

VETERANS LEGAL WELLNESS CLINIC

Part 1. Limited Scope Legal Services Acknowledgement and Understanding

This is an **Acknowledgment** between Volunteer Lawyers for Justice, its volunteers and staff and you. It contains the basic terms of our agreement to provide you with limited legal advice and assistance so that you can better represent yourself in your legal matter.

Scope of Legal Advice. You are representing yourself in your legal matter. Neither Volunteer Lawyers for Justice nor the volunteer you are meeting with today is representing you in any capacity. The volunteer agrees to provide you with legal advice based upon the information that you give him/her at the legal clinic. The volunteer is not agreeing to perform any outside investigation of the facts of your legal matter.

Duration of Legal Help. This arrangement to advise you will begin right now and will end at the completion of our meeting today. Unless agreed to in writing, neither Volunteer Lawyers for Justice nor the volunteer you are meeting with will help you in any capacity after the completion of today's appointment and or assume liability regarding the outcome of your legal matter.

Attorney's Fee and Costs. There is no cost for our meeting. You are responsible for all legal costs and fees outside of this legal clinic.

Declining to Advise. We may decline to advise you as follows:

- (1) If we have a conflict of interest – for example, if we have already advised or provided representation to the opposing party in your case, we have a legal conflict of interest and cannot provide you with any legal advice;
- (2) If your legal problems are too complicated and beyond the scope of this project; or
- (3) If for any other reason set forth in the New Jersey Rules of Professional Conduct.

CONSENT CONFIRMATION (must check one):

On _____, the LIMITED SCOPE LEGAL SERVICES
ACKNOWLEDGMENT AND UNDERSTANDING was reviewed with
"Client" (_____), **and Client provided verbal consent.**

On _____, the LIMITED SCOPE LEGAL SERVICES
ACKNOWLEDGMENT AND UNDERSTANDING was reviewed with
"Client" (_____), **and Client did not provide verbal consent.**

Volunteers:

Attorney 1

Attorney 2

Attorney 3

Part 2. Questionnaire

Appointment Date:

Veteran Client Name:

Attorney Name:

Attorney Name:

Attorney Name:

(if applicable) Non-Attorney Volunteer Name:

[Please read to veteran client after introductions, so they know what to expect from their meeting with you.]

I am a volunteer attorney partnering with Volunteer Lawyers for Justice. The purpose of today's appointment is to identify any areas where you might need additional legal advice or help. While we won't resolve the issues in our time today, you will get advice as to how to tackle the problems you face and get referrals to help you address these issues.

As we go through this interview, I will be asking some questions about legal issues you may be facing. They are not intended to embarrass you or make you feel uncomfortable. If you would rather not talk about a particular subject, let me/us know and we will move on. Before we start going through my questions:

- *Is there a particular issue that is bringing you in to see us today?*
- *Have you or anyone else in your home recently spoken to an attorney about any issues?*
- *Are there any upcoming court dates?*

Notes from initial discussion with veteran client:

Important reminders!

- VLJ provides assistance with certain civil legal issues (noted above).
- For issues not handled by VLJ/VLJ's pro bono panel, or for non-legal issues, VLJ works to provide meaningful referrals and connect veterans with other service options.
- Breaking bad news can be hard, but it is important for you as volunteers to set reasonable expectations for all veteran clients and be honest about what services we may/may not be able to provide.
- Today's goal is to identify any/all issues and help prioritize next steps.
- Provide advice on the spot whenever possible (i.e., if you know employment law and the veteran is experiencing an employment-related issues, advise appropriately).
- Provide detailed notes in right column if you have identified a legal issue.
- Complete additional questionnaires if applicable.
- **Part 3 "Volunteer Report Form" on pages 14 - 15 must be completed for each client.**

Initial Legal Issues Identified:

- Barriers to Employment (pg. 3) Driver's License Issues (pg. 3)
- Criminal Record Expungement (pg. 3) Child Support Modification (pg. 8) Financial Issues (pg. 10)
- Housing (pg. 11) Divorce (pg. 12) Children's Education (pg. 12) Estate Planning (pg. 13)
- Veterans' Issues (pg. 13) Other (pg. 13)

