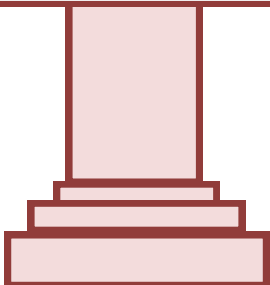


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The Independent



2019 ANN KLEIN ADVOCATE AWARDS

Please join us for the Community Health Law Project's 32nd Ann Klein Advocate Awards being held on Thursday, October 24th at The Wilshire Grand Hotel in West Orange, NJ.

The event will honor **Phillip Lubitz, MSW**, Associate Director, NAMI New Jersey, The National Alliance on Mental Illness; **The Miracle Project, Mayo Performing Arts Center**; **Gina M. Plotino**, Vice President, Programs & Operations, Bergen County's United Way, President, GMP Consulting, Inc.; **Rabbi Dr. Francine Reibman**, Co-founder & Co-chair, Children's Emergency Medical Fund of New Jersey; and **Peter Scerbo**, Executive Director (Retired), CBHCare, Inc., with *Ann Klein Advocate Awards*. The award, named in memory of Ann Klein, a former Commissioner of the NJ Department of Human Services, recognizes those who have shown exemplary work as advocates for people living with disabilities and/or vulnerable populations.

During the evening, **Michael R. Dribbon, PhD**, Vice President of Business Development & Chief Innovation & Research Officer, Children's Specialized Hospital & Center for Discovery, Innovation & Development, will be presented with the *Michael D. Lione Accessibility Award*, which is named in honor of Michael D. Lione, a long-time member of CHLP's Board of Trustees, and executive with New Jersey Bell and Verizon and strong advocate of the Americans with Disabilities Act. This award is given to an individual or organization who performed exemplary work as an advocate for accessibility on behalf of persons living with disabilities.

2019 ANN KLEIN ADVOCATE AWARDS

In addition, CHLP will be giving special recognition to retired long time Director of Litigation, **David Lazarus** and long time Senior Managing Attorney, **David Popiel**.

A special thank you to *Awards Sponsor*, **Kessler Foundation**; *Journal Underwriter*, **Gold, Albanese, Barletti & Locascio, LLC**; *Invitation Underwriter*, **Children's Specialized Hospital**; *Gold Sponsor*, **Drinker Biddle**; *Silver Sponsors*, **Columbia Bank, Wakefern Food Corp.**; *Bronze Sponsors*, **Employers Association of New Jersey, Gibbons P.C., Meyerson, Fox, Mancinelli & Conte, P.A. and Mutual of America.**

To purchase tickets or help support the Community Health Law Project, please visit our website at www.chlp.org or call 973-275-1175.

STAR PROGRAM

The Community Health Law Project has recently partnered with the **Support Team for Addiction Recovery (STAR) Program** in both Camden and Gloucester Counties. The STAR program was created in 2017 by the State Department of Human Services Division of Mental Health and Addition Services to provide case management and recovery support services for individuals with opioid use disorders (OUD). CHLP will now offer legal support to STAR clients as they strive towards recovery.

CHLP STAFF RECOGNIZED



On February 5th, CHLP's Executive Director, **Harold Garwin** (*second left*), was honored with a special award from the Mental Health Association in New Jersey (MHANJ) at the New Jersey Devils' Mental Health Awareness Night. The evening celebrated MHANJ's 75th anniversary in combination with honoring Mr. Garwin for his many years of service and his role as Chairman of the Board of the Mental Health Association in NJ.

On May 1st, **Laura Bagwell** (*middle*), the Supervising Advocate of CHLP's Monmouth/Ocean office, was honored at Ocean County's Mental Health Awareness Community Awards and Proclamation ceremony. She received a "You Make a Difference Award." The award honors those who have made outstanding efforts to promote mental health awareness and reduce the stigma surrounding mental illness.



Laura has been an Advocate with CHLP for 17 years and has worked tirelessly to speak out on behalf of people with behavioral health needs, to improve their quality of life, and

WELCOME NEW TRUSTEES

The Community Health Law Project welcomed three new Board of Trustee Members earlier this year, **Krystina DeLuca, Beth L. Barnhard and John M. Mudge, Jr.**

Krystina DeLuca, Esq. is a Corporate Counsel for Wakefern Food Corporation in Keasbey. Beth L. Barnhard, Esq., is a Shareholder of Stark & Stark in Lawrenceville and John M. Mudge, Jr., M.S., is Chief Executive Officer of Advancing Opportunities/Cerebral Palsy of NJ in Somerdale.

