

KANSAS LEGAL SERVICES

2020 Legal Needs Assessment

A survey of the needs of low income persons in Kansas, and views
of the Court and social service professionals who help them

Marilyn Harp
harpm@klsinc.org
Executive Director

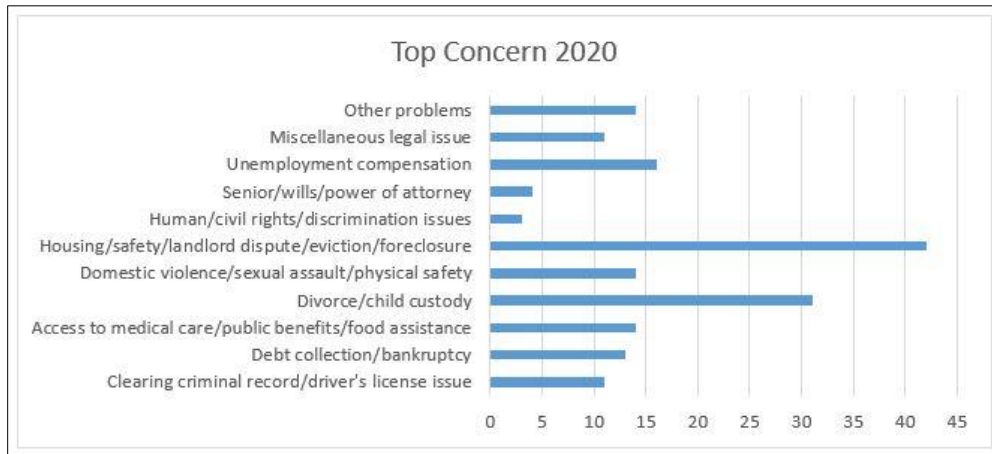
Executive Summary

KLS conducts periodic needs assessments to: 1) prioritize services to attend to Kansans’ most urgent or unmet legal needs; 2) reevaluate long-term strategic planning; and 3) ascertain emerging or evolving legal issues.

This year’s assessment was critical. The COVID-19 pandemic magnified impoverished and marginalized communities’ legal needs. The assessment found that 8 out of 10 families felt they were “struggling to get by.” The majority of households reported two or more legal needs, about half that were not being addressed. Many of the problems were exacerbated by the pandemic and the resulting financial crisis.

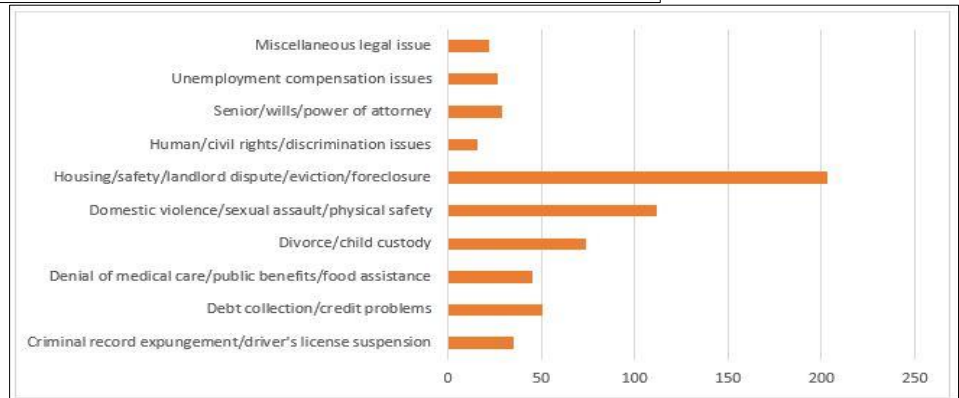
KLS surveyed three groups to evaluate low income Kansans’ perceived legal needs during the pandemic. The groups surveyed were: 1) consumers (website users); 2) court personnel (attorneys, clerks, and Judges); and 3) community services staff (advocates, social workers, counselors, etc.) Three needs received the most responses: 1) housing; 2) domestic abuse and family law; and 3) legal issues impacting employability. The intensity of responses showed that these areas are extremely important in KLS’s client communities’ lives.