BARRIERS TO EMPLOYMENT	
<p>1) Are you currently employed? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><u>ADVICE/NOTES</u></p>
<p>2) Have you had trouble finding a job (or the job that you want) due to any of the following? <input type="checkbox"/> Criminal record <input type="checkbox"/> Discrimination <input type="checkbox"/> Driver's license/other transportation problems <input type="checkbox"/> Other:</p> <p>NOTE TO ATTORNEY: If client has a criminal record, please go to Page 3 to make an assessment of expungement eligibility.</p>	
DRIVER'S LICENSE ISSUES	
<p>1) Is your driver's license currently suspended? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><u>ADVICE/NOTES</u></p>
<p>2) Is it suspended for New Jersey-related matters?</p> <p>3) Do you know the reason for the suspension? If so, what is it?</p> <p>NOTE TO ATTORNEY: If client has a suspended driver's license, ADVISE THE CLIENT NOT TO DRIVE WITH A SUSPENDED LICENSE. Also, note in the Volunteer Report Form that a MVC Consent Form should be sent to client.</p>	
CRIMINAL RECORD EXPUNGMENT	
<p>1) Does the client have a criminal record? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2) Please ask the client to list all convictions (not arrests). What was the date of each conviction and what was the conviction for? <i>If client is unsure, please run Promis Gavel and Municipal Court Case Search</i></p> <p>3) Is there a pending or open criminal Matter? <i>If yes, client is not currently eligible for expungement and needs to wait for a final disposition.</i></p> <p>Once the client has given you all of this information, please use the flowchart that begins on the following page in order to assess their eligibility for expungement of their New Jersey Record</p>	

4. How many indictable crime (Felony) convictions does the client have?

-If more than 1- are they from different dates, arising from different arrest?

- **YES** – Client may qualify for Clean Slate Expungement. See Question #7 below.
- **NO** – client may be eligible – **MOVE ON**

-If only 1- has it been 5 years from date of conviction, time served, payment of fine, and end of probation or parole, whichever is latest?

- **YES** – client may be eligible- **MOVE ON**
- **NO** - Has it been at least 4 years?

↙

NO – Has it been 5 years since completion of sentence except for fine payment? If client has substantially complied with payment or could not do so for compelling reasons, client may still be eligible. Otherwise, client may be eligible for Clean Slate Expungement. See Question #7 below.

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YES- Client may qualify for Lowered Time period if there are compelling reasons

5. Does the client have disorderly persons (misdemeanor) Convictions only?

- If more than 5 -client may be eligible for Clean Slate Expungement. See Question #7 below.

- If less than 5 - How Long has it been since date of Conviction, time served, payment of fine, and end of probation or parole, whichever is latest?

- **If more than 5 years** – Client may be eligible for expungement in NJ
- **If less than 5 years but more than 3 years** – Client may qualify for a reduced 3 year waiting period if there are compelling reasons
- **If less than 3 years-** Client not currently eligible for expungement.

Notes

6. Does Client have BOTH Indictable crime and disorderly person's convictions?

-If more than 1 Indictable crime or more than 3 disorderly persons – client may qualify for Clean Slate Expungement. See Question #7 below.

-If 1 Indictable and crime and up to 3 disorderly persons – Has it been at least 5 years since completion of sentence.

If NO – do they possibly qualify for the reduced 3 year waiting period if there compelling reasons

If YES

↓
Client may be Eligible-
MOVE ON

↓
If NO - has it been 5 years since completion of sentence except for fine payment?

↓
If NO – Client is not eligible for expungement in NJ. Review “Appears to be Ineligible” section below with client

7. Does the Client Qualify for Clean Slate Expungement?

-Convictions for barred offenses?

- **If YES** – barred offenses are not eligible. Review “Appears to be ineligible” section below.
- **If NO**- has the waiting period of at least 10 years from date of conviction, payment of fine, and end of probation or parole, whichever is later, been completed?

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If YES – Client may petition for Expungement until Automated system is developed

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If NO- Client's record does not qualify for expungement at this time. “Review “Appears to be ineligible” section below.

