

HELPS NONPROFIT LAW FIRM

NEWSLETTER

SUMMER 2017

MAKING MORE ROOM ON THE LIFEBOAT

KAISA JANZEN, ASSISTANT DIRECTOR

Imagine yourself on a sinking ship. Angry waves roll over the descending deck as you struggle toward your only hope – the lifeboats. When you finally have your goal in sight, however, the reality becomes clear: the boats are already full. Because your ship had more passengers than means of evacuation, there is nowhere left to turn for help.

This grim scenario was a reality for passengers at the beginning of the 20th century. A great explosion in size and carrying capacity had occurred within the maritime industry, but lifeboat requirements had not matched the expansion. Before the sinking of the Titanic, most lifeboat legislation was based on a ship's raw tonnage. Passenger occupancy was incidental. In the event of a naval disaster, chances of survival depended more on the weight of the ship's cargo than actual human need.

Today, many senior citizens and disabled persons find themselves in a situation like the stranded passenger. They struggle to find help but the available assistance is limited. Legal aid societies fight valiantly to help everyone they can, but federal funding limits their reach. Restricted to serving clients with incomes within 25 percent of the federally recognized poverty level, not everyone can qualify for legal aid. This year's figures allow an individual to take in the parsimonious amount of 15,075 dollars annually. A couple can receive a slightly more generous 20,300 dollars a year. These limits may occasionally vary for special circumstances, but ultimately, there is only so much room on the legal aid lifeboat.

HELPS makes more space available for those in need of rescue. We are a nonprofit law firm and a 501(c)(3) charitable organization created to serve senior citizens and disabled persons with federally protected incomes. Like legal aid, we exist to help those who cannot defend themselves. The demographics of who we can serve, however, are more expansive. While our clients typically find us after enduring dire circumstances, we do not have to turn anyone away who is in need of our services.

Despite our best efforts to send out a rescue beacon, many senior citizens and disabled persons are still unaware of our services. If you are aware of a senior citizen or disabled person who is struggling with debt he or she cannot pay, won't you please tell them about HELPS? We are a resource available to legal aid societies, bankruptcy attorneys, and anyone who is aware of a person in need of rescue that cannot otherwise be provided. Our mission is to return peace to the lives of our clients. With your help, we can help others find a place on the lifeboat.

BANKING YOUR PROTECTED INCOME

ERIC OLSEN, EXECUTIVE DIRECTOR

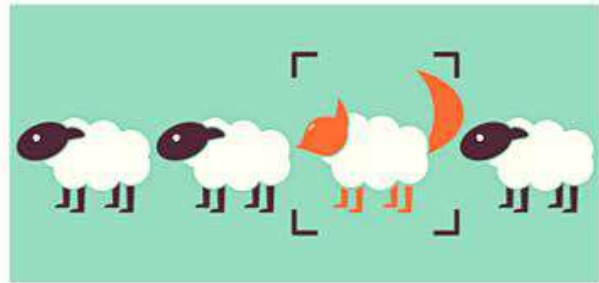
If you're a senior citizen or disabled person receiving a pension or social security income, your income is protected against collection efforts by federal law. But what about your bank accounts?

Let's discuss the first hurdle any non-government creditor must jump through before he can attach any funds - getting a judgment. First, you must be served with a summons and complaint package giving you notice that a lawsuit has been filed against. The circumstances of how a person deals with a lawsuit may vary, but you must receive notice of the lawsuit before a judgment can be entered. If you do not respond to the lawsuit, or you lose your case, the court will enter a judgment against you.

After a judgment is entered, what a creditor can do with the funds in your bank account will be determined by the source of these funds.

Federal banking regulations protect twice the monthly amount of money a person receives from social security in a bank account, regardless of the source of the funds in the bank account at the time of attached. For example, if you receive 1000 dollars monthly for social security, your account is protected up to the amount of 2000 dollars.

These protections extend only to the account where a social security check is deposited. Occasionally, seniors with multiple bank accounts will have other accounts attached. If the funds in the accounts were from protected sources, these a claim of exemption must be filed with the court to recover them. HELPS helps its clients by providing notice to the creditor or its attorney that these funds were protected, and the matter is usually resolved without a hearing.



THE WOLF IN YOUR GRANDDAUGHTER'S CLOTHING

Five Things For Senior Citizens To Know About The Family Emergency Scam

- 1. Contact may be by phone, email, or social media.** Scammers are not shy. They may send messages to you via hacked email accounts. Callers typically try to impersonate someone around their age and gender. If a loved one's voice doesn't sound familiar, don't doubt your memory. Your gut instinct is usually right.
- 2. Someone needs your help NOW.** Scammers may pose as close relatives or casual friends, but it's always an emergency. Requests to wire cash for things like hospital bills, bail, or escape from a foreign country are designed to make you feel compelled to act. The goal is to get your money before you figure out the scam.
- 3. Before you trust, verify.** Check out the story with another person who would know the details. You may be asked to keep things a secret. This is a red flag. Resist the urge to help a loved one avoid embarrassment. In a true emergency, help is accepted however it comes.
- 4. Slow the process down.** When someone you care about seems to be facing an emergency, it is upsetting. However, if you can take a breath and do some follow-up research, like contacting the person directly by using his home or work numbers, you will determine if there really is a need for help.
- 5. Don't be too embarrassed to get help.** If you're afraid you've already been a victim of this scam, contact the authorities. Fraud can be reported by calling 1-877-FTC-HELP. If you've wired money, contact the money transfer service to report the fraud. If the money hasn't been picked up yet, it can be retrieved.