Consumers, court personnel, and community services staff cited housing as low income Kansans’ greatest legal need. Court personnel were considerably more likely than community services staff to cite divorce/custody and domestic violence as the greatest legal need. Community services staff highlighted denial of benefits (such as food assistance or medical care) or unemployment compensation issues as low income Kansans’ primary legal need.



CONSUMERS

**COURT PERSONNEL
AND
COMMUNITY
SERVICES STAFF**



Kansas Legal Needs Assessment 2020 of Low-Income Kansans

Introduction

My work with the poor and the incarcerated has persuaded me that the opposite of poverty is not wealth; the opposite of poverty is justice. — Bryan Stevenson, social justice activist

The official measure of the prevalence of poverty in Kansas, from March 2020, was approximately 13 percent of the state population, or more than 370,000 individuals. As this figure represents more than 1 in 10 Kansans living below a poverty line widely regarded as unreasonably low ¹, it is an alarming indicator of Kansans' financial well-being, during a period of sustained economic growth. Even more disturbing is the *timing* of this snapshot of poverty in Kansas--shortly before the COVID-19 pandemic upended the economies of the state and the nation, exacting a disproportionate toll on the finances of households of color and those already living at or near the poverty line.² Given documented pandemic-related job losses and extraordinary expenses for childcare, health care, and protective equipment, Kansans' overall economic strains have likely intensified, although calculating these figures is complicated, particularly in the current context of short-term financial assistance, shifting public health advisories that shutter and restart jobs, and household realignments.

Calculating the official poverty rate, while an inadequate and somewhat inaccurate reflection of true financial status, is more straightforward. In the initial months of the pandemic, poverty measures demonstrated the crucial role of federal financial assistance in reducing individual and household hardship. While official poverty data do not yet reflect the changes in Americans' incomes in 2020--and the limits of federal poverty measures mean that some of the increases in in-kind supports extended during the pandemic will never be fully captured in poverty figures--analysts calculate that 82,000 Kansans were kept out of poverty by the national pandemic relief.³

Even as increased federal financial assistance mitigated some of the adverse effects of the pandemic on Kansas households, other clear indicators showed intensifying need, particularly the number of unemployed people in the state. While unemployment by itself is not reliably an indicator of poverty, it

¹ The Century Foundation, The Defining Down of Economic Deprivation: Why We Need to Reset the Poverty Line, 09/20/2020 <https://tcf.org/content/report/defining-economic-deprivation-need-reset-poverty-line/?agreed=1>

² Pew Research Center Social and Demographic Trends, Economic Fallout from COVID-19 Continues to Hit Lower-Income Americans the Hardest, 09/24/2020, <https://www.pewsocialtrends.org/2020/09/24/economic-fallout-from-covid-19-continues-to-hit-lower-income-americans-the-hardest/>

³ Urban Institute, 2020 Poverty Projections: Initial US Policy Response to the COVID-19 Pandemic's Economic Effects Is Projected to Blunt the Rise in Annual Poverty, 07/2020, <https://www.urban.org/sites/default/files/publication/102521/2020-poverty-projections.pdf>

certainly increases the risk of poverty, and it also catalyzes other threats to household well-being, including by destabilizing housing, contributing to family strain, and interrupting health care.⁴

In the first ten weeks of the pandemic, over 275,000 Kansans applied for unemployment compensation.⁵ As of April 2020, the Kansas unemployment rate was about 11 percent, a dramatic spike since February's historic low of 2.8 percent.⁶ Over the summer and fall, the jobless numbers rebounded somewhat, falling to 5.3 percent in December. However, this is still almost three times the state rate prior to the pandemic and recession; further, these numbers are misleading and likely undercounts. The Kansas Department of Labor struggled to process claims for the unprecedented demand for unemployment assistance, including the federal aid that extended payments to those who lost jobs through December. As a result, many Kansans were unable to quickly receive the unemployment compensation they were owed, and a significant number have still not received the pay.

