

# **Kentucky Equal Justice Center**

## **Staff Report Highlights**

**July 26, 2024**

### **Substance Use Discrimination — Jane Connell Young**

#### **Education**

- May 1, 2024: Jane attended the Public Health is Public Safety/Dream.org roadshow in Ashland, Kentucky. This also was a stake holder meeting of collaborative state agencies, community facilities, and persons with lived experiences.
- May 14, 2024: Jane attended the ThriveKY roadshow in Frankfort. Numerous representatives from state agencies and Kentucky social service agencies were present. In each participant's folder, a flyer was present describing our KEJC SUD program.
- June 28, 2024: Jane attended the harm reduction conference in Louisville. This large group included representatives from numerous state and community agencies.
- June 26, 2024: Carmen attended the Dream.org roadshow in Bowling Green.
- June 26, 2024: Jane attended the recovery-oriented system of care conference at Northern Kentucky University. Present were numerous people from the judicial system and state and local agencies.

#### **Connections**

- On several occasions, the KEJC SUD team met with present and future partners. On April 1, 2024, Jane spoke with Ms. Sherry Culp, Kentucky nursing home ombudsperson. We plan to speak periodically to address skilled nursing facility issues. The relationship between skilled nursing facilities and treatment of persons with SUD is very important to our goals.
- April 18, 2024: Jane spoke with Kaplan Grady Law firm, which had been referred by our legal action partner, attorney, Sally Friedman. This law firm in Illinois is available to assist on potential SUD discrimination cases.
- April 23, 2024: Jane participated in the Kentucky judicial commission on mental health group meeting. This is a very good collaborative group where persons from state agencies, the Commonwealth of Kentucky and programs such as ours meet to discuss recent occurrences.
- April 23, 2024: Jane participated in the opioid task force committee meeting sponsored by the Commonwealth of Kentucky to discuss recent updates in the SUD arena.
- We continue to be involved in monthly Dream.org meetings.
- We participate in harm reduction task force meetings.
- We participate in Kentucky judicial commission on mental health meetings.
- May 31, 2024: Jane spoke with the Director of Choose-Well, a referral from Dr. Mel Ruberg. Dr. Ruberg was one of the signatures of our Op Ed article which was published in the Lexington Herald Leader. (See attached)

## Presentations

- On April 9, 2024, Jane addressed the harm reduction team group to further illustrate our SUD program and to discuss referrals that have been made to KEJC from several jails, nursing homes, and recovery homes.
- On April 10, 2024, Jane and Carmen were present at Vocal Kentucky. Jane presented a slideshow describing our project, and also mentioned several recent referrals of potential SUD discrimination from recovery homes, skilled nursing facilities, and jail settings. John Bowman of dream.org was present to support our efforts.
- On Saturday, June 8, 2024, Jane presented a slideshow, describing our project at the Winchester Kentucky gathering of the Kentucky Organizing Revival. Persons in the audience included those with lived experiences as well as representatives from Kentucky agencies. Carmen and Ben were also present during this conference.

## Operations Management — Heather Darby

- We are catching up on LFUCG billing. I anticipate that we can be caught up to present within the next billing cycle.
- Maxwell Street Legal Clinic has a new Program Director, Charles (C.B.) Bates. C.B. started with us earlier this year and is a very promising leader. He started with us as an Immigration Attorney and was selected during the hiring process to succeed Allison as Program Director.
- We are currently hiring for two positions: Legal Assistant at MSLC (PT), and Housing Justice Outreach Support Staffer (FT). We have qualified candidates in both pools already.
- I have begun working with Shay to update our travel/expense policies in an effort to minimize the expenses staff pay for personally and then seek reimbursement. Our hope moving forward is that expenses will be approved prior to being incurred and can be paid for by KEJC without need for reimbursement.
- Rich, Shay and I are working to ensure that we have gleaned as much from Rich as we can prior to his retirement. We are meeting daily to review processes, logins, history, etc.

## • Maxwell Street Legal Clinic — Charles Bates

## Staff Updates

- **Program Director and Deputy Director:** I accepted the position of program director for Maxwell Street Legal Clinic. I want to thank Rich Seckel, Heather Darby, Abigail Rundell, and Gabriel Dawson on the hiring committee for the opportunity. Abigail Rundell has accepted the Deputy Program Director to handle matters when I am unavailable due to Court appearances. Luis Sanz has resigned his position to pursue other opportunities. We wish him well. We are currently in the process of filling the part-time legal assistant and hope to begin interviewing soon. Ana Pineda has completed all of her requirements to become a DOJ representative and has submitted all paperwork and is awaiting approval.

