

**Between a Rock and a Hard Place:
The Prevalence and Severity of Unmet Legal Needs
in a Pediatric Emergency Department Setting**

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Executive Summary

This report details the findings of a legal needs assessment study conducted in the Pediatric Emergency Department of Boston Medical Center in the fall of 2007. Families in the waiting area of the clinic were invited to participate in the two-part study, a brief self-administered questionnaire and a follow-up telephone interview. One hundred fifty-four individuals completed the questionnaire, and, 39 completed the interview. What follows is a summary of the responses of study participants, which paint a cogent and troubling picture about vulnerable families in Boston, and their struggle to meet their basic needs – for food, housing, health care, education services for their children, and safety.

The study revealed that the BMC Emergency Department serves a predominantly low-income population (92% of interviewees reported income below 200% FPL, based on household size), in which unmet legal needs are highly prevalent. Families were asked about a range of twelve concerns, from housing to immigration status to child care access.

Lack of Access to Basic Needs

The most commonly cited concerns were related to finances: having enough money to pay for basic expenses, such as housing, utilities and food. Families also frequently reported concerns about their children's safety when at school.

<i>Overwhelmed</i>	94% of families reported facing or experiencing at least one concern within the last month; 67% reported experiencing concerns related to at least five of the 12 basic needs.
<i>Facing Disability</i>	21% of families reported that at least one child in the household has a physical or mental condition that interferes with daily activities.
<i>Without Utilities</i>	Nearly half (48.7%) of families reported that within the past year they had received a letter from a utility company threatening to shut-off utilities; 23% actually experienced a shut-off in the past year; and 25% of families reported that they had used a cooking stove to heat their home in the past year, because they could not afford their bills.
<i>Without Food</i>	Over 36% of families said that they had either reduced the size of their meals or had skipped meals because they did not have enough money for food.

Persistent & Severe Deprivation – With No Place to Turn

Many families reported that their concerns were both persistent (77% reported that the issues had been a concern for at least six months) and severe (85% described their concerns as “somewhat serious” or “very serious”).

There were mixed responses with respect to families’ expectations that the identified issues could or would be resolved. 79% of families indicated that they had sought some sort of help for their particular concerns – but only 19% of those seeking help reported that they were “somewhat satisfied” or “very satisfied” with the help they received. Only 15% of families surveyed indicated that they had sought *legal* help for the issues they were experiencing; about half of this small group had sought help through a legal services organization or free legal program, but none of these said they actually received assistance.

Lack of Access to Basic Needs Constitutes a Legal Need

Families offered a variety of responses when asked why they had not sought legal assistance with problem like immigration, housing or access to government benefits. First, it appears that the majority of people experiencing a legal issue do not view their concerns to be legal in nature – or said another way, they do not view their concerns to be problems that can be addressed with legal remedies. This suggests that there is a severe lack of awareness within this population of when and how best to access free legal assistance. At the same time, this study demonstrates that even the small group of individuals who did recognize their need for legal help encountered difficulty in accessing that help. Thus, even as efforts are made to educate the public about legal services, it will be crucial to improve the delivery of these services to minimize barriers to access.

Project Overview

Legal Needs Studies Generally

Studies conducted by groups such as the American Bar Association and state legal services or legal assistance corporations have consistently shown that most low-income families experience civil legal problems. These problems typically relate to basic human needs such as safe housing, access to income supports and state and federal benefits, appropriate education, protection from violence, and access to health care. National and state-based legal needs studies estimate that low-income individuals experience an average of two legal needs, most of which go unaddressed.

Legal needs can be both chronic – such as a parent who is separated from her spouse but never formally divorces – or acute – such as the victim of domestic violence who needs a restraining order. As a result of the dearth of legal aid resources locally and nationally, most families experiencing civil legal problems will not be able to access legal help. In Boston, for example, Greater Boston Legal Services turns away three out of five potential clients due to a lack of resources.

Medical-Legal Partnership for Children

The Medical-Legal Partnership for Children (MLPC, formerly the Family Advocacy Program) was created in 1993 at Boston Medical Center to ensure that families' basic needs are met. The goal of the program is to improve access to legal help through partnership between medical staff and attorneys. The founder and chief of pediatrics at BMC, Barry Zuckerman, recognized that children whose basic needs go unmet are more likely to experience illness, school failure, and disability. After over a decade of observing the impact of medical-legal partnership in the pediatric clinic, Dr. Zuckerman and dozens of pediatricians and other health care providers across the country have concluded that medical interventions, when not complemented by efforts to ensure families' legal and social stability, have limited effectiveness for vulnerable populations.

With support from the Massachusetts Legal Assistance Corporation (MLAC) and the W.K. Kellogg Foundation, MLPC conducted an assessment of the legal needs experienced by families served by the Pediatric Emergency Department at Boston Medical Center. The purpose of this effort was to quantify the prevalence and nature of legal needs in this clinical population, to identify the resources or services sought and utilized in response to these legal needs, and to characterize possible barriers to the receipt of legal assistance.

