

# VETERANS LEGAL INSTITUTE AND LEGAL AID SOCIETY OF ORANGE COUNTY JOIN FORCES TO CONNECT VETERANS WITH FAMILY LAW SERVICES

*by ANTOINETTE BALTA, SCOTT BARNES, AND WILLIAM T. TANNER*

**R**ecently David, a disabled and elderly veteran, was served with a thirty-day notice to quit. One wrinkle in what might be an otherwise ordinary case: David is the beneficiary of his late father's trust and the trust owned the home from which he was in danger of being evicted. Days later, David contacted the Veterans' Legal Institute (VLI) and scheduled an appointment at a joint clinic operated by VLI and the Legal Aid Society of Orange County (LASOC). As David had no intention of leaving the home in which he was entitled to stay, a volunteer attorney prepared an answer to the impending eviction, while another volunteer attorney, Jordana Furman, immediately began working on the probate case.

Jordana immediately sent a demand to produce a copy of the trust. The trustee, who had been the trustor's caretaker and plaintiff in the eviction, initially denied the request. Jordana then filed a petition to produce the trust, and requested an accounting. The trustee hired a lawyer, and the case settled after several appearances. David now holds title to his family home, the cash left to him by his father is in his bank account, and he is no longer relying on money doled out by the trustee. A smart collaboration between VLI and LASOC has helped David to live in comfort, no longer afraid of becoming homeless.



There are many “Davids” out there whom you have the power and knowledge to help. Come volunteer at one of our clinics. A few hours can make the difference between homelessness and hope.

There are an estimated 21.8 million veterans of the U.S. armed forces.<sup>1</sup> California has the highest number, totaling two million.<sup>2</sup> While service members enjoy the assistance of a Judge Advocate or JAG officer while in service, those amenities are only for military related issues, and are generally no longer available once the service member separates from the military. As such, there is a huge gap in civilian legal aid for low-income veterans, particularly in the area of family law. A national epidemic on the rise, *pro bono* family law services are rare due to, among other reasons, the complexity, longevity, and unpredictability of family law proceedings. With California hosting the most veterans in the United States, the demand for family law services, already saturated with Vietnam era veterans, has surged after the Iraq and Afghanistan conflicts. Answering the call to service in an effort to fill the gap, Santa Ana-based VLI and LASOC are collaborating to provide relief to veterans with family law needs in the areas of child support, dissolution, paternity, custody, and visitation.

### Child Support Issues

Among the major concerns of homeless veterans is child support. Child support agencies struggle with challenges in assisting veterans with child support because many veterans reside in a state different than that of the state holding jurisdiction over the child support case. Further, homeless and transient veterans are often unable to afford child support payments, which leads to what eventually becomes insurmountable arrears. It is not uncommon for a homeless veteran to have high debt owed for child support causing a

lack in motivation to pay back arrears because he does not have extra funds or because his children are now adults. Moreover, with limited income, many homeless veterans realize they will never be able to satisfy the entire debt.

Child support debt may make it more difficult for veterans to find employment and housing and can also be a psychological barrier to reestablishing family relationships. Veterans who enlisted at eighteen years old and who only have a high school degree tend to take lower level jobs. Child support garnishment from already low wages, capped with high gas and transportation fees, can deter veterans from maintaining employment. The Urban

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Institute identified three basic reasons for the accumulation of arrears: (1) court order amounts are often set and maintained too high relative to the non-custodial parent’s ability to pay; (2) enforcement efforts have not been successful; and (3) interest accumulates on unpaid arrears at ten percent per year.

### Compromise of Arrears Program (COAP)

Veterans in California who owe child support in arrears to the state (not to the noncustodial parent), may qualify for the COAP through the Department of Child Support Services (DCSS).<sup>3</sup> According to the DCSS, COAP was established to increase support collected for families and the State General Fund, increase performance on the federal current support and arrears collection measures, and

reduce arrears. COAP helps those parents who have debt accrued because their child received public assistance when they failed to pay court-ordered child support. Family Code § 17560(f) (1)(B) increases the potential compromise for parents who have been, or are currently, reservists or members of the National Guard that have been activated to military services. It is noteworthy that the Orange County DCSS employs several veterans and is proactive in assisting veterans. In fact, Steven Eldred, Director of the Orange County DCSS, is a Judge Advocate in the United States Army Reserve and has publicly stated his desire to provide effective and empowering services to veterans. Through the Orange County Veterans and Military Families Collaborative Legal/Re-entry group, Mr. Eldred has hosted yearly presentations on child support orientation for veterans in attempt to educate service providers and veterans.

