

# Finding Peace

Volume 5, Issue 1

Spring 2016



## HELPS

Help  
Eliminate  
Legal  
Problems  
for  
Seniors  
and  
Disabled

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## Help Me.



On our **HELPS** website ([www.HelpIsHere.org](http://www.HelpIsHere.org)), we have a box where people can email us requesting they be contacted, ask questions or leave comments. Half of the time, this is used to explain a particular problem. Several days ago, one of the most poignant comments was left. It was two simple words - Help Me. These words sum up what **HELPS** is all about.

There are too many seniors and disabled persons who simply don't know where to go for help. Because of circumstances of life, they find themselves with old debt they simply cannot pay. Some think they are locked into paying for a house or car that they just cannot afford.

Thankfully there is a solution for these problems and almost always the solution is quite simple. Your income is protected. It can't be touched by collectors and **HELPS** nonprofit law firm can stop harassment from collectors. Your income is there for your needs and does not need to be used to pay this old debt.

*Continued inside.....*

## Help Me (*con't*)

I spoke with a senior today who expressed her thanks for **HELPS** because now she didn't have to go to the food bank but could buy her own food. We hear comments like this all the time. Our members are a big part of what we do. So many share what we do with others and one by one the word is spread. Together we can answer the plea of those that quietly ask "help me".



*By Eric Olsen, Executive Director*

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## 501(c)(3) Status

**HELPS** is very excited to announce that we have received approval from the IRS for our status as a 501(c)(3) charity. Our tax exempt status as a charity has already opened new doors for **HELPS**. We express our appreciation to Google, who has graciously granted us with \$10,000 in ad words each month. This is an opportunity to have free advertising in order to reach those searching the internet to learn about **HELPS** and what we do. We are also actively working with other nonprofit organizations to share what **HELPS** does.



Our mission is unique. As far as we are aware, we are the only nonprofit law firm that represents seniors and disabled persons specifically designed to stop harassment by collectors. And we do this in all 50 states. In addition, we educate seniors and those helping seniors on their rights.



## Social Security Overpayment

Occasionally HELPS clients receive a notice from the Social Security Administration that their benefits are being reduced because of an overpayment. In most cases, a reduction of Social Security benefits can be resolved without having your benefits reduced or you may be able to propose a smaller reduction. You can visit [www.ssa.gov/forms/ssa-6325.html](http://www.ssa.gov/forms/ssa-6325.html) to read about your options.

There are three options discussed on their website.

1. Contest the validity of the reduction. You are given a chance to discuss your reasons for contesting this.
2. Propose a different payment amount.
3. Agree that there was an overpayment and request a waiver of a reduction.

Many lower income persons will want to choose number 3. You will need to complete the form and return it to Social Security. It needs to show that you have no extra money and cannot afford a reduction in your benefits.

If you need help filling out the form, please contact **HELPS**.

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## I'm Disabled But Not a Senior, Can *HELPS* help me?

Absolutely! **HELPS** represents persons receiving federally protected income including Social Security Disability and other forms of disability payments. **HELPS** can guide you to resolve old student loans. We can help get you on uncollectable status with the IRS. Your protected income does not need to be used to pay old debt. It is available for your needs like food, medicine and housing. We protect you from harassing phone calls and demand letters. Give us a call and see how **HELPS** can help you.

# Landlord Letter

On occasion, **HELPS** nonprofit law firm will write a letter similar to the one below when one of its members seeks to rent an apartment or obtain new housing. We do this to assure any prospective landlord that debts or judgments owed by the prospective tenant cannot be touched because their income is protected. This letter seems to resolve any potential issues before they arise and we can always edit this letter to fit your particular situation as needed.

