross monthly income (*before deductions*): \$ \_\_\_\_\_  
List each payroll deduction and amount below:
- (1) \_\_\_\_\_ \$ \_\_\_\_\_  
(2) \_\_\_\_\_ \$ \_\_\_\_\_  
(3) \_\_\_\_\_ \$ \_\_\_\_\_  
(4) \_\_\_\_\_ \$ \_\_\_\_\_
- b. Total deductions from your monthly paycheck: \$ \_\_\_\_\_
- c. Total monthly take-home pay (*2a. minus 2b.*): \$ \_\_\_\_\_
- d. List any other income you get each month and where it is from. Include: spousal/child support, social security, unemployment, trust income, etc.
- (1) \_\_\_\_\_ \$ \_\_\_\_\_  
(2) \_\_\_\_\_ \$ \_\_\_\_\_  
(3) \_\_\_\_\_ \$ \_\_\_\_\_  
(4) \_\_\_\_\_ \$ \_\_\_\_\_
- e. Your total monthly income is (*2c. plus 2d.*): \$ \_\_\_\_\_

### Household Income

3. a. List **all** other family members living in your home and their income.
- | Name      | Age   | Relationship | Gross Monthly Income |
|-----------|-------|--------------|----------------------|
| (1) _____ | _____ | _____        | \$ _____             |
| (2) _____ | _____ | _____        | \$ _____             |
| (3) _____ | _____ | _____        | \$ _____             |
| (4) _____ | _____ | _____        | \$ _____             |
| (5) _____ | _____ | _____        | \$ _____             |
- b. Total monthly income of **all** family members above: \$ \_\_\_\_\_
- Total monthly income and household income (*2e. plus 3b.*):** \$ \_\_\_\_\_

## U Expenses

### Your Money and Property

4. a. Cash ..... \$ \_\_\_\_\_
- b. All financial accounts (*List bank name and amount*)
- (1) \_\_\_\_\_ \$ \_\_\_\_\_  
(2) \_\_\_\_\_ \$ \_\_\_\_\_  
(3) \_\_\_\_\_ \$ \_\_\_\_\_
- c. Cars, boats, and other vehicles
- | Make / Year | Fair Market Value | How much you still owe |
|-------------|-------------------|------------------------|
| (1) _____   | \$ _____          | \$ _____               |
| (2) _____   | \$ _____          | \$ _____               |
| (3) _____   | \$ _____          | \$ _____               |
- d. Real estate
- | Address   | Fair Market Value | How much you still owe |
|-----------|-------------------|------------------------|
| (1) _____ | \$ _____          | \$ _____               |
| (2) _____ | \$ _____          | \$ _____               |
- e. Other personal property (*jewelry, furniture, stocks, bonds, etc.*):
- | Describe  | Fair Market Value | How much you still owe |
|-----------|-------------------|------------------------|
| (1) _____ | \$ _____          | \$ _____               |
| (2) _____ | \$ _____          | \$ _____               |
| (3) _____ | \$ _____          | \$ _____               |

### Your monthly expenses

(Do not list payroll deductions you already listed in 2b.)

5. a. Rent or house payment \$ \_\_\_\_\_  
b. Court-ordered childcare or child support \$ \_\_\_\_\_  
c. Court-ordered spousal support \$ \_\_\_\_\_  
d. Installment payments for your debts (*list each below*):
- | Paid to:  | How much? |
|-----------|-----------|
| (1) _____ | \$ _____  |
| (2) _____ | \$ _____  |
| (3) _____ | \$ _____  |
| (4) _____ | \$ _____  |
- e. Any other monthly expenses (*list each below*): \$ \_\_\_\_\_
- | Paid to:  | How much? |
|-----------|-----------|
| (1) _____ | \$ _____  |
| (2) _____ | \$ _____  |
| (3) _____ | \$ _____  |
| (4) _____ | \$ _____  |
- Total monthly expenses**  
(*add 5a. – 5e. above*): \$ \_\_\_\_\_

i List any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc.

---

---

---

---

---



## How to collect your money after you win your case

Now that you won your case, you are the *judgment creditor*. And the person who owes you money is the *judgment debtor*.

The court ordered the debtor to pay you. But collecting your judgment (the money owed) may not be easy. This sheet explains how to collect your judgment, even if the debtor does not want to pay.

### Will the Court collect the money for me?

The court will **not** collect the money for you. But the court can make orders to make the debtor to pay.

### Is there a deadline to collect my judgment?

Yes, you must collect within 10 years. But, you can ask to extend the deadline for another 10 years. After the deadline, you will not be able to get your money.

### Can I charge interest?

Yes. The Court allows 10% per year simple interest. Simple interest is added to the "interest" part of your judgment, not to the principal amount.

For example:

*If your judgment is for \$10,000, in 2 years, you would be owed \$10,000 in principal plus \$2000 in interest. If you have not been paid, you can ask the court to renew your judgment – to add the interest to the principal – so your new principal would be \$12,000.*

### When can I collect my money?

You must wait 30 days from the date the judgment was mailed to you.

During this time, your debtor may:

- Pay the judgment voluntarily
- Ask the court for an installment plan
- File an appeal. (If this happens, you must wait until the appeal is decided.)
- Fill out and send you a *Judgment Debtor's Statement of Assets* (form SC-133). If your debtor does not send you this form, ask the court to order the debtor to go to a special hearing, called a *debtor's examination*.

### Why do I need a debtor's examination?

You have a right to know about the debtor's property and assets so you can collect your judgment. The debtor's examination hearing is your chance to ask the debtor about his/her property and assets. (An asset is anything that has value like a paycheck, a bank account, a house, etc.)

### How do I ask for a debtor's examination?

Follow these steps:

- Fill out form SC-134 (*Application and Order to Produce Statement of Assets and to Appear for Examination*). It comes in triplicate, so you will fill out 3 copies.
- Fill out the top part of form SC-133 (*Judgment Debtor's Statement of Assets*).
- If you want the debtor to bring financial records or information, fill out Form SC-107 (*Subpoena duces tecum*).
- Take the forms to the clerk at 400 McAllister Street, Room 103. The clerk will give you a hearing date.
- Serve a copy of these forms on the judgment debtor. (It is best to use a registered process server or a Sheriff's deputy.)

### Where can I get the court forms I need?

Go to the ACCESS Center. Or visit the California Courts Self-Help website:  
[www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)

### What if the debtor does not go to the debtor's examination?

The court will send a letter to the debtor with a new hearing date and a warning to go or face arrest.

**Note:** The court will *only* issue a warrant if you had a process server or sheriff serve your papers.

### What do I do at the examination hearing?

Check in with the clerk in the courtroom before your hearing time. The clerk will ask you to take an oath. Then, you will ask your debtor questions.

Bring a list of questions to the hearing. Your questions should ask about the debtor's:

- Property and where it is
- Job
- Bank accounts
- Any other assets

If your debtor is avoiding your questions or not being cooperative, tell the clerk. Ask to go in front of the judge. You are only allowed to ask the debtor questions once every 120 days. So, do not stop until you get all the information you want.

See Back →



## What do I do after the examination hearing?

Once you know about your debtor's assets and where they are, fill out a court form called a *Writ of Execution* (EJ-130). Take your form to the clerk in Room 103. The filing fee is \$15.00.

**Note:** You must have a separate *Writ of Execution* for each county where your debtor has assets or a job that you want to use to collect your judgment.

You can also make the debtor pay your filing fees and any other reasonable costs you have from trying to collect your judgment. Fill out form MC-012 (*Memorandum of Costs*).

## What do I do with the Writ of Execution?

You must hire a levying officer (a registered process server or a sheriff's deputy) to collect your judgment. You **cannot** serve the Writ yourself.

Look at the information you have about your debtor's assets. Then tell the levying officer about the assets and where they are.

You must also tell the officer which method(s) to use to collect your judgment. These include:

- Bank levy
- Wage garnishment or wage withholding
- Lien on debtor's property

## What is a bank levy?

A bank levy is when a bank takes money out of the debtor's account and gives it to the levying officer. A few weeks later, the officer gives the money to you.

**Note:** The debtor may try to fight the levy by filing a *claim of exemption*.

## What is a wage garnishment?

The levying officer can tell your debtor's employer to withhold up to 25% of the debtor's gross income from each paycheck, until the debt is paid. The employer sends the money to the levying officer. And, the officer sends the money to you.

**Note:** If the debtor has another wage garnishment already, this method may not work.

## How do I put a lien on my debtor's property?

Fill out form EJ-001 (*Abstract of Judgment*) and file it with a clerk in Room 103. The clerk will give you an abstract right away.

Then you use the abstract to put a lien on the debtor's property for the amount shown on the abstract. A lien means your debtor cannot sell the property until your judgment is paid, unless the debtor is selling the property to pay you.

**Note:** The amount of your judgment will change if you renew your judgment or add your collection costs. You must get a new abstract with the changed amount. File it to replace the old one.

You can place a lien on your debtor's:

- Real property, like land and buildings. (You must file your *Abstract of Judgment* in the recorder's office of the county where your debtor owns real property.)
- Personal property, like jewelry, furniture, or other things. (You must file your *Abstract of Judgment* with the Secretary of State. This isn't a very good way to collect your judgment. You should try the other methods first.)

