

Medical-Legal Partnership for Families in Durham



Duke Pediatrics
Lincoln Community Health
Center
Duke Children's Law Clinic
Legal Aid of North Carolina

Medical-Legal Partnership

- An alliance between pediatricians and lawyers to benefit low-income and at-risk children and their families
- Provides an opportunity for pediatric providers to refer patients for legal assessment in situations where a non-medical obstacle is impairing the overall health of a patient.



Duke Children's Law Clinic

- A clinical education program at Duke Law School
- Allows law students to interview, advise, and represent low-income clients under the supervision of law school faculty
- Focuses on cases that benefit the well-being of children; particular expertise in special education and school discipline matters



Legal Aid of North Carolina

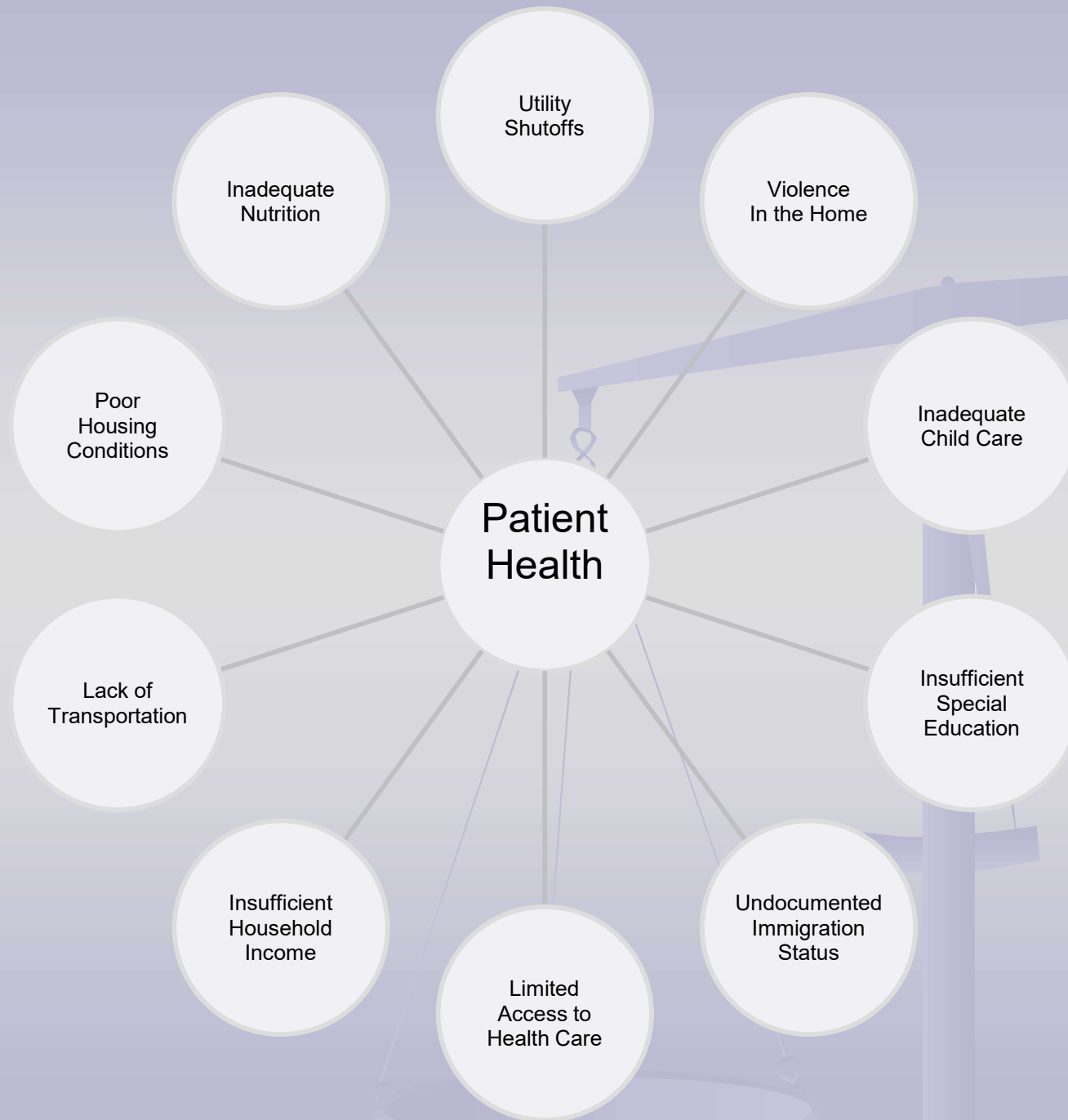


- Statewide non-profit program, with local offices around the state, that provides free legal assistance in civil cases to low-income persons
- Particularly focuses on housing, consumer, government benefits, and family law issues