*Dear Prospective Landlord,*

***HELPS** nonprofit law firm helps seniors and disabled persons. We are currently assisting John and Mary Doe who are applying for a new rental with you. We have some important information to help you in your evaluation.*

*Their sole income is Social Security in the respective sums of \$\_\_\_\_ and \$\_\_\_\_ net per month. Under federal law, this income is protected from creditors. It cannot be garnished or taken from them. John and Mary Doe may have negative credit entries or judgments, however those creditors can do nothing to collect from John and Mary. **HELPS** nonprofit law firm has advised any judgment creditors of their exempt and protected status. **HELPS** represents persons receiving protected income for purposes of receiving communication from collectors. Under federal law, collectors may not communicate with someone who is represented by an attorney.*

*Therefore, all the Social Security and pension income of John and Mary Doe is available for their basic needs such as housing. There should be no concern by any entity contemplating renting to them regarding the existence of a judgment. Filing a bankruptcy would be unnecessary and a waste of limited resources. John and Mary can provide verification of income sources if required. They have never had an eviction and have always paid their rent timely. Hopefully this information will be of assistance and help you in your efforts to work with this good couple.*

*Sincerely yours,*

*Eric W. Olsen*

*Executive Director | Attorney at Law*

# When a HELPS Client Needs an Attorney

**HELPS** does not represent persons in court but on the very rare occasion a **HELPS** client needs a local attorney, we can help. When that happens, we have always been able to find an attorney to help a needy client pro bono (free of charge). Recently there was a mother on disability whose ex-husband was challenging the custody of their child. She was very poor and he had money. Legal aid could not help her because of their funding issues. We helped her find an attorney who was willing to help her. Here is my thank you letter to that attorney.

*“Thank you so very much. XXX’s phone number is xxx. I advised her someone would be calling her. Just so you know, it is rare but occasionally we at **HELPS** need to find pro bono attorneys for a client who has nowhere else to turn. So far, I have always managed to find someone. I am always appreciative for the support the legal community gives to those in need. If you would like to speak with me or let me make the introduction, I would be happy to do so. Thanks again for helping out. It is much appreciated. You have earned some good Karma here.*

*Eric Olsen, Executive Director | HELPS nonprofit law firm”*



# How to Move Your Social Security to a Different Bank or Credit Union

Sometimes it is necessary to change a bank account where your Social Security is deposited. First, you need to get a new bank account at the new bank or credit union. Next, you will need to contact the Social Security office to give them this new information. There are 3 ways you can do this.

## 1. Visit your local Social Security office:

Physically go down to your local Social Security office. Take the new routing and account number for your new bank account. Having a voided check from the new account is best but the bank can provide you this information if you do not have any checks. The Social Security office will make your requested change on the spot at the local office. It is also a good idea to bring the old bank account information with you as well. Also bring your ID as you will need to prove that it is your account that you are changing.

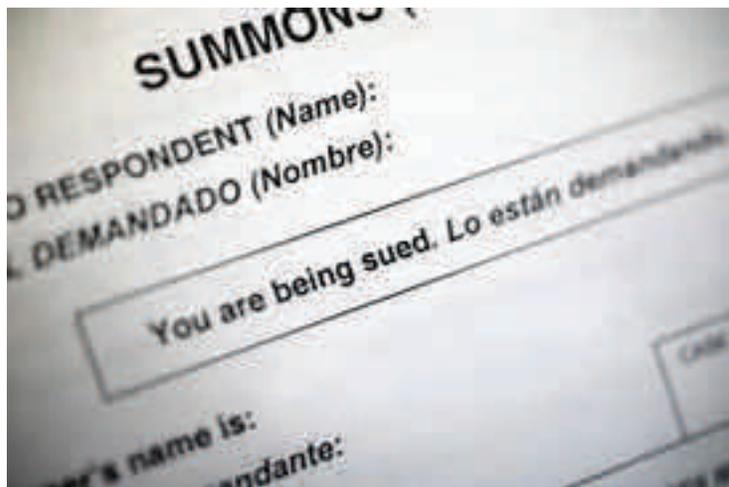
## 2. Over the internet:

If you are computer savvy, or have someone who can help you, it is easy to make this change. Visit their website at [www.socialsecurity.gov/myaccount](http://www.socialsecurity.gov/myaccount) and click on "Sign in or create an account". Once logged in, you can start, view or change your direct deposit. This should be found on the "My Profile" tab in "My Social Security". In addition, you can control when this new change takes effect.

## 3. Over the phone:

You can call Social Security at 1-800-772-1213. Your wait time on hold might be extensive but you will be able to speak with someone who can switch your deposit over to the new account. Make sure you have the old account and new account information in front of you before you call.

If you have any questions, give **HELPS** a call.