If not receiving unemployment compensation, a person is not counted in the rates of unemployment. These challenges and other measurement issues complicate the effort to know precisely how many Kansans are in need of financial assistance due to a job loss or other crisis in 2020. Some analyses show that aggregated claims for traditional unemployment insurance and Pandemic Unemployment Assistance suggests that Kansas' actual unemployment rate may be as high as 15 percent.⁷

There is little question that people in Kansas were hurting from the ongoing pandemic crisis in 2020. However, there are real and pressing questions about the scope of those needs, their legal dimensions, and the extent to which they *predate* the pandemic or, conversely, represent *new* problems brought on by the pandemic and the resulting economic downturn. These questions, in turn, drive the priorities that should inform the delivery of services to respond to the hardships.

Even absent the uncertainty and considerable disruption of the global health and economic crises of 2020, Kansas Legal Services regularly conducts periodic needs assessments to 1) ascertain if we are prioritizing our services to attend to the most urgent and/or unmet legal needs of Kansans, 2) serve as a check and

⁴ Robert Wood Johnson Foundation, Unemployment, Health Insurance, and the COVID-19 Recession, 03/01/2020, <https://www.rwjf.org/en/library/research/2020/03/unemployment-health-insurance-and-the-covid-19-recession.html>

⁵ Wichita Business Journal, Kansas has its 10th straight week of at least 10,000 unemployment claims, 06/04/2020, <https://www.epi.org/blog/cuts-to-unemployment-benefits-harm-millions-of-workers-across-the-country-see-updated-state-unemployment-data/>

⁶ U.S. Bureau of Labor Statistics, <https://www.bls.gov/web/laus/laumstrk.htm>

⁷ Economic Policy Institute, <https://www.epi.org/blog/cuts-to-unemployment-benefits-harm-millions-of-workers-across-the-country-see-updated-state-unemployment-data/>

balance for our long-term strategic planning, and 3) take the temperature of the state as to emerging or evolving legal issues. These assessments are also important practices for engaging our key constituencies, including the low income Kansans we identify as our primary stakeholders, as well as our core partners in legal and community services.

We knew 2020 would be historic and unique as soon as positive COVID tests, lock-downs, business closings, and unemployment numbers rose. While these factors make collection of data to inform decisions particularly urgent, they also necessarily complicate the conduct of a legal needs assessment. With so much in turmoil and so many of the routine opportunities for client interaction thwarted, participation in the online survey for consumers was lower than would be ideal. As we utilized similar tactics as in past assessments, we attribute the lower response rate in 2020 to the chaos of the times. Indeed, with many avenues of information and assistance cut off this year, when low income Kansans go to the KLS website in search of help with a legal problem, they may be frustrated and disappointed to be asked to complete a survey; at the least, it is unlikely to be a priority action in their moment of crisis. Nonetheless, we gleaned significant insights from the completed surveys, including the accompanying narratives submitted. We augmented these data with needs assessments collected from court personnel and community agency partners, as well as data from KLS' own case records and a substantial review of the literature examining needs in the domains addressed in the survey.

In this report we will analyze the results from the online survey alongside the demographics, case descriptions, and case types of people who applied for our services between October 1, 2019 and September 30, 2020, whether or not they received KLS assistance.

The Surveys

The survey portion of this Legal Needs Assessment included three independent groups: Consumers, Social Service Personnel/Community Advocates, and Court and Legal Personnel.

The online survey links for the two professional groups were promoted through email listserv promotions, flyers, and social media. The link to the consumer survey was promoted extensively on the KLS website (kansaslegalservices.org), and through the Twitter, Facebook and Instagram accounts of KLS. KLS staff also were encouraged to promote the surveys to community colleagues and clients, as well as to Court personnel and legal personnel.

The 2020 questions and formats for the three surveys were each designed to target the three populations. We contracted with the School of Social Welfare of the University of Kansas for consulting on the

literature review, design of the surveys, and analysis of the data. We worked with Dr. Melinda Lewis, Associate Professor of Practice and Associate Director, Center for Community Engagement and Collaboration (CCEC), and a KU Social Work graduate student, Kayla Lawson.