Medical-Legal Partnerships

- Acknowledge the influence of social factors on health
- Recognize that some social factors are remediable by enforcement of existing laws and regulations
- Consider attorneys as “subspecialists” that can remedy some of the non-medical obstacles that affect patient health



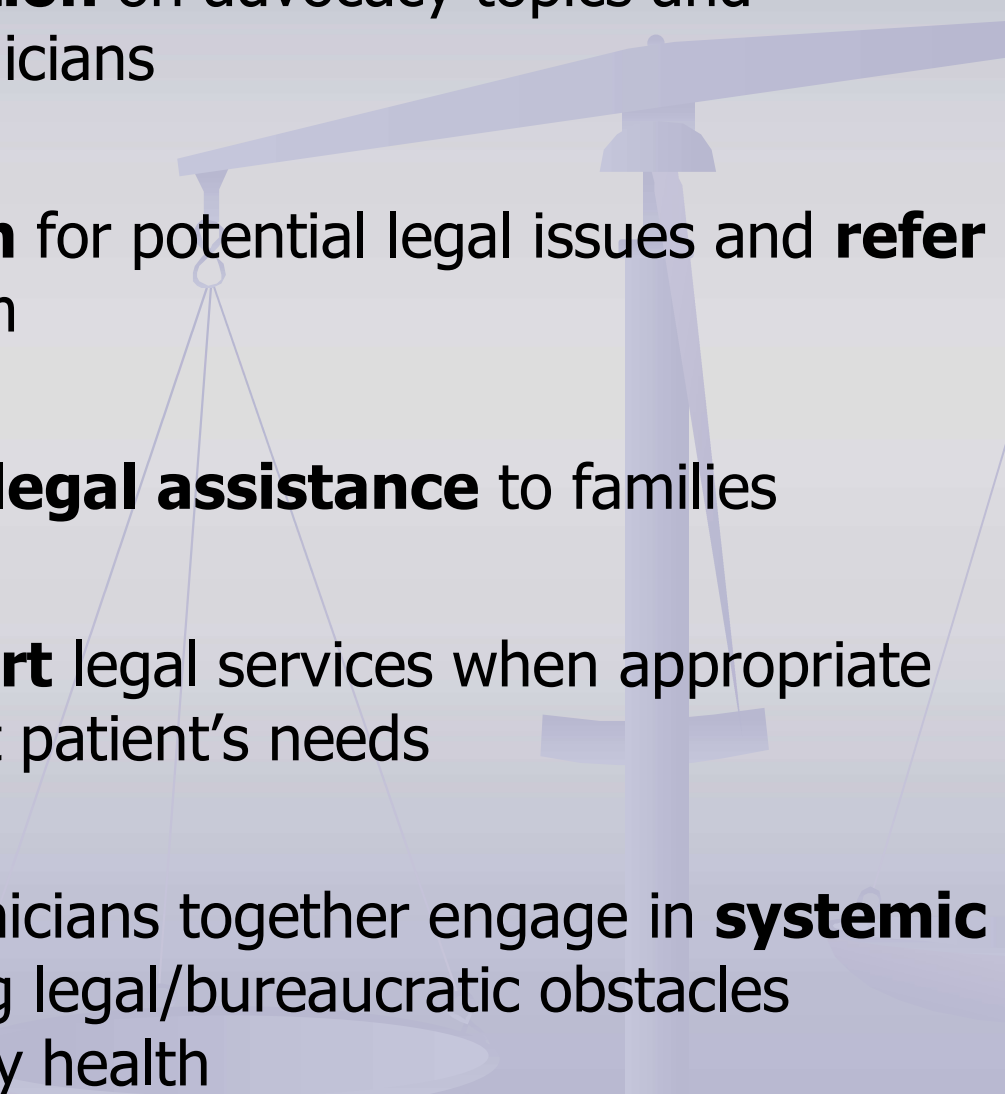


Burden of Poverty

- Nearly 20 percent of Durham's children are in poverty
- Nearly 25 percent of children from birth to five are in poverty
- Poor children have 15-30 % higher risk of suffering from chronic illnesses than do children from non-poor families

