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Donations:

Although we charge our clientele on a sliding financial scale in order to bring ownership to the process, this ministry is not self-sustaining. Our budget for 2014 is \$150,000. To date we have raised nearly \$50,000 toward our budget. The majority of our support requires the partnership of God's people to financially enter in, take up the cause and give generously.

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Press "Donate" button
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New Covenant Legal Services
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1142 Hodiamont Avenue
St. Louis, MO 63112



New Covenant Legal Services is a ministry of Restore St. Louis



Restore St Louis promotes a network of Christian ministries that seek to show God's love to the poor, widow, orphan, immigrant/refugee and afflicted in St. Louis, and operates under the oversight of New City Fellowship St. Louis.

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MAY 2014

URBAN JUSTICE

newsletter

A publication of New Covenant Legal Services

volunteer...

New Covenant relies on volunteers including attorneys and paralegals who are willing to help the urban poor work through legal issues. The St. Louis Christian legal community is blessed with an extraordinary number of talented and experienced law professionals and part of our mission is to engage and coordinate these legal resources.

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L.T., J.S. and M.H. vs. Department of Social Services

by Al Johnson

New Covenant Legal Services has recently represented Lisa Thornton, a 37-year-old woman who has been denied a Guardianship Subsidy by the Missouri Department of Social Services (DSS) for two minor children over whom she has taken responsibility (J.S. and M.H.). Lisa, who has consented to the use of her real name for purposes of this story, is the daughter of Clara Thornton, a long-term member of New City Fellowship.

In 2004, Clara, with the help of her church, took in two young women, J.S. and M.H., who were for all practical purposes orphans. The father had never been in the picture, and the girls' mother was confined to a nursing home, physically unable to care for the children. Clara was the great-aunt of the children. She eventually applied for a Missouri Guardianship Subsidy for the two children and DSS granted her the Subsidy.

Unfortunately, in April of 2011 Clara died of cancer. Lisa decided to take the minor children into her home and eventually obtained a Guardianship over them. She

subsequently applied to DSS to receive the same Guardianship Subsidy that had previously been afforded to her mother for J.S. and M.H. DSS refused the Guardianship Subsidy to Lisa arguing that the statute in effect in 2012 -- § 453.072 RSMo -- did not allow her to receive the subsidy because it excluded second cousins -- her relationship to the children -- for the subsidies. Despite this setback, Lisa kept the children. She has received support and assistance from New City Fellowship, the church that she attends.



Lisa Thornton, NCLS client

Lisa Thornton works part-time cleaning homes and has a very limited income. She is also caring for two biological children of her own. She has been very responsible in her care of the children, including enrolling J.S. and M.H. at the Grand Center Academy of the Arts, an outstanding charter school located in the city of St. Louis.

Effective August 28, 2013, the Missouri Legislature enacted a new version of § 453.072 RSMo, amending the statute to allow second cousins to be eligible for the subsidy.

Believing herself to now be qualified for the subsidy, Lisa went to DSS offices in October of



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New Covenant Legal Services is a ministry of New City Fellowship & Restore St. Louis

ADDRESS SERVICE REQUESTED



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Susan's Story

by Lynn Beckemeier

For the past twelve years, a group of Christian attorneys in St. Louis have been volunteering for a ministry called Christian Legal Aid at Jubilee Community Church in North St. Louis. The volunteers provide free legal counsel, meeting one-on-one with individuals who have legal problems but cannot afford attorneys. Last month, NCLS assumed the oversight of the Christian Legal Aid and will be assisting with volunteer coordination as well as providing follow up and litigation services to those in need. The following story is from Lynn Beckemeier, who is a long-term volunteer for Christian Legal Aid and also a board member of NCLS. Lynn's legal career has spanned over 35 years, and has included providing legal counsel to many Christians, churches and ministries. He currently practices with his son, Jim, who is also a CLA volunteer.

Imagine you are a single, divorced mom, working as a waitress, with two teen-aged daughters -- barely supporting yourself and your family. Your unemployed ex-husband is behind on his child support. One day a notice comes in the mail from the IRS addressed to your older daughter who has applied for financial aid at several colleges. The notice says she owes over \$8,000 in taxes, interest and penalties for failing to report the sale of \$40,000 in mutual funds that were supposed to be used for her college education as a "custodian." This means that your daughter wouldn't qualify for student loans, and any tax refund that she might receive in the future would be confiscated.

That was the dilemma Susan (not her real name) faced when she met with a volunteer Christian lawyer at a legal aid clinic sponsored by an inner city church. This meeting wasn't Susan's first try at dealing with her daughter's problem. She had contacted the IRS and even filed a lawsuit against her ex-husband. But, the IRS told her that she needed to hire a lawyer (which she could not afford) and her lawsuit was thrown out by the court. On the day she arrived at the Christian legal aid clinic, she was at her wit's end and had nearly lost hope. After reviewing some documents Susan brought with her, the volunteer lawyer discovered the heart of her daughter's problem: although a divorce court had ordered the ex-husband/father to use the mutual funds for his daughter's college education, he had sold the fund and spent the proceeds himself.

Even though the daughter didn't know this, the IRS treated the daughter as a delinquent because the mutual fund that the

father controlled was listed with the IRS under the daughter's social security number. So, when the fund's shares were sold, the sale was reported to the IRS as having been made by the daughter. When she failed to file a tax return, penalties and interest began to pile up.