It is hoped that the current study will provide both MLAC and MLPC with novel insights concerning the legal needs of the population from which the study sample was drawn, and spark new strategies to address those needs.

The specific hypotheses addressed in this study were that

- (1) a large proportion of families served by the BMC Pediatrics Department are currently experiencing a lack of access to basic needs;
- (2) the majority of families experiencing such problems do not receive forms of assistance that might help to resolve their problems;
- (3) a lack of access to basic needs typically presents a legal need; and
- (4) attitudes and beliefs about the legal system and legal profession may be related to whether or not families seek legal help.

This study may also prove to be an important contribution to the medical profession. To our knowledge, this is one of the first studies to conduct an assessment of the legal needs of a hospital-based population in which factors that may affect access to or utilization of legal assistance are also measured. The relevance of such information is underscored by the fact that there are currently over 75 hospital-based medical-legal partnerships based on the MLPC program at Boston Medical Center, with additional programs in development. The protocol created for this study will be a useful template for these programs, fostering further research in this area. The research landscape for medical-legal partnerships nationally already includes legal needs studies in a variety of clinical settings beyond the emergency room; by testing and validating these instruments in clinical settings, medical-legal partnerships will help move the legal field towards a research opportunities that mirror health-related research, thus further integrating the interventions and outcomes sought by partnerships.

Summary of the Study Design

The study involves the assessment of legal needs within a group of families served by the Pediatric Emergency Department at Boston Medical Center and was conducted in two parts – a self-administered survey and a telephone interview.

Self-Administered Survey-- Overview

A self-administered survey was offered to all adults in the waiting area who were the parent or guardian of a child being seen as a patient in the department. Individuals were excluded from the study if they were (1) not the parent or guardian of a child being seen in the pediatric emergency department at the time of study recruitment, (2) less than 18 years of age, or (3) unable to complete the self-administered survey, which was administered in English.

Efforts were made to recruit survey participants during most hours of the day and on all days of the week. Over 150 surveys were completed. Those who completed the self-administered survey were invited to participate in a follow-up telephone interview in which subjects were asked to respond to questions related to the social and legal concerns identified in the self-administered survey. About 40% of those completing the survey agreed to participate in the follow-up interview. Some of these individuals, however, were subsequently unreachable. In total, 39 interviews were completed (25.3% of the survey sample).

We compared the survey responses of those who completed the survey only with those who completed both the survey and the interview—This analysis revealed only small differences between the groups, none of which were statistically significant at the 0.05 level. Consequently, we believe that the interview responses (n=39) are representative of the total sample in the study (n=154).

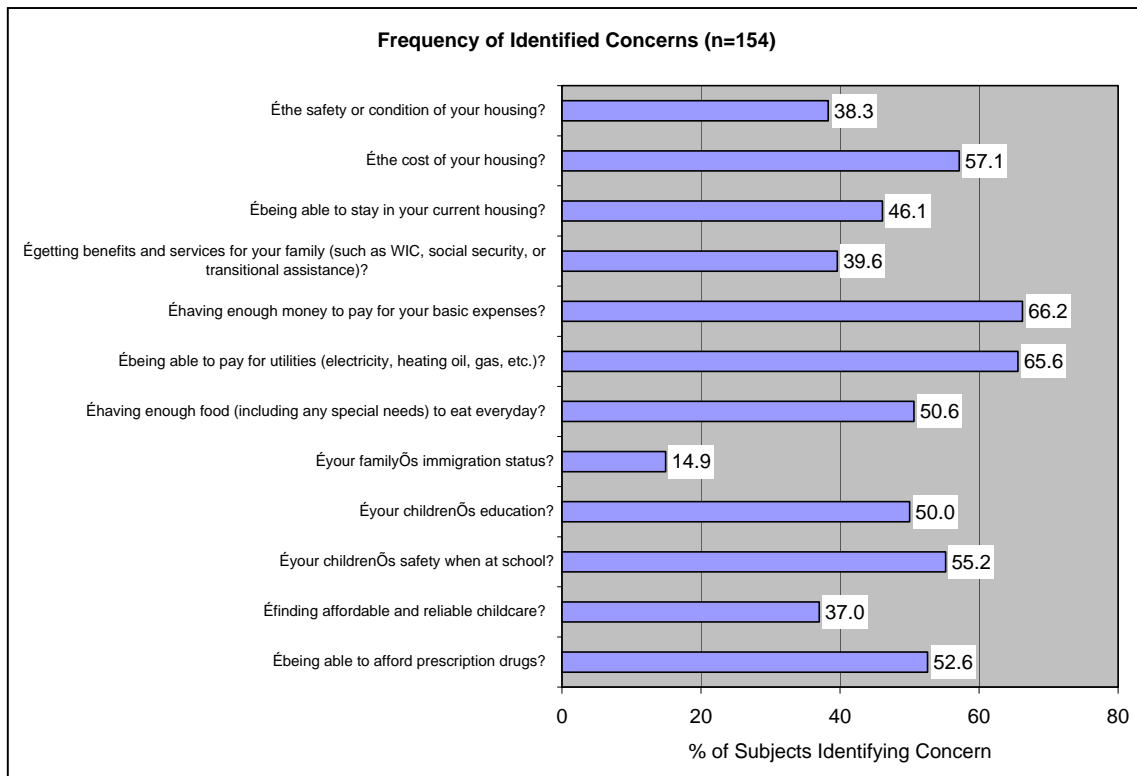
It should be noted that some parents and guardians—including those whose children whose care was most urgent—spent little or even no time in the waiting area of the emergency department, instead being moved into an examination room immediately upon arrival. Such parents were not included in this study. As a result, the responses captured cannot be said to represent fully the experiences of all families that utilize the emergency department. The sample does, however, represent the rather large number of families who may rely on this clinic for urgent or even primary health care.

