

Homeless Person's Legal Clinic Legal Health Check

More than 85% of homeless people have one new legal problem each year and over 50% have at least three. Most of these legal needs are left unaddressed. This can impact on their housing prospects, their finances, and their chances to make a new future. And it's difficult to help when people experiencing homelessness are not aware that they have legal needs. But lawyers can achieve great outcomes if these issues are detected. Frontline community workers are best placed to help recognise the client's legal needs. You already know the client. You have their trust. Sometimes, you even know good free legal service like HPLC but sometimes you just get busy.

The HPLC has developed some quick ways to detect the most common legal needs. Community workers can save time and reduce the number of stresses for people experiencing homelessness. Sometimes it just starts with the right questions.

**More than 85% of homeless people
One new legal problem each year**

Over 50% have at least 3

HOMELESS

Legal needs unaddressed

IMPACT

Housing, finances, future

Make a NEW FUTURE

UNAWARE They have legal needs

FRONTLINE

Best placed to recognise emerging needs

HPLC

QUICK Ways to detect common legal needs

SAVING TIME Reducing the number of crises

ASKING The right questions

**Homeless Person's Legal Clinic
Legal Health Check**

Sue: Hi. My name is Sue and I'm a lawyer with the Homeless Person's Legal Clinic. You might be someone who is a worker or a volunteer at an agency that supports people who are homeless or a residential service. Maybe you're a social worker with Centrelink or a nurse who connects with homeless people. Well, people who are homeless have lots of legal needs and they often don't know that they are legal needs or how to see a lawyer or where to find a lawyer. What we know is that they're more likely to talk to someone like you about that need. And so, we want to give you a resource that will make it easier and more helpful for you to talk about those things and to give the client a helpful referral to a legal service.

Legal Health Check

- 1. Debt
- 2. Housing
- 3. Crime
- 4. Guardianship
- 5. Child and Family
- 6. General

Sue: It's called the Legal Health Check. It deals with debt, housing, crime, guardianship questions, child and family matters, and general. I'm going to go through each of these one at a time and show you what the questions are and how they relate to your clients.

Legal Health Check

1. Debt

Sue: The very first question we ask is the question about debts because a lot of people who are homeless have a lot of debts. They've got debts with Centrelink; they've got debts with people who have provided them with mobile phone, electricity debts. So we've learnt you can't just ask them, "Do you have a legal problem?" They will say no. If you ask, "Have you got a debt?" They'll often say no. But what we've tested is, if you say, "Is anyone chasing you for money?" They'll say, "Ah, yes." And so we ask that question. We say, "Is anyone chasing you for money? Do you have any payments due, accounts unpaid?" And we give them some examples: phone, Centrelink, cash converters, personal finance. And then you list those.

1. Debt

1.1 Part A: Debt Details

Is anyone chasing you for money? Do you have payments due or accounts which are unpaid? For example, for phone, Centrelink, cash converters, personal finance, car loan?

If a client has some debts that they're owed, then, on the back are some helpful suggestions such as what other information do I need? Maybe their bank statements. Or is their statement from the creditor or the provider? That's useful information to send along to the lawyers along with the completed Legal Health Check. That information isn't always available and so the lawyers can help find that.

DEBT DETAILS

DEBT DESCRIPTION: (e.g. mobile phone)

1. A) Who is the debt owed to (the creditor)?
B) Is a debt collector involved, and if so, who are they?
C) Do you have a Customer Reference number?

2. A) When did you first begin to owe this money?
B) When did you stop making payments toward the debt?
C) What amount is left to pay?
3. If the debt relates to a service (for example, phone or electricity),
has the service been disconnected or terminated?
4. If the debt relates to goods, did you obtain these goods through a
rent-to-buy scheme or with the help of a finance company?
Please
give details.
5. Do you need to keep the good/service? And if so, why?
6. Has the creditor or debt collector commenced court action
in relation
to the debt (either now or in the past)?
7. Is the creditor or debt collector contacting you about the debt (via
letters, telephone or personal visits)? If so, how often,
and has there
been threatening or other inappropriate behavior?
8. Do you think there is anything wrong or unfair about the debt (e.g. you
think someone else is responsible for the debt/you weren't
given
correct paperwork?

