



**NEW MEXICO CIVIL LEGAL SERVICES
ANALYSIS OF DELIVERED AND UNMET LEGAL SERVICES
FOR LOW INCOME CHILDREN AND THEIR FAMILIES**

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**SUMMARY REPORT
For the Year Ended June 30, 2014**

NEW MEXICO CIVIL LEGAL SERVICES PROGRAMS DELIVERED and UNMET LEGAL ASSISTANCE SERVICES FOR LOW INCOME CHILDREN AND THEIR FAMILIES

The Corinne Wolfe Children's Law Center of the University of the New Mexico School of Law has retained Community Services Analysis LLC (CSACO) to perform an Economic Impact and Social Return on Investment analysis of the long-term value of services provided by civil legal aid organizations in the State of New Mexico to children and their families and to measure the potential benefits resulting from the additional attorneys specializing in children's law issues.

In addition, the Children's Law Center also retained CSACO to perform three additional analysis efforts:

- To quantify the numbers of low-income children and their families who receive legal assistance from civil legal aid organizations in New Mexico during a given year.
- To quantify the unmet legal needs of low-income children and their families and the reasons their legal problems are not addressed by these civil legal aid providers;
- To summarize these unmet legal needs by Judicial District within the State of New Mexico.

These projects are a follow-on to the Social Return on Investment analysis performed by CSACO for the civil legal aid organizations in New Mexico that was completed in March, 2015.

This report addresses the three additional issues: the quantity of services provided, the unmet legal needs of low income children and their families and the reasons, and the unmet legal needs by Judicial District.

The civil legal services programs in the State of New Mexico that participated in this analysis are:

Disability Rights New Mexico

The mission of Disability Rights New Mexico (DRNM) is to protect, promote and expand the legal and civil rights of persons with disabilities. DRNM is an independent, private nonprofit agency operating federally mandated and other advocacy programs in pursuit of this mission.

DRNM provides several basic services: information and referral about services for persons with disabilities and about their legal rights; individual case advocacy services to resolve specific disability rights problems; advocacy efforts to improve service systems and to generally promote, protect and expand the rights of persons with disabilities; and training activities to increase awareness of disability rights and increase consumer empowerment.

DNA- People's Legal Services (Dine'Beina' Nahlilna Ba Agha'diit'ahii)

DNA-People's Legal Services provides free legal aid in remote portions of three states and seven Native American nations, helping thousands of low income people annually to achieve long lasting economic stability by providing access to tribal, state and federal justice systems. DNA provides legal assistance, advice and representation in U.S. and tribal courts, promotes tribal sovereignty, and offer community education programs that promote greater understanding of the law. DNA's services have helped people living in poverty use existing policies and laws to protect their property and assets, stay safe from physical, mental and financial abuse, avoid exploitation and safeguard their civil rights.

Enlace Comunitario

Enlace Comunitario is a social justice organization led by Latina immigrants in Central New Mexico. It is are a non-profit community based organization that provides direct services to Spanish-speaking victims of domestic violence and advocates for the rights of Latino immigrants and their children. Their holistic approach includes counseling, legal services, community education, leadership development and organizing to impact system change.

Law Access New Mexico

Law Access New Mexico provides free telephone legal advice and referrals for low-income New Mexicans to help them solve civil legal problems.

New Mexico Legal Aid

New Mexico Legal Aid is a civil legal advocacy organization dedicated to opening the door to equal access to justice for all disenfranchised and low-income people and communities throughout New Mexico by providing outreach, training, education, and quality representation.

New Mexico Legal Aid provides legal assistance, advice and representation in U.S. and tribal courts, promotes tribal sovereignty, and offer community education programs that promote greater understanding of the law.

Pegasus Legal Services for Children

Pegasus provides civil legal services to children and youth in dire situations. Most of the clients we serve have suffered extreme hardships such as abuse and neglect. Pegasus is committed to helping them find positive, long-term solutions. We offer a unique range of services to homeless and runaway youth, teen parents, children in the abuse/neglect system, children being raised by their grandparents, and children who have been denied appropriate educational services.

Senior Citizens Law Center

Established in 1983, SCLO provides critically needed systemic advocacy and legal representation to Central New Mexico residents Sixty (60) years of age and older in order to uphold their rights, maximize their autonomy and ensure that they receive the benefits to which

they are entitled. SCLO gives special priority to seniors who are economically needy, socially isolated, medically frail and institutionalized. Services are provided at SCLO's centrally located office, at senior centers and meal sites, and at the residences of homebound seniors including assisted living and nursing facilities.

