

# ADVANCING ECONOMIC JUSTICE

*Advancing the cause of economic justice for low-income families, individuals, and communities across the country*



Fall 2007

## Settlements in Two Key Cases Will Improve Quality of Life for Thousands of New Yorkers

### *Twenty Thousand Families with Children with Disabilities Will Have Full Benefits Restored*

Families with children with disabilities face high costs for medicine, doctor's visits, therapy, transportation, and other expenses related to their children's disabilities. New York laws provided a formula for calculating the public assistance grant that took these costs into account. Without any change in the law, three years ago New York decided to change the method for calculating the grant, slashing benefits by some \$2,000 a year for 20,000 families.

Those increased benefits will again be paid on an ongoing basis to all eligible families under the settlement we have now achieved, and many families will receive retroactive benefits as well. The settlement is the most recent stage in *Doe v. Doar*, a class action we brought along with the Empire Justice Center, New York Legal Assistance Group, and Legal Aid Society of New York City. We had already won in the State Supreme Court in Buffalo and in the Appellate Division. The Court of Appeals would not consider the case until the

lower court developed a final order setting out the remedy in detail.

After extended negotiations, the parties developed a joint comprehensive remedial plan that was approved by the trial court. At that point, the State could have appealed, but – due in part to the change in administration – the State decided not to appeal. The judge signed the final judgment on September 13th.



### *Thousands of Families to Get Quicker Decisions on Their Food Stamp, Medicaid, and Cash Assistance Applications*

Every month, hundreds of needy families in upstate New York should have their applications for food stamps, Medicaid, and cash assistance processed in a far more timely fashion as the result of a recent settlement in *Martin v. Weiner*. According to plaintiffs, before the case was filed most benefit applicants in Erie County were required to wait far longer than the law allowed to get a decision on their applications, and the State agencies failed to supervise the County as they were required to under law.

Under the settlement, the Erie County Department of Social Services (Buffalo, NY) agrees to comply with all laws regarding application processing and will provide additional training for its staff. The State Office of Temporary and Disability Assistance agrees to supervise the County's administration of the food stamp and cash assistance programs and the New York State Department of Health agrees to supervise the County's administration of the Medicaid program. The settlement also establishes a monitoring protocol to test the defendants' compliance with the law, an informal relief system and a means by which plaintiffs may return to Court to enforce the settlement if the defendants fail to comply with their obligations.

The parties will appear before the Court in October 2007 with regard to the process for obtaining the Court's approval of the settlement.

The Western New York Law Center is co-counsel with NCLEJ in representing plaintiffs.



## ADVANCING ECONOMIC JUSTICE

Published by

### National Center for Law and Economic Justice

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## FROM THE EXECUTIVE DIRECTOR



We are, fortunately, a nation of laws. When public officials ignore clear legal requirements to provide food and medical care to families in distress, we succeed, time and time again, in getting courts to enforce the law.

Happily, we do not always have to go to court. When we learned that FEMA could not communicate with deaf and hard of hearing victims of Hurricanes Katrina and Rita – in plain violation of the disability rights laws – we demanded that FEMA mend its ways. In response to our complaints, FEMA has now developed much better (but far from perfect) policies for dealing with people who were deaf or hard of hearing.

But sometimes courts cannot help, and the law must be changed. I am pleased that Denise Soffel, an extraordinary health policy advocate in New York, has joined us as we work toward making health care a basic human right in this country. Denise will be invaluable in our efforts to form, join and maintain coalitions and otherwise seek to change laws, policies and practices that cannot be addressed through lawsuits. You will be hearing from her.

We could not continue our life-changing work without the magnificent support of our Board. Please join me in welcoming our newest members, listed on the next page. These four women and one man, coming from grassroots organizations, major law firms, and a leading public interest law school, exemplify the diversity and strength of our Board.

Again, thank you to all who have supported us in so many ways.

Henry A. Freedman  
Executive Director

## Save the Date

Our next

### **BENEFIT DINNER**

will be held on

**JUNE 3, 2008.**

*More information to follow!*

# Missouri Children the Winners in Class Action Lawsuit Challenging Unlawful Terminations of Health Coverage

Should a poor child in Missouri lose health care coverage for six months because one automatic premium payment was a day late when the State failed to take an automatic deduction from a checking account?

NCLEJ staff were outraged when this happened, and, along with the National Health Law Program, took Missouri to

federal court. In July, the court issued a preliminary injunction prohibiting the State from terminating the coverage of up to 20,000 Missouri children who receive their health coverage through *MC+ for Children*, the State Children's Health Insurance Program. This is the first lawsuit of its kind and is a great result for the children of Missouri.

Under the Court's order, if the state intends to terminate a child's health care coverage for the parent's failure to

pay the required premium, it must first mail the parents a notice of the planned termination and an opportunity for a hearing before coverage can be

stopped. The court also ordered the State to review each case file to see if the child is eligible under any other Medicaid program. The State announced to the press that it would comply with the judge's order.

This case received extensive media coverage, including articles in the *Kansas City Star*, *St. Louis Post Dispatch*, *Jefferson City News Tribune*, and on *Forbes.com*. In the *Kansas City Star* article, NCLEJ's Laura Redman was quoted as saying, "We are grateful the State has been told it needs to follow the law and that these young people's rights cannot be trampled upon."

The judge's full decision is posted on our website, [www.nclej.org](http://www.nclej.org).

