Anishinabe Legal Services Newsletter

Serving the Leech Lake, Red Lake, & White Earth Reservations

Cass Lake, Minnesota • May 2013

P.O. Box 157, Cass Lake, MN 56633 • Phone 218-335-2223 or 1-800-422-1335

From the Directors, Office and Staffing Updates:

ALS has experienced a lot of change since the last newsletter updates. In December 2012, Executive Director Paul Day resigned from ALS to accept the Chief Judge position with the Leech Lake Tribal Courts. We were very sorry to see Mr. Day leave ALS but are excited to continue working with him at the Leech Lake Tribal Courts. The ALS Board of Directors appointed Christopher Allery and Cody Nelson as Co-Executive Directors to take over this position.

Recently, ALS hired a staff attorney, Daniel Morris, to take on a majority of the client caseload in Leech Lake. Daniel Morris is a graduate of the University of St. Thomas School of Law and previously worked as a Tribal Attorney for the White Earth Band. We are pleased to welcome Mr. Morris to our team!

The summer months of 2013 are sure to be a busy time! ALS will be working with a student attorney through the Minnesota Justice Foundation and have several projects in mind. We will also be participating in community education booths at various events. We are hopeful that throughout the summer we can provide broadened services for

Continued on page 8

WHEN IN DOUBT, DON'T GIVE IT OUT!

Scams and crooked deals are everywhere today, often where we least expect it. When you're home answering the phone, browsing the Internet, checking the mail, or opening your door, scam artists and fraudulent operators look for ways to get your Social Security number and other private information. At every turn, you can protect yourself by following one easy principle. If someone contacts you and claims to need your private information, think twice and remember: **when in doubt, don't give it out.**

How it happens. Private information

Continued on page 2

Inside This Issue:

Page 2	When in Doubt, Don't Give It Out!	**Page 5**	Children Who Get Supplemental Payments
Page 3	When in Doubt	**Page 6**	Online Legal Resources
Page 4	New Limits in Conciliation Court	**Page 7**	Online, SNAP
	Supplemental Nutrition Assistance Program	**Page 8**	Updates

When in Doubt, Don't Give It Out! **Continued from page 1**

Private information can be compromised in a number of ways. Most often, fraudulent operators pose as a legitimate source, such as your bank or a government agency. Some may even pose as a trusted local business, or as a friend or family member. All of these actors will try to get you to provide private information, such as your Social Security number, a bank account number, or a credit card number. Once you give it out, however, a scam artist may steal your identity and your money, opening lines of credit in your name or draining your accounts. Some crooked actors make deceptive claims and try to scare you into giving up your banking information. A legitimate source should not contact you to ask for private information up front. If you are unsure of who is contacting you, remember: **when in doubt, don't give it out.**

Over the phone. Consumers report receiving calls from individuals who claim to be many things they are not. Some scam operators pose as Medicare, Social Security, or an insurance company, claiming to send new benefit cards and needing to "verify" private information. Other scam callers claim to be from "Card Services" or from a credit card company, asking to "verify" similar private account information. Even more troubling, many consumers report receiving calls from impostors who try to pose as a loved one, asking for banking information or an unsecured money transfer. All of these calls involve a scam artist who is trying to gain your trust and your private information in order to take your money.

Cell phone customers also experience scams. Consumers report receiving text messages from scam artists and fake organizations claiming a need to "verify" their bank account, credit card, or other private information.

Telephone scams can be some of the most difficult to detect, because callers can seem very real and their need very urgent. Consumers must use caution whenever someone calls with a sense of urgency, needing their private information. Take time to verify the call with the help of a friend and through a trusted line of communication. Before providing any private information, remember: **when in doubt, don't give it out.**

On the Internet. Consumers increasingly face uncertainty when they shop or communicate online. Often the websites they visit collect personal information as they browse. Other sensitive information can be compromised in common email scams called "phishing." Similar to scam calls and text messages, a phishing email looks like it is from a legitimate source. The email presents an urgent need for your private information. Once you provide it, however, a scam artist on the other end will use it to commit fraud or identity theft.