## What if nothing works and I can't get my money?

Collecting a judgment can be very frustrating. Don't give up! You have these options, too:

- Let the judgment rest for a few years and earn interest. Then try again. **Do not let the 10 years run out!**
- Hire a judgment enforcer or judgment collector to help you. Look in the phone book and on the Internet. (They will charge you 50% of the money collected.)

## What happens after I get my money?

You must tell the court that the judgment has been paid. Fill out form EJ-100 (*Satisfaction of Judgment*) and file it with the clerk.

If you put liens on your debtor's property, the debtor can remove the liens by filing a certified copy of the *Acknowledgment of Satisfaction of Judgment* with the county recorder or the Secretary of State.

## Need more information?

Go to the ACCESS Center.

Our schedule is:

**Monday – Thursday:** 8:30 a.m. – 12 Noon  
1:30 p.m. – 4:00 p.m.  
**Friday:** 8:30 a.m. – 12 Noon



**ACCESS**

### San Francisco Superior Court

575 Polk Street  
Room 001  
San Francisco, CA  
94102-4514

**415.551.5880**  
access@sftc.org

## How to use a court interpreter



*The interpreter is your voice in court.*

*So, it is important to...*

**Listen** carefully to the interpreter.

**Wait** for the interpreter to finish talking before you answer.

**Speak slowly** so the interpreter can hear everything you say.

**Do NOT speak in English**, even if you speak a little. It is confusing for the judge.

**Do not interrupt**, even if someone in court says something bad about you. You will get a chance to speak.

**Take notes.** If someone says something untrue, write it down. Then when it is your turn to speak, you can tell the judge your side.

## Cómo usar intérprete en la corte



*El intérprete es su voz en la corte.*

*Es muy importante hacer lo siguiente:*

**Escuche** bien lo que le diga el intérprete.

**Deje que el intérprete termine** de traducir antes de contestar.

**Hable despacio** para que el intérprete pueda escucharlo bien.

**No hable en inglés**, aun si lo habla un poco. Es confuso para el juez.

**No interrumpa** aun si alguien dice algo que no sea cierto en su contra. El juez le dará oportunidad de hablar después.

**Tome apuntes.** Si alguien dice algo que no sea cierto, apúntelo. Luego, cuando sea su turno de hablar, usted puede dar su lado.

## 如何使用法庭口譯員



*在法庭上，口譯員是您聲音。*

*請您務必.....*

認真**聽**口譯員的翻譯。

等口譯員把話說完再回答。

慢慢講話，以便口譯員能夠聽清楚您講的每一句話。

不要講英語。即使您能講一點英語，也不要講英語。這樣法官會聽不清楚。

不要打斷別人的講話。即使某些人在法庭上說您的壞話，都不要打斷。您會有機會申辯。

記筆記。如果有人說話不符合事實，您可以在紙上記下來，等輪到您講話時再向法官申辯。

## Civil Restraining Orders

	Emergency Protective Orders (EPO)	Elder or Dependent Abuse Restraining Order	Domestic Violence Restraining Orders	Civil Harassment Restraining Orders
<b>You can get this kind of order if:</b>	You are in danger.	You are 65 or older, or you are between 18 and 64 and have certain disabilities, and, you are a victim of: <ul style="list-style-type: none"> <li>Physical or financial abuse,</li> <li>Neglect, abandonment or isolation, or</li> <li>Treatment that has physically or mentally hurt you.</li> </ul>	You want to protect you and your family from someone: <ul style="list-style-type: none"> <li>You are dating (or used to date),</li> <li>You are married to (or were married to), or</li> <li>You are closely related to (like a parent, child, brother or sister, grandparent, or grandchild)</li> <li>You have a child with</li> </ul>	You are worried about your safety because you are being: <ul style="list-style-type: none"> <li>stalked,</li> <li>harassed,</li> <li>sexually assaulted, or</li> <li>threatened</li> </ul> by someone you do not have a close relationship with, like a neighbor or roommate. This kind of order is <b>not</b> for people who have dated or who are closely related.
<b>It can order someone to:</b>	Stay away from you, your home, and your work.	<ul style="list-style-type: none"> <li>Not contact you in any way</li> <li>Stay away from you and your home</li> <li>Move out of your home</li> </ul>	<ul style="list-style-type: none"> <li>Not contact you in any way</li> <li>Stay away from you, your home and your work</li> <li>Move out of your home</li> </ul> The court can order either parent to pay child support or follow custody and visitation orders if you have children with that person.	<ul style="list-style-type: none"> <li>Not contact you in any way</li> <li>Stay away from you, your home (unless you are roommates), and your work</li> </ul>
<b>It lasts:</b>	Up to 7 days.	Up to 3 years.	Up to 3 years.	Up to 3 years.
<b>It costs:</b>	It's free.	It's free.	It's free.	It depends on the type of harassment and/or your income.
<b>You can get help from:</b>	Any police officer can help you with an emergency order.  If you want protection for longer than 7 days, you must ask the Court for another kind of restraining order.	Legal Assistance to the Elderly <b>415-861-4444</b>  Adult Protective Services <b>415-557-5230</b> <b>1-800-814-0009</b> (toll free)  California Senior Legal Hotline <b>1-800-222-1753</b>	Cooperative Restraining Order Clinic <b>415-252-2844</b> (Call for an appt.)  Family Law Facilitator, Civic Center Courthouse, Room 009 <b>415-551-3991</b> (recorded info) The Family Law Facilitator may also be able to help you with custody, visitation, and child support orders.  National Domestic Violence Hotline Toll-free: <b>1-800-799-7233</b> TDD: <b>1-800-787-3224</b> 24 hours a day, 7 days a week  Community United Against Violence (CUAV) <b>415-333-HELP</b> CUAV helps gays, lesbians and transgender people.	Civic Center Courthouse ACCESS, Room 208 <b>415-551-5880</b> (recorded info)  Bar Association of San Francisco Lawyer Referral Service <b>415-989-1616</b>  Community United Against Violence (CUAV) <b>415-333-HELP</b> CUAV helps gays, lesbians and transgender people.  Community Boards <b>415-920-3820</b> For help with mediation for cases not involving serious violence or threats.

# Small Claims Mediation

---

## What is small claims mediation?

If you have a small claims case (\$7500 or less), you can:

- Have a trial in small claims court, or
- Try to solve your dispute using mediation.

If you choose mediation, an independent person works with you and the other side to find a solution that works for both of you.

## What are the advantages of mediation?

Small claims mediation is:

- free,
- confidential, and
- usually faster than a trial.

And because you do not have a trial, it can be less hostile.

## If you are the Defendant (the person being sued), mediation can be better for you because:

- The agreement is private and confidential. It does not go on your credit report.
- You won't have a judgment against you.
- You learn more about the other side's case if you have to go to court.

## Is mediation like a trial?

No. In a trial, you have to try to prove you are right. Then one side wins and the other side loses. With mediation, both sides can get some of their needs met.

## Do I have to use mediation?

No. But people who use mediation are usually more satisfied. And, because you work together to find a solution, there is less hostility. This can also make it easier to collect money owed to you.

## Can the mediator give me legal advice?

No. The mediator is not your lawyer.

## Can I try mediation *before* I file my court papers?

Yes, but there may be a deadline to file your case. The Small Claims Clerk can give you more information about deadlines.

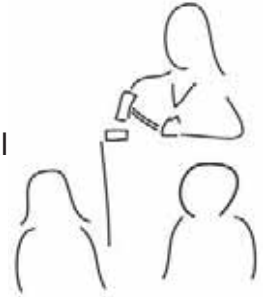
You can also use mediation after you file your court papers.

## What happens to the court case if we reach an agreement in mediation?

You and the other side will make a written agreement. The mediator can help you with this. Then the Plaintiff can dismiss the case.

## What if we don't reach an agreement in the mediation?

If mediation does not help you find an acceptable solution, you can still go to court on your scheduled trial date. If you try mediation first, you will have a better understanding of the other side's case against you.



## Can a mediated agreement be appealed?

No. But if you go to trial, even if you win, the Defendant can appeal the judge's decision. Lawyers are allowed in small claims appeals, so you may have to get a lawyer to represent you.

## How do I schedule mediation?

[Insert scheduling information here.]

# Public Benefits

SSI (Supplemental Security Income) .....	70
SSD (Social Security Disability Benefits).....	71
Health Benefits for Veterans .....	72
Can I Get Food Stamps?.....	73
Were You Denied Unemployment Benefits? (English & Spanish).....	74
How to Get Unemployment Aid .....	76

# SSI (Supplemental Security Income)

**SAMPLE**  
Not Legal Advice

## What is SSI?

SSI is short for Supplemental Security Income. It is a federal program that gives extra money each month to people who qualify.

## Who can qualify for SSI?

You qualify if you are 65 or older, are blind, or have a disability. You must also:

- have limited income,
- have limited resources,
- live in the U.S. or U.S. territories\*, and
- be a U.S. citizen (most legal residents can qualify).

## How much SSI can I get?

The maximum SSI benefits are:

- \$674/month – for an individual
- \$1,011/month – for a couple

## How much income can I earn and still qualify for SSI?

The maximum income you can earn from wages is:

- \$1,433/month – for an individual
- \$2,107/month – for a couple

The more income you have, the lower your SSI benefit will be.