Self-Administered Survey -- Results

Characteristics of the Sample - A total of 154 subjects are included in this analysis.

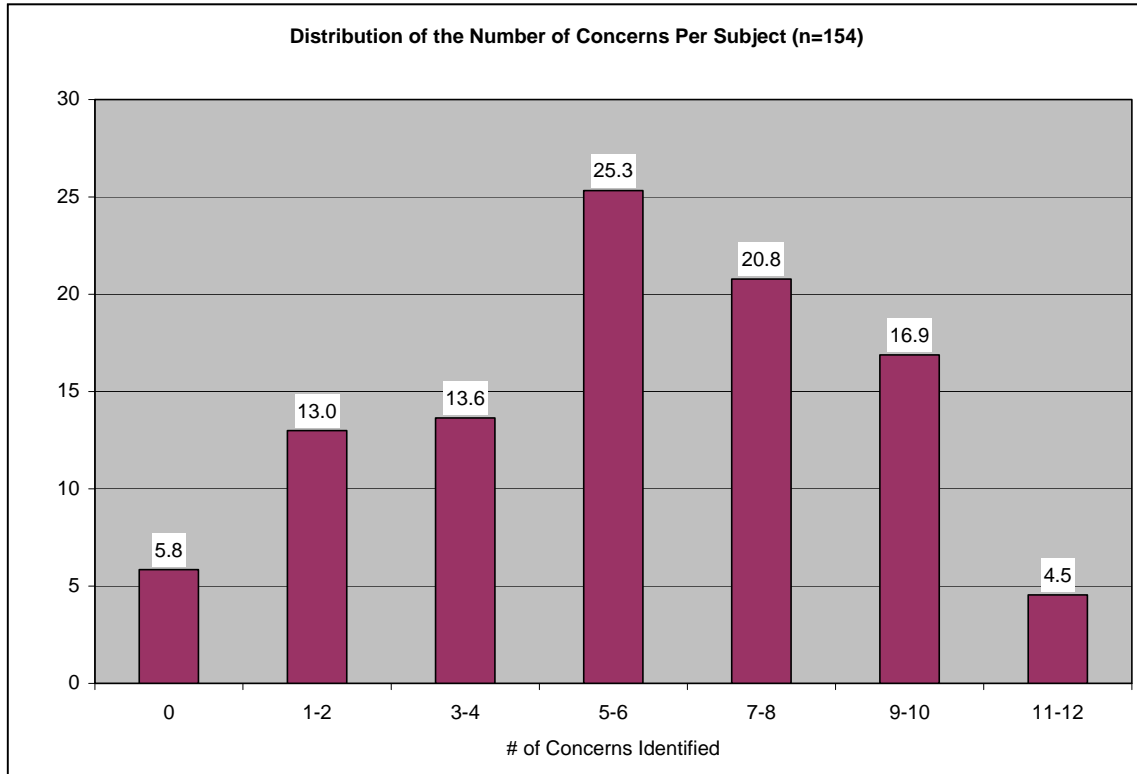
- The average household size was 3.9 individuals (1.7 adults and 2.2 children); the largest household size reported was 11 individuals.
- Nearly three-quarters (74.8%) of subjects reported that all their children have health insurance.
- 21% reported that at least one child in the household has a physical or mental condition that interferes with daily activities.
- 52% reported that someone in their family receives government benefits such as Food Stamps or disability payments.
- 69% reported that they were born in the United States. English was reported as the sole primary language (the “language most comfortable speaking”) by 66% of subjects. An additional 21% reported multiple languages that included English.

Frequency of Issues Identified - Six of the 12 issues listed were identified by the majority of respondents as having been a concern at least "sometimes" during the past 30 days, including having enough money to pay for basic expenses (66.2%); having enough food to eat every day (53.3%) and being able to pay for utilities (65.6%). It appears from these data that the basic needs of the families surveyed are not being met.