We researched other legal aid groups' needs assessments from across the country from over the last five years and conducted a literature review of 2019 -2020 social and economic trends in Kansas. Then we designed the surveys to be accessed through links to SurveyMonkey. We field-tested the surveys with our KU partners, the KLS Needs Assessment Staff Team, and the KLS Board of Directors Needs Assessment Committee to uncover glitches and format preferences (i.e., length, wording, user-friendliness). We then revised the surveys to reflect the feedback.

The surveys were made available from early September through the end of October 2020, a duration calculated to allow maximal website traffic, while avoiding the distortion of collecting data over an extended period. The number of responses for the consumer survey was 225 persons, with a 52 percent completion rate. The community advocate survey saw responses of 426 with a 78 percent completion rate, and the legal personnel survey responses were 188, also with a 78 percent response rate.

Consumer Survey Results and Data from Kansas Legal Services Database

Notably, of the 225 respondents to the consumer needs assessment, 23 percent denied having experienced any of the legal needs KLS addresses, leaving questions about what brought them to the website and how this sample might differ from the population of clients KLS serves. There were other apparent inconsistencies in consumers' responses to the survey, with several possible explanations: efforts to finish the survey quickly, uncertainty about the definitions or examples of some of the concerns listed, or a trauma-driven focus on a particular crisis, which has the tendency to limit executive functioning and task completion abilities.

The survey was designed to attempt to minimize choice paralysis and response fatigue. To narrow down the needs of the consumer participating to one need, respondents encountered an initial question about the *top* problem they have experienced, and the survey then routed them to a page with more detailed questions about that top issue.

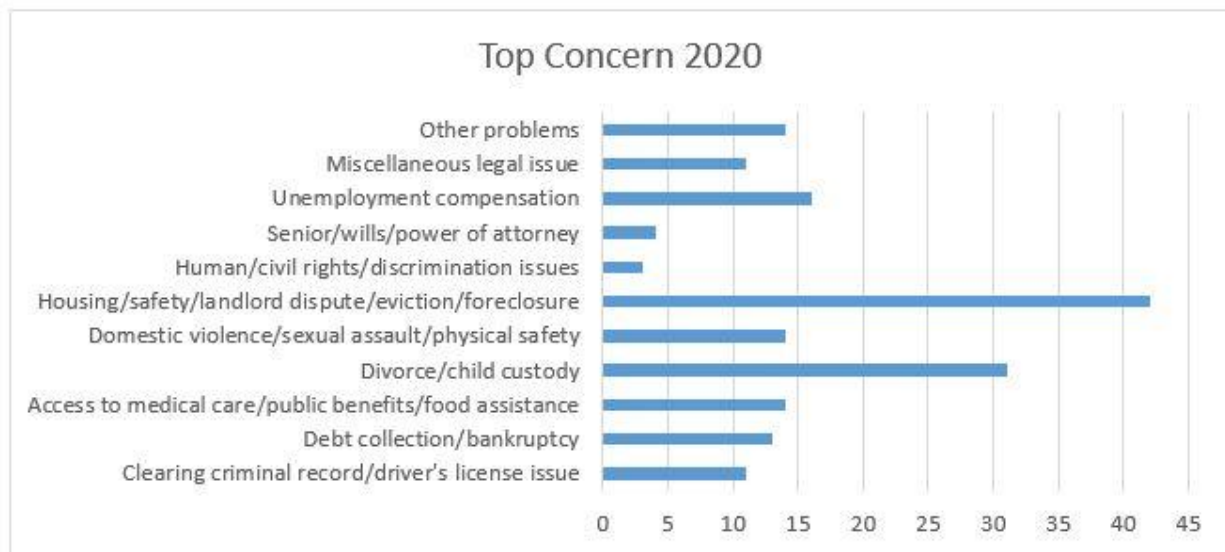
Which one of the following is the top problem that you or your family have experienced in the last eight months?