A prime example of COAP’s life changing abilities is John,<sup>4</sup> a 67-year-old Vietnam era veteran. John, a retired mill worker, owed approximately \$40,000 in arrearages to the state for his three children who are now adults. John’s monthly income through social security is approximately \$1,100, which barely covers his one-bedroom rental, food, and medication. Based on John’s income and life expectancy, it is unlikely that John will be able to satisfy the entire amount owed to child support. The stigma of owing so much in child support is upsetting to John and he desires to make amends with his debt. John met the eligibility requirements for COAP, and the local child support agency was able to waive close to 90% of his debt and allow up to three years for John to make payments on the remaining debt. This eases the pressure on John by allowing him an obtainable goal to pay off his child support in arrears, and DCSS gains payment.

## Custody and Visitation

There is a significant uphill trend with custody and visitation issues faced by Iraq and Afghanistan veterans. Many post-9/11 veterans have minor children and need assistance with legal representation or drafting legal documents to modify custody or visitation. Veterans with custody and visitation issues are often isolated from their children with no means to hire an attorney to modify court orders. *Pro bono* attorneys can provide life-changing assistance with simple advice, *pro per* document preparation, or limited representation so that the veteran can re-engage with his or her child via a stable schedule—a service offered through the VLI-LASOC veteran family law clinic collaboration.

The rate of divorce among veterans is higher than their civilian counterparts. Many speculate that veteran divorce is higher because members of the military tend to marry younger, have higher rates of PTSD, struggle through the difficulty of deployment, and the like. Some veterans, while indefinitely separated from their spouses, are unable to finalize their divorces due to lack of finances. Without funds to hire an attorney to file for divorce, these veterans are in limbo; married but physically and emotionally separated from their spouses. This leads to other issues down the line with the veteran related to benefits, health care, insurance, and future relationships. Veterans in abusive relationships without resources to get a divorce are subject to additional psychological damage since they are still connected to their abuser. *Pro bono* attorneys can assist with simple document preparation to enable a veteran to apply for dissolution *in pro per*.

With such a slew of family law

issues prevalent amongst veterans, it is incumbent upon the private bar to take action and serve our heroes. One prime example of providing creative services is the collaboration between VLI and LASOC. A perfect synergy between a military specific legal aid and a general civilian legal aid with an incubator program full of trained attorneys in family law, together these organizations have assisted well over fifty veterans to date at a joint monthly legal clinic. Clients reserve a spot in advance and come in with issues relating to child support, visitation, custody, dissolution, restraining orders, and more.

Both operations credit their success to the amount of *pro bono* attorney volunteers assisting their respective organizations.

One client who was assisted by lawyers at the VLI-LASOC clinic was Ellen.<sup>5</sup> Ellen is a female Marine Corps veteran who was married to a fellow service member who physically and emotionally abused her. After an event where Ellen's ex-husband strangled her, Ellen was able to get the mental health services she needed through the South County Vet Center and decided to get a divorce. A student at a local community college living on her G.I. bill, Ellen was not able to hire an attorney or pay the filing fee for her dissolution. Ellen met a representative from Veterans Legal Institute at one of its clinics and was referred to the VLI-LASOC clinic. There, Ellen was able to get her dissolution documentation in order. Ellen is grateful to Veterans Legal Institute and the Legal Aid Society for helping to sever her abusive relationship.

With more veterans finding permanent homes in California, the need for civilian legal aid will continue to rise—be it in the area of family law, bankruptcy, veteran benefits, discharge

upgrades, estate planning, or other areas of law. Should you like to assist a veteran or participate in a clinic, contact the Veterans Legal Institute or the Legal Aid Society of Orange County.

## ENDNOTES

(1) Tom Risen, *Veterans Day Data Boot Camp*, U.S. News & World Report (Nov. 10, 2014, 5:54PM), <http://www.usnews.com/news/blogs/data-mine/2014/11/10/veterans-day-data-boot-camp>.

(2) *Id.*

(3) See Cal. Fam. Code § 17560.

(4) Client name changed to maintain confidentiality.

(5) Client name changed to maintain confidentiality.

**BY THE NUMBERS**  
There are an estimated 21.8 million veterans of the U.S. armed forces. California has the highest number, totaling two million.



**Antoinette Balta** is co-founder of Veterans Legal Institute, a military-specific legal aid organization that provides *pro bono* legal services to former and active service members. For more information or to volunteer, please contact Antoinette at [abalta@vetslegal.com](mailto:abalta@vetslegal.com).

**William (Bill) T. Tanner** is Directing Attorney at the Legal Aid Society of Orange County, a public interest law firm providing free civil legal services to low-income and selected clients.

**Scott Barnes** is a Legal Aid attorney and Technology Project Manager. For more information or to volunteer, please contact Bill at [btanner@legal-aid.com](mailto:btanner@legal-aid.com).

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