Number of Issues Identified Per Household – From a total of 12 issue areas, families reported an average of 1.9 issues that they had been concerned about “all of the time” during the past 30 days, 3.2 issues they’d been concerned about at least “most of the

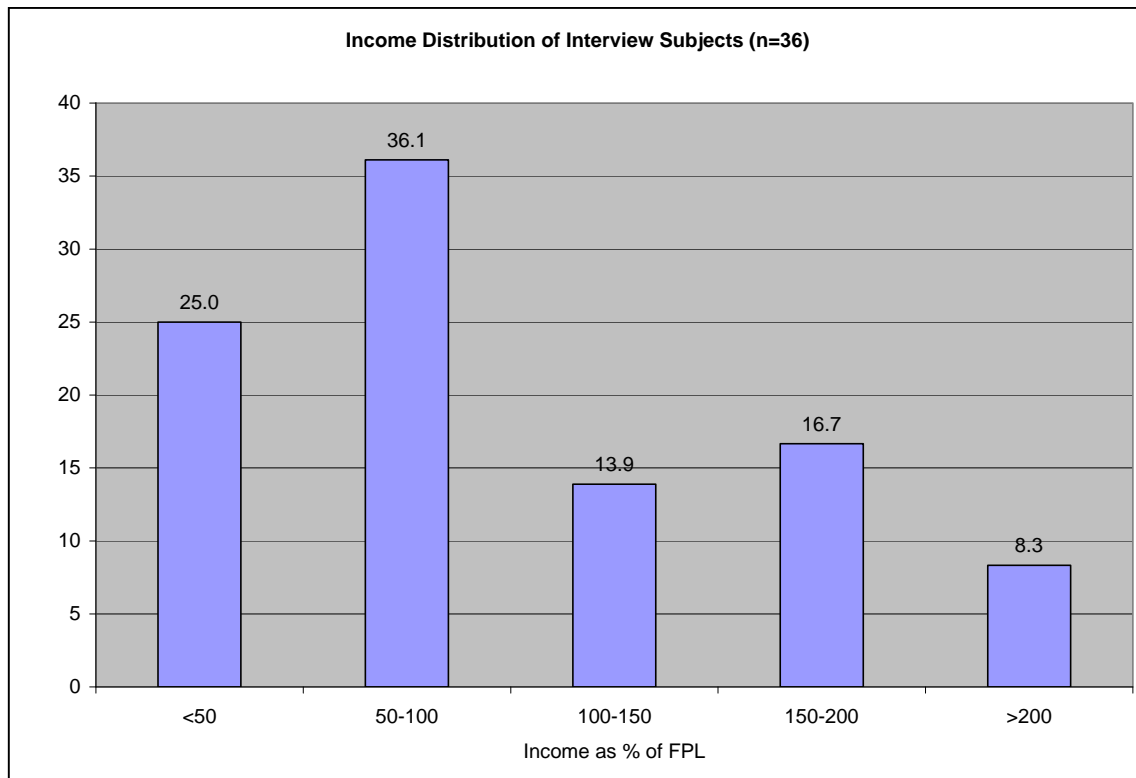
time,” and 5.7 issues they’d been concerned about at least “sometimes.” Nearly all respondents (94.2%) identified at least one issue as having been a concern sometimes, most of the time, or all of the time; over two-thirds (67.5%) identified at least five such issues.



Results from the Follow-up Telephone Interview

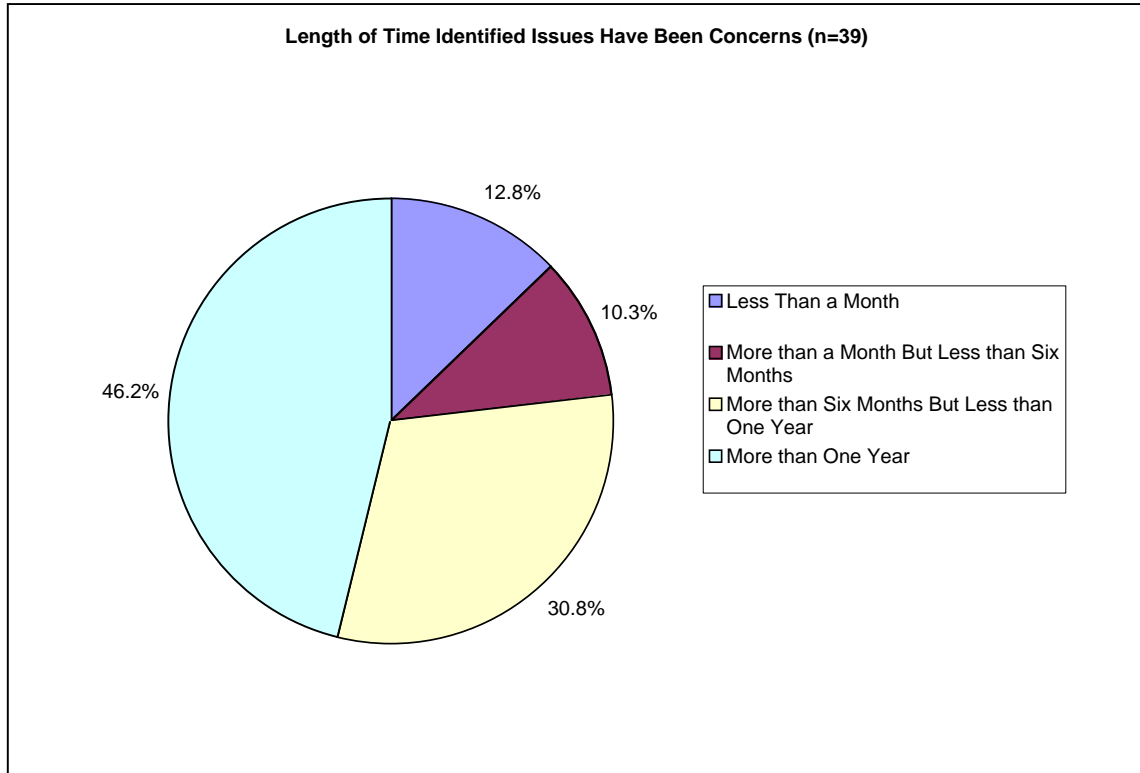
Characteristics of the Sample - A total of 39 subjects completed the interview.