Clearing criminal record/driver's license issue
Debt collection/bankruptcy

- Access to medical care/public benefits/food assistance**
- Divorce/child custody**
- Domestic violence/sexual assault/physical safety**
- Housing/safety/landlord dispute/eviction/foreclosure**
- Human/civil rights/discrimination issues**
- Senior/wills/power of attorney**
- Unemployment compensation**
- Miscellaneous legal issue**
- Have not experienced problems during this time**
- Other problems**

The inclusion of the open-ended option was intentional, to ensure that all respondents could volunteer their greatest priority, and to attempt to capture respondents’ concerns in their own words. That item elicited a wide range of problems, including direct and sometimes detailed requests for help.

While almost one-quarter of respondents said that their primary need is their *only* legal need at this point, a strong majority identified multiple, often overlapping and worsening, concerns. As depicted below, the greatest three priorities are around (1) housing security, where 24 percent of respondents cited housing affordability, safety, landlord disputes, and/or eviction/foreclosure as their primary legal need, (2) family law issues (20 percent) of divorce/custody and domestic violence, and (3) issues around legal barriers to employment and housing (10 percent).



For the most part, survey respondents judge that the pandemic has not substantially affected their experience with this primary concern. However, while few see their greatest problem today as *caused by*

the pandemic, almost 40 percent said that the pandemic has *worsened the problem*. One respondent said bluntly:

It hasn't helped , by confining to just having the basics to survive

Long-term problems may be exacerbated by pandemic-related pressures, as in the case of a respondent who shared that their extended family had to move in together because they could not afford rent separately—a situation that is now creating added stress around child custody and shared parenting arrangements.

Additionally, many of the qualitative comments shared by respondents speak to greater challenges accessing assistance to deal with long-standing needs, as institutional supports are less available.

Needs may not have become worse but the options for resolution have become more limited

Housing Concerns

To further contextualize the findings from this needs assessment, KLS compared this dataset with the records for the thousands of persons who have asked KLS for help over the past year. The survey, which of course collected data only *after* covid-19 had surfaced in Kansas, showed that 19 percent of respondents found housing problems as the most urgent legal need. From October 1, 2019 through September 30, 2020, KLS received over 1,500 housing-related requests for assistance, with 38 percent from rural areas and 62 percent from urban counties. These housing concerns represent about 8 percent of all requests to KLS for help.

Throughout the state and across the nation, housing crises have intensified in recent months, with households increasingly unable to afford payments and expiring legal protections creating uncertainty for renters on the edge. Eviction is always a crisis for an individual household. Over 33 percent of all Kansans are renters. Even prior to the pandemic, Kansas' eviction rate was 2.3 percent, placing the state squarely in the middle of the country (25th in states) not only geographically but also in terms of the incidence of eviction.⁸ Housing-related legal needs are likely to increase in the coming months, as housing costs continue to rise, rent goes unpaid, and emergency assistance and eviction moratoria expire.

⁸ KAKE, Eviction rates in every state, 06/17/2020, <https://www.kake.com/story/42260986/eviction-rates-in-every-state>

While national and state figures provide a sense of the scope and scale of housing needs in Kansas, the consumers' narrative responses put a human face on the crisis and speak to the urgent need for intervention. One respondent shared,

Housing being sold out from under me, my rights related to this. Has nothing to do with non-payment/eviction. Landlord choosing to sell during COVID and the problems related to the process.

Had to move in with family. Got evicted because unemployment stopped paying even though I couldn't go back to work.

Family Law Issues

Twenty percent of the respondents to the online Community Needs Assessment survey said their primary legal need was in a family law issue – divorce/custody or domestic violence/sexual assault/physical safety. The KLS database shows that in 2019 - 2020, over 7,200 persons came to KLS for help with family law issues, specifically domestic violence, protection from abuse orders, divorce with abuse involved, and child custody with abuse. This number represents 37 percent of all requests to KLS for help.