Notes

8. Does the client have Dismissed or not guilty Charges ONLY?

Client may seek expungement of those immediately. VLJ will generally assist only if petition would result in clean record. **MOVE ON.**

9. Does Client have PTI Dismissal or conditional discharges?

Client may seek expungement of diversionary program records 6 months after successful completion of the program. **MOVE ON.**

10. Does the Client have a violation of Municipal Ordinance?

Client may seek expungement of their violation 2 years after sentence completion as long as they do not have an indictable offense conviction and only up to 2 disorderly person's convictions. **MOVE ON.**

11. Does the client have a Juvenile Record?

-If **YES**- it may be eligible for Expungement

12. Does the client have any out of state arrests or convictions? If yes, please note same.

<u>APPEARS TO BE ELIGIBLE</u>	<u>APPEARS TO BE INELIGIBLE</u>
<p>If client appears to be eligible for an expungement, ask them to obtain a full criminal case history (CCH), also known as a rap sheet, by getting fingerprinted.</p> <p>VLJ can give client directions on how to make an appointment to get fingerprinted.</p> <p>CLIENT TO NOTIFY VLJ ONCE THEY HAVE CCH.</p>	<p>If client does not appear eligible for an expungement, advise them accordingly. Ask their reasons for seeking an expungement, i.e. employment, housing, etc. Strategize with client on ways to achieve goals without an expungement, i.e. work/job readiness programs, employment programs offered through city, homeless prevention programs, etc. VLJ can give client relevant brochures.</p>

BARRED OFFENSES

- Robbery
- Criminal Homicide (except death by auto as specified in N.J.S.A. 2C:11-5)
- Kidnapping
- Human Trafficking
- Luring or Enticing
- Aggravated Sexual Assault
- Aggravated Criminal Sexual Contact
- Criminal Sexual Contact (if the victim is a minor)
- Criminal Restraint (if the victim is a minor and the offender is not the parent of the victim)
- False Imprisonment (if the victim is a minor and the offender is not the parent of the victim)
- Arson and related offenses
- Terrorism
- Endangering the Welfare of a Child by Engaging in Sexual Conduct that would Impair or Debauch the morals of the Child
- Endangering the Welfare of a Child by Photographing or Filming a Child in a Prohibited Sex Act or Simulated Sex Act, or
- Reproducing or Reconstructing such an Image Causing or Permitting a Child to Engage in a Prohibited Sexual Act
- Selling or Manufacturing Child Pornography
- Knowingly Promoting the Prostitution of the Actor's Child
- Perjury
- False Swearing Conspiracies or Attempts and to Attempt Such Crimes
- Producing or Possessing Chemical Weapons, Biological Agents, or Nuclear or Radiological Device

****Please note: this is not an exhaustive list***

ASSESSING ELIGIBILITY FOR CHILD SUPPORT MODIFICATION (DECREASE)

1) Is there an existing child support order?

YES → MOVE ON

NO → Continue discussion, but there is no order to modify.

2) Is the child support case in NJ?

YES → MOVE ON

NO → Continue discussion, but order would have to be domesticated in NJ (if that jurisdiction is now proper) before it can be modified. Alternatively provide legal services information for the appropriate state.

3) Does the client have one of the below changed circumstances?

The changed circumstance from the last child support order must be permanent and substantial to support making a request to reduce child support.

- Has the client experienced a change in income or employment status? Is the job loss permanent and involuntary?
 - When did this change take place and what caused it?
 - Has the client been unemployed for at least three months?
Note: each case is fact-sensitive and all judges rule differently, but most judges will require at least three months of unemployment.
 - Has the client had the opportunity to look for new employment in the same field? Different field?
 - Does the client have any other sources of income, such as personal savings or retirement savings? Most judges will require a parent to spend down these accounts before a child support reduction is ordered.
- Has the custodial parent inherited money, received a large raise or otherwise increased their ability to support the children since the order was put in place?
- Has the client become permanently disabled since the order was entered? Please note what, if any disability benefits are being received.
- Has the client had additional children since the order was entered?
- Does the client now have multiple support orders?
- Has the client increased parenting time since the order was put in place?
- Is the client experiencing work-related child care costs since the order was put in place?
- Has the client been paying for significant medical expenses for that child since the order was put in place?
- Has the client been paying educational costs for that child since the order was put in place?
- Has the client been incarcerated for 1 year or more since the order was put in place?
- Does the client not meet the self-support reserve test?

