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News from

MFY Legal Services, Inc.

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WINTER 2017

Helping Children with Mental Illness

Every Tuesday MFY attorney Aleah Gathings participates in rounds at Bellevue Hospital’s Department of Child and Adolescent Psychiatry. She joins the team of 20 clinicians — doctors, psychiatrists, nurses, discharge planners, and education evaluators — who review cases of children admitted to one of three in-patient programs. Every Friday she meets with parents who need help. At Harlem Hospital, MFY attorney Karla Johnson attends a similar meeting each week, and is at Kings County Hospital monthly.

The close collaboration between hospital staff and MFY is at the heart of MFY’s **Children’s Medical-Legal Partnership**, which works to remove health-harming legal problems for children who are being treated in both in-patient and out-patient programs at these three city hospitals.

There is an enormous and growing need for holistic services for children with mental illness. The National Center for Children in Poverty has found that one in five children from birth to age

18 has a diagnosable mental health problem. For youth, one in ten has a mental health problem that is serious enough to impair how they function at home, in school or in the community.

Since its inception in 2014, MFY’s Children’s Medical-Legal Partnership has provided direct legal assistance to more than 320 children and their families. “Parents are overwhelmed by the challenges of caring for a child with mental illness. We work to resolve the legal issues impacting the family,” said Ms. Gathings.

Most cases involve helping parents to navigate the educational bureaucracy to get appropriate educational services for children. “Most parents do not know their rights regarding Special Education but they know their child is not getting the education he or she needs so we



represent them in hearings at the Department of Education,” said Ms. Johnson.

“If He’s Happy, I’m Happy”

For Elizabeth E., mother of 13-year-old Dylan, MFY’s assistance was life-changing. Dylan suffered from anxiety and other problems and refused to go to school. Although he was supposed to be in a classroom of 12 students with one teacher and a paraprofessional, the school did not have the resources and he was placed in a regular classroom, which exacerbated his problems. With help from MFY and representation by pro bono attorneys at Simpson, Thacher & Bartlett LLP at a hearing to develop a new Individualized Education Plan (IEP), the Department of Education (DOE) authorized placement at a private school in Westchester for Dylan, with door-to-door transportation.

“The lawyers helped me understand that he didn’t have to stay in that school and that I could fight for a different placement,” said Elizabeth.

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A new office ... and a new name!

When MFY Legal Services opened its first storefront office on the Lower East Side of Manhattan in 1963, it was the legal arm of **Mobilization for Youth**, a large anti-poverty organization. In 1968, the legal arm was incorporated as an independent non-profit, MFY Legal Services, Inc., but maintained strong programmatic ties with Mobilization for Youth.

Mobilization for Youth ended operations in the 1990s. Now, 53 years since our founding, we are changing our name to better reflect what we do (and to end the need to give a history lesson in order to explain our name!). Our new name will be **MOBILIZATION FOR JUSTICE**, and we will make the switch in spring 2017 when we also move to our new headquarters at 100 William Street in lower Manhattan.

Children's Medical-Legal Partnership

(continued from page 1)

"Dylan is happy to go to school now. The school has its own psychiatrist . . . they have emotional support there which he didn't have at his old school. He's happy, I'm happy."

Empowering Parents by Helping Them to Know Their Rights

Parents often do not realize they can refuse an inappropriate solution proposed by the Department of Education. MFY recently produced a series of fact sheets for parents and Ms. Johnson is working with hospital social work staff to set up a series of workshops for parents.

"Once they understand that they can say no to the Department of Education and can insist on a non-public school placement, parents are eager to fight for their children," said Ms. Johnson.

Mom Risks Educational Neglect Charge to Protect Child

Benny (not his real name), age 16, who suffers from severe depression and anxiety, was being continually bullied at school. When his mother tried to file a police report after Benny was assaulted, the police told her that he was old enough to take care of himself and refused to complete a report. Afraid her child would be attacked again, Benny's mother kept him home while she attempted to get a school safety transfer, which would allow him to attend a different school. However, the Department of Education would not approve the transfer without a police report.

Bellevue's outpatient clinic referred the case to MFY's Aleah Gathings. By that time, Benny had been out of school for almost two semesters and his mother was risking being charged with educational neglect.

After extensive advocacy and negotiation at the police station and at the school, Ms. Gathings obtained the police report and a school safety transfer. She represented Benny at a Department of Education hearing, obtaining a private neuropsychological evaluation and private psychiatric evaluation at the Department of Education's expense. Benny is now at a new school in a reduced class size setting, with an accurate IEP and appropriate services. Due to MFY's advocacy, the educational neglect case against Benny's mother never materialized.