Evidence has suggested that domestic violence victims had greater difficulty accessing services and support during the pandemic, as some of the same forces exacerbating risk within households created barriers to seeking and securing legal protection. Wyandotte County Judge Kathleen Lynch reported seeing a *decrease* in Protection From Abuse (PFA) order requests, from an average of 25-40 per week, to approximately 7 per week during county stay-home orders.⁹ Advocates concur that fewer requests for legal protection likely say more about victims' separation from systems than about the actual need. For those facing domestic violence, the pandemic restrictions present a unique, all-encompassing terror.

I am entirely too terrified to be by myself in court with my husband whom is also my abuser

Not caused by but heightens danger

Even those respondents whose family law needs do not explicitly reflect domestic violence nonetheless see them exacerbated by pandemic conditions. One respondent reported, "*I have not been able to see my daughter very much this year. Her mother uses Covid as an excuse and then today denied me picking her*

⁹ Pitch, Domestic Violence on the rise during COVID-19 quarantine, 04/06/2020, <https://www.thepitchkc.com/quarantine-amplifies-domestic-violence-in-kansas-city-and-globally/>

up for my agreed weekend time.” Another has struggled to navigate a change in custody, with courts closed and limited access to legal assistance.

Legal Barriers to Employment and Housing

The third area highlighted as a top concern for consumer respondents relates to legal barriers that make it more difficult to secure housing and employment. About 15 percent of respondents reported problems with record expungement, driver’s license issues, debt collection disputes, and existing arrest warrants. All of these issues act as barriers to better employment, safe and affordable housing, and other life essentials. From October 1, 2019 through September 30, 2020, about 10 percent of all requests for assistance to Kansas Legal Services were in these areas of barrier resolution.

The challenges posed by these legal barriers and the pandemic effects interact in two related ways. First, these existing challenges close off options and make it harder to cope with the disruption and hardship posed by the pandemic, thus placing some individuals at greater risk of adverse consequences from crisis. For example, one online survey respondent described, *“I have had to apply for jobs since COVID and now have trouble getting a new job because of my criminal record.”*

For others, resolving these legal barriers is complicated by the constraints of the pandemic, when even finding basic information and communicating is more difficult for many. One online survey respondent seeking legal representation for a discrimination claim judged that *“Covid-19 does not help. I stay home to stay safe and just got internet so I can try to get things done”*. Many respondents described having difficulty connecting to needed help, as *“Covid has hindered access to meeting in person.”*

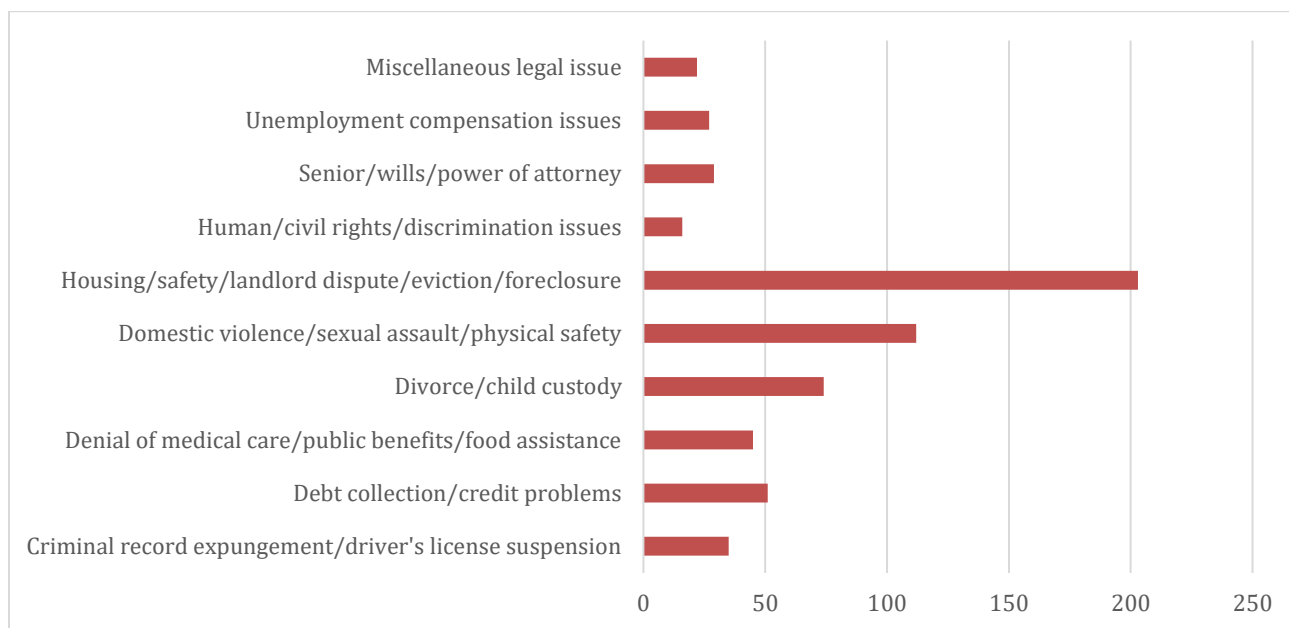
A legal needs assessment cannot capture completely the emotional and psychological toll the search for remedy exacts from struggling Kansans, but several respondents provided qualitative comments that speak to this strain. One volunteered that they are *“fighting depression”* as there is *“no work to be found.”* One respondent concluded the assessment in desperation over their situation: *“I haven’t been able to do anything and it just keeps adding up, getting worse, and I panic over it daily.”*