If **NONE** of these changes are relevant to client or his/her case, the client probably does not have grounds to file a motion.

If answer is **YES** to one or more of the above, the client may have grounds to file a motion for modification of support.

NOTES

ASSESSING ELIGIBILITY FOR CHILD SUPPORT MODIFICATION (DECREASE)

4) Should the dependent be emancipated? Has the dependent married? Was dependent's age of emancipation extended to 23 but circumstances have changed? For example, the dependent is not in school full-time as planned when emancipation extension was granted.

If **YES**, the dependent should likely be emancipated. MOVE ON.

If **NO**, dependent is not likely a candidate for emancipation.

IF CLIENT APPEARS ELIGIBLE:

1. Note in Volunteer Report Form that client appears to have grounds to request a modification of their child support order.
2. Complete child support intake questionnaire with client.
3. Ask client to gather copies of prior family court orders and forward to VLJ. If client requires assistance with obtaining copy of their orders from the court, please complete a [Record Request Form](#) with the client and forward same to VLJ to file on client's behalf.

NOTE: Docket Number is REQUIRED for a record request.

4. Ask client to gather copies of their recent tax returns, paystubs, disability letters etc.

IF CLIENT APPEARS TO BE INELIGIBLE:

Discuss other ways to meet child support payments, including employment opportunities, disability and other benefits.

Brainstorm other ways to help client's financial situation.

NOTES

FINANCIAL ISSUES

	<u>ADVICE/NOTES</u>
1) How would you describe your financial situation (i.e. ability to pay bills)?	
2) Do you have a lot of credit card/medical/student loan debt? <input type="checkbox"/> Yes <input type="checkbox"/> No (NOTE: If so, get more details and list same)	
3) Do you have any other debt (i.e. do you owe money to family or friends)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
4) Are you getting phone calls and/or letters about outstanding bills? <input type="checkbox"/> Yes <input type="checkbox"/> No	
5) Have you been sued by any of the people to whom you owe money? <input type="checkbox"/> Yes <input type="checkbox"/> No	
6) Are your wages being garnished/has your bank account been levied? <input type="checkbox"/> Yes <input type="checkbox"/> No	
7) Do you ever have trouble making your rent/mortgage payments? <input type="checkbox"/> Yes <input type="checkbox"/> No	
8) If you are currently behind, how many months are you behind?	
9) Do you owe money for any parking or traffic tickets? <input type="checkbox"/> Yes <input type="checkbox"/> No	
10) If so, has your driver's license been suspended as a result? <input type="checkbox"/> Yes <input type="checkbox"/> No	
11) Do you file taxes each year? <input type="checkbox"/> Yes <input type="checkbox"/> No	
12) Have you had trouble filing/do you need assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No	
13) Do you owe any back taxes (state or federal)? <input type="checkbox"/> Yes <input type="checkbox"/> No	

<p>If SIGNIFICANT DEBT ISSUES:</p> <p>14) Have you ever filed or considered filing for bankruptcy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>15) If you have previously filed, in what year did you file?</p> <p>NOTE TO ATTORNEY: If the client has had a bankruptcy discharge in the past eight years, they are NOT currently eligible to file for Chapter 7 bankruptcy. Otherwise, please complete a bankruptcy questionnaire.</p>	
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HOUSING

<p>1) What is your living situation?</p> <p><input type="checkbox"/> Rent a home</p> <p><input type="checkbox"/> Own a home</p> <p><input type="checkbox"/> Homeless</p> <p><input type="checkbox"/> Live in a shelter</p> <p><input type="checkbox"/> Other: _____</p>	<p><u>ADVICE/NOTES</u></p>
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If RENTER:	
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<p>2) Has your landlord filed an eviction proceeding against you in court or threatened to evict you?</p> <p>3) Are you behind on your rent? If yes, how far behind?</p> <p>4) Do you receive subsidized housing (Section 8, vouchers, etc)?</p> <p>5) Are you having any of the following problems?</p> <p><input type="checkbox"/> Repairs not being done</p> <p><input type="checkbox"/> Heat doesn't work</p> <p><input type="checkbox"/> Mold, bugs, or rodents</p> <p><input type="checkbox"/> Unsafe conditions</p> <p><input type="checkbox"/> Other: _____</p>	
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<p>NOTE TO ATTORNEY: If the answer to 2 or 5 is yes, please complete the "Housing/Eviction Questionnaire" available for download on VLJ's Veterans Volunteer Resources webpage (https://www.vljj.org/veterans-volunteer-resources).</p>	
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DIVORCE

1) Are you currently going through a divorce or separation?