CHLP appreciates their support and looks forward to working with them.

MESSAGE FROM THE EXECUTIVE DIRECTOR

Over the past year, the Community Health Law Project (CHLP) has had the opportunity to partner with a variety of organizations to help further assist our clients. As we begin the new Fiscal Year (July 1, 2019), the CHLP will be initiating new and expanded programs around the State.

In South Jersey, the current medical-legal partnership with the Center for Family Services, that serves clients with substance use disorders in the counties of Camden and Gloucester, will expand to include services to clients in Cape May and Salem Counties.

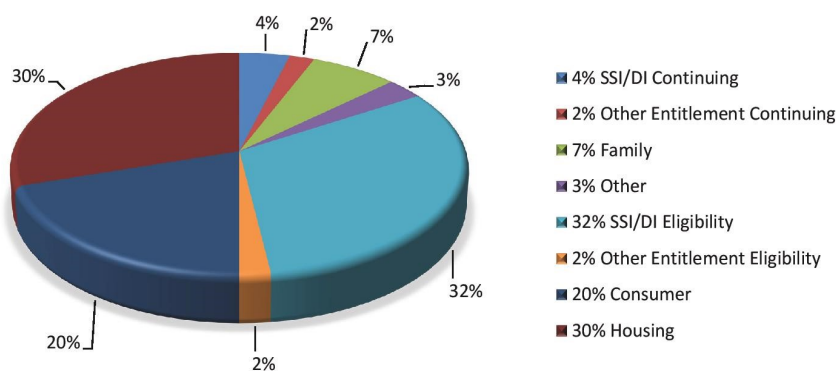
In Central Jersey, a new medical-legal partnership has been established with CPC Behavior Healthcare to serve their mental health and substance use disorder clients.

In North Jersey, CarePlus NJ is establishing a medical-legal partnership with the CHLP to serve their clients receiving mental health services in Bergen County and also to their new programs in Morris, Passaic, and Warren Counties that will serve clients with substance use disorders.

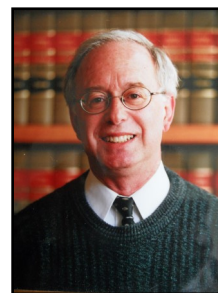
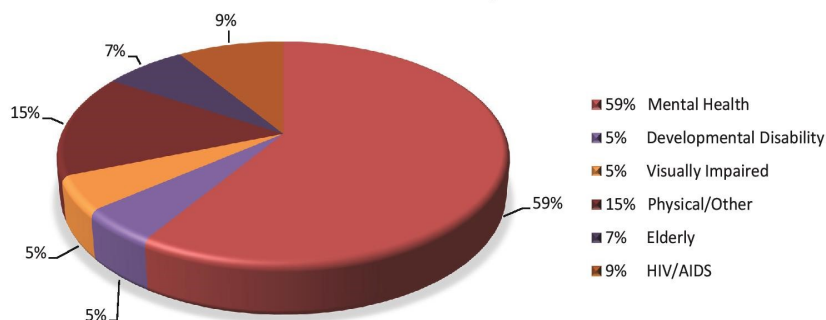
These recently established medical-legal partnerships, and our previously existing one with the Mental Health Association of Essex and Morris, show the continued recognition that partnerships such as these more effectively enhance the overall health and wellbeing of persons receiving behavior health services.

Each year CHLP attorneys and advocates help nearly 5,000 New Jersey residents with disabilities through legal representation and counseling. CHLP's services are provided free of charge to residents of New Jersey on a full range of civil law matters, including Social Security Disability and Supplemental Security Income benefits, welfare, housing, family law, consumer matters, and architectural barriers. CHLP serves all disability groups in nearly all of New Jersey's 21 counties. It receives funding from numerous state agencies, as well as, from private sources. It has offices in South Orange, Bloomfield, Elizabeth, Trenton, Eatontown and Collingswood, and satellite offices in Jersey City, Toms River, Mt. Holly and Galloway. Below is a break down of CHLP's past fiscal year.

NEW CASES FY2019



CLIENTS SERVED BY DISABILITY
FY2019 Total = 4,233



Harold B. Garwin
HAROLD B. GARWIN, ESQ.
President/Executive Director

LOW COST FEE - FOR - SERVICE GUARDIANSHIP SERVICES

WHAT: Uncontested guardianship matters for clients who are seeking guardianship of individuals with intellectual/developmental disabilities. To obtain guardianship, the person must be deemed incapacitated by the respective Surrogate's Court through the legal process.