- The average age of respondents was 38.1 years (range 20-58 years).
- The average number of children per household was 2.6.
- The average age of children (defined in this study and in this pediatric emergency department as 0-20 years of age) was 10.6 years (range 1- 20).
- The median reported gross income (reported by 36 subjects) was \$16,500, while the average income was \$23,822. Based on each subject's reported income and household size, we calculated incomes as a percentage of the Federal Poverty Level (FPL). The median value was 87% of FPL. Sixty-one percent of subjects reported income below 100% FPL; 92% reported income below 200% FPL.

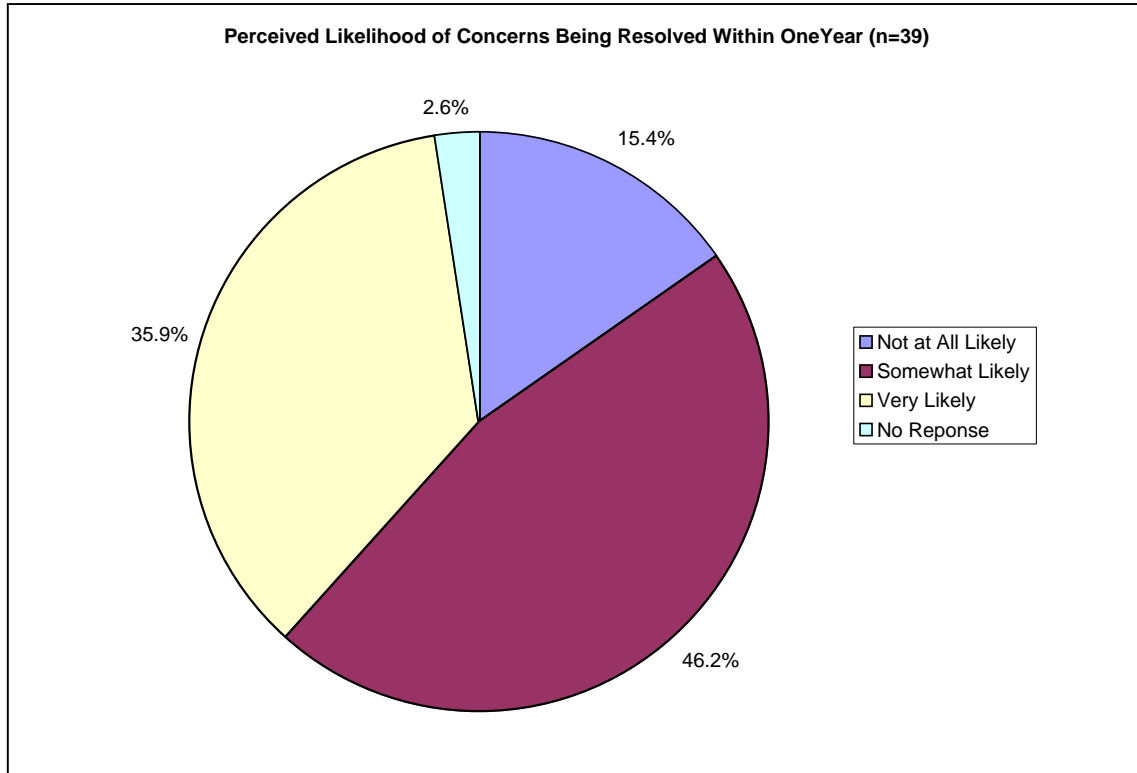


Nearly three-fourths (74.4%) of individuals in the sample were born in the U.S. Among those born outside of the country, the average time since settling in the U.S. was 12.2 years (range 3-30 years). Countries of origin included Cape Verde, Dominican Republic, Haiti, and Portugal. All subjects born in the U.S. were U.S. citizens. Among those who immigrated to the U.S. (n=10), 30% indicated that they were U.S. Citizens.