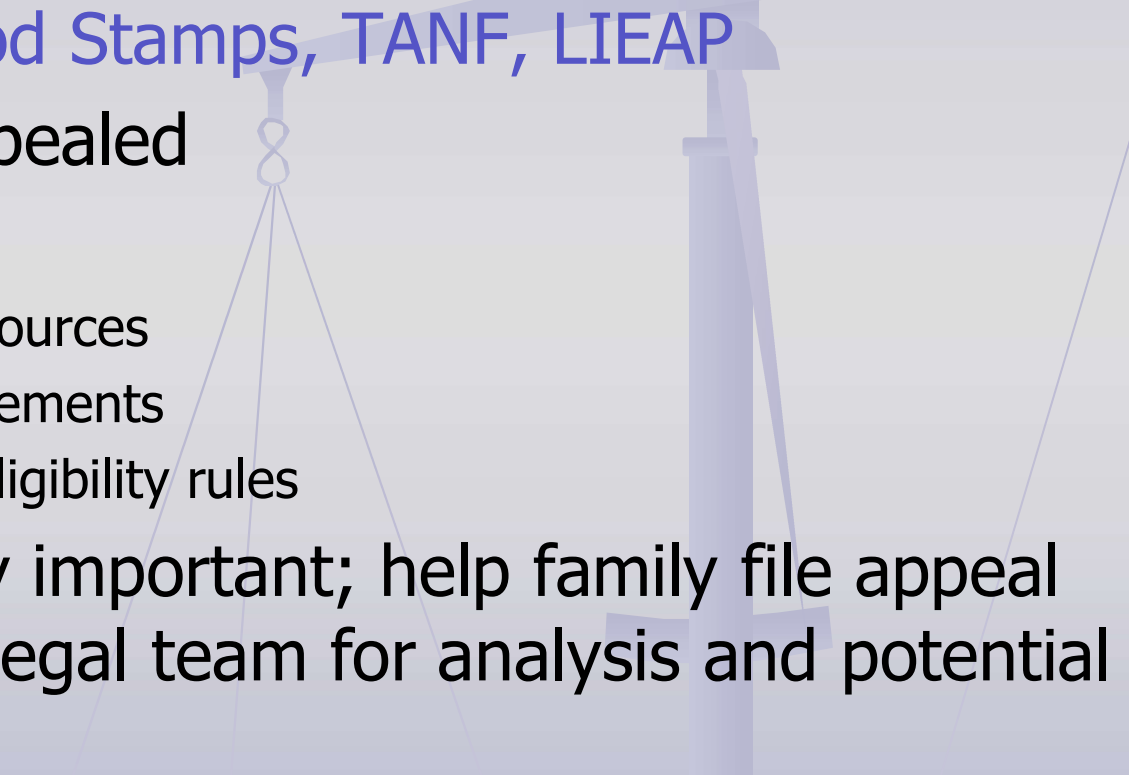


Medical-Legal Partnership in Durham

- Lawyers provide **education** on advocacy topics and strategies to medical clinicians
 - Medical clinicians **screen** for potential legal issues and **refer** families to the legal team
 - Lawyers provide **direct legal assistance** to families
 - Medical clinicians **support** legal services when appropriate by communicating about patient's needs
 - Lawyers and medical clinicians together engage in **systemic advocacy** by addressing legal/bureaucratic obstacles adversely affecting family health
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■ Benefits cases

- SSI, Medicaid, Food Stamps, TANF, LIEAP
 - Denials can be appealed
 - Issues can involve
 - Income and resources
 - Disability requirements
 - Miscellaneous eligibility rules
 - Deadlines are very important; help family file appeal and then refer to legal team for analysis and potential representation
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Benefits case example