Low cost fee-for-service program for people not eligible for services through the NJ Department of Developmental Disabilities (DDD). This low cost program is specifically available for those between the ages of 18 and 21 (requests can be started at age 17 and a half to be effective at age 18) and people over 21 not currently receiving services from DDD. Income qualifications apply to the person for whom guardianship is being sought.

Full and/or partial guardianships covering residential, educational, financial, medical, vocational and/or legal matters are available.

NOTE: Legal services that are less restrictive, such as powers of attorney and medical directives, may be appropriate for persons not deemed incapacitated. The goal is to have people responsible for and involved in their life decisions whenever possible. CHLP can also provide such services on a fee-for-service basis.

WHERE: For people residing in Essex, Hudson, Passaic and Union Counties.

COST: A flat fee of \$1,800 to CHLP for representation in uncontested guardianship proceedings. Fee information can be requested for other services mentioned above.

\$500 fee to CHLP for incidental costs such as court filing fees, postage costs, photocopies, etc. Any portion of the \$500 fee remaining at the end of the case will be returned to the client.

Clients will be solely responsible for paying any fees required by court appointed attorneys, medical and other experts, or other potential costs.

SUPPORTING DOCUMENTS REQUIRED: An affidavit regarding income and assets, and statements from two physicians, psychologists or other medical professionals who have examined the person within 30 days of filing with the court are required. CHLP will also need to review existing legal documents, such as powers of attorney and medical directives. CHLP attorneys will need to meet with the person(s) applying to be guardian(s) as well as the person to be subject to guardianship (separately in most cases).

FOR FURTHER INFORMATION:

Contact Erika Kerber at ekerber@chlp.org or Avtar Sheppard-Singh at asheppard-singh@chlp.org or call 973-275-1175.

2019 LAW & DISABILITY ISSUES CONFERENCE



Vera Sansone, CPC; Barbara Johnston, MHANJ; Harold Garwin, CHLP; Joseph Masciandaro, CarePlus NJ; Erika Kerber, CHLP

This year's Law & Disability Issues Conference was held on Thursday, May 9th at the New Jersey Law Center in New Brunswick.

The conference, a half-day program presented by the Community Health Law Project (CHLP), explored legal issues faced by New Jersey citizens who are living with a disability, HIV/AIDS, as well as elder care.

The conference's **Plenary Session** focused on **Integrated Care – Behavioral Health, Physical Health, & Social Determinants of Health** and was moderated by CHLP's Executive Director, Harold Garwin Esq. The session discussed what true integrated care means and how to implement it in order to achieve optimal health outcomes. The conference then offered three workshops;

Addiction and the Opioid Crisis, Domestic Violence and Special Education.

The Addiction and the Opioid Crisis workshop explored the latest developments that have been initiated to combat the opioid epidemic. Moderated by Brian Smith, Esq. Managing Attorney, CHLP, the workshop's panel included Heather L. Altman, MA, LPC, Program Supervisor, Support Team for Addiction Recovery (STAR), Center for Family Services; William Bruck, MSN, APN, FNP-BC, CARN-AP, Director of Medical Services, Seabrook; Adam Bucon, LSW, NJ State Opioid Treatment Authority, NJ Division of Mental Health and Addiction Services; and Mary Merkel-Custer, MSN, APN-C, CARN-AP, Director of Nursing, Maryville, Inc.



Mary Merkel-Custer, Maryville; Brian Smith, CHLP; Adam Bucon, DMHAS; William Bruck, Seabrook; Heather Altman, Center for Family Services



Deanna Dyer, NJCEDV; Kristin Bricketto, CHLP; Carrie Liszewski, OCBSS; Jessica Oppenheim, Arc of NJ

The workshop on *Domestic Violence* examined issues related to domestic violence with a focus on the most vulnerable victims, individuals with disabilities and the elderly. It was moderated by Deanna Dyer, Esq., Legal Director, NJ Coalition to End Domestic Violence. Panelists included, Kristin Bricketto, Esq., Senior Attorney, CHLP, Carrie Liszewski, MA, LPC, LCADC, DRCC, Social Work Supervisor including Adult Protective Services, Ocean County Board of Social Services; and Jessica Oppenheim, Esq. Director, Criminal Justice Advocacy Program, The Arc of New Jersey.