## Special Projects

- **Drivers's license renewal:** Abigail and I met with the Secretary of Transportation to address clients being turned away for driver's license renewal. Clients were being denied driver's license renewal because of a misunderstanding of their status.
- **Family Care Center:** Ana Pineda gave a presentation at the Family Care Center. The Family Care Center is a program that focuses on young and expectant parents ages 13-20. Ana informed students at the Family Care Center of Maxwell Street and the services we provide. Ana took the initiative to make sure a historically underserved group was considered and reached out to.

## Case Progress

- We have had 56 cases approved this quarter. This is the second highest approval we have had after last quarter's historic high of 72 cases.

## Senior Litigation and Advocacy Counsel — Ben Carter

- KEJC is co-counseling another voting rights case with previous litigation partner, Fair Elections Center. We represent Kentuckians for the Commonwealth. The case challenges the process that the SOS and State Board of Elections uses to purge voters from Kentucky's voter rolls. The National Voter Registration Act (NVRA) requires notice to voters that Kentucky is not providing.
  - [Complaint](#)
  - Press Release
  - Op-Ed
- When I started at KEJC, I told the board that there were three areas of law I'd like for KEJC to find a way into to fulfill our mission of being a statewide law firm for Kentuckians experiencing poverty: voting rights/democracy defense, environmental justice, and helping Kentuckians address the civil ramifications of contact with the criminal legal system. More and more work is arriving on our doorstep in the third category, but KEJC doesn't have capacity to "show up" on these issues/matters currently. Some examples:
  - Helping individuals and partners prepare for and respond to the criminalization of homelessness under HB 5/Grants Pass
  - Addressing access to MOUD in Kentucky's jails and prisons (an issue adjacent to our SUD discrimination work under our Vital Strategies grant)
  - Prison/jail conditions (Kentucky has no corollary to the [Pennsylvania Institutional Law Project](#), for example)

I don't have an "ask" other than to please keep this unmet and growing need in mind as you think about KEJC's work and role in our aid/advocacy landscapes.

## Housing Justice (Lexington) — Bill Pauley

- **Kentucky has passed Draconian laws against the homeless:** The Safer Kentucky Act (HB 5) has been passed and threatens the safety and human dignity of the unhoused. In Lexington, we are finding it more and more difficult to locate resources for our clients. This affects not just rental assistance, but relocation expenses and short-term living as well. In the end, the work in the courtroom to prevent evictions has become more important since the results have become more perilous.
- **Affordable housing continues to be a crisis in Lexington/Fayette County (and elsewhere):** We are experiencing a higher number of clients who are being evicted in what seems to be an attempt to raise rents. Some clients are claiming to experience raises in rent beyond what is allowed by the lease. The landlords appear to be raising rent with the hope/expectation that if the tenant won't pay, someone else will. Working class people are feeling the brunt of this, and our representation is vital to them in order to avoid abusive landlord tactics.
- **Lexington/Fayette County has upheld stricter notice conditions for certain tenants:** Federal law now requires a 30-day notice to evict certain tenants receiving federal rental assistance. We were able to build off the back of an LABG decision affirming this requirement in order to delay the eviction of several clients. This is a huge win as the normal period is 7 days—a very short period for a family to move all their belongings and to locate a new home. Although the landlords have quickly complied with the new rule, our clients still benefit from an extended notice period.