Yes No

If YES:

2) Have you or has your spouse filed for divorce yet?

Yes No

3) Where are you in the process?

ADVICE/NOTES

CHILDREN'S EDUCATION

1) Are any of your children being bullied or harassed in school?

Yes No

2) Are any of your children being repeatedly suspended or disciplined in school?

Yes No

3) Do any of your children have an IEP or receive special education services?

Yes No

4) If no, do you believe your child is in need of them?

Yes No

5) Do you believe the services in your child's IEP are not appropriate?

Yes No

6) Do you believe your child's current school is not able to provide an appropriate education for your child?

Yes No

ADVICE/NOTES

ESTATE PLANNING

1) Do you currently have a will, medical directive, or power of attorney document?

Yes No

2) If not, do you want one?

Yes No

NOTE TO ATTORNEY: If client is interested in a will or other estate planning, please complete an Estate Planning Questionnaire with them.

ADVICE/NOTES

VETERANS' ISSUES

1) Have you enrolled with the VA?

Yes No

NOTE TO ATTORNEY: Encourage all veterans to enroll with the VA, even if they don't need healthcare or other services now. It becomes more difficult to enroll as the years progress after discharge.

2) Are you having trouble accessing benefits or other services from the VA?

Yes No

NOTE TO ATTORNEY: If yes, refer to VSO Contact Information Sheet on VLJ's Veterans Volunteer Resources webpage (<https://www.vljinj.org/veterans-volunteer-resources>).

OTHER ISSUES

NOTE TO ATTORNEY:

Please ask the client if they have any other issues they would like to discuss.

Part 3. Volunteer Report Form

Please complete the questions below based on your conversation with the veteran and what you learned through completion of the Veteran Legal Wellness Questionnaire. The goal is to report to VLJ what was completed during the appointment AND to help VLJ prioritize the next steps for the veteran.

VLJ staff will use this form to record pro bono time, note the advice given, and prepare actionable next steps for veterans to move forward with identified legal (and non-legal) issues. Upon completion submit packet via email to Veterans Legal Program (staff attorney and legal assistant).

Feedback on attorney/client meeting

Please provide detailed information about the following:

- Any action items for clients, including any upcoming deadlines.
- Any advice / information your team relayed to veteran during the course of the appointment.
- Which, if any, of the additional questionnaires were completed with veteran in addition to Wellness Questionnaire (for example, estate planning, housing/eviction, bankruptcy, child support).

Issues identified for/by veteran client

Please list the issues identified in order of priority. Example includes: facing eviction in New Jersey, unhoused/in need of stable housing, looking to appeal VA benefits decision, seeking to modify an existing NJ child support order, etc.

Note:

- If veteran client is seeking an expungement, please indicate whether your team found the client eligible to seek an expungement under the current statute and through completion of Wellness Questionnaire.
- If veteran is seeking to modify an existing NJ child support order, please indicate whether your team determined that the client is a good candidate to seek a modification presently.

Priority 1:

Priority 2:

Priority 3:

Priority 4:

Priority 5:

Priority 6:

Are you or are any volunteers from your team interested in continuing to assist this veteran client beyond today's clinic? If so, indicate which volunteer and which legal issue. Examples include being a "buddy" to help client obtain records, providing representation, etc.

Even if someone from today's team is unable to continue, please consider your law firm's / legal department's areas of expertise and whether a referral could be made to your office generally. It would be extremely beneficial for veteran to be able to obtain consistent, continued assistance with one (or more) of the issues identified.

Total time spent with veteran client:

Additional Notes:

Save and Submit via email to Veterans Legal Program staff (staff attorney and legal assistant).