Stabilizing the Entire Family

On Fridays, Ms. Gathings holds a legal clinic at Bellevue, meeting with parents referred to her by the three in-patient and five out-patient programs. Many parents need help to secure government benefits for their children. Others have consumer debt issues that arose from missing work to care for their child, or have lost their jobs and need help to challenge a denial of Unemployment Insurance Benefits.

"Our aim is stabilize the family so that parents can devote their full attention to helping their child recover and not get bogged down with navigating government bureaucracies," said Ms. Gathings. "We offer legal assistance in accor-



MFY Attorneys Karla Johnson and Aleah Gathings review cases of children receiving services from MFY's Children's Medical-Legal Partnership.

dance with each family's needs."

MFY's Children's Medical-Legal Partnerships are the only collaborations of this kind in New York City. They build on more than three decades of collaboration by MFY with all 11 hospitals run by the city's Health and Hospitals Corporation to serve the needs of adults with mental illness as part of its Mental Health Law Project.

"MFY is committed to finding new ways to help people with disabilities, and nothing could be more important than helping children and adolescents with mental illness get the support and services they need to recover and thrive. We see every day how well children respond when they finally get into the right school setting with proper supports," said MFY Executive Director Jeanette Zelhof.

Save the date! MFY's Annual Dinner-Theatre Benefit Wednesday, June 14, 2017



in brief



MFY Wins Back Pay for 1,000 Home Health Aides

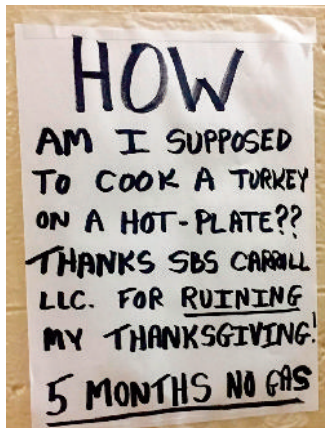
More than 1,000 home health aides who worked for First Care will receive much-needed back pay after MFY settled a class action lawsuit against the agency. Workers like Gendri Castillo, a Bronx-based immigrant aide who regularly worked 12 hours a day, seven days a week, will get the overtime pay that the agency failed to pay. Like his co-workers, Mr. Castillo, the lead plaintiff in the case, earned between \$7.50 and \$7.65 an hour, and was only paid an additional \$.25 per hour for

hours in excess of 40, in violation of state wage and hour laws. Abbey Spanier Rodd & Abrams LLP served as co-counsel on the case.

Bronx Tenants Battle Landlord Over Lack of Cooking Gas

The 28 households at three Carroll Place buildings are among a growing number of tenants in the Bronx who have been without cooking gas for more than six months. MFY is representing the group in a Housing Part action to compel the landlord to fix the problem. So far the landlord has done little more than provide some tenants with hot plates.

“Local Bronx newspapers have reported the same conditions in a number of other buildings,” said MFY Supervising Attorney Leah Goodridge. MFY’s suit also cites asbestos and vermin infestation and frames the issue as harassment under Local Law 7, which would force the landlord to pay penalties for harassment.



MFY Demands Action to End Landlord Abuse and Medicaid Fraud

On December 14, 2016, MFY, other advocates and elected officials rallied at City Hall to demand that the New York State Office of Alcoholism and Substance Abuse Services act to end unsafe practices by substance abuse programs that perpetuate



homelessness among vulnerable New Yorkers by illegally evicting or locking out residents who refuse to attend a treatment program chosen by the landlord. MFY has worked with a coalition of 17 organizations to develop recommendations to improve access to supportive and affordable housing for people leaving incarceration. Above, MFY Senior Staff Attorney Tanya Kessler, addresses the rally.

MFY White Paper

NY Courts Must Accommodate People with Disabilities

MFY’s latest White Paper, released in November, shows that New York’s Unified Court System is not effectively administering a program that would enable people with disabilities to access the court system and exercise their right to fully participate in court proceedings to which they are a party.

To comply with the Americans with Disabilities Act, New York State created the ADA Liaison program, in which at least one professional in each courthouse is assigned to provide information to people with disabilities and facilitate requests for reasonable accommodations.