## Can I get SSI if my income is not from wages?

Yes, if the income not from wages is not over:

- \$643/month – for an individual
- \$954/month – for a couple

## What is SSI's limit on resources?

Your resources must not be more than:

- \$2,000/month – for an individual
- \$3,000/month – for a couple

## Do I have to count *all* my resources?

No. Do **not** count:

- The home where you live or the land that it is on
- Household goods and personal belongings
- One car that you or someone in your home uses for transportation
- Life insurance policy worth \$1,500 or less
- Burial plots for you and your immediate family
- Burial funds for you and your spouse, up to \$1,500 each

You must count all other resources, including property, stocks and bonds, bank accounts, and other things you own that can be turned into cash.

## If I qualify for SSI, can I get other benefits?

Yes. If you qualify for SSI you could also get:

- Medicaid, which helps pay doctor and hospital bills. If you are over 65 and qualify for SSI, you also qualify for Medicaid.
- Food Stamps to help pay for your groceries.

## What if I don't qualify for SSI?

If you are not eligible for SSI, you may qualify for other federal programs that help pay for out-of-pocket Medicare costs. Ask your social security caseworker about QMB and SLMB.

## What if I disagree with SSI's decision?

If you think the decision was incorrect, you have a right to appeal. There are lawyers who specialize in this area of the law. For a referral, contact your local Legal Aid office.

## What information do I need to apply for SSI?

Have these things available:

- Proof of your age
- Your Social Security number
- Information about your mortgage or lease
- Your income information, such as pay stubs and bank statements
- If you are applying because you are blind or have a disability, take a list of the doctors, hospitals, and clinics where you have been treated
- Proof of U.S. citizenship or noncitizen eligibility
- Your savings or checking account number to set up direct deposit

## How do I apply for SSI?

**Call** the Social Security Administration from 7 a.m. to 7 p.m., Monday – Friday:

**(800) 772-1213**

**TTY (800) 325-0778**

**Internet:** Go to the SSI web site: [www.ssa.gov/ssi](http://www.ssa.gov/ssi)

**In person:** Go to your local Social Security office. For locations, call Social Security or go to: [www.ssa.gov/reach.htm](http://www.ssa.gov/reach.htm)

## For more information...

You can learn more at these web sites:

- [www.ssa.gov](http://www.ssa.gov)
- [www.aarp.org](http://www.aarp.org)

\* Including Puerto Rico, American Samoa, Northern Mariana Islands, and the U.S. Virgin Islands.



## What is SSD?

SSD is short for Social Security Disability. It is a federal program that gives extra money each month to people who qualify.

## Who can qualify for SSD?

You qualify for SSD if you have a “total” disability, and you have:

- Worked long enough and recently enough, and
- Paid enough in social security taxes.

Other people may also qualify for SSD, including:

- People with low or no vision
- Widows or widowers with disabilities
- Children with disabilities
- Wounded military service members

## What is a total disability?

Your disability is considered “total” if:

- You cannot do the work you did before,
- You cannot adjust to other work because of your disability, and
- Your disability will probably last for at least 1 year or cause you to die.

## Can my family get SSD, too?

If you start getting SSD benefits, some of your family members may qualify for SSD too, including:

- Your spouse (or divorced spouse)
- Your children
- Your disabled child/ren

## How much SSD can my qualified family members get?

Each family member may be able to get up to 50% of your monthly SSD benefit. Their benefit amount depends on:

- Your SSD benefit amount, and
- The number of family members who qualify.

## Can I start receiving SSD as soon as I become disabled?

No. There is a 5-month waiting period.

## How long can I continue to receive SSD?

In most cases, you can receive SSD until your medical condition improves and you can work again.

## How does Social Security decide if my disability qualifies?

The Social Security Administration evaluates medical information provided by you, your health care providers, and their own health professionals, who will give you a medical exam.

## How much will my SSD benefit be?

If you qualify, your benefit will be based on your age and your average lifetime earnings. To know how much your benefit would be, use the Social Security Administration’s online benefit calculator:

[www.ssa.gov/planners/benefitcalculators.htm](http://www.ssa.gov/planners/benefitcalculators.htm)

## If I qualify for SSD, can I get other benefits?

It depends. You can receive other benefits if those benefits are from allowed sources, such as:

- A private pension or private insurance
- Veterans’ benefits
- State or local benefits (if Social Security taxes were deducted from your paycheck)
- SSI (Supplemental Security Income)

## What if I disagree with SSD’s decision?

If you think the decision about your SSD benefit was incorrect, you have a right to appeal. There are lawyers who specialize in disability law. For a referral, contact your local Legal Aid office.

## What do I need to apply for SSD?

Have these things available:

- Certified copy of your birth certificate
- Proof of your legal immigration status if you were not born in the U.S. or in a U.S. territory \*
- Social Security numbers for you, your spouse, and minor children
- Your W-2 or tax return from last year
- Your medical records (military and civilian)
- Proof of all other benefits you receive
- Form DD 214, if discharged from the military
- Your savings or checking account number to set up direct deposit

\* Including Puerto Rico, American Samoa, Northern Mariana Islands, and the U.S. Virgin Islands.

## How do I apply for SSI?

**Call** the Social Security office from 7 a.m. to 7 p.m., Monday through Friday:

**(800) 772-1213**

**TTY (800) 325-0778**

**Internet:** Go to the SSI web site: [www.ssa.gov/ssi](http://www.ssa.gov/ssi)

**In person:** Go to your local Social Security office. For locations, call Social Security or go to: [www.ssa.gov/reach.htm](http://www.ssa.gov/reach.htm)

## For more information...

Visit: [www.ssa.gov/applyfordisability](http://www.ssa.gov/applyfordisability)

# Health Benefits for Veterans

Most veterans can get health care at Veteran Administration (VA) facilities. The VA also offers some services to veterans' family members.

## Who can get VA health care services?

Veterans are eligible for VA care if they have:

- Served at least 2 years (or any amount of time if your service was before 9/7/1980), and
- Have an honorable discharge.

## Are National Guards and reservists eligible?

Yes, if they were active duty (not just training).

## Do I have to sign up for VA benefits?

Yes. You can get an application from any VA office. Or sign up online at:

<https://www.1010ez.med.va.gov/sec/vha/1010ez>

## Is VA health care free?

Yes, if you are:

- Low-income,
- Disabled (because of your service),
- Received a Purple Heart, or
- A former POW.

## Can Veterans also get Medicare coverage?

Yes, if you are eligible for both programs you can get care from both programs. But if you use a VA facility, the VA pays. And if you use non-VA services, Medicare will pay up to the allowable amounts.

## What if I have a Fee Basis card?

You can get treated anywhere you want, and the VA will pay for your treatment. If the amount that VA pays is less than what Medicare would have paid, the provider can bill Medicare after billing the VA.

**Caution:** It takes much longer for providers to get paid when both VA and Medicare are billed.

## What if I have private insurance?

The VA will bill your insurance company for the services you receive.

## What if I am not low-income?

The VA will ask you for financial information. They will also look at your "priority." Vets with higher income, higher priority numbers, and conditions not related to their military service usually have copays. But private health insurance often covers those copays.

## What are the copays?

Preventive care.....	Free
Basic Services .....	\$15 per day*
Specialized Services (radiology, cardiology, etc.).....	\$50 per day*
Prescription drugs (not related to the service condition).....	\$8 for 30-day supply
Hospital stay (up to 90 days) ...	\$1,100 per year
Nursing Home.....	\$97 per day

\*Even if you get more than one service per day, you still only pay 1 copay. So it's a good idea to schedule your services on the same day, if you can.

## Do I have to go to the closest VA facility?

No. You can get health care at *any* VA facility.

## Will the VA cover all of the services I need?

Maybe. The VA covers the care you need to keep or make you healthy. But they do not cover everything. Some services not covered by the VA include:

- Private duty nursing, and
- Care not provided or ordered by medical professionals.

Ask the VA if you are covered *before* you get the care. Call the VA: **1-877-222-VETS**. Or search for *General Exclusions* at the VA website: [www.va.gov](http://www.va.gov).

To see exactly what is covered, click on the standard *Medical Benefits Package* at:  
[www.va.gov/healtheligibility/coveredservices/](http://www.va.gov/healtheligibility/coveredservices/)

## Can I get mental health services?

Yes. If you need to talk to a counselor or think you may have PTSD, **do not wait!** You and your family can go to any *Vet Center* for screening and counseling. To find one, visit: [www.vetcenter.va.gov](http://www.vetcenter.va.gov).

The Veterans Suicide Prevention Hotline is open 24/7. Call **1-800-273-TALK**, then 1.

## What if the VA cannot provide the service I need?

If the VA cannot provide a covered service, you can get it at another hospital. The VA will pay the VA amount, and Medicare will pay the Medicare amount.

## What if I need help?

Call the VA: **1-877-222-VETS** or visit: [www.va.gov](http://www.va.gov). Visit the Iraq and Afghanistan Veterans Association: [www.iava.org](http://www.iava.org).