Some consumers also report fraudulent activity with buyers and sellers on classified websites. Beware of any unsolicited request for private information on the Internet, especially if you do not know the source. If you arrive at an unfamiliar website or email, or if you are unsure of who is behind a request for information, remember: **when in doubt, don't give it out.**

In the mail. Some of the oldest and most destructive scams continue to be conducted via U.S. mail. These scams can involve fraudulent sweepstakes offers, fake checks, and other deceptive claims that seek to obtain private information or direct payment from your bank. Consumers have been led to believe they have prize winnings to collect, and many send away thousands of dollars without seeing a dime. A scam offer can be difficult to detect and nearly impossible to stop once anything is sent to an unknown source. The scammer usually works from outside the country, making it very difficult and expensive for law enforcement to investigate the crime. Beware of any mail that says you must provide private information or money to receive any type of claim. When an offer seems too good to be true, it probably is. If you are ever asked to send private information or money to an unknown source, remember: **when in doubt, don't give it out.**

At your doorstep. Some deceptive actors may try to get your private information by visiting you in person. These individuals may use deception and fear, hoping you will give up private information or agree to a quick sale on the spot. Regardless of the offer, don't be afraid to say "no," and shut the door when you feel unsafe. If a salesperson wishes to do business with you, he or she should be willing to leave the company's information or

Continued on page 3

When in Doubt, Don't Give It Out! Continued from page 2

contract behind for you to review. Rather than release private information on the spot, remember: when in doubt, don't give it out.

Honest businesses are often aware of the danger customers face with giving out private information, and few should actually require it. Some businesses such as banks, utility companies, and creditors do require certain information to do business. When this is the case, these organizations generally will not contact you in order to get it. Don't be rushed into doing business with any company before you have a chance to check it out.

Consumer Tips To Avoid Internet Classified Scams

1. Beware of Internet payment services that you are asked to access through a link or in the body of an e-mail. Remember that links can be masked, and logos and trademarks can be faked online. If you intend to use what you believe is a well-known Internet payment service, visit that company's website yourself, rather than trust the information that another party is suggesting.

2. Don't be rushed. If someone really wants to do business with you, they will wait until you are ready to make a legitimate transaction. Furthermore, if an individual wishes to make changes to the terms of the transaction, such as where and how the payment is sent, do not let your eagerness to complete the transaction blind you to potential problems.

3. Be wary of wiring money to a party that you don't know! Many people mistakenly think that wire transfers, like personal checks, can be canceled at anytime. This is not true. If you wire money via Western Union or MoneyGram, it's impossible to retrieve the money once it's picked up at the other end. Because it can be picked up anywhere in the world, the money is virtually untraceable. Once money is wired overseas, United States law enforcement agencies may have little recourse in recovering lost funds.

4. Cashier's checks are NOT the same as cash! Just because the money appears to be available in your account doesn't mean that the check has cleared and is legitimate. Counterfeit cashier's checks can look very authentic. The bank may still bounce the check if it's a forgery! If you do receive a check, attempt to locate the source of the check and verify its legitimacy by contacting the issuing bank. Do not use the contact information that appears on the check. Do a little leg work and obtain the contact information independently through legitimate directories.

5. Always be wary of someone who wants to pay more than your asking price or who wants to sell you an item at an unbelievably low price. A deal that sounds too good to be true probably is.

6. Be wary of "third parties" or "agents." If a third party is actually owed any money, their client should be making the payment, not you. Do not wire money to a third party!