Social Service Providers and Legal Professionals: Greatest Legal Needs of Low Income Kansans At This Time (as direct or indirect result of COVID-19)

Most low income Kansans don't have a clue about legal remedies to their difficulties.

Social Service Provider

While there was considerable convergence between the two groups of stakeholders' assessments of Kansans' greatest legal needs, with housing issues and debt collection concerns high on both lists, there were other notable differences. Legal/Court personnel were considerably more likely than community advocates to cite divorce/custody and domestic violence as the greatest legal need, while only community advocates highlighted denial of benefits (such as food assistance or medical care) or unemployment compensation issues as the primary legal need of low income Kansans.



Both groups of stakeholders agreed that relatively few of the legal needs they observe for low income Kansans were *caused* by the COVID-19 pandemic. The only issue that significant numbers of community advocates attributed largely to the pandemic itself relate to Unemployment Insurance—a system overwhelmed by the rise in applications and rife with problems over the past several months.

I see that driver's license issues and expungement affect potential employment opportunities the most. Not being able to get through to Unemployment to address additional information that cannot be submitted via the online system (things requiring that you have to contact them by phone) has meant that low income people are working with even less resources and more frustration.

Social Service Provider

In contrast, a majority of community advocates viewed that some needs—Social Security payee issues, Medicaid provider denials, and private health insurance concerns—were essentially unaffected by the pandemic. However, both groups viewed several long-standing legal needs as having been intensified/worsened by COVID-19 and the associated economic effects.