Duration/Age of Identified Concerns – Forty-six percent of subjects reported that they had been concerned about the issues identified for over one year. Thirty-one percent indicated that these had been concerns for less than one year (but more than six months) and ten percent indicated that these had been concerns for less than six months (but more than one month). These responses are summarized below.



Expectation of Issue Resolution – Thirty-six percent of subjects felt that it is “very likely” that their concerns will be worked out within the next twelve months. Forty-six percent reported that this was “somewhat likely.” Fifteen percent felt that resolution of their concerns was “not at all likely” to happen in that timeframe. One subject declined to answer this question.



Perceived Severity of Concerns – Families were asked to assess the seriousness of their concerns. Nearly half of respondents reported that the issues or problems they were experiencing were “very serious.” An additional 38% of subjects described their concerns as “somewhat serious.”

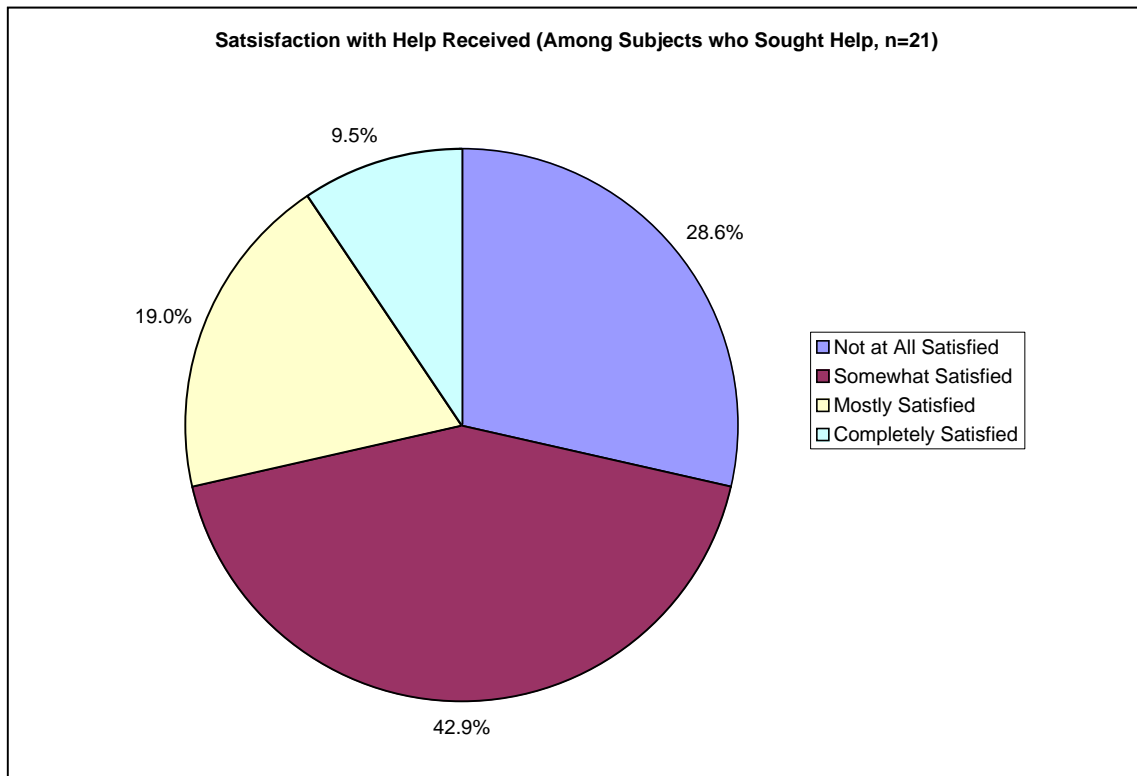
Utility Concerns – Nearly half (48.7%) reported that within the past year they had received a letter from a utility company threatening to shut-off utilities. Twenty-three percent actually experienced a shut-off in the past year. Twenty-five percent of subjects reported that they had used a cooking stove to heat their home in the past year, because they could not afford their bills.

Food Security – Over one-third of respondents indicated that they had either reduced the size of their meals or had skipped meals because they did not have enough money for food. When asked how often this happened, 36% indicated it had happened only one or two months in the past year. Twenty-nine percent indicated that it had happened some months, but not every month. Thirty-six percent reported that they had cut meals or reduced the size of their meals almost every month during the past year.

Three subjects in this sample (7.7%) indicated that there had been times in the past year when their children were hungry, but they couldn't afford to buy food. Two of the three indicated that this had only happened one or two months out of the year. The third subject indicated it had happened some months, but not every month.