Fortunately, through the generosity of people like you, the volunteer legal aid attorney was able to connect this desperate woman with a Christian family lawyer. Together these two lawyers, one working with the IRS and the other with the divorce court, got the tax levy released, and the ex-husband/father was held fully responsible to pay it. Also, both lawyers had the opportunity to share their motivation in serving the poor: the love of Christ for the single mother and her daughter.

Sadly, the money that was supposed to go for the daughters' college education was gone.

But, the tax levy was removed. Without the help of volunteer legal aid lawyers (who were paid for some of their time and expenses by a grant from Christian Legal Aid of St. Louis, a predecessor organization to New Covenant Legal Services), the younger daughter would have suffered the same fate as her older sibling -- namely, her own "love letter" from the IRS. The good news is that the IRS accepted the court order against this irresponsible father to clear the younger daughter's tax debt too. And the best news is that these volunteer Christian attorneys were able to help a struggling, single, divorced mom see her daughter begin college against overwhelming odds by using their God-given skills and legal training for good in the name of Jesus Christ!

**"Open your mouth,
judge righteously;
defend the rights of
the poor and the
needy."**

-Proverbs 31:9

our mission >>>

New Covenant Legal Services ("NCLS") provides legal services to needy individuals and groups in Metropolitan St. Louis, including the urban poor, refugees and immigrants. Our mission is to demonstrate that Jesus Christ's love and justice are sovereign in the world. This mission will be accomplished through a Christ-centered approach to solving legal problems and achieving social justice, in partnership with Christian churches in the St. Louis area.



NCLS Advisory Board members (L-R): Odetta Fields, Lynn Beckemeier, Leonard Scruggs, Richard Harvey, Kathy Woodard, Lauren Grady, Hal Bush

L.T., J.S. and M.H. vs. Department of Social Services

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2013 to begin the application process for the subsidy.

Amazingly, DSS refused to allow Lisa even to apply, arguing that she was not entitled to the subsidy based upon the doctrine of retroactivity. According to this argument, because Ms. Thornton's guardianship of the children was awarded in 2011 -- thus pre-dating the new statute -- DSS could not give her the subsidy because it would be a "retroactive" application of the statute. To add insult to injury, Lisa was also informed that at the time of Clara's death, Clara was in the process of repaying monies due to a prior overpayment. DSS posited that the \$156 that remained to be repaid from the alleged "overpayment" was due and owing to the state! At no time has DSS offered to assist Thornton in applying for the subsidy.

This "retroactivity" theory was based upon a misreading of Article I, Section 13 of the Missouri Constitution. The Constitutional prohibition against ex post facto laws is derived from the United States Constitution. Traditionally such laws have shielded citizens from having vested rights removed or punitive measures applied based upon retrospectively applied statutes. Here, DSS is attempting to distort a Constitutional concept by utilizing the concept as a sword raised against two children and their guardian. But for the intervention of Lisa, J.S.

and M.H. would be homeless and wards of the state. The doctrine of retroactivity is applied only in those situations when the state seeks to take away vested rights acquired under existing laws, create a new obligation, impose a new duty, or attach a disability. None of those things is happening in this case. Rather, all Lisa seeks is financial assistance on behalf of the two children.

The hearing was held on this matter on Monday, February 3, 2014, before an officer for the state. Lisa appeared, together with me and the two children, and we presented our case to the hearing officer. The matter is under submission and a decision is expected soon.

As I contemplate Lisa's case, I am reminded of the scripture in Isaiah 5: "Woe to those who will call evil good and good evil." Here the selfless act of Lisa Thornton, taking in two children who are distant relatives, is an act of a Good Samaritan that should be supported by DSS, an agency that is supposed to be dedicated to helping children like J.S. and M.H. Fortunately for these two children, New Covenant Legal Services has been there to help them at a time when both life's circumstances and state bureaucrats have turned against them. We will keep our friends and supporters closely advised regarding the outcome of this case and its future implications.

Meet Odetta Fields, English Teacher at Pattonville High School and NCLS Board Member

Odetta Fields currently works at Pattonville High School as an English Teacher. Prior to working at Pattonville, she was the Head of School for The Freedom School, a ministry of Restore St. Louis. A graduate of Harvard's Graduate School of Education and the University of Missouri-Columbia, Odetta has served children in education since 1997.



Odetta Fields
NCLS board member

I joined New Covenant Legal Services after working with immigrant students and families at The Freedom School. As the former Head of School, we purposely enrolled students from the Democratic Republic of Congo. Those students, typically coming from well-educated parents, seemed to find easy passage in our small school and in America.

As our church (New City Fellowship - South City site) began to reach out to Burmese refugees, our school saw an opportunity to educate those students. However, with the new Burmese families I witnessed first-hand how difficult it was for many of these families to navigate life in America.

Chief among the challenges was gaining fair employment and housing. It was not uncommon for me to hear about families who lived in less than desirable settings. Our Burmese families who had some children enrolled in public schools were forgotten and left behind. Seeking legal assistance was not our first course of action, but it was something we earnestly desired. The Burmese families we served at The Freedom School needed a ministry like New Covenant Legal Services. Even as I have gone back into the classroom as a high school English teacher, I continue to work extensively with immigrant and refugee students and families who need grace-filled and godly legal counsel. I am extremely honored and humbled to serve on the board of this new ministry. Please pray for us as we continue to reach out to those in need of our services.

expert advice >>>

Learn to do right; seek justice,
defend the oppressed,
Take up the cause of the fatherless;
plead the case of the widow.

Isaiah 1:17