The third workshop offered information about ***Special Education*** and gave an overview of the developments in Special Education Law with various case studies. The panelists were Elizabeth Athos, Esq, Senior Attorney, Education Law Center and Sean Benoit, Esq. Staff Attorney, CHLP.

Thank you to all who participated. We look forward to next year's conference.

FIND CHLP ON SOCIAL MEDIA

Stay current with CHLP's latest news, events and information.

Facebook: facebook.com/Community-Health-Law-Project

Twitter: twitter.com/chlporg

LinkedIn: linkedin.com/company/community-health-law-project

CHLP RECEIVES SUPPORT

This past January, the Community Health Law Project Received a Federal Grant to Aid Victims of Domestic Violence.

The U.S. Department of Justice's Office on Violence Against Women awarded CHLP \$600,000 over a three year period to provide legal assistance to victims of domestic violence in four southern New Jersey counties. CHLP has partnered with the New Jersey Coalition to End Domestic Violence (NJCEDV) on this important initiative.

The goal of the project is to provide holistic legal services to victims of domestic violence with mental health issues and/or substance use disorders in Atlantic, Burlington, Cumberland, and Gloucester Counties. Dedicated CHLP attorneys, based out of CHLP's Collingswood office, will provide representation in civil law matters such as family, housing, consumer and entitlements. Domestic violence victims will be referred through NJCEDV's statewide domestic violence hotline at 800-572-SAFE (7233).

Also this past January, the Healthcare Foundation of New Jersey Funded a Medical-Legal Partnership Between CHLP and the Mental Health Association of Essex and Morris.

The Healthcare Foundation of New Jersey has awarded CHLP and the Mental Health Association of Essex and Morris a \$150,000 grant to fund a medical-legal partnership demonstration program in Essex County, NJ. The goal of the project is to address the social determinants of health of vulnerable individuals experiencing severe and persistent mental illness, and to collect data and outcomes to better advocate for expanded funding for medical-legal partnerships with mental health and addiction agencies.

Medical-legal partnerships are being recognized nationwide as an effective and relatively low cost intervention to improve health outcomes. Research has shown that social determinants of health, such as housing, income, health insurance and family stability play a significant role in an individual's health. Unlike the traditional referral model where the health care provider simply refers a patient-consumer to legal services, medical-legal partnerships embed lawyers and advocates into the health care team. The embedded attorney and advocate can proactively intervene before legal problems reach a crisis point, help health care staff recognize potential health-harming legal issues, navigate system and policy barriers to health, and break the cycle of treating patient-consumers only to have them come right back because their underlying barriers to health are not being addressed.



CASES OF INTEREST

CHLP Elizabeth Office

Our office has filed a Notice of Appeal with the Appellate Division on behalf of a 78-year-old client facing eviction based on apparent unclean conditions in her apartment. At this time, the Appellate Division has granted a stay of eviction pending the outcome of the appeal. This means no eviction can go forward until the Appellate Division decides if the trial court's decision to order an eviction was correct or was made in error.

Tenant is a 78-year-old woman whose main source of income is Social Security Disability benefits. Tenant has resided in a federally subsidized senior building for 15 years and, as such, her monthly rental payment is 30% of her income or \$357.00. Tenant has a hoarding disability and, at most times, her apartment has been in a state of disarray and full of clutter. However, in April 2019, Tenant began receiving mental health treatment and monitoring services from Jewish Family Services to ensure the hoarding does not reoccur. Since Tenant began receiving these services, she has maintained her home in a clean and sanitary manner.

With this appeal, our office is claiming the trial court committed three errors in deciding to order the eviction. The first is that the trial court abused its discretion when it ordered an eviction based on unclean conditions in Tenant's apartment. The trial court should have granted Tenant's request for a reasonable accommodation and permitted Tenant to continue residing in her apartment while it remained clean and sanitary and while Tenant received mental health and monitoring services from Jewish Family Services.

Secondly, the trial court committed a procedural mistake when it failed to take testimony with regard to the landlord's alleged efforts to provide accommodations to Tenant prior to the eviction proceeding. The trial court should have taken testimony in order to resolve the factual dispute rather than rely on the oral submissions by counsel for the landlord.

Lastly, the trial court abused its discretion when it found Tenant failed to cure the uncleanly conditions in her apartment although the trial court acknowledged Tenant's apartment had been substantially cleaned out and that the apartment passed an inspection by the New Jersey Department of Community Affairs.