RESOURCES

The Federal Bureau of Investigation, United States Secret Service, and United States Postal Inspection Service are criminal investigative agencies that have authority and jurisdiction over online crime:

Federal Bureau of Investigation
Minneapolis Office
111 Washington Avenue South, Suite 1100
Minneapolis, MN 55401
612-376-3200
http://minneapolis.fbi.gov/

United States Secret Service
Minneapolis Field Office
300 S. 4th St., Suite 750
Minneapolis, MN 55415
(612) 348-1800 Fax: (612) 348-1807

United States Postal Inspection Service
Criminal Investigation Service Center
222 South Riverside Plaza, Suite 1250
Chicago, IL 60606-6100
(877) 876-2455

Office of Minnesota Attorney General
Lori Swanson
1400 Bremer Tower
445 Minnesota Street
St. Paul, MN 55101
(651) 296-3353
1-800-657-3787
TTY: (651) 297-7206
TTY: 1-800-366-4812

Information taken from MN Attorney General's office. If you need forms to report fraud, please contact ALS to see how we may be able to help!

New limits in Conciliation Court "Small Claims Court"

Effective August 1, 2012, the dollar limits in Conciliation Court will be: $10,000 for general claims; $4,000 for consumer credit cases; and $15,000 for forfeitures. You can read more about the changes to MN Statute s. 491A.01 subd. 3 on the Minnesota Judicial Branch Website at http://www.mncourts.gov/selfhelp/?page=313.

Conciliation Court is also known as "small claims" court. General claims of $10,000 or less can be filed in Conciliation Court. Once you file a claim, you cannot later file another claim for more money related to the same event(s).

Conciliation Court procedures are easier to follow and the filing fee is lower than the District Court level (in some cases you may be able to obtain a fee waiver by completing the In Forma Pauperis affidavit). You do not need a lawyer to go to Conciliation Court.

IMPORTANT: Winning in Conciliation Court does **not guarantee payment.** You are responsible for collecting your judgment from the losing party. The Court does not collect the payment for you. Collecting a judgment can be difficult and may involve additional out-of-pocket expenses for filing fees and other costs.

Common Types of Case in Conciliation Court

- Claims by creditors for unpaid debts
- Claims by employees for unpaid wages
- Claims by tenants for return of security deposits
- Claims by landlords for damage to property
- Claims about the possession or ownership of personal property valued at $10,000 or less

Claims that CANNOT Be Heard in Conciliation Court

- Disputes about title to real estate
- Libel or slander claims
- Class actions
- Medical malpractice claims
- Actions against deceased people

If you want more information on Conciliation Court, please stop by Anishinabe's main office for a booklet or fact sheet. Our office can also print court forms. This update was obtained from the Minnesota Judicial Branch website.

Supplemental Nutrition Assistance Program (SNAP)

The Food Support (food stamps) program is now called SNAP (Supplemental Nutrition Assistance Program). SNAP is a program that helps senior, disabled Minnesotans and limited income households purchase food.

If your income is less than $1,498 per month, you may qualify for SNAP. SNAP provides eligible Minnesotans with an EBT(electronic benefits transfer) card that can be used to buy groceries in most Minnesota food stores. The average monthly benefit for a senior or disabled person is $76 and will vary depending on your income and the number of people living in your household. Once your application is approved, you will receive your EBT card within 30-days.

Continued on page 7



Children Who Get Supplemental Security Income (SSI) Payments

If you are a payee for a child receiving SSI payments, you will be required to obtain treatment for the child's medical condition when treatment is determined to be medically necessary. If you do not obtain medical treatment for the child, Social Security may appoint a new representative payee.

How you must use monthly benefits:

First, you must make sure the beneficiary's day-to-day needs for food and shelter are met. Then, the money can be used for any of the beneficiary's medical and dental care that is not covered by health insurance, and for personal needs, such as clothing and recreation. If there is money left after you pay for the beneficiary's needs, it must be saved, preferably in an interest-bearing account or U.S. Savings Bonds. If the beneficiary is in a nursing home or other institution, you should use the benefits to pay the usual charges for care. In this case, you should set aside a minimum of $30 each month to be used for the beneficiary's personal needs. Also, if the beneficiary lives in an institution and is eligible for Medicaid or is a member of a family that receives payments from the Temporary Assistance for Needy Families program, you should contact your local Social Security office about using the beneficiary's Social Security benefits to support the family. As a general rule, you may not take a fee from the beneficiary's funds for your services as a representative payee. If you have questions about this, contact your local Social Security office.