## Food Justice — Robin Kunkel & Tyler Offerman

**Kentucky Food Action Network:** We continue to work with the Kentucky Center for Economic Policy, Community Farm Alliance, and Feeding KY to support the Kentucky Food Action Network (KFAN). Membership has now exceeded 350, with close to 70 “member leaders”. We continue to focus on base building and growing leadership among directly impacted people while also building connective tissue and trust among organizations and policy makers across the commonwealth’s food systems. Details:

- **Annual Meeting and Steering Committee Elections:** Robin has been doing an amazing job of coordinating KFAN working groups, Steering Committee (SC), member retention, and outreach. She has since taken on the Steering Committee Elections and Annual Meeting planning. This year we had 16 people apply to the SC, almost four times as many as previous years. The Annual Meeting will be held at Union Church in Berea on September 7th and we are developing and refining the agenda for that.
- **Food Is Medicine:** Our FIM work is expanding and evolving. The Cabinet is unwilling to apply for a Medicaid 1115 waiver, so we are pivoting to Medicaid In Lieu of Services. We are also working to integrate FIM in Medicaid with WIC, SNAP, and senior meals. Our Food Is Medicine Roadmap has been drafted and will be released before the next KFAN Board meeting. We are working to coordinate our efforts with separate efforts by the University of

Kentucky and the Commissioner of Agriculture. It's quite a web of powerful and self-interested players that we are navigating while seeking to get everyone to center community-based solutions and racial justice in their policy advocacy and program development. We have just begun exploring potential overlaps between our work and nutrition work happening at the Owsley Brown II Family Foundation's Envirome Institute at the University of Louisville.

### **Legislative Advocacy**

- During the 2024 General Assembly, the Food Justice team held over 70 meetings with legislators and supported KFAN as the hub for the advocacy that stopped HB 367 & 235 (The **Hunger** Bills). Well, we have heard there will be another FGA-backed "Hunger Bill" next year. We are scheduling calls and meetings with various legislators during the Interim Session to glean more information, articulate a clear counter narrative/strategy, and testify in front of some Interim Committees—especially around public benefits fraud, claims, and skimming. With the Cabinet's authority to replace stolen EBT benefits ending October 1, we are trying to better make the point that, "There is fraud in these programs, but not by the participants. The real criminals we should be spending time and resources to catch are the people stealing benefits from our most vulnerable citizens."

### **Administrative Advocacy**

- **SNAP Intentional Program Violations (IPVs):** The years-long efforts of KEJC and each of the four LSC programs is reaching a climax. Each program has brought multiple appeals and cases to cut away at the Cabinet's Program Integrity Branch accusing our clients of fraud and trafficking while lacking actual evidence. With the holding established in the *Gaspar* decision, we are finally (and we may be the first in the nation) getting dismissals on DEFAULT hearings citing Gaspar. As these have played out, KEJC has consistently engaged with program administrators about these issues. The next evolution is to now establish better communication between the DCBS Program Integrity Branch and the public benefits attorneys at the LSC programs. We are seeking to bring all these streams together for an end to these inappropriate claims being established against all Kentuckians. We will have a meeting with administrators and program staff in the coming weeks.
- **WIC CIAO:** Our WIC improvement project is nearing completion. The grant officially ends October 31st and we are beginning to assemble our final recommendations to the Department of Public Health. We continue to work with each of the four LSC programs to find clients, zeroing in on interview timeliness and language access issues. As we wrap up the project, we will seek to identify which parts of the project will continue after the funding ends. In the end, we have opened new channels of communication with DPH and Local Health Departments, strengthened partnerships between legal services and community partners, trained public benefits attorneys on taking these cases, and delivered \$30,000 to each of LSC programs along the way.

## Outreach and Language Access — Miranda Brown

Miranda took a sabbatical March through May and is back in action!

### Networking/Outreach/Communications

- **Outreach:** KEJC staff spoke directly with over 300 people in the last six months, not counting housing-specific outreach in court and knocking on doors. Highlights include tabling at Lexington's Mother's Day Festival and meeting with Bluegrass Care Clinic at UK to share ideas, resources, and coordination for helping their immigrant HIV patients navigate application, plan comparison, and enrollment in Qualified Health Plans, considering dimensions of language access and cultural orientation.

### Direct Service

- **Health Coverage Enrollment Assistance:** Our health coverage enrollment team worked directly with 60 clients and their families to help them navigate their health coverage options, completing the following:
  - 22 new health coverage applications started
  - 11 applications completed for Medicaid
  - 13 applications completed for Qualified Health Plans
  - 9 Qualified Health Plan enrollments
  - 4 Medicaid recertifications
  - 2 Qualified Health Plan renewals
  - 364 enrollment-related contacts
- **Impactful service and advocacy:** We recently have been helping a Louisville man and his family avoid a forced extrajudicial medical deportation to Guatemala. Suraya helped them enroll in Emergency Time Limited Medicaid for his immediate healthcare needs, which also bought them time to figure out a longer-term plan, while Chloe has worked the media and legal angles, strategizing with a Louisville immigration attorney to initiate a medical deferred action petition, which could facilitate coverage of ongoing medical care. The media attention and new partnership with the Free Migration Project have brought attention to the issue of medical deportation, which is essentially kidnapping critically ill patients and removing them to foreign countries where they often have no support or family, a clear violation of human rights. Read the story from Louisville Public Media here: [Update: UofL Hospital officials say undocumented man no longer faces imminent removal from U.S. following seizure.](#)