Please attach any documents you have about the debt (for example, notices from the creditor or debt collector, a statement of account, or the contract or service agreement.

Kelly: My role here at Roma House is an area manager. I oversee the service. Roma House has been operating as a trauma-informed model and also as a non-exclusion service. We're asking, "What's happened to get you here?" instead of "What's wrong with you?" So when workers are having initial talks with residents around their journey and their experiences, often questions that relate directly to the Legal Health Check come up. Most notably, I think, or surprisingly for us, it was the issue around debts and the fact that many people coming in have high SPER debt, also have debt with credit card companies, debt with housing providers. So debt component, we didn't really consider as something we could address on a legal front that they had access to legal services which could assist them with these problems.

Sue: We ask a specific question about fines because they are a debt that a lot of homeless people have. We think that about 60% of people experiencing homelessness have fines and that the average fines total about \$5,000.00

So SPER is the agency in Queensland that collects those fines. They do recognize people's homelessness and take that into account. So it's really good for the client to indicate whether they've got a SPER fine or to find out if they've got a SPER fine and then to get them on a better installment payment because sometimes SPERs have big computer. It might not recognize that your client is homeless and they might be paying a top rate. Especially if they total, owing is like \$10,000. 00. So we think it's better to direct the client to the community engagement team and then they can get on like a \$10.00-a-fortnight installment payment which is a better outcome. Or they can sometimes do volunteer work and pay their fine off that way. You can only get that outcome if the community engagement team knows about the person's homelessness. That's why we ask those questions.

1.2 Fines – SPER

1. Have you received any fines or infringements that you can't

- pay?
2. Do you currently have a SPER debt? If yes, for how much?
 3. Are you currently paying the SPER debt off by installments, or through a Fine Option Order (community service)?
 4. If not, would you like to apply for an installment plan or a Fine Option Order?

The other thing we need to know is what's going on with the person's income and outgoings because that's information that we're going to have to give to the provider. So we ask, "Are you on a Centrelink payment? What's your average income? Where does the money go? Do you have dependents?"

1.3 Part B: Financial Details

1. Do you receive Centrelink payments?
2. Do you have any other income?
3. How much income do you receive on average per week?

The kind of outcomes we are able to achieve with a debt- Because it's not just a budgeting issue; it's a legal issue and so we're asking, "Is the debt lawful?" Maybe the person who provided the credit or who provided the goods didn't follow the rules and so the debt's unlawful and it can just be waived completely. Or sometimes it's a hardship scheme and the person's entitled either to have the debt waived or to have their homelessness taken into account and have installments that are appropriate that they can really keep up with. We can arrange that as well.

Often, your clients get a lot of phone calls from the debt collection agency saying, "Make another payment," "Why haven't you paid this debt?" They are harassing, they are annoying, and they are stressful. So the other thing we can do is just say to the debt collection agency, "Talk to the lawyers. Stop talking to the client." That just relieves a lot of

stress for the clients. So that's the kind of things that the lawyers can do with debt.

Legal Health Check

2. Housing

Sue: The second category of questions are all about housing. Sometimes you might be involved in your client getting onto a government housing list or into some housing but what the lawyers can do is stuff around that. We can negotiate with the department and find out which category the client is in and what they need to do to be in a certain category and to be accepted as a Priority Homelessness. So we can negotiate with the department. Sometimes the client owes money from a previous Department of Housing property. That needs to be sorted out and lawyers can help with that.

So the questions we ask are all about, "When did you arrive at your current accommodation and where were you living before that?" And questions such as, "If you paid a bond, did you get it back?" because that's money that should be in the client's pockets. Or, "Did you leave belongings behind?" This is something that happens to a lot of clients – they leave properties quickly, they leave behind sometimes personal items, ID, or a sound system – something like that. There are rules about what the landlord is supposed to do with that property and the lawyers can assist the client to get that property back. We ask if there's outstanding rent. This is typically of, say, a couple have been renting and then there's a breakdown and someone leaves but they might still be on the lease as being required to pay the rent even though they are not living in the property. So those are the sorts of things that the lawyers can help with.

2. Housing

(a) When did you arrive at your current accommodation?

(b) Where were you living before that?