How to handle a large payment of past benefits:

Sometimes benefits take a while to be approved. When this happens, back benefits may be paid all at once, in a large payment. *First, you must spend the money on the beneficiary's current needs such as rent and a security deposit, food or furnishings. After these expenses are paid, you may spend the money to improve the beneficiary's daily living conditions or for better medical care. It is important that you spend the money wisely.* You should keep in mind that the money must be used in the beneficiary's best interests. If there is money still left over, it must be saved, preferably in U.S. Savings Bonds or an interest-paying bank account, insured under either federal or state law.

Improve daily living conditions:

After you have provided for the beneficiary's basic needs, you may spend the money to improve the beneficiary's daily living conditions or for better medical care. You may decide to use the beneficiary's funds for major health-related expenses, if they are not covered by the beneficiary's health insurance. Examples of these expenses are reconstructive dental care, a motorized wheelchair, rehabilitation expenses or insurance premiums. You could use the money to arrange for the beneficiary to go to school or get special training. You also could spend some of the money on the beneficiary's recreational activities, such as movies, concerts or magazine subscriptions.

Continued on page 6

Online Legal Resources

Courthouse computer access to legal self-help: To promote public access to courts, the Minnesota Judicial Branch has installed public access computer workstations in most courthouses. These workstations provide access to a Virtual Self-Help Center on the Judicial Branch website, www.mncourts.gov/selfhelp. The service provides legal information, court forms, lawyer referral resources, tutorials, and videos on various legal actions, including divorce, child support, landlord disputes, car title legal issues, and more.

At the website, forms can be accessed by clicking on Self-Help Center, at the top of the screen (tool bar). A document assembly program is available to complete divorce forms and Fee Waiver (IFP) forms. To access this service click on the I-CAN form on the left side of the screen. The service is free. People who use the service create their own Username and Password. The service saves the information needed for the divorce or IFP form and people can work at their own pace.

Continued on page 7

Children Who Get Supplement Security Income (SSI) Payments Continued from page 5

Please keep in mind that while keeping a ledger and/or receipts of how the payee uses the childhood disability benefit is not required, it is highly recommended in the event the payee is asked for proof as to how the beneficiary's money was spent.

What is a dedicated account?

A dedicated account is a separate financial institution account that the representative payee of a disabled child under age 18 is required to open, when the child is eligible for large past-due payments (usually any payment covering more than 6 months at the current benefit rate).

The past–due payments will be deposited directly into that "dedicated account," and the use of these funds is restricted.

What are the requirements for a dedicated account?

A dedicated account must be separate from the account used for the regular monthly benefit payment and can only be a checking, savings, or money market account.

Other funds, except for certain past–due supplemental security income (SSI) benefits, cannot be commingled with the funds in the dedicated account.

The account cannot be in the form of certificates of deposit, mutual funds, stocks, bonds, or trusts.

The title must show the child owns the funds, including interest.

How can you use the money in the dedicated account?

You can use the money only for the following expenses:

- Medical treatment; and
- Education or job skills training.

We also allow the following expenses, if they benefit the child and are related to the child's impairment:

- Personal needs or assistance (for example, in–home nursing care);
- Special equipment;
- Housing modification;
- Therapy or rehabilitation;

or other items or services approved by your local Social Security office, like legal fees incurred by the child in establishing a claim for disabled child's benefits.

You may not use these monies for basic monthly maintenance costs such as food, clothing, or shelter. You must use the regular monthly SSI benefit for the child's food, clothing, or shelter.