United South Broadway

USBC is a non-profit community development corporation founded in 1986 to revitalize historic neighborhoods in Albuquerque. It seeks to increase the availability of safe, decent and affordable housing for low and moderate income home buyers. With the mortgage meltdown of 2007-8 the corporation expanded statewide to offer free legal help and housing counseling to New Mexico homeowners facing unfair and unnecessary foreclosures.

The New Mexico Center on Law and Poverty

The New Mexico Center on Law and Poverty is dedicated to advancing economic and social justice through education, advocacy and litigation. It works with low-income New Mexicans to improve living conditions, increase opportunities and protect the rights of people living in poverty

The data and results of the organizations that provided civil legal aid services to children and their families were included in these analysis projects. The organizations who did not provide direct services to children and their families, and whose data was not included, are:

Disability Rights New Mexico -
rights

Their focus is on expanding the legal and civil of persons with disabilities. They do not provide services focus on the legal issue and needs of children.

Law Access New Mexico -

Their services are limited to providing telephone legal advice to qualifying low-income persons. Their services do not directly address the legal needs of children.

Senior Citizens Law Center -

Their services are focused on older people and do not directly address the legal needs of children.

The New Mexico Center on Law
and Poverty -

Their mission is focused on strategic advocacy and education efforts and does not provide direct legal services to children.

ANALYSIS #1: THE NUMBERS OF LOW-INCOME CHILDREN AND THEIR FAMILIES WHO RECEIVE LEGAL ASSISTANCE FROM CIVIL LEGAL AID ORGANIZATIONS IN NEW MEXICO DURING A GIVEN YEAR:

Description of Services

New Mexico’s Civil Legal Services Programs provide services in over 200 types of legal problems. Not all of these services benefits children and their families (i.e. services such as Veteran’s benefits, Civil Rights violations, employment discrimination, tax and Earned Income Tax Credits, private landlord/tenant disputes, and many others).

The complete list of legal aid services, and the accompanying data, was reviewed with the management of the Corinne Wolfe Children’s Law Center and the relevant areas of services to children and their families were identified. They are:

Note: The number of children is based on a state wide average (per U.S. Census 2010 data as the detailed case/client transaction records are not sufficiently complete with data entered for the number of children in each legal matter).

Housing Issues:

Matters involving loss of housing due to foreclosure, eviction from subsidized or private housing, public housing issues, private landlord/tenant problems, and sub-standard housing conditions.

The number of low-income families with children who received civil legal aid assistances in this legal area is during the year ended June 30, 2014 is:

HOUSING ISSUES	NUMBER OF CASES (FAMILIES)	NUMBER OF CHILDREN
Federally Subsidized Housing	128	265
Public Housing	72	149
Mobile Homes	31	64
Mortgage Foreclosures	491	1,016

Family Issues:

Matters involving domestic violence, divorce, separation and annulment, child custody and visitation, paternity, child and elder abuse, spousal and child support, guardianship, and adoption.

The number of low-income families with children who received civil legal aid assistances in this legal area is during the year ended June 30, 2014 is:

FAMILY LAW ISSUES	NUMBER OF CASES (FAMILIES)	NUMBER OF CHILDREN
Custody and Visitation	672	1,391
Divorce/Separation/Annulment	963	1,993
Adoption	13	27
Name Change	22	46
Parental Rights Termination	12	25
Paternity	50	104
Domestic Abuse	641	1,327
Support	134	277
Other Family Issues	61	126
Neglected and Abused Dependents	27	56
Minor Guardianship	111	230

Public Benefits Issues:

Matters involving public programs such as Social Security benefits, Medicare and Medicaid, food stamps, temporary assistance for needy families, veterans' benefits, and unemployment compensation.

The number of low-income families with children who received civil legal aid assistances in this legal area is during the year ended June 30, 2014 is:

PUBLIC BENEFITS ISSUES	NUMBER OF CASES (FAMILIES)	NUMBER OF CHILDREN
Temp. Assistance for Needy Families	55	114
Social Security	30	62
Food Stamps	61	126
Social Security Disability Insurance	73	151
Unemployment Compensation	181	375
State and Local Income Maintenance	125	259
Other Income Maintenance Issues	23	48

Health Care Issues

Matters involving Medicaid, private health insurance, home and community based care, and other health-related issues.

The number of low-income families with children who received civil legal aid assistances in this legal area is during the year ended June 30, 2014 is:

HEALTH CARE ISSUES	NUMBER OF CASES (FAMILIES)	NUMBER OF CHILDREN
Medicaid Issues	79	164
Medicare	5	10
Private Health Insurance	3	6
Home and Community Based Care	9	19
Other Health Issues	10	21

Consumer Protection:

Matters involving bankruptcy, debt and wage garnishments, unlawful collection practices, tax issues, debt collections, and repossessions.