Or contact your local Legal Aid office. [LSA url finder]

# Can I get Food Stamps?

## Who is eligible for Food Stamps?

- Low-income families, especially families with children,
- Immigrants who are at least 75 years old, *and* have been legal residents since August 22, 1996, and
- Children who are in this country legally, even if their parents are not.

## Do I have to give my Social Security number or proof of my immigration status?

No, not if you are applying *only* for your children.

## How much can I earn and still be eligible?

Find your family size and your gross monthly income (before deductions) on this chart. If you earn less than this amount, you can get Food Stamps.

<i>Family size</i>	<i>Monthly Income before deductions</i>
1	\$1,037
2	\$1,390
3	\$1,744
4	\$2,097
5	\$2,450

*Effective Oct. 1, 2005*

If there are more than 5 people in your home, add \$353 for each additional person.

## What other information do I have to provide?

You must tell the program about what you earn and what you own. You must also tell them about what everyone in your home earns and owns.

## What if we have money in the bank?

Your household (all of you together) is allowed to have up to \$5000 in resources, including money in the bank.

## How do I apply (or renew)?

Go to the Texas Health and Human Services Commission (THHSC) office nearest you. Take ID and proof of income and expenses, like your paycheck stub, rent receipts, utility bills, etc.

## What if I cannot go to the THHSC office?

You can apply for Food Stamps or renew your Food Stamps over the phone if:

- You do not have transportation or you live more than 30 miles away from the nearest office,
- You are at work or training during THHSC office hours,
- You cannot get to the office THHSC because of bad weather, or
- You are sick or you are taking care of a household member.

Call your local THHSC office and ask them to mail you an application. Fill out your application and send it back with a statement explaining why you cannot go to the THHSC office. They will contact you to set up a phone interview.

## Are the rules for Food Stamps the same as for TANF?

No. TANF time limits do NOT affect your eligibility for Food Stamps.

And, even if you lose TANF, you may still be eligible for Food Stamps. You can get Food Stamps for as long as your income meets the guidelines.

## Do I have to do anything in exchange for the Food Stamps?

If you are an unemployed parent, you may have to participate in job search or training activities.

## What if my household situation changes?

You must let THHSC know about any changes, such as changes to your:

- Income or assets
- Job
- Address, and
- Who lives in your home

Contact them within 10 days of the change.

## What if THHSC says I am not eligible for Food Stamps?

You can ask for a written notice saying why you do not qualify. You can also appeal (fight) their decision to deny or reduce your Food Stamps. But you must do this within 90 days of the notice.

You can still get Food Stamps while you appeal (if you ask for it). But if you lose your appeal, you may have to pay them back for the Food Stamps you received.

## Do I need a lawyer to help with my appeal?

If THHSC says you received an overpayment, it's best if you talk to a lawyer. Your local Legal Aid office may be able to help you.

Call: **800-252-9690**

Or visit: **[www.texaslawhelp.org](http://www.texaslawhelp.org)**

Then, search under *Find Legal Aid Program*.

# Were You Denied Unemployment Benefits?

**SAMPLE**  
Not Legal Advice

## What can I do if I was denied unemployment benefits?

If you think you have the right to receive unemployment benefits, ask for a hearing.

## What is a hearing?

A hearing is like a trial. It is your chance to show the judge why you should receive benefits.

## Is there a deadline to ask for a hearing?

**Yes.** The Department must receive your request for a hearing within **30 days** of the date the denial letter was mailed to you.

## Where will the hearing be?

The hearing will be in a special room at the Department of Labor office. The Department will mail you a *Notice of Hearing* with the time, date and place of the hearing.

## Who will be at the hearing?

The following people can go to the hearing:

- You
- Your employer
- Witnesses (yours or your employers)
- A judge, called an Administrative Law Judge

A tape recorder will record everything that is said during the hearing.

## Can I postpone my hearing?

You can ask to postpone (adjourn) your hearing if you need more time to find a lawyer or get evidence. Here's how:

- Call or write to the Department before your hearing, **and**
- Go to your hearing, and ask the judge in person. If you are not able to go, ask someone to take a letter from you explaining why you cannot go to the hearing.

## Will the judge postpone my hearing?

If you did not go to your hearing or were not prepared for your hearing on the hearing date, most judges will say you have "defaulted," and will decide your case without delay.

## Will the judge postpone my hearing if I had an emergency?

If you missed your hearing for a good reason, such as a medical emergency, you can ask for a new hearing date.

## How can I get ready for the hearing?

### 1. Practice what you want to say.

Make a list of the reasons you disagree with the denial. Practice saying them.

Do not take more than 5–10 minutes to explain your reasons. If you get nervous at the hearing, just read from your notes.

### 2. Bring these things with you:

- All documents the Department sent you about your case,
- Any other papers that support your case, plus 2 copies of each one,
- Your list of reasons for disagreeing with the denial,
- Witnesses who support your case, and
- A pen and paper to take notes.

If you cannot get the papers or witnesses you need to prove your case, tell the judge at the hearing. The judge can make orders to bring these papers/witnesses to a hearing.

### 3. Do not lie! The judge can punish you.

## On the day of your hearing...

- Arrive at least 30 minutes early.
- Put your *Notice of Hearing* in the reception basket. They will call you when it's your turn.
- **Wear nice, clean clothes. No hats. No gum.**

## At the hearing...

- The judge or your employer may ask questions. Tell the truth. Speak slowly. Give complete answers.
- Speak only when the judge says it is your turn.
- Do not interrupt anyone.
- If you do not understand, say, "I do not understand the question."
- Be calm and polite to everyone. Stay calm.
- Avoid gestures and facial expressions.

## What if I have more questions?

*[insert contact information here]*



## ¿Qué puedo hacer si rechazaron mi solicitud de beneficios de desempleo?

Si cree que tiene derecho a recibir beneficios de desempleo, solicite una audiencia.

## ¿Qué es una audiencia?

Una audiencia es como un juicio. Es su oportunidad para demostrar al juez por qué debería recibir beneficios.

## ¿Hay una fecha límite para pedir audiencia?

**Sí.** El Departamento tiene que recibir su solicitud de audiencia dentro de los **30 días** de la fecha en que se le envió la carta de rechazo.

## ¿Dónde se hará la audiencia?

La audiencia se hará en una sala especial de la oficina del Departamento de Trabajo. El Departamento le enviará un *Aviso de audiencia* con la hora, fecha y lugar de la audiencia.

## ¿Quién estará en la audiencia?

Las siguientes personas pueden ir a la audiencia:

- Usted
  - Su empleador
  - Testigos (suyos o de sus empleados)
  - Un juez, llamado Juez de derecho administrativo
- Una grabadora grabará todo lo que se dice en la audiencia.

## ¿Puedo aplazar mi audiencia?

Puede *pedir* aplazarla (suspensión) de su audiencia si necesita más tiempo para encontrar un abogado u obtener pruebas. Siga estos pasos:

- Llame o escriba al Departamento antes de su audiencia; **y**
- Vaya a su audiencia y solicíteselo al juez personalmente. Si no puede ir, pídale a alguien que lleve una carta suya explicando por qué no puede ir a la audiencia.

## ¿El juez postergará mi audiencia?

Si no fue a su audiencia o no estaba preparado para su audiencia en la fecha programada, la mayoría de los jueces dictarán su “falta de comparecencia” y decidirán su caso sin demora.

## ¿El juez aplazará mi audiencia si tuve una emergencia?

Si faltó a su audiencia por buen motivo, como por ejemplo una emergencia médica, puede solicitar una nueva fecha de audiencia.

## ¿Cómo puedo prepararme para la audiencia?

### 1. Practique lo que quiere decir.

Haga una lista de los motivos por los que no está de acuerdo con el rechazo. Practique decir los motivos.

No tome más de 5 a 10 minutos para explicar sus motivos. Si se pone nervioso en la audiencia, lea de sus notas.

### 2. Lleve las siguientes cosas consigo:

- Todos los documentos que le envió el Departamento sobre su caso;
- Cualquier otro documento que respalde su caso, más dos copias de cada uno;
- Su lista de motivos por los que está en desacuerdo con el rechazo;
- Testigos que respalden su caso; y
- Una lapicera y papel para tomar apuntes.

Si no puede obtener los documentos o testigos que necesita para probar su caso, dígame al juez en la audiencia. El juez puede dictar órdenes para que se presenten estos documentos/testigos en la audiencia.

### 3. ¡No mienta! El juez lo puede castigar.

## El día de su audiencia...

- Llegue por lo menos 30 minutos antes.
- Ponga su *Aviso de audiencia* en la canasta de recepción. Lo llamarán cuando sea su turno.
- **Use ropa limpia y adecuada. No use gorros. No masque chicle.**

## En su audiencia...

- Es posible que el juez o su empleador le hagan preguntas. Diga la verdad. Hable despacio. Dé respuestas completas.
- Hable sólo cuando el juez diga que es su turno.
- No interrumpa a nadie.
- Si no entiende algo, diga “no entiendo la pregunta”.
- Guarde la calma y sea cortés con todos. Mantenga la calma.
- Evite los gestos y expresiones faciales

## ¿Qué hago si tengo más preguntas?

[insert contact information here]

# How to Get Unemployment Aid

### Can I get unemployment aid?

Maybe. There are 2 kinds of unemployment aid.