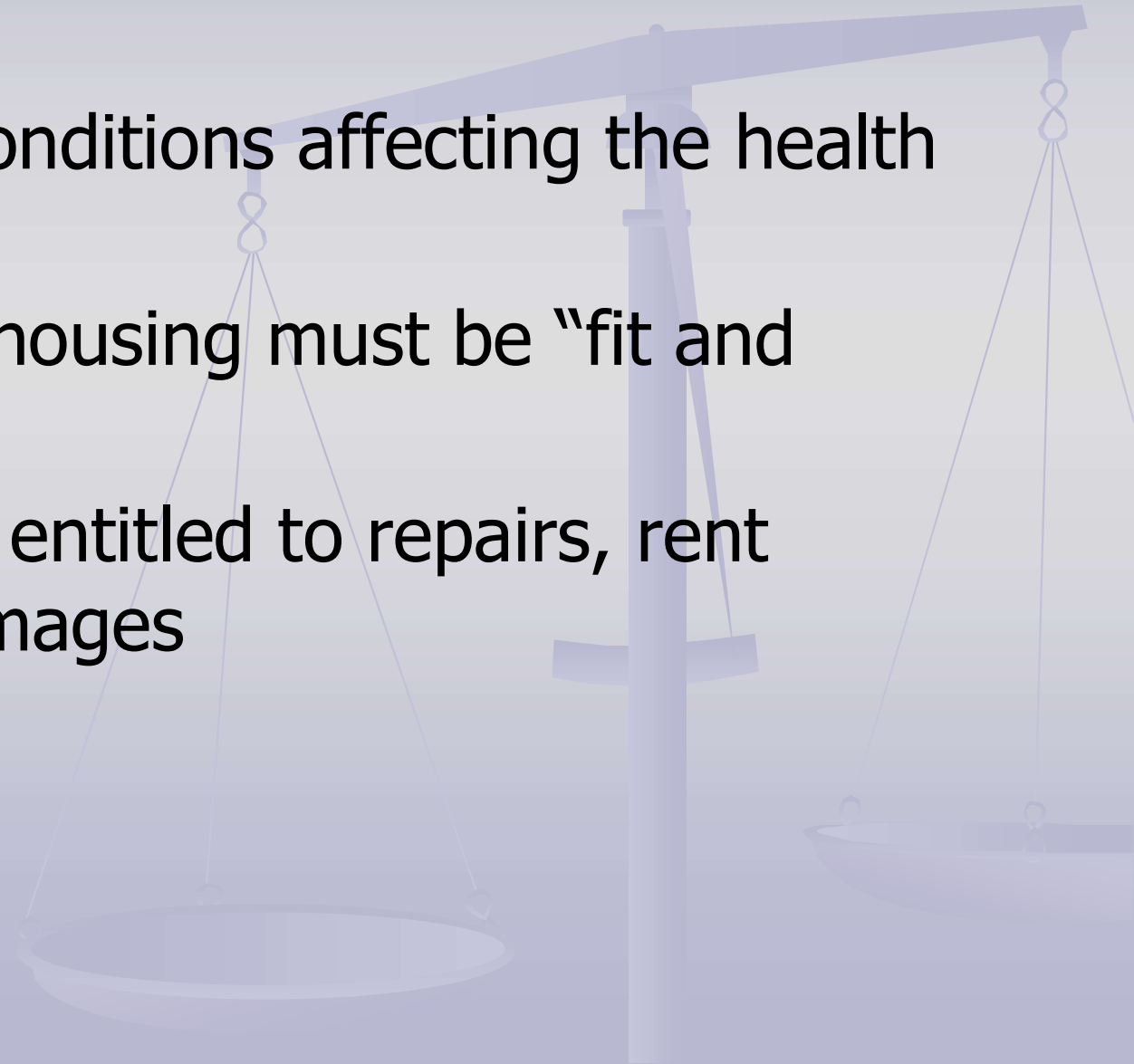
- Twins were born prematurely to a low-income family in Durham; Twins suffered from failure to thrive; have lung, intestinal, and heart problems
- Pediatric social worker recommends that family applies to Social Security Administration for SSI benefits
- Benefits are denied; pediatric social worker refers to Duke Children's Law Clinic through Medical-Legal Partnership
- Law clinic accepts case; law student talks with family & doctors at hospital and pediatric practice; collects and analyzes medical records; researches legal standards; drafts statement for doctor to review to be submitted to SSA on twins' behalf to support claim; submits all forms to SSA on behalf of family
- Denial is reversed on appeal, thanks to the MLP teamwork!