### Advocacy Feedback Loop Example

- We advocated for increased functionality, guidance, and training on language access for kynectors and Medicaid recipients and for better kynector training on immigrant eligibility and cultural competency, which the Kentucky Health Benefit Exchange provided during the last monthly kynector meeting. We initiated the Consumer Rights and Client Needs Technical Advisory Committee's recommendation that the Department for Medicaid Services create more language access video explainers and standardize the use of screen readers, closed captioning, and subtitles on DMS webpages, materials, and forms.

## Language Access

- Fulfilling a Strategic Plan initiative, we have now coordinated interactive, immersive training for all KEJC staff on linguistic inclusion and equity, including a basis for understanding the relationships between power, colonization, and language. We invite all of our board members to also participate in this four-hour training, scheduled for 12:30-5:00 pm on Thursday, August 29, in-person in Lexington, exact location TBD. Read more about the training below. Please RSVP to [mirandabrown@kyequaljustice.org](mailto:mirandabrown@kyequaljustice.org) by Friday, August 9.



### **About the Community Language Cooperative**

The Community Language Cooperative (CLC) provides services to ensure inclusion and accessibility to linguistically diverse communities. These services include interpretation, translation, coaching, facilitation, and professional development. The CLC has a network of trained facilitators, coaches, and interpreters across Colorado. The Cooperative offers services that broaden participation opportunities and increase community engagement by non-English speakers and communities who have been systematically underserved by traditional systems. CLC's services allow organizations and government agencies to remove language and cultural barriers as a standard component of important meetings, focus groups, and events impacting communities.

### **Our Guiding Principle**

Inequitable systems and oppressive practices hurt communities.

The CLC aims to collectively and intentionally open and foster spaces where communities can contribute their inner wisdom as leaders and decision makers. These transformative spaces can allow us to care for each other, build power, and implement sustainable changes so everyone can flourish.

### **Language Justice Session**

When organizations engage communities equitably and respectfully, we see the greatest impact. This training opportunity will provide organizations with practices to ensure the inclusion and accessibility of linguistically diverse communities. The CLC offers services that broaden participation opportunities and increase community engagement by non-English speakers. CLC's services allow organizations to remove language and cultural barriers as a standard component of important meetings, focus groups, and events that impact communities.

### **The training will include the following:**

- Modeling language justice in community settings
- Learning activities to showcase the importance of using heart languages
- Exploring historical language oppression
- Overview of the key elements of language justice
- Tutorial on using Zoom interpretation and interpretation devices
- Introduction to the language justice continuum for self/organizational evaluation

## Communications — Natalie Chambers

In Q2, and in the wake of the 2024 General Assembly, we split our attentions between planning to educate our primary audience on what the passage of certain bills meant to them as residents of the Commonwealth and re-focusing on notifying our audiences about our work in general, upcoming outreach and education opportunities, and raising awareness for specific cases and issues within the commonwealth. Highlights of this work include:

- **Grants Pass:** Leading a multi-organizational, statewide charge to raise awareness about the Supreme Court case Johnson v. Grants Pass. By cross promoting the rallies and speaking events that were held across the state and creating sister Action Network campaigns and social posts for those events, more than 300 Kentuckians wrote to their local legislators demanding they find more funding for affordable housing as they waited for HB 5 to go into effect and for the Grant's Pass decision.
- **Video:** Made our first foray into using short-form video as an informational/educational tool by publishing the [first in a series](#) of program overview/know your rights videos for the Vital Strategies Substance Use Disorder Discrimination program.
- **Medical Deportation:** Contributed significantly to the outcome of a medical deportation case by publicizing the story and creating an Action Network campaign that resulted in a near instantaneous decision reversal from the hospital in question.