#### **Regular Unemployment**

##### **Do I qualify for regular unemployment?**

You may qualify for **regular** unemployment if:

- you don't have a job, and
- you are able to work.

You may not qualify if:

- you quit your job without a good reason,
- you were fired for repeated bad behavior after being warned,
- you were fired because you failed a drug test or did something dishonest, or
- you turned down a job without a good reason.

If you are disqualified, you will no longer get unemployment and may not qualify in the future.

##### **How do I apply for regular unemployment?**

Go to your local Employment Services Office. Tell them you want to apply for unemployment. You will have to register for work and wait one week.

#### **Disaster Unemployment**

##### **Do I qualify for disaster unemployment?**

You may qualify for **disaster** unemployment if, because of the disaster:

- you lost a job,
- you were injured and cannot work now,
- the job you were about to start no longer exists,
- you can't get to your workplace, or
- you are now the main earner in your family because the previous main earner died.

### How do I apply for disaster unemployment?

- Call [insert state agency name here]:

**1-111-222-3333**

TDD: **1-111-222-3333**

- Or visit: [insert state agency url here]

If you were self-employed before the disaster, you will need a copy of your 2010 income tax records.

**Deadline!** Turn in your application by [insert date].

### When will I get my first check?

It may take up to [XX] weeks after you apply.

### For how long can I get unemployment?

You can usually get regular unemployment aid for up to [XX] weeks. You can get disaster unemployment for up to [XX] weeks.

### Where can I learn more?

To learn more about disaster unemployment:

- Visit [www.nelp.org](http://www.nelp.org)

To learn more about regular unemployment:

- Call [insert state agency name here]:

**1-111-222-3333**

TDD: **1-111-222-3333**

- Or visit: [insert state agency url here]

### Contact us for legal help with problems related to the storms:

[your agency name here]

- Call **1-111-222-3333**

- Or visit: [insert url for your agency here]

This flyer gives you legal information, not legal advice. To know how the law applies to you, talk to a lawyer.  
Find other Emergency Flyers in plain language at: <http://writeclearly.org> & [www.transcend.net](http://www.transcend.net)



# Resources

Create a Readable Info Sheet in 6 Steps .....	79
Create a Readable Court Form in 6 Steps .....	83
Make your website easy to read and use.....	88
Why Read Richard Wydick's <i>Plain English for Lawyers?</i> .....	90
Why Read Bryan Garner's <i>Redbook?</i> .....	91
Sample LSA Retainer .....	92
Legal Information Flyer (6 languages).....	93
Legal Information Stamps.....	94
Online Training .....	95



# Create a Readable Info Sheet in 6 Steps

Many organizations depend on their ability to communicate ideas quickly and effectively. Below, we've used a sample legal aid flyer to show you how to write a readable info sheet. Just follow our 6 simple steps!

## Step 1 – Write an effective title

The title is almost everything. It should respond to the reader's **natural** question.

- Put the title in its **natural** location, in the top right-hand corner of the page. The reader's eyes land here first, then travel diagonally to the bottom left-hand corner of the page.
- Use the consumer's language in your title.

For example, the original title of a California info sheet explaining how to change your name was: *Legal Name Change Process for Adults in the State of California*. Keeping our title tips in mind, we changed the title to:

**How to Change Your Name** *(for an Adult)*

It uses clear, familiar language to answer the reader's natural question: *What is this flyer about, and does it apply to me?*

## Step 2 – Use the consumer's language

To keep your flyer readable:

- Address the reader: *You must...*
- Use familiar, conversational language.
- If you must use difficult terms, define them.
- Aim for a 6<sup>th</sup> grade reading level. (You can find your document's reading grade level in *Tools* → *Spelling and Grammar*. Make sure *Show readability statistics* is checked in your Preferences.)

In California, adults can change their name *without* going to court. You can just start using your new name.

But, sometimes it's better to get your name changed by a court. Government agencies, like DMV, may not accept your new name without a court order.

There are **two** main ways to get a court order for a name change.

Check out Transcend's book *Readability* (available on **amazon.com**) for more plain language tips!



### Step 3 – Create “handles”

Handles are a way for the reader to navigate down the page. **Subheads** are great handles. The reader will read the subhead and quickly decides whether that section applies to his or her situation. Subheads are most effective when they are in the form of a question from the reader’s point of view. Here’s an example from our info sheet:

#### Can the Court refuse to change my name?

The court usually agrees to change the name, *unless*:

- Someone objects and the judge agrees.
- Your new name includes threatening or obscene words, racial slurs, or words that would cause confusion.
- You want to do something illegal with a new name.
- The new name interferes with the rights of someone else. For example, you cannot change your name to a famous movie star’s name to make money by using that name.

#### What happens after my name is changed?

It is a good idea to get a certified copy of the court order from the court clerk. (Some agencies or companies may ask you for this.)

**Important!** More than half of readers of brochures read *only* the subheadings. Make them count!

### Step 4 – Organize intuitively

Present your information in an order that makes sense *to the reader*. This is not easy! Think about:

- How would I explain this in person?
- What questions would the reader ask, and when?
- Are there steps the reader must follow?

Use **numbering** or **bullet points** to present related pieces of information. For example:

You can use the certified copy to request important legal documents with your new name, including:

- A birth certificate with your new name
- A new social security card
- A driver’s license or ID card with the new name.

**Important!** Avoid cross-referencing and complex tables. If your reader is forced to jump around the page looking for information, s/he may become distracted and stop reading.



## Step 5 – Add a graphic

Graphics serve many purposes. They catch the reader's eye, break up blocks of text, and help low-literacy readers understand your message. Use graphics that:

- Are simple and easy to understand
- Explain or clarify ideas
- Are close to the text that they explain
- Match the demographic of the audience

We added a simple, meaningful graphic to our info sheet to make its purpose more clear:



## Step 6 – List resources

The reader's eyes travel from the top left corner to the bottom right corner of the page. These two areas are prime *page real estate*. Use the bottom right corner to tell the reader where to go to with questions:

- Websites
- Mailing addresses
- Office locations

Use a graphic of a question mark or a simple question – *Need help?* or *Questions?* – to capture the reader's attention. Let's try this in our flyer:


**Need help?**

Go to the ACCESS Center for the forms and instructions you need. We can also help you prepare your notice for newspaper publication. And, we can provide you with a list of newspapers for you to contact.

Our schedule is:

**Monday – Thursday:** 8:30 a.m. – 12 Noon  
1:30 p.m. – 4:00 p.m.

**Friday:** 8:30 a.m. – 12 Noon



**ACCESS**

San Francisco Superior Court  
575 Polk Street  
Room 001  
San Francisco, CA  
94102-4514  
415.551.5880  
access@sftc.org

**Important!** Many legal aid info sheets have a wide bar at the bottom of the page with a sentence explaining that the info sheet contains information, not legal advice. These bars can distract the reader from more important text. Save this part of the page for a list of helpful resources.

*See the next page for our finished flyer!*





# How to Change Your Name *(for an Adult)*

In California, adults can change their name *without* going to court. You can just start using your new name.

But, sometimes it's better to get your name changed by a court. Federal agencies and many government agencies, like DMV, will not accept your new name without a court order.

There are **two** main ways to get a court order for a name change.

## ① **Fill out and file these court forms to ask the court for a name change:**

- *Petition for Change of Name*, Form NC-100
- *Attachment to Petition to Change Name*, Form NC-110
- *Order to Show Cause for Change of Name*, Form NC-120
- *Decree Changing Name*, Form NC-130

You can fill out the forms online at:  
[www.courtinfo.ca.gov/selfhelp/other/namechange.htm](http://www.courtinfo.ca.gov/selfhelp/other/namechange.htm)

And, put a notice in a newspaper saying you are changing your name. (You do not have to let anyone else know you are asking for a name change.)

Then go to a court hearing and ask the judge for a court order with your new name.

## ② **Ask for your old name during or after your divorce.**

If your divorce is *not* final, ask the judge to give you back the name you had before you were married.

If your divorce *is* final, you can ask the court to give you back your old name by filing a *Request for Restoration of Former Name*, form FL-395.

The Family Law Self-Help Center can help you fill out your forms.

Go to: **400 McAllister Street, Room 009**

## **Can the Court refuse to change my name?**

The court usually agrees to change the name, *unless*:

- Someone objects and the judge agrees.
- Your new name includes threatening or obscene words, racial slurs, or words that would cause confusion.
- You want to do something illegal with a new name.
- The new name interferes with the rights of someone else. For example, you cannot change your name to a famous movie star's name to make money by using that name.

## **What happens after my name is changed?**

It is a good idea to get a certified copy of the court order from the court clerk. (Some agencies or companies may ask you for this.)

You can use the certified copy to request important legal documents with your new name, including:

- A birth certificate with your new name
- A new social security card
- A driver's license or ID card with the new name.

This will make it easier to have your other records changed.

## **Need help?**

Go to the ACCESS Center for the forms and instructions you need. We can also help you prepare your notice for newspaper publication. And, we can provide you with a list of newspapers for you to contact.

