

Clearinghouse REVIEW

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INCOME FOR DISABLED COAL MINERS

Foreclosures of FHA-Insured Mortgages
Affordable Care Act and Building Assets
Indian Child Welfare Act and Americans with Disabilities Act
Attorney Fee Awards for Legal Services Programs
Rights of Parents with Psychiatric Disabilities
Safe Harbor Laws and Sex-Trafficked Children

Advocacy Stories:

Housing Policies Changed in Pennsylvania
Clean Water Rights Enforced in Kentucky

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About This Issue

This issue offers readers a variety of “the new” and “the old” in article topics and presents inspiring developments in advocacy around the country. The “old” describe problems experienced by specific populations of the poor or groups primarily residing in certain geographic areas—problems less in the limelight today than they might have once been but no less important to the affected clients. Innovative advocacy tools and recommendations and model practices for these client problems remain as necessary as ever. As one senior colleague here at the Sargent Shriver National Center on Poverty Law has commented, advocates, not understanding earlier client problems and advocacy, risk the pitfalls of failed strategies and the lack of insight to solve similar “new” challenges of today affirmatively.

Black lung benefits for disabled coal miners and their families living in places such as West Virginia or Kentucky, for example, were established in 1969 and remain critical to disabled miners and their families today. The legal process in securing black lung benefits is complicated, the author of the lead article explains, and has changed since the beginnings of this benefit program. Most recently, the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act) significantly amended the Black Lung Benefits Act of 1972. In America’s mobile society, disabled miners and their survivors may now live far from the miners’ original places of employment. Advocates around the country should know about black lung benefits as a possible source of income for clients who may in fact be disabled coal miners and their families.

The coal mines of Appalachia, where many of these disabled miners likely worked, also cause a wide range of environmental harm in the area, polluted waterways likely being the worst, leading to toxic metals and salts in drinking water, which many residents cannot afford to filter or replace with bottled drinking water. One advocacy story in this issue describes ongoing litigation over two coal companies’ false Clean Water Act self-monitoring reports and the state agency’s response to the clients’ efforts at remediating the problem. Among the lessons learned in this experience are aspects of team building and multiparty representation.

This issue’s articles on the “new” are, for example, Shriver Center authors’ analysis of one, perhaps yet to be fully appreciated, effect of the Affordable Care Act—the Act’s potential to increase people’s financial security and ultimately serve as an effective asset-building policy. Other articles point out contexts for applying the Americans with Disabilities Act. One article instructs advocates representing Native American families and tribes under the Indian Child Welfare Act to apply the Americans with Disabilities Act to guard against disability discrimination. Another urges advocates to know how the Americans with Disabilities Act can help keep families together by preserving the rights of parents with psychiatric disabilities. Yet another “new” topic recommends future legislation to help sex-trafficked children by, at a minimum, decriminalizing child prostitution.

Advocacy developments covered in this issue will, we hope, also inspire you to explore affirmative and new and old advocacy strategies, including collaboration, community education, and teamwork with new partners. Legal services programs’ right to collect attorney fees has opened doors, and one article discusses compliance with the regulations. Other articles cover such topics as defending foreclosures of mortgages insured by the Federal Housing Administration and state and city landlord–tenant protections for domestic violence victims.

Ilze Sprudz Hirsh

CLEARINGHOUSE REVIEW encourages the submission of articles from legal aid field staff and others. Send articles to Ilze Sprudz Hirsh, editor and vice president of communication programs, Sargent Shriver National Center on Poverty Law, 50 E. Washington St. Suite 500, Chicago, IL 60602; ilzehirsh@povertylaw.org.

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