If there are any questions on use of the funds, contact your local Social Security office.

How will Social Security monitor the dedicated account?

Each year, we will require the representative payee to complete a report on the use of the dedicated account funds as well as the regular monthly benefits received on the child's behalf.

Therefore, it is very important for the payee to keep receipts, bank statements, and maintain an expense record for at least two years as verification of expenditures. The representative payee should be able to provide Social Security with an explanation of any expenditure and how it relates to the child's disability.

If there is a change of representative payee and a dedicated account exists, the former payee must complete a final accounting of the funds and return the balance of the account to us. We will then transfer the funds to a new dedicated account opened by the new payee.

Furthermore, after the child turns 18 and even if he or she is his or her own payee, the dedicated account provision still applies to the existing account. Money can only be withdrawn in accordance with the dedicated account guidelines.

All information was obtained from the www.ssa.gov website.

Senior LinkAge Line®
1-800-333-2433

The Senior Linkage Line is a free service of the Minnesota Board on Aging. Specialists provide in depth long-term care options counseling; health insurance counseling, including application assistance; and helping individuals plan to age well in their home and community.

Senior Linkage Line: 1-800-333-2433

Do You Want To Be On The ALS Mailing List?

YES! Please Add Me/My Family:

Name: _____

Address: _____

City: _____ State: ____ Zip: _____

Return to: P.O. Box 157, Cass Lake, MN or call Brianna at 1-800-422-1335

Online Legal Resources Continued from page 5

assembly program is available to complete divorce forms and Fee Waiver (IFP) forms. To access this service click on the I-CAN form on the left side of the screen. The service is free. People who use the service create their own Username and Password. The service saves the information needed for the divorce or IFP form and people can work at their own pace.

The courthouse workstations include a printer and at most courthouses a phone that connects the user to a court support person.

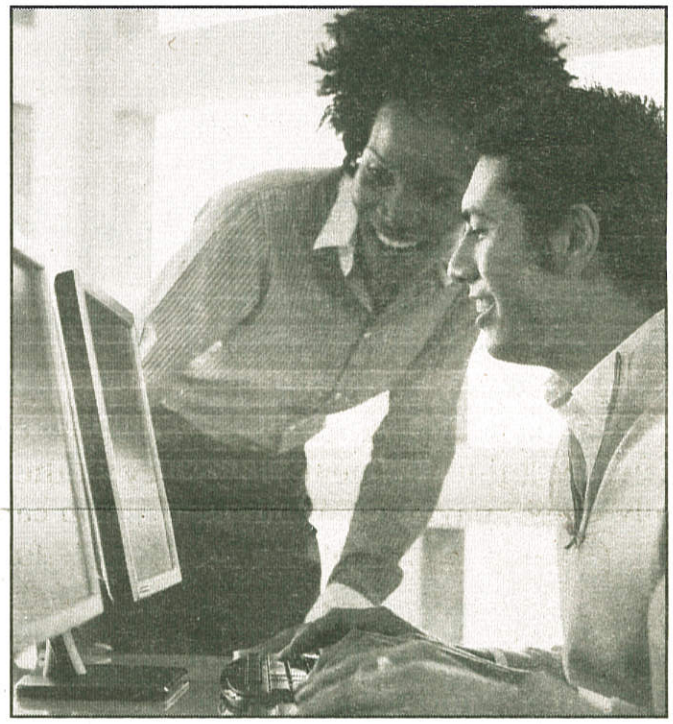
Phone calls are answered by court employees Tuesday through Friday from 10 a.m. to 3 p.m., except for legal holidays. While court employees are not able to give legal advice, they can assist callers with general questions about court forms, procedures, and legal resources.

LawHelpMN.org: An excellent resource for legal information on topics, such as: family, housing, consumer and debt, seniors, work, and immigration and more issues.

Use the web site to access fact sheets on the many legal topics. Also, access to do-it-yourself legal forms through the FormHelper located at the LawHelpMN.org website.