Our schedule is:

**Monday – Thursday:** 8:30 a.m. – 12 Noon  
1:30 p.m. – 4:00 p.m.  
**Friday:** 8:30 a.m. – 12 Noon



**ACCESS**

### **San Francisco Superior Court**

575 Polk Street  
Room 001  
San Francisco, CA  
94102-4514

**415.551.5880**

[access@sftc.org](mailto:access@sftc.org)



# Create a Readable Court Form in 6 Steps

An increasing number of courts are making the switch to plain language court forms, with wonderful results! Readable court forms **save money**. They reduce the burden on your customer support staff in many ways:

- Fewer calls from consumers
- Less time spent on the phone with consumers
- Fewer user errors

Below, we explain how to make a readable court form in 6 simple steps. We have used a *Conditional Release Order* we created for Guam as an example.

## Step 1 – Make your caption readable

The simpler the caption, the more readable the form. The caption should occupy as little space as possible on the page. Follow these tips:

- Write a clear title that makes the form's purpose immediately clear. Put the title in the **top left corner** of the page, where the reader's eyes fall first.
- Avoid text boxes with thick, dark lines. Lines and boxes can distract the reader's attention from the surrounding text.
- Make it clear who fills out which part of the caption: the court clerk, a party, or someone else.
- Provide thin, uniform text lines in areas that need to be filled out.

## Step 2 – Organize intuitively

Present your information in an order that makes sense *to the reader*. This is not easy! Think about:

- How would I explain this in person?
- What questions would I ask, and when?
- Are there steps the reader must follow?

Use **numbering** to tell the reader where to go next: Q W E

*Note:* While Roman numerals are an elegant tradition, many people cannot read them. Stick with 1, 2, 3 and a, b, c.

**Important!** Avoid cross-referencing and complex tables. If your reader is forced to jump around the page looking for information, s/he may become distracted and stop reading.

## Step 3 – Use clear, concise subheads

Subheads serve as “handles” to guide the reader down the page. Each subhead should quickly tell the reader what that section is about. Here is an example:

- 1!

☐ **Curfew**  
You must be at your home between \_\_\_\_\_ p.m. and \_\_\_\_\_ a.m.
- 1@

☐ **No contact with Co-Defendants/Felons:**  
Do not contact, phone, mail, e-mail, or communicate in any way, either directly or indirectly, with any other defendant in this case. Do not be around any person who you know has committed a felony.
- 1#

☐ **No Travel**  
Turn in your passport to the Probation Office. Do not leave Guam without permission of this Court.

If a form does not use subheads, the reader may overlook important information.



## Step 4 – Use text enhancement and ALL CAPS sparingly

Court forms contain important information, and you may feel that text enhancements like bold face, underline, and italics will help convey your message. But while it may seem counter-intuitive, text enhancements are most effective when used *sparingly*. Follow these guidelines:

- Use **boldface** sparingly, to emphasize a word, a phrase, or a short sentence.
- Use *italic* for emphasis or for foreign words.
- Underline and ~~strikeout~~ are best for editing text.
- **Reverse text** is pretty, but it doesn't copy or fax well.
- Use ALL CAPS sparingly, to emphasize a word or phrase. Sentences or paragraphs in ALL CAPS are difficult to read and should be avoided.
- Roman text is normal, unenhanced text. Most words should be Roman.

Text enhancements help us see what's important because they stand out from the rest of the text. But when **all** of your information uses text enhancement, it's nearly impossible for the reader to find the key information. And, enhanced characters are harder to read.

## Step 5 – Avoid legalese

While some legal terms must be used, remember that orders in clear, familiar language are more likely to be understood and obeyed. Write your court form in the language you would use to explain the orders to a consumer in person. Follow these tips:

- Use familiar language and direct address.
- Avoid Latin terms. If you must use them, define them.
- Use "must" or "may" instead of "shall".

Here is a piece of text from the original Guam order compared with a "plainer" version.

Original text (12 <sup>th</sup> grade reading level)	Plain text (7 <sup>th</sup> grade reading level)
<b><u>ALCOHOL/DRUGS:</u> Defendant shall not possess, and/or consume any alcoholic beverages and/or illegal controlled substances. Defendant shall submit to random/weekly alcohol and/or drug testing at the request of the Probation Office. Failure to submit to such testing will be considered a violation. Probation Office or the Guam Police are authorized to search Defendant's residence, vehicle, or person for alcoholic beverages and/or illegal controlled substance(s). Defendant shall not enter any alcohol establishment(s).</b>	<b>No Alcohol or Illegal Drugs</b> <ul style="list-style-type: none"><li>• Do not have or use alcohol or illegal drugs.</li><li>• Do not go into a bar, liquor store, or alcohol-related business.</li><li>• You must allow the probation office to test you for alcohol/drugs.</li><li>• The Guam police or probation office may search you, your home, and your vehicle at any time for alcohol/drugs.</li></ul>

Note that the version on the right includes the same information, but uses bullet points, direct address and simpler language to convey the message.




## Step 6 – Use graphics and guiding text

When a consumer fills out a court form correctly, it benefits both the court and the consumer. Tools such as informative graphics and guiding text help the consumer understand how to:

- Fill out the form, and
- Obey the orders listed on it.

**Graphics** should emphasize or clarify a point quickly and effectively. Often, they help low-literacy readers or non-native English speakers understand a message. Here, a simple graphic of a gun shows that guns are not allowed:

<b>y</b> <input type="checkbox"/> <b>No Guns or Other Weapons</b>

You cannot possess, buy, ship, receive, or have a gun, firearm, firearms ID card, or any dangerous weapon. You must turn in any guns and weapons to the Probation Office. The Guam police or probation office may search you, your home, and your vehicle at any time for firearms/weapons. (18 U.S.C. §922)

Add **guiding text** to help consumers understand what information belongs on the form. This avoids confusion and ensures that the form will be filled out correctly and completely. Here, we added guiding text in parentheses:

<b>Supervision</b> <i>(check all that apply):</i>
<input type="checkbox"/> You will be monitored by <i>(supervisor's name):</i> _____
<input type="checkbox"/> You will live at the supervisor's home <i>(supervisor's address):</i> _____

***See the next page for our finished form!***



# Conditional Release Order



## Superior Court of Guam

Criminal Case No.: \_\_\_\_\_

Defendant: \_\_\_\_\_

### Court Orders

#### To the Defendant:

You are released from custody and must obey the following conditions (*check all that apply*):

① ☐ You must obey all federal and local laws and all reasonable probation terms.

② ☐ **You must pay bail.** If you do not pay bail, you will stay in custody.

Bail amount: \$ \_\_\_\_\_

Bail type (*check one*): ☐ Cash/Secured ☐ Unsecured / PR Bond

**Warning!** If you disobey any order checked on this form, you will lose your bail. (*Chapter 40, Guam Criminal Code*)

③ ☐ **Go to your court** hearing on (*date*): \_\_\_\_\_, and on any other date that the court may order.

④ ☐ **No Contact / Stay Away**

Do not contact, phone, mail, e-mail, or communicate in any way, either directly or indirectly, with the following people (*specify*): \_\_\_\_\_

Stay away from the victim's home, job, school, day care center, business, or any other place where the victim may be. If you find yourself in the same place as the victim, leave that place immediately.

⑤ ☐ **Do not threaten, assault, or harass**

Do not commit, try to commit or threaten to commit any form of violence against any person listed on the court papers for this case. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.

⑥ ☐ **No Guns or Other Weapons**



You cannot possess, buy, ship, receive, or have a gun, firearm, firearms ID card, or any dangerous weapon. You must turn in any guns and weapons to the Probation Office. The Guam police or probation office may search you, your home, and your vehicle at any time for firearms/weapons. (18 U.S.C. §922)

⑦ ☐ **No Alcohol or Illegal Drugs**

- Do not have or use alcohol or illegal drugs.
- Do not go into a bar, liquor store, or alcohol-related business.
- You must allow the probation office to test you for alcohol/drugs.
- The Guam police or probation office may search you, your home, and your vehicle at any time for alcohol/drugs.

⑧ ☐ **Supervision** (*check all that apply*):

- ☐ You will be monitored by (*supervisor's name*): \_\_\_\_\_
- ☐ You will live at the supervisor's home (*supervisor's address*): \_\_\_\_\_
- ☐ You must stay with the supervisor at all times.
- ☐ Your supervisor will notify the court **immediately** if you do not follow these conditions.

Supervisor's signature: \_\_\_\_\_ Tel. \_\_\_\_\_

⑨ ☐ **Report to Probation** by 4:00 pm on the first work day after your release (*date*): \_\_\_\_\_

Report (*check one*): ☐ in person ☐ by phone

Then, report (*check one*): ☐ Every week ☐ Every month ☐ Other (*specify*): \_\_\_\_\_

Case Number:

Defendant's name: \_\_\_\_\_

⑩ ☐ **House Arrest**

You are under house arrest and must stay in your home at all times.

(Home address): \_\_\_\_\_  
Street City State Zip Code

*Exception:* You may leave the house to meet with your lawyer or probation officer, go to work, get emergency medical care, or attend religious services.

⑪ ☐ **Curfew**

You must be at your home between \_\_\_\_\_ p.m. and \_\_\_\_\_ a.m.

⑫ ☐ **No contact with Co-Defendants/Felons:**

Do not contact, phone, mail, e-mail, or communicate in any way, either directly or indirectly, with any other defendant in this case. Do not be around any person who you know has committed a felony.