The number of low-income families with children who received civil legal aid assistances in this legal area is during the year ended June 30, 2014 is:

CONSUMER PROTECTION ISSUES	NUMBER OF CASES (FAMILIES)	NUMBER OF CHILDREN
Bankruptcy & Debtor Relief	14	29
Collections/Repossessions/Garnishments	264	546
Public Utilities	20	41

Other Community Issues:

Matters involving varied areas such as education, health care and health insurance, mental health and disabilities, immigration, wills and estates, powers of attorney and advance directives, health issues, torts, civil rights, licenses, Indian tribal law, assistance for non-profit organizations, and other individual rights issues.

The number of low-income families with children who received civil legal aid assistances in this legal area is during the year ended June 30, 2014 is:

OTHER COMMUNITY SUPPORT ISSUES	NUMBER OF CASES (FAMILIES)	NUMBER OF CHILDREN
Agricultural Workers issues	1	2
Special Education/Learning Disabilities	9	19
Student Financial Aid	4	8
Mental Health Issues	2	4

ANALYSIS #2: THE UNMET LEGAL NEEDS OF LOW-INCOME CHILDREN AND THEIR FAMILIES AND THE REASONS THEIR LEGAL PROBLEMS ARE NOT ADDRESSED BY THESE CIVIL LEGAL AID PROVIDERS:

There is a critical distinction between the existence of “unmet” legal needs and “underserved” legal needs. Unmet needs are those circumstances where someone has a legal problem and asks for legal assistance (via Law Access New Mexico) but is turned down and does not receive any assistance from a legal aid provider.

Underserved needs are those legal matters where the person needing assistance is accepted by a legal aid organization as a client, but due to limitations on the available legal aid resources is not provided with the desired level of legal assistance. An example of this is a client who is seeking a divorce but there is no danger of domestic violence or spousal abuse, the desire to divorce has been discussed for some time but no previous action has been taken, and both parties are capable of understanding legal forms and written instructions.

In this type of situation the level of legal assistance maybe limited to providing the client with a discussion of the process, providing the necessary forms, and providing “self-help” documentation on the process and requirements. While further assistance may be necessary during the process, the legal aid attorney typically does not provide a full level of service.

No quantifiable data is currently available from existing legal aid information systems or internal reports that allows measurement of the frequency or degree of the level of underserved legal cases.

New Mexico is somewhat unique in that legal aid providers who receive Legal Services Corporation funding (overall LSC funding accounts for approximately 50% of the total funding for legal aid services nationwide) rely upon a separate organization to do the “intake assessment” of potential cases to determine to eligibility of legal matters for legal aid assistance.

This separate organization is Law Access New Mexico. Law Access operates a free statewide telephone legal advice service to state residents. Their services extend to providing brief legal

advice and self-help materials. If the Law Access representative determines that the client needs a higher level of legal assistance, they perform a qualification process to determine if the client is eligible for legal aid assistance and then will refer the client to the most appropriate legal aid services provider.

During the year ended June 30, 2014, Law Access New Mexico rejected 5,657 legal matters.

Total Number of Cases Rejected	5,657	
Reason for Rejection	Number of Cases Rejected	% of Total Rejected Cases
Conflicts	1,536	27%
Over-income	1,076	19%
Caller needs to call back later	875	15%
Couldn't reach on callback	862	15%
Issue outside of priorities or non-NM legal issue	494	9%
Decided not to continue	457	8%
3rd-party callers	169	3%
Represented by counsel (seeking 2nd opinion)	122	2%
Non-NM resident	66	1%

Note: "Conflicts" refers to situations where multiple parties exist in a legal conflict (i.e. a wife and husband in a divorce). Legal Aid procedures and regulations prevent a legal aid organization from providing services to more than one party in these types of situations.

ANALYSIS #3: THE UNMET LEGAL NEEDS OF LOW-INCOME CHILDREN AND THEIR FAMILIES BY NEW MEXICO JUDICIAL DISTRICT:

The definition of “Unmet Legal Needs” is based upon the number of cases rejected by Law Access New Mexico during the year ended June 30, 2014.

COUNTY	TOTAL REJECTED CASES	REJECTED CASES WITH CHILDREN	PROJECTED NUMBER OF CHILDREN AFFECTED
Los Alamos	3	1	3
Rio Arriba	91	36	75
Santa Fe	271	104	211
Total Judicial District 1	364	141	288
Bernalillo	2,676	1,164	2,492
Total Judicial District 2	2,676	1,164	2,492
Dona Ana	524	246	20
Total Judicial District 3	524	246	20
Guadalupe	28	17	36
Mora	11	4	8
San Miguel	111	49	109
Total Judicial District 4	149	70	154
Chaves	189	107	252
Eddy	91	57	123
Lea	115	63	144
Total Judicial District 5	395	227	520
Grant	166	82	178
Hidalgo	18	11	23
Luna	94	48	109
Total Judicial District 6	279	140	309