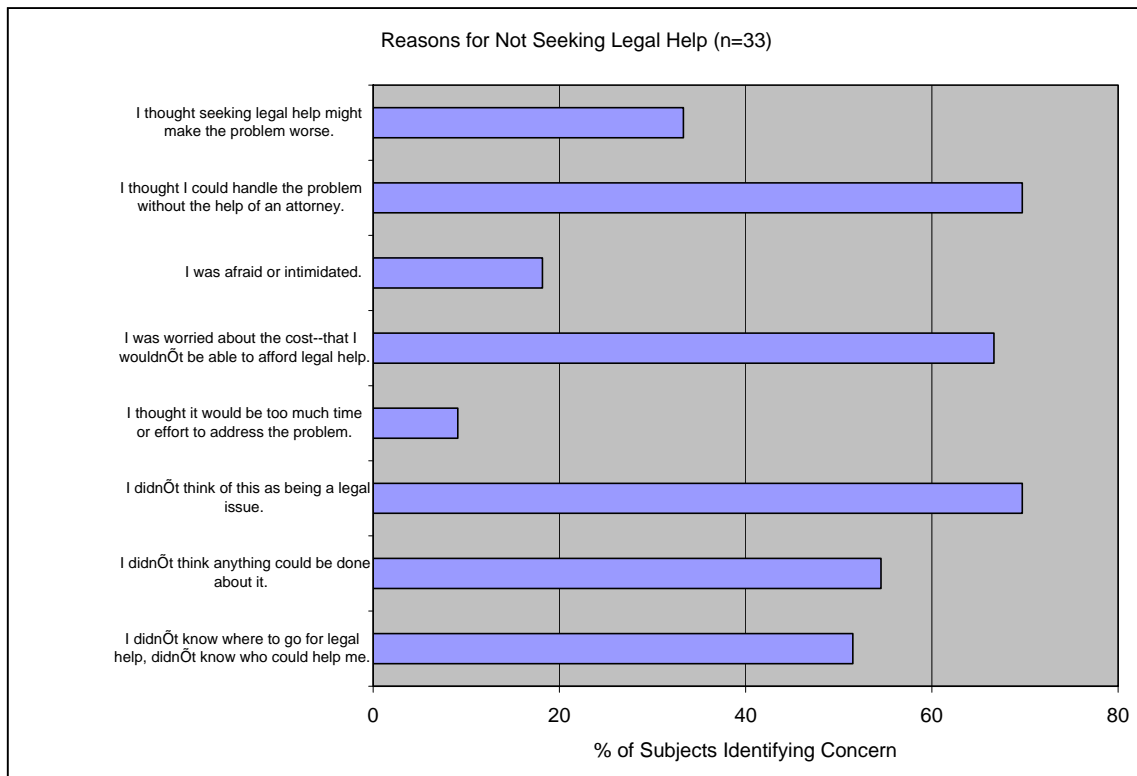
Perceived Health Impacts - Concerning the perceived impact of concerns identified, 51% of subjects indicated that the issue or concern had affected their physical health or well-being; 23% reported that their children's physical health or well-being had been affected. Sixty-seven percent of subjects indicated that their concerns had affected their emotional or mental health; 28% felt that the concerns had affected the emotional or mental health of their children.

Seeking Help – Over three-fourths of subjects (79.5%) indicated that they had sought help for at least one of their concerns. Only fifteen percent indicated that they had sought the help of an attorney. Other places where help was sought included social workers, housing offices, welfare offices, utility companies, non-profit agencies, local charities, food pantries, doctors, early intervention services, and schools. Among the 31 subjects who sought help, 21 reported the level of their satisfaction with the help received. Of these, about 29% were “not at all satisfied” with the help they received. Only 9.5% of subjects who sought help reported that they were “completely” satisfied with the help they received.



Among the small number of subjects (n=6) who reported seeking help from an attorney, three reported that they had sought help from a free legal service. Of note, none of these three ended up receiving help. In fact, only one of the six subjects who sought the help of an attorney actually received it.

Those subjects who reported that they had not sought the help of an attorney were asked to identify reasons why they had not sought such help, by indicating whether or not various statements were true in their case. The responses to this series of statements are summarized below.