4. If you paid a bond, did you get it back? If not, do you know why not?

5. Did you leave any belongings behind? If yes, please provide details:

6. Did you have any rent outstanding? If yes, please provide details:

Also for a lot of our clients, they are on a ticker database, a blacklist. Sometimes they've been put on that list wrongly, we can get them off it. So that's something else that we want to help the clients up with.

Luke had recently been evicted from the boarding house where he had been staying for the last three years. He was in a depressive state, lost track of everything including the rent payments. He has been sleeping rough for the last few nights and has just arrived at Roma House. Our case worker, Casey, is running through the assessment interview.

Housing Issues

[Luke and Casey seated together]

Casey: So how did you end up on the street, Luke?

Luke: I got kicked out of the hostel, got locked out; lost all my stuff.

Casey: Okay, alright. Well, I guess we should start with talking to the Department of Housing and getting you on the priority list. What do you think?

Luke: Yeah, that would be great.

Casey: Yeah? And are there any legal issues that come to mind?

Luke: No.

Kicked out of the hostel

- Lost I.D.
- Lost bond
- Blacklisted

Luke actually does have a number of legal issues but he just doesn't think of them that way. He has lost access to personal items, he has lost his bond, and the landlord wants to put him on the tenancy blacklist. If he doesn't get these issues sorted, they could undermine Casey's efforts to organize new accommodation.

So let's try that again using the Legal Health Check. This time when they start talking about housing issues, she goes straight to the housing section on page 3.

Casey: Okay, Luke if you paid a bond, did you get it back?

Luke: No.

Casey: No? And did you leave any belongings behind?

Luke: Yeah, all my clothes, my stereo, a bag with my birth certificate in it.

Casey: Yeah. That's pretty serious. Was there any rent that was outstanding?

Luke: Yes, about \$300.00.

Casey: Okay. \$300.00. Next question. Now, do you know if you're on the ticker database?

Luke: I'm not sure. Sorry.

Casey: That's a bit of an issue. I think we can help you out with that. We have lawyers that come every Thursday and they can help you out with all that legal stuff. Did you want to make an appointment now?

Luke: Yes, that'd be great.

Casey: And you can ask them to keep me in the loop so that I can talk to them and help out with any stuff.

Luke: Sounds great.

Benefits of LHC

Kelly: It's great for workers to be able to connect them with the resource that's right here and get a lead in that, "Okay, on Thursday we're going to put your name down to attend this clinic." That comes up quite often in conversations with residents which is a big part of the work that we do. It's part of our induction as well when new workers come in. We found that the advice and information HPLC has regularly provided very useful to keep up the momentum of the clinics here at Roma house. So workers can be involved with the clinic on a couple of different levels. Once they signed the consents that the client's okay for them to communicate with the lawyers, they can keep on top of the situation to assist the law firm in delivering communication and also being aware of all the issues affecting the resident that they are working with which again feeds into their recovery and support plan. It's just having a holistic view of what's happening for the person. So by getting involved in that way and getting the consent of the worker, they could really address those issues as a whole like the legal issues and how they contribute towards the other issues that that person is experiencing.

Legal Health Check

3. Crime

Sue: We ask questions about crime. Our lawyers aren't always representing the client in a criminal manner – that's unusual. What we really want to do is connect the client to the services there are. So there's often a duty lawyer scheme in the court and it's important for that duty lawyer to know that the person is homeless and some of the circumstances around that person.

So that's the sort of thing we do. We ask, "Are you due in court?" Or, "Have you had contact with the police? Do you think there's any warrants out in your name?" and we can help the client with all of those things, get them to court to get their homelessness recognized. Sometimes, they'll be eligible for diversion schemes where, instead of just getting the highest penalty, they can get put through to some support. And that's a better outcome for the client.

3. Crime

1. Do you have a Notice to Appear, or are you due to appear in Court?

2. Have you had any contact with police in the last few months? For example, have you been questioned or arrested by the Police? If yes, provide details:

Court Notice

Sharon had a big night last night. They had a few drinks and it was all going great until they started walking back from the party. The police stopped them and searched for drugs. They were clean but Sharon became agitated when one of the police was searching her bag. She lost her cool and swore at him. She was served with a notice for offensive language and contravening a direction. This morning, it's all a bit of a blur but she has come in to the drop-in center to use the shower when she bumps into Simon, our caseworker.