⑬ ☐ **No Travel**

Turn in your passport to the Probation Office. Do not leave Guam without permission of this Court.

⑭ ☐ **Other Requirements:** \_\_\_\_\_

⑮ ☐ **You will be arrested if you disobey this order.** It is a misdemeanor to disobey a No Contact, Do not harass, or No Guns order. You can be sent to jail for up to 1 year and fined \$1000. Any law enforcement in the U.S., the District of Columbia, tribal lands, and U.S. Territories can enforce this order. 18 U.S.C. §2265.



⑯ **Start and End Date of This Order**

This order starts on the date next to the judge's signature below. It lasts until the judge makes another order in your case.

⑰ **Defendant's contact information**

Name: \_\_\_\_\_ Tel: \_\_\_\_\_

Home address: \_\_\_\_\_  
Street City State Zip Code

**Read and sign below to accept the terms of this Order:**

- I have read and understand the orders checked above, and agree to follow them.
- I understand that if I do not obey these orders I can be arrested, face new charges, and be sent back to jail.
- I have received a copy of this form.
- I agree to notify the Court right away if my address or phone number (listed above) changes.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Defendant signs here*

**The court fills out below:**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Judicial Officer of Superior Court of Guam*

Subscribed and sworn to before me on

(date): \_\_\_\_\_ by Deputy Clerk/Marshal (signature): \_\_\_\_\_

Territory of Guam – Hagåtña, Guam

# Make your website easy to read and use

## Language

Use language that is simple and direct. Write as if you were speaking. And imagine the person you are speaking to does not have expertise in your field. The average American reads comfortably at the 5th – 7th grade level. The closer your text is to that reading level, the more people will be able to use your website.

Learn how to test for reading grade level at:  
[www.transcend.net/library/tools.html](http://www.transcend.net/library/tools.html).

## Organization

Long sections begin with a “Table of Contents” so users can quickly go to the section they want.

**Put the most important information at the top.** Most readers spend *only* a few seconds on a page. Typically they read only headings and subheads. Get your reader to spend more time with your material by putting the key messages in the headings, in easy-to-understand language.

**Divide large blocks of text into smaller chunks.** Clear subheads followed by short paragraphs work best. This allows users to quickly find what they want.

**Use fewer words, shorter sentences, and familiar language.** Proficient readers can visually capture larger chunks of words all at once. But marginal readers often read word by word. Their reading is less automatic. And it is harder for them to decode, contextualize, and remember the text. Keep your text lean; too much information repels users.

**Group related information together.** Users can get lost and frustrated with too many cross-references or links.

## Example 1:

Before (12 <sup>th</sup> grade +)	After (5 <sup>th</sup> grade)
<b>How to Find a Mediator</b>  <b>General Information:</b> Mediation is an informal process where a mediator helps people with a dispute to reach agreement. The mediation process identifies important issues, clarifies misunderstandings, explores solutions, and negotiates settlement.  The mediator is not a judge and does not make a decision or impose a solution on the dispute. Rather, the mediator helps those involved in the dispute talk to each other, thereby allowing them to resolve the dispute themselves. The mediator manages the mediation session and remains impartial.	<b>Mediation</b>  <b>What is mediation?</b> Mediation is a way of solving problems without going to court. The people who have a disagreement meet with a trained mediator to try to make an agreement.  <b>What happens in mediation?</b> The mediator works with the people who have a disagreement to: <ul style="list-style-type: none"><li>• identify important issues,</li><li>• clarify misunderstandings,</li><li>• explore solutions, and</li><li>• come up with a settlement that all sides can accept.</li></ul> <b>Is the mediator a judge?</b> No. The mediator is not a judge, and will not decide how your disagreement should be solved.

## Layout

There are many ways to see if your readers understand:

- **Field test instrument:** Create an instrument to elicit readers’ understanding of words, messages, and graphics. If you need help, let us know.
- **Cloze procedure:** Ask a typical consumer to read your document. Then give the consumer a summary of your document in which every 5th word has been left blank. Ask the consumer to fill in the missing words.
- **Free recall:** Ask a typical consumer to state all concepts they recall, without prompts. Tester notes concepts retained/missed on checklist.
- **Miscue analysis:** Consumer reads passage aloud. Tester notes mispronounced or omitted words or puzzled intonations. These are words or phrases you need to work on.

**E** *Serif fonts use fine cross strokes.*

**E** *Sans serif letters are plain.*



# Marin County Before and After



## Navigation

Set up 4 clearly defined areas:

- The *left nav* provides links to other areas of your site.
- The *right nav* shows where you are now and what else is in the current section. The current topic is “grayed out.”
- *Breadcrumbs* at the top of the page show where you are now and how you arrived there.
- A *Table of Contents* at the start of each section lets you quickly see if this is the page you need. Links quickly take you to the right spot.
- A *site map* allows users to navigate more easily.

Note: A Site Help function that tolerates spelling mistakes is best.

## Testing

### Is your website accessible to disabled users?

Test for § 508 accessibility problems, including language, layout, and navigation, at: [www.Cynthiasays.com](http://www.Cynthiasays.com)

### Does your website use high-quality code?

Test your code quality against W3C standards at: [validator.w3.org](http://validator.w3.org).

### Is your website accessible to the colorblind?

Test your use of color at: [colorfilter.wickline.org](http://colorfilter.wickline.org).  
1 out of 7 men is thought to be color-blind.

### Does your website work the way you want it to?

Recruit typical users to test your site. They will help you identify areas that need improvement, and ultimately give you a measure of confidence that your site is accessible.

## Mobile Devices

Internet access via mobile devices (cell phones, PDA's, iPads and more) is on the rise. Design and test your site to ensure that it works in large and small formats. That means:

- make scrolling easy,
- use images and layout that keep file sizes small, and
- make your text columns short and narrow.

Learn how to test your site for mobile device display at: <http://webtide.wordpress.com/2009/09/14/how-to-test-websites-for-mobile-devices/>

# Why Read Richard Wydick's *Plain English for Lawyers*?

Whether you are learning to ski or mastering plain language, practice makes perfect! Below, we have summarized six of our favorite exercises from Richard Wydick's *Plain English for Lawyers* (5<sup>th</sup> edition). Each exercise will take approximately 20 minutes. So use this guide to identify exercises that interest you, grab a copy of the book, and get started!

## Exercise 1: Omit Surplus Words (page 10)

This exercise will help you remove unnecessary words from your writing.

The exercise consists of a series of passages. You will use the tips in Chapter 1 to identify each passage's "working words" and "glue words" and rearrange them to form concise, direct sentences.

**When it is useful:** Writing concisely is a valuable skill in all settings. You can employ Wydick's simple, effective approach when editing your own work or the work of a colleague. Apply this method to:

- Briefs
- Contracts
- Flyers and information materials

## Exercise 6: Use Base Verbs, Not Nominalizations (page 24)

Here, you will practice replacing nominalizations (base verbs turned into nouns) with verbs. For example:

- Offer an explanation → explain
- Rejection of → reject

**When it is useful:** Legal documents are infamous for their lofty, noun-heavy style. Apply this concept to a letter to a client, and note how much clearer your message becomes.

## Exercise 8: Prefer the Active Voice (page 32)

In this exercise, you will revise sentences in the passive voice to make them active. For example:

- The request was approved → [Name] approved the request.

You will also learn to identify statements in which the passive voice is a better fit.

**When it is useful:** The active voice uses fewer words and avoids ambiguity by identifying the subject of an action. Read a document you recently wrote, keeping an eye out for passive sentences. Did you use the passive voice correctly?

## Exercise 9: Use Short Sentences (page 37)

Here, you will practice splitting lengthy sentences into several shorter sentences. Chapter 5 offers guidelines on writing short, clear sentences.

**When it is useful:** When you need to provide a lot of information, it is easy to neglect the period. However, short sentences make your writing easier to understand and follow. Apply Wydick's tips on sentence length to a:

- Complex description of an event or case
- Outline of company policies
- Summary of a law

## Exercise 11: Arrange Your Words With Care (page 46)

In this exercise, you will improve a challenging passage by organizing related pieces of information into lists.

**When it is useful:** Numbered and bulleted lists are a simple way to present related pieces of information that might otherwise comprise a lengthy, complex sentence. Use lists to explain:

- Exceptions to a rule
- Requirements of a program
- Sequences of events

## Exercise 16: Choose Your Words With Care (page 64)

Here, you will edit three paragraphs with help from guidelines in Chapter 7:

- Make vocabulary consistent
- Avoid the "shotgun approach" (a list of synonyms)
- Use the correct number and tense

**When it is useful:** By staying consistent in your language choices, you present a clear message and avoid confusing your reader. Refer to Wydick's tips on word choice when drafting policies and statutes.



## Why Read Bryan Garner's *Redbook*?

Whether you're brushing up on grammar rules or learning new ways to phrase legal documents, Bryan A. Garner's *Redbook: A Manual on Legal Style* is a fantastic resource. Use of dense legal language is often a tough habit to break, but with Garner's clear writing and practical understanding of what transforms "legalese" into readable English, you'll have no trouble at all. Here is a list of tips from the *Redbook* to whet your appetite!