The federally subsidized senior building in which Tenant resides is her housing of last resort. Without the housing subsidy, Tenant will be rendered homeless and face dire consequences alone. She is without loved ones who are able to assist her and she cannot afford rent at the regular market rate in light of the severe lack of affordable housing in the State of New Jersey.

Our office is putting forth every effort in fighting for this client as she is truly sympathetic and in desperate need of help.

CHLP Trenton Office

A DDD case involving a 67 year old woman with severe developmental disabilities. Client's mother died recently leaving her entire estate (worth about \$100,000) to client in her will through a testamentary trust fund to be administered by a friend of the family. Unfortunately, the Mercer County Board of Social Services deemed the assets in the trust to be non-exempt and therefore terminated client's Medicaid. This result would have been devastating to the client as she needs and receives a great deal of assistance and services from DDD that permit her to live without being institutionalized. The Board of Social Services took the position that the trust fund did not qualify as an exempt asset because they believed that the relevant law required that it be funded prior to the date that the beneficiary reached the age of 65, and because the trust was set up as part of the will rather than in a separate trust document.

After a Medicaid fair hearing and continuing benefits were requested, we researched the issues. We discovered that the age 65 requirement did not apply to the type of trust in issue here because it was set up as a third party trust rather than a self-settled trust. (A third party trust is a trust that is funded by property that was owned by a third party rather than the beneficiary, while a self-settled trust is funded by money that is owned by the beneficiary at the time that the trust is created.) In this case, since the trust was funded by property owned by the client's mother rather than the client herself, the age 65 rule was not applicable, as there are no age requirements for third party trusts. We also discovered that there was no rule or prior case law that required a trust fund to be set up in a separate document apart from a will in order to qualify as an exempt asset for the purpose of Medicaid eligibility.

After providing the results of our research to the Board of Social Services, they agreed that a mistake was made and client's Medicaid termination was rescinded without the need for a court hearing. In addition to saving client's Medicaid and DDD benefits, this case has the potential to assist other Mercer County Medicaid residents in similar situations as the Board of Social Services did not seem to be aware of the distinction between third party and self-settled trusts or that it is possible to create valid trusts in the body of a will without the need to create a separate trust document.

Continued page 8

Welcome New CHLP Staff



Sean Benoit is the newest Staff Attorney in the Union County – Elizabeth office. Sean has spent eight years as a Staff Attorney at Disability Rights New Jersey. His main focus of practice has been in special education. However, he also has experience in home healthcare and housing matters. Sean is a councilman for the Borough of Garwood.



A 2013 graduate of Rutgers Law School in Camden, **Michael Perez** was appointed as the law school's inaugural Pro Bono and Public Interest Fellow in August of that year. Michael earned his A.A. in 1994 and graduated with a B.A. from Rowan University in 2002. Following his fellowship, Michael took a position with South Jersey Legal Services as a Staff Attorney where he represented clients in housing, public benefits and domestic violence matters among other responsibilities until joining CHLP's Trenton Office in January 2019.



Maggie Marrero-Ladik recently joined the Camden Office as a Staff Attorney. She will focus on assisting victims of domestic violence, as well as individuals living with disabilities. She brings seven years of civil trial experience in matters involving life, health and disability coverage, as well as employment practices and consumer protection. She is a bilingual practitioner fluent in Spanish and admitted to practice in NJ, PA, FL and PR.



CHLP welcomes **Michelle Dostie** as the new Advocate of the Monmouth and Ocean County offices. Michelle comes with past experience at Ocean Monmouth Legal Services, Change Healthcare and the Mental Health Association. She has

advised and assisted those without insurance to pursue state and federal benefits, including Medicaid and Social Security benefits. Michelle considers it a privilege to be able to draw from a base of knowledge after having drawn out a person's story, and not leave them empty handed. The nexus of people and information, legal, medical, or otherwise, is where you will find her fully engaged.



In the Bloomfield office, we have 3 new staff members. Staff Advocates, **Henessa Gumiran** (*right*) and **Edinam Ajani** (*center*), both joined us in September and staff attorney, **Sarah Webb** (*left*), started in March. Henessa is a recent graduate of Rutgers University in New Brunswick, majoring in Economics, and also has prior experience as a paralegal preparing SSI/SSD cases for administrative hearings. Edinam is a graduate of Seton Hall University, with a degree in Social and Behavioral Sciences. She comes with extensive experience in the social service field assisting needy individuals and families both in New York and New Jersey. Sarah relocated to New Jersey after working as a public interest attorney in California, advocating for the rights of mental health consumers in hospitals, and other facilities. She is a graduate of the University of California, Berkeley School of Law.