[Sharon and Simon standing outside]

Public nuisance offence

- Fines

- Warrant

Simon: Hi, Sharon. Why the long face?

Sharon: I got busted by the cops last night for no reason.

Simon: Did they give you a slip?

Sharon: Yes, but it doesn't matter; I don't need to go. They can just add it to my bill.

Simon: Well, you'll have to be on court on Thursday.

Sharon has a collection of paperwork stuffed in her bag and this new notice is about to go straight on that pile. It's a ticking time bomb. She already has over \$7,000.00 worth of fines owing and maybe a warrant out.

Let's try that again. But this time, Simon pulls his trustee Legal Health Check postcard out of his pocket.

How can HPLC help?

Is anyone chasing you for money?

Do you have a SPER debt?

Do you have hassles with bond/rent arrears?

Does the Public Trustee handle your money?

Do you need to go to court?

See the HPLC at BHSC: Tues 9:30 -11AM

Sharon: Yes. But it doesn't matter; I don't need to go. They can just add it to my bill.

Simon: This is something the lawyers can help you with. Did you know

they're at Café One every Tuesday?

Sharon: Lawyers? Useless, mate.

Simon: Now, these guys are good. They're volunteers from big firms. They won't cost you anything. Here, have a look at these questions. See the SPER thing – Rent arrears? Even fines.

Look,

just turn up at Café One, you don't need appointment. Every Tuesday.

Sharon: Alright, cool.

Simon: Oh. Here, you forgot something.

Sharon went to visit the lawyers. They helped her get legal aid at court and sorted out her fines debt with some volunteering.

- Legal aid in court

- Sorted out debt

Benefits of LHC

Kelly: The postcard is really good. It gives us, workers, prompts at to ask those questions because often when we're asking people if they have any legal issues, the standard answer is an immediate no. "No, we don't have any legal concerns that we need to tell you about or you need to worry about." So some of those prompting questions for us as workers on the postcards are quite useful such as, "Is anyone chasing you for money?" or asking about SPER.

Legal Health Check

4. Guardianship

Sue: The fourth category of questions, we titled guardianship. People who are homeless often have decisions made for them by other organizations. There's an order. So the public trustee might be responsible for their financial decision-making or the adult guardian might be responsible for personal decisions that they make. Or they might be under an involuntary treatment order so that they're required to take treatment and to see medical providers. These orders are often appropriate but sometimes they're not. And sometimes, when those agencies are involved, the client feels really hopeless and so they don't have any control over their life.

4. Guardianship

1. Are you under a Forensic or Involuntary Treatment

Order?

2. Has the Adult Guardian and/or the Public Trustee been appointed to look after your affairs?

What we can do is find out exactly what the terms of the order are. We can find out if, well, perhaps it can be changed; perhaps it can be narrowed; perhaps the public trustee is able to give you some money that you can make your own decisions about. There are the sorts of things that it's worth finding out about. It's worth seeing, Is the order appropriate? Maybe the person is stabilized and the situation is not so out of control and they're really quite capable of making decisions for themselves now.

Or sometimes, the client just wants to have their voice heard in the decision-making process. These orders are reviewed and the client might want to say, "I think it's a good idea," or "I think it's a bad idea." Those are the things and lawyers can help with that.

Legal Health Check

5. Child & Family

Sue: A lot of people who are homeless have been part of family breakdown and relationship breakdowns so we ask a whole lot of questions about children and about family life. Especially if clients are from a different cultural background, they may not even know about the rights that are connected to relationships so we want to give them some information about that and help them.

Sometimes, people who are homeless have children and there are orders about the children with the other parent or sometimes through the child protection system. Maybe the client wants that system or the other parent to know that things have changed or that they are able and want to see the child and have some visiting and build a relationship back with the child. They're all things that our lawyers can help with.

What we typically do in this area is not, again, represent the client but connect them to an agency that does that. So legal aid, we're often assisting the client to make a grant to Legal Aid and we could help them write that out and we could help them connect to what's already an excellent service that's provided by Legal Aid.