### Tip 1: Ask the Six Orwellian Questions (page 319)

The key to producing a well-written document is revision. To begin editing, Garner suggests asking yourself the Six Orwellian Questions about your document. George Orwell created these simple but important questions to help writers and editors, and they remain a great editing tool.

### Tip 2: Practice Phased Editing (page 321)

When revising a document, it can be difficult to know where to start. Setting clear goals and steps for yourself makes the editing process easier. Garner's steps for phased editing will help you edit your document quickly and effectively.

### Tip 3: Make Simple Substitutions (page 183)

The most difficult—and important—part of plain English is letting go of difficult words that you use often, and replacing them with more familiar words. Garner provides a long list of difficult terms that often overcomplicate legal documents, and offers substitutions. For example, Garner suggests:

- facilitate → make easier
- cognizant → aware

### Tip 4: Pare Down Phrases (page 187)

When presented with the choice of using ten words or five, most writers will choose ten. Sometimes this is because we need our readers to understand a difficult concept; sometimes, it's just habit. This section of the *Redbook* will help you identify common, wordy phrases and replace them with shorter and more readable alternatives. For example, Garner suggests:

- make an inquiry → ask
- at the present time → now

### Tip 5: Avoid Offensive Language (page 311)

While it may seem easy to avoid, potentially offensive language can sneak up on you. Garner offers explanations and solutions to help you avoid language that might be controversial or offensive. For example:

- Use "senior citizen" instead of "old person"
- Use "worker" instead of "workman", regardless of the person's sex

### Tip 6: Use Terms of Art Wisely (page 194)

Readers often have trouble understanding legal documents because of their use of legal *terms of art*. Garner makes important distinctions between Latin terms of art and everyday words that have special meanings in a legal context. Garner offers great suggestions for navigating these tricky language situations.

### Tip 7: Write Precisely and Correctly (page 211)

Language is rich and complex in its meaning. To communicate your ideas effectively, it is important to understand the shades of meaning behind each word or phrase. This section lists common words that are often used incorrectly, and offers substitutions to make your message clearer.

### Tip 8: Review Writing Legal Documents (page 323)

Writing plain English legal documents is not limited to good revision and simpler word choice. It also requires a good understanding of the purpose of the document. In this wonderful section, Garner reviews how to effectively write a variety of legal documents: case briefs, demand letters, affidavits and more. For each type of document, Garner provides:

- Goals to consider when writing the document
- Common faults of the document
- Sample documents to serve as models



① You (print your name): \_\_\_\_\_ and LawNY  
agree that LawNY will represent you for (describe your legal problem): \_\_\_\_\_

LawNY will provide these services for free: \_\_\_\_\_

This agreement is for *this* legal problem only. It does not cover any other legal problem or an appeal, if you lose your case. If you need our help with a different case or an appeal, you must apply again.

LawNY may stop representing you if:

- Your income goes up,
- You do not cooperate, or
- There is another good reason.

② Signing this agreement means you agree to cooperate with us. That means you will:

- Tell us everything you know about the case.
- Tell us **right away** if your contact information or income changes.
- Tell us **right away** if something happens that affects the case (for example, if you get a hearing notice or a phone call from the other side in this case).
- Pay for court costs and filing fees. You may be able to get the court to pay for them.
- Help your lawyer: go to appointments, answer any questions, and return phone calls.

③ **Your rights:** You have the right to:

- Make decisions in the case
- Agree to a settlement
- Tell us to stop representing you
- Complain if you do not like the way we handle the case

④ **If you have a complaint, tell us.** If we cannot solve the problem by talking with you, you may:

1. Write us a letter explaining the problem. Include your address and phone number.
2. Give the letter to your lawyer right away or mail it to:

LawNY, Inc.  
Attn: Complaints  
361 South Main Street  
Geneva, NY 14456

**Important!** You must drop off or mail the letter within **10 days** of being denied legal services, or within **90 days** of the day the problem you are complaining about started.

If you have questions about how to write a complaint, ask at the LawNY office.

⑤ I have read and understood this agreement. I have been given a copy of this agreement.

Client signs here: ► \_\_\_\_\_ Date: \_\_\_\_\_

LawNY signs here: ► \_\_\_\_\_ Date: \_\_\_\_\_

# [Your agency name and logo here]

- We will give you legal *information*, not legal *advice*.
- We are **not** your lawyer, and this meeting is **not** private. What you tell us is **not** confidential.
- We help everyone. That means we may also help the other side in your case.

To hire a lawyer, call the local Bar Association: \_\_\_\_\_

- Мы предоставим вам юридическую *информацию*, а не юридическую *консультацию*.
- Мы **не** являемся вашим адвокатом, а данная встреча **не** является частной. Информация, которую вы нам сообщаете, **не** является конфиденциальной.
- Мы помогаем всем. Это означает, что в вашем деле мы можем помогать и вашему оппоненту.

Чтобы нанять адвоката, позвоните в местную Коллегию адвокатов: \_\_\_\_\_

- Chúng tôi sẽ *thông tin* pháp lý cho quý vị, chứ không *cố vấn* pháp lý.
- Chúng tôi **không** phải là luật sư của quý vị, và buổi họp này **không** phải là riêng tư. Những gì quý vị nói với chúng tôi **không** được giữ kín.
- Chúng tôi giúp tất cả mọi người. Điều đó có nghĩa là chúng tôi cũng có thể giúp phía bên kia trong vụ của quý vị.

Muốn thuê luật sư, hãy gọi cho Luật Sư Đoàn địa phương: \_\_\_\_\_

- Le daremos *información* legal, no *asesoramiento* legal.
- **No** somos su abogado y esta cita **no** es privada. Lo que usted nos dice **no** es confidencial.
- Ayudamos a todos. Eso significa que también podremos ayudar a la otra parte en su caso.

Para contratar a un abogado, llame al Colegio de Abogados local: \_\_\_\_\_

- 我們會向您提供法律資訊，而不是法律建議。
- 我們不是您的律師，而且這次會面不是私人的。您告訴我們的話不是機密。
- 我們會幫助每個人。也就是說我們可能也會幫助您的案例的另一方。

如需聘請律師，請打電話給當地的律師協會：\_\_\_\_\_

- سوف نقدم لك معلومات قانونية. وليس مشورة قانونية.
- لسنا المحامي الخاص بك. وهذا الاجتماع ليس اجتماعاً خاصاً. ما نخبرنا به ليس سرياً.
- نحن نساعد كل فرد. يعني ذلك أننا قد نساعد أيضاً الجانب الآخر في قضيتك.

للتعامل مع محامي. اتصل بـ "جمعية المحامين" (Bar Association) المحلية.

# Legal Information Stamps for LSAs

Use these free “stamps” on your documents to explain the difference between legal information and legal advice. You can resize the stamps to fit your document.

Download the stamps in tiff and jpeg formats at [writeclearly.org](http://writeclearly.org)

**INFORMATION**  
**NOT LEGAL ADVICE**

This is legal information,  
not legal advice. For legal  
advice, speak to a lawyer.

This is legal information, not legal advice.  
For legal advice, speak to a lawyer.

**INFORMACIÓN**  
**NO CONSEJO LEGAL**

El presente es información  
legal – no consejo legal.  
Hable con un abogado si  
necesita consejo legal.

El presente es información legal – no consejo legal.  
Hable con un abogado si necesita consejo legal.



# Learn How To Create Readable Documents

Watch Transcend's fun and informative training video on the visual aspects of plain language. Lindsay from Transcend provides six simple tips to help you write documents that your clients will want to read. Watch it now at [www.transcend.net/services/PL.html](http://www.transcend.net/services/PL.html).



## Plain Language CALI Lessons

Online plain language lessons are a click away!

Take any of these CALI-authored lessons to improve your understanding of plain language. Each lesson takes 25 minutes.

Here is what you'll learn:

### Lesson 1: Evaluate for Readability

Evaluate the readability of print materials, including accepted standards for:

- ☐ Reading grade level
- ☐ Layout
- ☐ Word choice
- ☐ Fonts and text enhancement

Apply these readability guidelines to your own document.

### Lesson 2: Reading Theory

Understand the concepts behind creating readable content. Learn about reading theory and how you can use it to maximize readability in your own work. Explore:

- ☐ Elements of readability, including register, reading interest, and reading persistence
- ☐ What makes a document more likely to be read
- ☐ How to track your use of plain language terms

### Lesson 3: Case Study

Apply what you learned in Lessons 1 & 2 to a court document. Identify readability obstacles, then follow plain language guidelines to solve them.

Ready? Visit [www.cali.org](http://www.cali.org). Good luck!

CALI, short for the Center for Computer-Assisted Legal Instruction, is a nonprofit consortium with innovative tools and services that support legal education.

The *Essential Plain Language Collection* was produced under the direction of Jeff Hogue, of LawNY, Inc. We are grateful for his careful guidance, insight, and constant good humor.

Many thanks to Lindsay Madison for compiling this collection, and to Nicole Newman for its design.

Transcend is also grateful to LSC and to legal services agencies across the country, whose services improve the lives of countless individuals and families in need of assistance.



2043 Anderson Road, Suite C  
Davis, CA 95616

[www.transcend.net](http://www.transcend.net)