Jane R. Marcus, Esq. is the new Bloomfield Office Senior Attorney beginning in mid-October. She comes to us from Disability Rights New Jersey where she served as Senior Staff Attorney. A graduate of Brooklyn Law School, she has worked as a Volunteer Attorney for the Education Law Center in Newark and as Staff Attorney for The Legal Aid Society in New York. Jane is also dedicated to helping those within her community and founded the Hillside Swap in Montclair.

Best Wishes



CHLP is both happy and sad to announce that **Ilene Gruenwald**, the long-standing Supervising Advocate in the Bloomfield office, will be retiring at the end of October 2019. Ilene started at CHLP in 1989 as a Staff Advocate assigned to assist clients in all issues related to Social Security disability law. Through the years, hundreds of our clients successfully obtained SSI/SSD benefits through her representation at hearings before Administrative Law Judges. In addition to her direct services work, Ilene sat on several committees including the Essex County Professional Advisory Committee (PAC) addressing issues of mental health and substance use and the Newark EMA Early Intervention Committee that deals with HIV issues. Through all of this work, Ilene gained the respect of colleagues and judges alike and was promoted to Supervising Advocate in 2012. Besides her diligence on her cases and deep knowledge that she generously shared with all, Ilene is known for her kindness and empathy towards her clients and her spirit of friendship offered to her co-workers and colleagues. Outside of CHLP, Ilene also found the time to be active in her community advocating and promoting racial justice and equality. All of us at CHLP will miss Ilene and with gratitude and appreciation, we wish her all the best for good health and happiness on her well-deserved retirement!

CASES OF INTEREST...CONTINUED

CHLP Bloomfield Office

JB was a patient at a County Mental Health Hospital. After several months, his physician determined that his mental condition had improved and he was ready to be discharged back to the community. The social workers arranging his discharge contacted the landlord to get entry to JB's apartment because in the course of his acute illness, he misplaced his key. The social workers then learned that while JB was in the hospital, the landlord had sued him for nonpayment of rent and obtained a judgment of possession. The landlord also told the social workers that as the new owner of the building, he would not accept rent because he did not want JB as a tenant. The agencies involved with JB, paid all rents in a timely manner prior to the court case, but the landlord refused to cash the checks. The social workers then contacted CHLP for assistance. At that point, JB received a Warrant of Removal with a lockout scheduled in 3 days. CHLP immediately went to court to obtain an Order to Show Cause staying the eviction until we could be heard by the Court on the issue of the landlord improperly refusing payment of the rent. We successfully obtained the Order to Show Cause, after which the landlord finally cooperated in taking the rent, signed various paperwork to continue the rent subsidy, and gave JB a new key. JB then was able to be discharged from the hospital and he returned to his apartment where he continues to reside.

CHLP COLLINGSWOOD OFFICE

Last October, CHLP was awarded the Legal Assistance for Victims Grant. This federal grant program, offered by the US Department of Justice's Office of Violence

Against Women, was designed to develop the nation's capacity to reduce domestic violence, dating violence, sexual assault, and stalking by strengthening services to victims and holding offenders accountable.

Through this grant, CHLP represents victims of domestic violence in four of New Jersey's counties; Burlington, Gloucester, Cumberland and Atlantic. These four counties were assessed to be the most underserved counties regarding legal representation for victims of domestic violence. With this three-year grant, CHLP focuses on low income clients with either mental health or substance abuse issues and helps clients to obtain final restraining orders and the post-judgement relief that can accompany a final restraining order in New Jersey, as well as assists with landlord tenant matters, various family law issues and a variety of other legal matters. CHLP has partnered with the New Jersey Coalition to End Domestic Violence (NJCEDV) (www.njcedv.org) in Trenton for this grant. NJCEDV refers clients who meet the grant criteria to CHLP for representation. Kristin Bricketto, of the CHLP Collingswood Office, is the lead attorney on the grant and Maggie Marrero-Ladik, another attorney with the Collingswood Office, also represents clients under the grant. Together in the past year, Kristin and Maggie have helped numerous clients, each with multiple legal issues. Within the past few months alone they have obtained multiple final restraining orders, had retaliatory restraining orders dismissed and obtained temporary support and custody for their clients. Lead attorney, Kristin Bricketto states, "though each of these cases is very labor intensive and emotional, obtaining successful results for our clients is incredibly rewarding and worth every effort."

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