So we ask, "Is there a domestic violence order or some sort of other apprehended violence order that you want to change or that you want to take out?" Just questions about your rights in a relationship "Can someone be violent towards you?" Or sometimes, people just want to get the divorce at last and haven't got around to doing that, don't really know how, and we can assist them with that. So they're all questions about family life that lawyers can help with.

Child and Family

1. If you have any children under 18 years old:

* are you concerned about any parenting plans or orders with

respect to these children? (e.g. who the children live with, spend time with, or your involvement in major long-term issues)

* has the Department of Child Safety tried to, or obtained any orders

with those children, which you would like to discuss?

2. Have you obtained, or are subject to, a current domestic violence

protection order, which you would like to discuss?

3. If you are in a relationship, do you have any concerns or queries with

respect to your rights in that relationship?

4. Do you have matters proceeding through the Family Court of Australia,

such as divorce or property applications, which you would like to

discuss?

Fresh Start

Michael has been at the accommodation service for three months now. While he was there, he attended the HPLC and went through a legal health check. He found the lawyers friendly and respectful. They identified a lot of things they could help with and together, agreed on what to do. After that, they sent him letters explaining what they were doing and what things had got sorted. It took a while but they had some breakthroughs that would enable him to make a fresh start in a new housing unit.

Moving into housing

[Michael and caseworker are seated together]

Caseworker: So it looks like we've got a place for you. It's a little unit over in Eastwood. Is that good for you?

Michael: That sounds really good.

Caseworker: Oh, great. So do you think you'll be able to keep up with the rent and everything?

Michael: Yeah, I've got my SPER down to \$10.00 a fortnight, so I don't think that will be a problem.

Caseworker: Oh, great. And did the lawyers help you with that?

Michael: They did. They cancelled out my phone debt and basically got my debt in half and he was able to take my name off the ticker list. They gave me access to my super. So with that, we'll be able to possibly get like maybe a bed for the kids.

Caseworker: That's fantastic, Michael. That's really good. It will make things a lot easier for you. And that's your right, you know.

Michael: That's what the lawyers said. Thanks.

Caseworker: So we'll have another chat tomorrow and we'll make some more plans and maybe we'll go and have a look at the unit.

Michael: That'd be good. Yes, okay.

Caseworker: Now, do you know the location of the other legal clinics in your new area?

Michael: No, I don't.

Caseworker: Well, maybe someone there can talk to you about seeing your kids. Here's the card with all the locations on it. If you have any problems, you can always go back and see them.

Michael: That's awesome. Thanks. Cheers.

Benefits of LHC

Kelly: Often, our clients here at Roma House don't have access to legal resources; in a lot of ways question the rights that they have as well and aren't always the best advocates for themselves. A lot of our residents find that legal aid is not even an option for them so they kind of give up at that point. So it's really empowering and quite uplifting and a new experience for people to come in and have lawyers who are actually coming where they're staying to work for them.

That has been just a great experience to see how that can impact people in moving forward because it's often legalities and legal concerns that can stop or uphold some of the things that need to happen in their life for them to move forward.

Legal Health Check

6. General

Sue: So at the end, we just ask a general catch-all question which is, "Do you have anything else that you want to ask the lawyers about?" and then we ask, "And if you need a lawyer in the future, where would you go?" Because this client might not always be at your service and we want them – now that they've learnt about what the legal issues are – to think, "Well, I do need to see a lawyer and I do need to see them as soon as my rent stops being paid." We want to see if we can give them other ideas for where they can go.

6. General

Do you have any other concerns that you would like to raise with a lawyer?

If you needed a lawyer in future, where would you go?

Locations

Pindari Women's Hospital
The Drop-In Centre, Townsville
4AAA Kiosk
139 Club
Pindari Men's Hospital
Brisbane Homelessness Service Centre
Roma House
bric housing, Spring Hill
Anglican Women's Hostel
Kyabra Phone Clinic
Brisbane Youth Service
New Farm Neighbourhood Centre
The Basement, Toowoomba
Refugee Civil Law Clinic

Contact us:

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Want to know more?

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Find a Community Legal Centre

www.qails.org.au

or

Legal Aid Queensland

www.laq.qld.gov.au

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