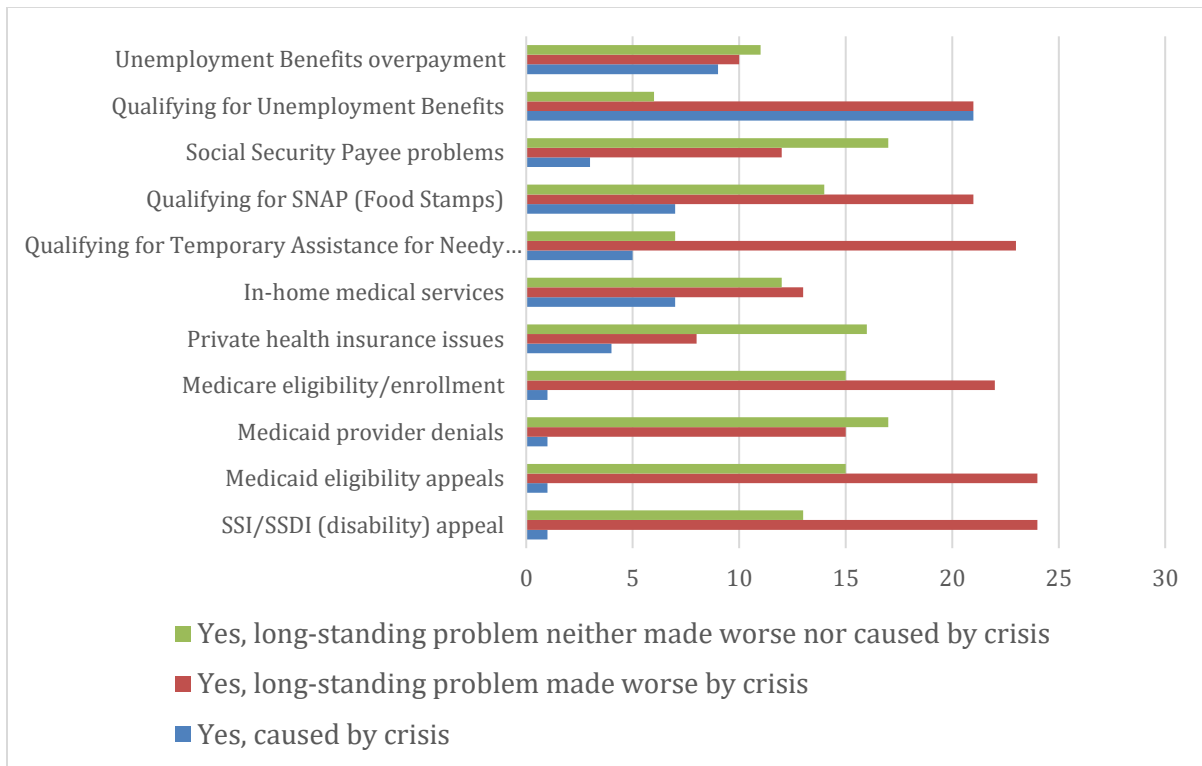
Community advocates cited benefit eligibility—for SSI/SSDI, Medicaid, Medicare, and TANF, in particular—as a principal concern exacerbated by the pandemic, while legal/Court personnel emphasized the growing need for legal assistance related to eviction and landlord disputes.

In Wyandotte County, eviction due to mental health symptoms (anxiety depression) and violating the terms of the lease (with increased use, violence in the home, etc.) has increased and people need advocacy to assist them in avoiding eviction in order to obtain housing in the future. People who are struggling often need legal assistance to follow-through with SSI/SSDI applications as these are complicated procedures and people often give up or get confused by the paperwork.

Social Service Provider

Without Kansas Legal Services, most of the people I work with would not have legal representation. In child custody and divorce, especially in cases where one parent has more power/influence/\$, your agency can be life changing. Thanks for all you do.

Legal Professional



After highlighting what they see as the primary legal need of low income Kansans, community advocates and legal professionals were asked to also identify other concerns. Response rate to this item reveal a clear pattern, as shown in the table below.

Question Repetition	#1 Issue	#2 Issue	#3 Issue
1	Housing/landlord dispute/eviction	Domestic violence/sexual assault	Debt collection/credit problems
2	Access to medical care/public benefits	Debt collection/credit problems	Domestic violence/sexual assault
3	Access to medical care/public benefits	Housing/landlord dispute/eviction	Domestic violence/sexual assault
4	Housing/landlord dispute/eviction	Access to medical care/public benefits	Debt collection/credit problems
5	Domestic violence/sexual assault	Housing/landlord dispute/eviction	Divorce/child custody disputes
6	Housing/landlord dispute/eviction	Divorce/child custody disputes	Access to medical care/public benefits
7	Housing/landlord dispute/eviction	Access to medical care/public benefits	Unemployment compensation issues

Low income Kansans have a multitude of legal needs that they can almost never get addressed because they don't have the financial resources or social capital. This includes issues related to housing, criminal justice, employment, and medical needs.

Social Service Provider