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■ Housing cases

- Poor housing conditions affecting the health of the family
- NC says rental housing must be “fit and habitable”
- Tenant may be entitled to repairs, rent abatement, damages



Housing case example

- Pediatrician is treating children with asthma, but despite appropriate medication cannot keep asthma under control
- Upon questioning, pediatrician learns that rental apartment had flooded and mold still infests apartment
- Pediatrician refers family to Legal Aid of North Carolina through Medical-Legal Partnership
- Lawyer contacts landlord and demands that mold be cleaned up. Landlord, wanting to avoid suit, complies.



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■ Family law cases

- Children's health & well-being can be affected by instability in family relationships/violence in household
- Victims of domestic violence can get restraining order
- Family relationships can be stabilized, especially to allow for appropriate consents for medical treatment for children
- Limited family law services offered through the Partnership – referrals to other attorneys can sometimes be made

Family law case example



- Grandmother brings child with cerebral palsy to pediatrician for care, revealing that the child's mother is abusing drugs and is not taking care of child. Grandmother is unable to enroll child in school.
- Pediatrician refers family to lawyer through Medical Legal Partnership
- Lawyer prepares necessary paperwork that allows child to be enrolled in school despite not living with his parent

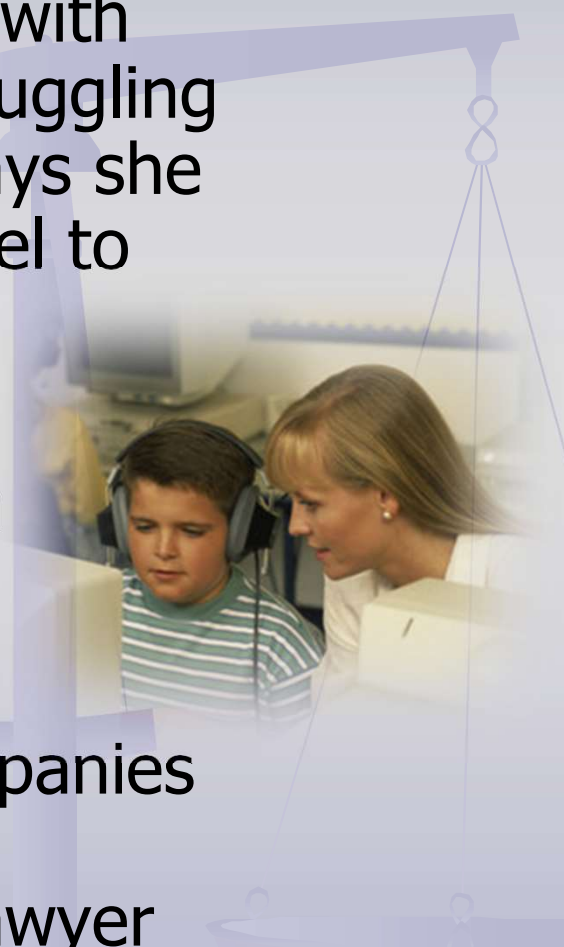
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■ Special Education cases

- Children with disabilities that affect learning are entitled to special education services and related services such as speech therapy, occupational therapy, physical therapy, special transportation
- Children (ages 3 – 21) are entitled to a free evaluation to determine their need for services
- Parents are entitled to participate in the development of an Individualized Education Program (IEP) for their children

Special Education Case Example

- Pediatric psychologist working with a child with emotional issues learns that the child is struggling in school and is at risk of failing. Parent says she has been unable to get the school personnel to help.
- Psychologist refers family to the legal team through the Medical – Legal Partnership.
- Lawyer reviews school records then accompanies parent to meeting at which a new IEP is developed to address the child's needs. Lawyer relies on information from psychologist to build the case for services for the child.



Medical-Legal Partnership in Durham: Logistics

- As clinician identifies a family with a potential legal problem, clinician offers family opportunity for free legal consultation
- If family is interested, clinicians refer to legal team
- Clinician fills out a referral form and faxes it to the Duke Law Clinic or Legal Aid of North Carolina
- Law office contacts family and sets up interview
- Lawyer and referring clinician work collaboratively when needed to achieve goals
- MLPC Website: <http://www.law.duke.edu/partnership>

Contact information

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