If you are at the website and need help finding resources and are not sure where to look, you can click on "here" at "Need Help?" to try the LiveHelp tool to "chat" with a website expert available Monday through Friday 9:00 a.m. – 4:00 p.m.

LawHelpMn.org Promotional Posters Available. Legal Services State Support has created a full-color, 11" x 17" poster that highlights the information and tools available on LawHelpMN.org. If you would like a poster for your community center, social services agency, library, or place of worship, please contact State Support at statesupport@mnlegalservices.org.





SNAP Continued from page 4

Some categories of SNAP participants are exempt from work registration. As an example, someone age 60 or older is not required to participate in work registration.

There is now a simplified application for seniors and disabled people to enroll in SNAP. For further information, contact the Senior Linkage Line at 1-800-333-2433. Help is also available thru your reservation public benefits program, the MN FoodHelp line at 1-888-711-1151, and the county human services office.

You have a right to appeal if you disagree with any action taken on your case. To appeal you have to actually make an application or have been approved for SNAP. The denial notice will explain your appeal rights and your appeal deadline. Any adverse action can be appealed within 30-days of the date of being notified of the action. In some circumstances an appeal is accepted if filed within 90-days from the notice. Call a legal services office (Anishinabe Legal Services at 1-800-422-1335) as soon as possible for help in your appeal.

Updates: **Continued from page 1**

the reservation communities.

Needs Assessment

As you may be aware, ALS sends out needs assessment surveys to our community members and service providers approximately every five years. The results of the needs assessment are used to help the ALS Board of Directors determine case priorities which are reviewed annually. Throughout 2012, staff members collected surveys in a variety of ways, including participating at local powwows, health fairs, through direct mailings, and at our open house.

The recent needs assessment results determined that ALS' priorities are in line with the types of cases ALS has been and continues to work on. In 2013, ALS priorities include the following:

- Children In Need of Protection or Services (CHIPS) cases before the Leech Lake and White Earth Tribal Courts.
- Traffic and Conservation Court defense cases when appointed by Leech Lake Tribal Court.
- Civil Commitment cases when referred by the White Earth Tribal Court.
- Divorce cases, if there is an OFP in place, and/or cases with physical Domestic Violence involved within the past 6 months. In all cases, forms assistance will be considered.
- Order for Protection hearings, but only when the opposing party has an attorney or when working with an advocacy program.
- Evictions from tribal or public housing
- Garnishment of bank funds if client is collection proof.
- Wills, Durable Powers of Attorney, Health Care Directives – where there is a terminal illness or life-threatening medical procedure pending or age 60 or older.
- Civil Forfeiture claims – case must arise from client's reservation of enrollment and client must have received forfeiture notice.
- Indian Law Issues regarding sovereignty and jurisdiction
- Social Security claims: appeals, reconsiderations and, overpayments meeting ALS other requirements
- Juvenile Cases in Tribal Court.
- Forms assistance as determined.
- Cases/Services that ALS is contractually obligated for.

Thank you: ALS received a generous grant from the Bemidji Walmart to provide a drawing for prizes for those individuals who completed a needs assessment survey. We collected upwards of 350 surveys that were used to help tally results. ALS was able to give away six (6) gift cards for $25 each, four (4) gift cards for $50 each, and a grand prize winner took home a 32" flat screen television! Thank you to everyone who took the time to submit a completed survey. Your input is greatly appreciated!



Board and staff members drawing names for the prizes.



Brianna, ALS Secretary, congratulating the TV winner.

www.alslegal.org
Find us on
www.facebook.com/anishinabelegalservices
www.alslegal.blogspot.com
LSC
Helping Low-Income Minnesotans Solve Legal Problems
LawHelpMN.org
The new website is designed to make finding legal information even easier. Learn about your legal rights and responsibilities; fill out court forms; find free and low-cost legal help; and more!