“It’s a great idea, but it’s not working,” said MFY attorney Nahid Sorooshyari. “People who desperately need accommodations—especially those who may need remote access or procedural accommodations in order to challenge an eviction—get lost in a bureaucratic boondoggle.”

MFY found numerous deficiencies, including lack of easy-to-find information online and at courthouses; court personnel’s lack of awareness of the rights of people with disabilities and even the existence of the ADA Liaison Program; insufficient training of ADA Liaisons; and inadequate grievance procedures. The report also discloses that even if a court user contacts an ADA Liaison and makes a reasonable accommodation request, that request may not be reviewed in accordance with the ADA.

“Many attorneys, litigants, and court personnel are unaware of or confused about the ADA Liaison program,” said Kevin M. Cremin, MFY’s Director of Litigation for Disability and Aging Rights. “We are hopeful the court system will fix and publicize this program to comply with the ADA and provide equal access to justice for all, including people with disabilities.”

The report makes recommendations, including that: accurate information on the ADA Liaison program be prominently displayed on court websites, in courthouses, and on standard notices sent to litigants; court personnel be trained on the ADA Liaison program; ADA Liaisons get specialized training and be required to return telephone calls within 24 hours; and courts provide more guidance to ADA Liaisons and litigants on the universe of accommodations that can be requested.

MFY Helps Change Airline Policy and Flight Attendant Gets a Second Chance

When Allison applied for a job as a flight attendant with a Minneapolis-based airline company, she was denied employment because of her criminal record. She had worked as a flight attendant for 15 years, a job she lost in 2001 when TWA went bankrupt. Despite this experience and another decade of responsible employment, education and community service, the airline rescinded its conditional job offer as a result of an FBI criminal background check showing her more than a decade old convictions, claiming that she failed to disclose and give any explanation regarding these convictions on their employment application form.

MFY attorney Bernadette Jentsch took on her case. Ms. Jentsch contacted the company and talked its representatives through the legal requirements of the New York City Fair Chance Act, which prohibits employers from asking about an applicant's prior criminal record until after a job offer has been made, and the New York Correction Law Article 23-A, which requires employers to consider the requisite eight factors in evaluating an applicant with a prior criminal record.

As a result of MFY's negotiations, the airline allowed Allison to make



her case. It not only hired her, but the company changed its job application procedures for everyone, making it less likely that the problem will reoccur in the future.

MFY's Workplace Justice Project helps scores of New Yorkers with past criminal records secure employment and rebuild their lives.

MFY Challenges HUD's Discriminatory Mortgage Sales

Represented by MFY Legal Services and Emery Celli Brinckerhoff & Abady LLP, African-American homeowners filed a class action lawsuit against the U.S. Department of Housing & Urban Development (HUD), charging that HUD's Note Sale Program has a discriminatory impact on African-American communities in New York City and violates homeowners' due process rights.

Lead plaintiff Joseph Washington's case illustrates the problem. He and his fiancé bought a modest home in Queens with a government-insured FHA mort-

gage. He made regular payments (including \$308 per month for FHA insurance) for two years but fell behind when the couple split. Although he was in the process of securing a loan modification from his FHA servicer, his loan was sold by HUD to Lone Star Funds, a private equity fund that invests in distressed financial and real estate loans. HUD did not notify him of the sale.

Although HUD's sale requires Caliber, the new servicer retained by Lone Star, to offer loan modifications similar to the federal HAMP program, Caliber forced

Mr. Washington to accept a predatory five-year, interest-only modification that will balloon to an unaffordable monthly payment in the sixth year, making default inevitable. HUD has sold over 113,000 mortgages this way.

The lawsuit cites data showing that HUD's Note Sale

Program has had a discriminatory effect on African-American neighborhoods in New York City, primarily in southeast Queens and east Brooklyn.

At a recent court appearance to set a discovery schedule, HUD's attorney's focus was on the agency's relationship with loan servicers, not homeowners.

"HUD has lost its way," said Elizabeth Lynch, MFY's supervising attorney for foreclosure. "The National Housing Act requires HUD to put homeowners first when it commands that HUD's programs provide 'a decent home and suitable living environment for every American family, thus contributing to the development and redevelopment of communities and to the advancement of the growth, wealth, and security of the Nation.'"

"Home ownership is the principal way that families of color accumulate wealth," said Diane Houk, of Emery Celli. "It is stunning that HUD, whose mission is to affirmatively further fair housing for all Americans, would carry out a program with a disparate and destabilizing effect on African-American communities."



Lead plaintiff Joseph Washington at press conference.

class action