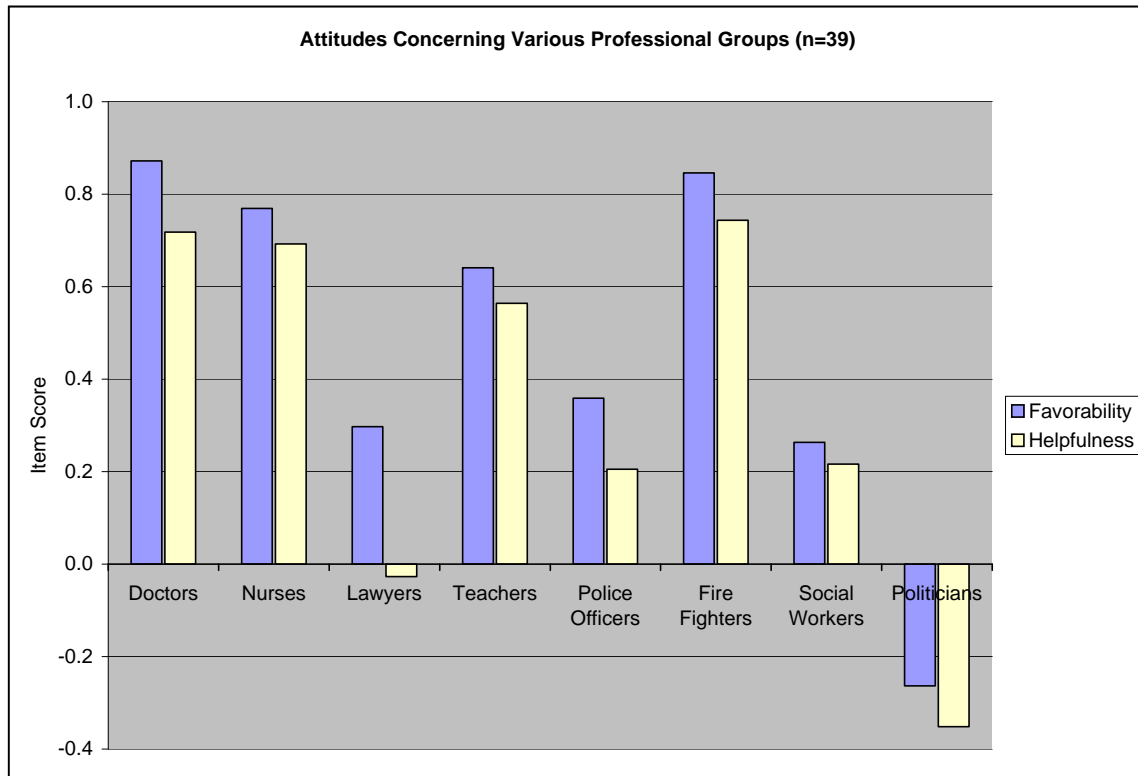


"I didn't think of this as being a legal issue" and "I thought I could handle the problem without the help of an attorney" were the two reasons most frequently cited, each reported by 79% of respondents. "I was worried about the cost--that I wouldn't be able to afford legal help" was also a common reason, reported by 67% of subjects. Two other reasons were reported by more than half of subjects: "I didn't think anything could be done about it" (54.5%) and "I didn't know where to go for legal help, didn't know who could help me" (51.5%). The reason least frequently cited was "I thought it would be too much time or effort to address the problem." Only nine percent indicated that this was a reason why they had not sought legal help.

Attitudes Concerning Laws, the Health Care System, and Community Resources - The study subjects were asked to indicate whether they agreed or disagreed with each of three statements. Perhaps most striking is the fact that over half of respondents (53.3%) expressed disagreement with the statement “I think that the laws...serve my best interests—that the law is ‘on my side.’” Responses are shown below for each statement.

Statement	Agree	Neutral	Disagree	No Response
“I think that the laws in the country, state, and city serve my best interests—that the law is ‘on my side.’”	25.6%	20.5%	48.7%	5.1%
“I am satisfied with the community services and resources available to me and my family.”	53.8%	30.8%	15.4%	0.0%
“I believe that the health care system is on my side, serving my family’s best interests.”	53.8%	25.6%	20.5%	0.0%

Attitudes About Professional Groups – For eight professional groups, subjects were asked to indicate (1) whether they held a positive, neutral, or negative view, and (2) whether they considered the group to be “not at all,” “somewhat” or “very” helpful to families in their community.” Individual responses were converted to a three-point scale from –1 to 1, and then averaged to generate “favorability” and “helpfulness” scores.



Access to Legal Assistance - The study revealed that only a very small percentage of individuals seek out legal assistance, consistent with the findings of previous legal needs assessment studies. In this sample, six individuals out of 39 (or out of the 38 who identified at least one concern or problem) reported that they had sought legal help. Three of the six sought help through a free legal aid program. None of these three ultimately received help from the program. Although these are rather small numbers upon which to assess the experiences of those families seeking legal help, the findings here are consistent with what has been observed by MLPC staff with their own clients, as described below.

MLPC Clients' Prior Access to Legal Assistance - In a small sample of twelve cases in which MLPC staff asked whether the family had previously sought legal help, one-fourth of clients reported that they had previously sought help from a legal services program. Among these clients, however, none ultimately received help through these programs.

Follow-up on MLPC Referrals to Legal Services Programs – MLPC refers a portion its cases to other programs and resources in the community, including legal services programs. As part of MLPC's follow-up with clients, some of these clients were contacted to check on the status of their case and to learn whether or not help had been received. From a group of 22 cases recently referred, only 14 individuals reported that they'd had any contact with the agency to which they were referred.

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References

Legal Services Corporation, *Documenting the Justice Gap in America* (2005).