***"We are grateful the State has been told it needs to follow the law and that these young people's rights cannot be trampled upon."***

**— Laura Redman  
Pfizer/Equal Justice Works Fellow**

## Welcome Denise Soffel



Denise Soffel, Senior Policy Analyst at the Community Service Society from 1995 to 2007, has joined NCLEJ as the Health Policy Coordinator.

Denise will work in collaboration with NCLEJ's legal staff, focusing on improving the delivery of public programs to promote the health of low-income New Yorkers. Denise will also continue to coordinate Medicaid Matters New York, a coalition of over 125 groups committed to bringing consumer voices and concerns into Medicaid policy debates.

In addition to her many years at the Community Service Society, Denise previously held a variety of health policy positions in government, hospital, and academic settings and served as a Peace Corps Health Extension Agent in Paraguay from 1979 to 1981.

She received her Ph.D. and her Masters in Public Administration (with a concentration in Health Planning and Policy Analysis) from New York University's Wagner Graduate School of Public Service and is a graduate of Clark University in Worcester, Massachusetts.

## Welcome New Board Members

We are pleased to recognize the five members who joined NCLEJ's Board of Directors in the past year:

**Lauren E. Aguiar**

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Skadden, Arps, Slate, Meagher & Flom LLP

**Mary Lu Bilek**

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**Josefina Davila**

*Health Advocate*  
Make the Road New York

**Anita Graham**

*Community Organizer - Welfare/Workforce Development*  
Community Voices Heard

**Edward P. Krugman**

*Partner*  
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Welcome New Board Members

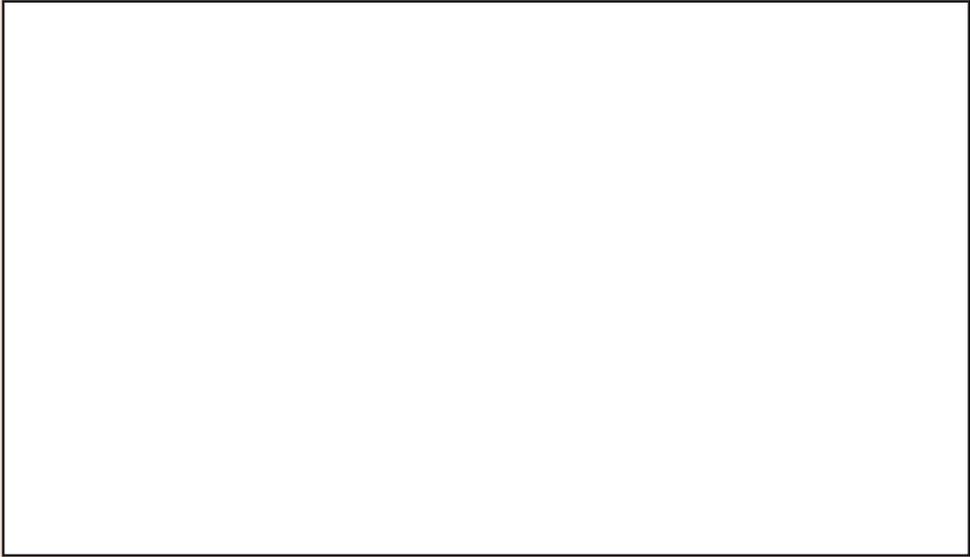


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## We've Been Busy!

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**N**CLEJ's **CHILD CARE ADVOCACY** was in full swing this summer and fall, resulting in several promising developments. In New York City, Staff Attorney Lynn Lu, as part of the Welfare Reform Network Child Care Committee, met with City agency officials to redress problems with the child care fee scale, which overcharged low-income parents for the subsidized child care on which they depend for economic self-sufficiency, in conflict with the agency's own stated policy. In response, City agency officials revised the fee scale to eliminate some of its harshest effects. We continue to press for additional changes in order to ensure that low-income, working families are not charged unfair or unreasonable fees for much-needed child care.

Lynn and other advocates from the Urban Justice Center and Resilience Law and Advocacy Project also conducted several trainings about availability and

access to subsidized child care to advocates and parents, including staff and clients of Women in Need. At the state level, Lynn joined other advocates in meeting with state agency officials and members of Governor Spitzer's staff to push for elimination of barriers to access to subsidized child care in the coming legislative session.

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**W**e've also been busy working on behalf of **PEOPLE WITH DISABILITIES**. In June, Senior Attorney Cary LaCheen conducted a training on issues related to the Americans with Disabilities Act (ADA) and public benefits. The workshop was sponsored by Legal Services of New York (LSNY) and was attended by approximately 25 attorneys who received Continuing Legal Education credit.

In July, Cary traveled to Kentucky, where State officials had invited her to participate in a working group to revise Kentucky's poli-

cy manuals, regulations, forms, screening materials, and consumer information to bring them into compliance with disability rights laws, and to take a leadership role in the drafting process. Cary attended an all-day meeting with officials from the Kentucky cash assistance, Medicaid, and food stamp programs and has subsequently redrafted the first volume of their policy manual. While in Kentucky, she trained members of the Health and Benefits Task Force on ADA issues.

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**D**enise Soffel, our new Health Policy Coordinator, has been an active member of the **MEDICAID SIMPLIFICATION WORK GROUP**, a group advocating for both simplification and streamlining of New York's Medicaid processes and progressive universal health coverage plans. She was joined in September by Laura Redman, our Pfizer/Equal Justice Works Fellow, at a work group meeting hosted by the United Hospital Fund in New York City.