## Served with Legal Papers? What Now?

Occasionally **HELPS** clients will get served with legal papers and wonder what to do.

1. Don't panic! Remember your income is protected.
2. Send **HELPS** a copy of the paperwork by mail, email or fax - whatever is the easiest for you. We will send them and any attorney representing them a letter explaining that your income is protected.
3. Call us on the phone. We will help answer any questions or concerns.

### *Remember:*

*You will not need to go to court even if you owe the money. They will get a Judgment and that is ok. They cannot touch your income so the Judgment is uncollectable.*

Still worried? Call us! We are here to help.

# What Law Protects Social Security, Pensions and Disability?

## **SOCIAL SECURITY**

### **SSR 79-4**

Generally, Social Security benefits are exempt from execution, levy, attachment, garnishment, or other legal process, or from the operation of any bankruptcy or insolvency law. The exceptions are that benefits are subject: (1) to the authority of the Secretary of the Treasury to make levies for the collection of delinquent Federal taxes and under certain circumstances delinquent child support payments; and (2) to garnishment or similar legal process brought by an individual to enforce a child support or alimony obligation. Section 207 of the Social Security Act provides: **"The right of any person to any future payment under this title shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law."**

## **PENSIONS AND RETIREMENT INCOME**

Almost all private employer retirement plans are governed and protected by a federal pension law known as the **Employee Retirement Income Security Act of 1974 ("ERISA")**.

ERISA requires pension plans to have "spendthrift" provisions which prevent benefits from being alienated from the participant. What this means is that you are protected from both your creditors and your own desire to spend the money before you retire or are otherwise able to under the terms of the plan.

## **FEDERAL BENEFITS**

The federal benefits that are exempt from garnishment include:

- Social Security Benefits
- Supplemental Security Income (SSI) Benefits
- Veterans' Benefits
- Civil Service and Federal Retirement and Disability Benefits
- Military Annuities and Survivors' Benefits
- Student Assistance
- Railroad Retirement Benefits
- Merchant Seamen Wages
- Longshoremen's and Harbor Workers' Death and Disability Benefits
- Foreign Service Retirement and Disability Benefits
- Compensation for Injury, Death, or Detention of Employees of U.S. Contractors Outside the U.S.
- Federal Emergency Management Agency Federal Disaster Assistance.

However, there are some situations where these funds are not protected and may be garnished. For example, some of these federal benefits may be used to pay delinquent federal taxes or student loans. Others, such as Social Security benefits, may be deducted before you receive them to pay child support or alimony.

## **DISABILITY**

Private disability is protected from garnishment by various state laws. Social Security Disability is protected by federal law

# ~ Notes From Clients ~

"Got my first good night sleep in years. Thank you so much for my peace of mine. Very grateful!" ~ Rebecca C.



"I want to thank you and your staff for all the work you do in handling this situation, my dad is doing well at his assisted living home in Oregon and he has expressed a thank you also in handling his account." ~ Patricia O.



"I want to thank you for all the help you have given me over the years. I really appreciate it. Thanks for the encouragement also." ~ Donna J.



"Thank you so much for your reassurance and information you gave me. There is a light at the end of this long dark tunnel after all. Again, thank you for saving my life." ~ Anne M.

# Medicare Savings Program



We at **HELPS** find many seniors are qualified for help with Medicare but don't apply for it because they don't know about it or know how to get it. So how do you know if you qualify for additional help?

1. Are you eligible for part A Medicare?
2. Is your income below \$1,208 (if single) or \$1,622 (if married)?
3. Do you have money or stock worth less than \$7,300 (if single) or \$11,000 (if married)?

If the answer to all of these questions is yes, then you probably qualify for supplemental help and free or discounted premiums. Take a look at [www.medicare.gov/contacts](http://www.medicare.gov/contacts) and call the number for your state to see if you qualify for a Medicare Savings Program. The benefits can be significant.



PO Box 12647  
Salem OR 97309

[www.HelpsHere.org](http://www.HelpsHere.org)



## *Sharing the Burden*

### HELPS Contact Information

Creditor Referral Number (to give to creditors)

Phone: 818-351-3514

Fax: 310-807-4103

**For Client Use**

Toll Free Phone: 1-855-435-7787

Fax: 310-807-4103

### Correspondence

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