COUNTY	TOTAL REJECTED CASES	REJECTED CASES WITH CHILDREN	PROJECTED NUMBER OF CHILDREN AFFECTED
Catron	8	0	0
Sierra	33	13	27
Socorro	49	20	47
Torrance	74	41	92
Total Judicial District 7	164	74	166
Colfax	65	26	55
Taos	124	49	95
Union	9	3	6
Total Judicial District 8	198	78	156
Curry	74	40	91
Roosevelt	36	22	55
Total Judicial District 9	110	62	146
De Baca	3	1	3
Harding	1	0	0
Quay	30	15	30
Total Judicial District 10	34	16	33
McKinley	95	53	131
San Juan	69	30	71
Total Judicial District 11	164	83	203
Lincoln	37	18	38
Otero	92	37	10
Total Judicial District 12	129	55	48
Cibola	33	16	36
Sandoval	269	120	261
Valencia	169	86	191
Total Judicial District 13	471	222	488
TOTAL UNMET LEGAL NEEDS BY COUNTY and JUDICIAL DISTRICT	5,657	2,578	5,022

A Special Organization - The New Mexico Center on Law and Poverty

The New Mexico Center on Law and Poverty is a non-profit law firm and advocacy group with the mission of addressing systemic issues that affect the poor. It works to assure that the policies, laws and practices intended to address the problems of those living in poverty are well-designed and are implemented legally, fairly and effectively.

During the fiscal year 2014, the Center achieved a number of successful outcomes from their efforts, including the following major accomplishments:

- Won litigation forcing the state to cease using computers to automatically close or deny benefits cases until serious procedural deficiencies are addressed.
- Won litigation forcing the state to provide individualized, accurate, and easy-to-read notices for SNAP and Medicaid as required by federal law.
- Prevented proposed cuts in the services provided to Medicaid recipients.
- Won litigation forcing the state to improve its screening for and delivery of emergency SNAP benefits to clients who are most at risk of hunger. As a result of this advocacy, more hungry families will receive this critical assistance when they need it most.
- Won litigation compelling the Human Services Department to provide SNAP benefits to students who are enrolled in career and technical education programs, basic adult education and remedial courses, and literacy or ESL courses. This brought New Mexico into compliance with federal law.
- Coordinated efforts to increase the state appropriation for civil legal services—winning an increase of \$250,000 in funding for legal aid for the poor.
- Won decisions from two separate courts of law upholding agricultural laborers' right to worker's compensation.
- Convinced the Department of Workforce Solutions to conduct outreach and education about agricultural workers' right to receive the state minimum wage, which is \$.25/hour higher than the federal minimum wage.

Delivered presentations about healthcare and public benefits to over 975 community members, about labor rights to 230 community members, and trainings to over 1,390 advocates, civil legal service providers, and healthcare providers to allow them to better serve their clients. During the fiscal year 2014, the Center achieved a number of successful outcomes from their efforts, including the following major accomplishments:

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The normal analysis, calculations, and reporting methodologies (following the internationally accepted standards of The SROI Network) do not exactly apply in this particular report, as several of the results accomplished as described above will not generate financial impacts in the State of New Mexico until further actions and services provided by other organizations have taken place.

The accomplishments of the New Mexico Center on Law and Poverty have resulted in making these further actions possible and “opening the door” for the citizens of New Mexico to realize these benefits.

The actual future economic impact to New Mexicans, and specifically to children and their families, is contingent upon their participating in the enrollment process and meeting the qualifications for these benefits. This process typically requires the guidance and assistance of other organizations for successful participation and receiving of these benefits.

ABOUT COMMUNITY SERVICES ANALYSIS LLC

Community Services Analysis LLC is the leading provider of Social Return on Investment Analysis in the United States. Since 2007 CSACO has completed over 100 SROI studies for local and state agencies around the country, including such clients as the State of Pennsylvania Department of Education, the State of California Department of Rehabilitation, the City of Philadelphia, United Way, United Cerebral Palsy, Habitat for Humanity, the State of Arizona Library and Public Archives, and multiple Civil Legal Services Programs.

Community Services Analysis LLC is the first organization in the United States to be a member of The SROI Network, the international Social Return on Investment standards and accreditation organization, and has been recognized by many national social services organizations such as ANCOR (*the American Network of Community Options and Resources*), ACCSES (*the American Congress of Community Support and Employment Services*), and NLADA (*the National Legal Aid and Defenders Association*).

In 2013, following a detailed analysis of multiple Cost Benefit/Return on Investment methodologies and providers, the National Legal Aid and Defenders Association selected CSACO as their exclusive SROI analysis national partner.