

Quinnehtukqut Legal News



www.ptla.org/quinnehtukqut/qlegal.htm

Volume 5 Issue 1

A Newsletter for Native Americans in Connecticut

Summer 2001



Legislative Update

The following legislative changes were enacted during the most recent legislative session:

Temporary Family Assistance (TFA):

Time Limits. Your eligibility for cash assistance is limited to 3 six-month extensions after the initial 21 months of eligibility. This means that, in general, you are limited to 39 months of cash assistance for your lifetime. **However**, you can qualify for more than 3 extensions if:

- You are unable to work because of domestic violence (or another reason beyond your control, such as fires or floods);
- You have at least two substantial barriers to employment, including lack of child care, substance abuse or addiction, severe mental or physical health problems, a severe learning disability, domestic violence; or a child with a severe physical or behavioral health problem;
- You work at least 35 hours a week and earn less than the amount of cash benefits that you are eligible for; or
- You work less than 35 hours a week because of a disability or the need to care for a family member with a disability

There will be an absolute lifetime limit of 5 years for all families, unless you cannot work because of domestic violence. These changes are effective October 1.

Other TFA Changes. The amount of the first sanction was increased from 20% to 25%.

The child support disregard used in figuring eligibility for benefits during the first 21 months of cash assistance was reduced from \$100 to \$50.

Unmarried minor parents who have not graduated from high school must participate in a program leading to a high school diploma or its equivalent.

Medical Benefits:

The SAGA (State Administered General Assistance) medical program will no longer provide non-emergency medical transportation as a covered expense. DSS may also develop a primary care case management system for people getting medical assistance under the SAGA medical program.

(Continued on next page)

Pine Tree Legal Assistance

Pine Tree Legal Assistance is a non-profit organization that gives free legal help to poor people with civil (non-criminal) legal problems in Maine.

Pine Tree operates a special Native American Unit in its Bangor, Maine office. The unit is staffed by attorney Craig Sanborn, part-time attorney Mike Guare, part-time Paralegal Danny Mills, and is headed by Eric Nelson. Craig is a member of the Penobscot Nation. He joined the Pine Tree Staff in September of 1998. Mike and Danny both joined the Unit last fall. Eric has worked at Pine Tree for many years on behalf of migrant farmworkers and Native Americans.

Pine Tree attorneys are not licensed to practice law in Connecticut. However, the Native American Unit may be able to give information and help to low-income Native Americans in Connecticut with federal legal problems, such as questions about the Indian Child Welfare Act and the Jay Treaty. Pine Tree can also refer cases to lawyers in Connecticut. The telephone number is 1-800-879-7463.



Federal Recognition Update

In January of this year, during the final hours of the Clinton administration, the Acting Director of the Bureau of Indian Affairs granted preliminary approval for tribal recognition to the Nipmuc Nation (the Hassanamisco Band) in Sutton, Massachusetts. The Nipmuc Nation's aboriginal lands extend into Rhode Island and Connecticut. The approval was put on hold, however, by the Bush administration. No further governmental action has been taken as yet.

A number of lawsuits are pending in federal District Court in Connecticut relating to recognition efforts. Two involve the Schaghticoke Indian Tribe. Among the issues that the Tribe is asking the Court to resolve is a request to force the Bureau of Indian Affairs to speed up its recognition process. See the Winter 1999 edition of the *Quinnehtukqut Legal News*. In April, the Golden Hill Paugussetts filed an action claiming that the Bureau of Indian Affairs had missed deadlines and violated their own rules.

Connecticut Attorney General Richard Blumental also filed a suit in January of this year. This suit accuses the Bureau of Indian Affairs of acting illegally in granting preliminary approval to the Eastern Pequots and the Paucatuck Eastern Pequots. Both Tribes have intervened in the case. The judge has ordered the Bureau to issue a final decision on recognition before the end of the year.

Finally, another petition for federal recognition has been filed with the Bureau of Indian Affairs. The Tribe is called the Native American Mohegans.





("Legislative Update" continued from front page)



Benefits for Legal Immigrants:

State-funded benefits for legal immigrants were continued for one year.



Security Deposit Guarantee:

On October 1, it will become easier for you to use the security deposit guarantee program. You will now be eligible for a security deposit guarantee at any time after you receive a Notice to Quit. The rule had been that you were eligible only after there had been an eviction judgment. The guarantees can be for two months' rent. You are eligible for the full amount of the guarantee as long as it has been at least 18 months since a payment was made for a previous guarantee. If the 18 months have not yet expired, there will be no deduction unless you have been given an opportunity for a fair hearing to contest the deduction.



Rent Receipts:

On October 1, landlords will be required to give receipts for any rent payments or security deposits paid in cash. The receipt must state the date, the amount, and the purpose of the payment. The landlord must give you a receipt even if you don't ask for one.



Native American Legal Briefs

--Tribal Name as Trade Name--

Connecticut Supreme Court Rules All Native Americans of Mohegan Descent Are Allowed To Call Themselves "Mohegan"

In February of this year, the Connecticut Supreme Court issued a decision in a case brought by the Mohegan Tribe of Indians of Connecticut, which owns and operates the Mohegan Sun Casino in Montville. The Tribe had asked the court to prevent The Mohegan Tribe and Nation and The Confederation of the Mohegan-Pequot American Indian Nation and Affiliated Tribes, Inc. from using the name "Mohegan." The case deals with issues of trademark law.

The Mohegan Tribe of Indians of Connecticut filed this case because the Tribe believed that the use of the name "Mohegan" by other Tribes would harm both its casino operations and the Tribe's ability to "preserve the culture, heritage and traditions of ... the Mohegan People."

The Supreme Court disagreed with the Tribe. Discussing trademark law, the Court noted that, in order to prevent others from using a trademark, a plaintiff must show that its trademark "is sufficiently distinctive to be worthy of protection." If a trademark is only "generic," however, it cannot be protected.

Statewide Legal Services



Call Statewide Legal Services of Connecticut, Inc. (SLS) if you are low income and believe you have a legal problem. It is a toll-free telephone hotline that can give you free help in the following areas:

- | | |
|-------------------------|------------------------------------|
| ★ <i>Housing</i> | ★ <i>Medicare</i> |
| ★ <i>Family Matters</i> | ★ <i>Medicaid</i> |
| ★ <i>Welfare</i> | ★ <i>Other Government Benefits</i> |

Telephone Numbers To Call:

In the Middletown calling area: **1-860-344-0380**

From other places in Connecticut: **1-800-453-3320**

9 a.m. - 3 p.m., Monday through Friday

Now you can call for free advice and information on Thursday nights from 5:30pm-7:30pm, as well as Monday-Friday from 9am-3pm.

The Court concluded that the word "Mohegan" was, in fact, a generic name. The Court stated:

"Mohegan" is ... a term relating to or characteristic of a whole group or class, that may be used by any person of Mohegan heritage to identify himself or herself as a member of that particular group of Native American people. Indeed, a person of Mohegan ancestry cannot be deprived of the right to call himself or herself Mohegan, for there is no other term that can be used to refer to that unique and distinct ancestral group.

The Court also rejected the Tribe's argument that it was the only group allowed to call itself "Mohegan" since it was the only Mohegan Tribe to have received federal acknowledgement. The Court pointed out that the Mohegan Tribe and Nation had applied for federal acknowledgement and may yet be successful. The fact that the Mohegan Tribe of Indians of Connecticut has already gotten federal recognition does not mean that another Tribe cannot be recognized as a Mohegan Tribe.

Free Help For Tax Problems

If you are a low income tax payer facing an audit, an administrative appeal, or litigation about your state or federal taxes, you may be eligible for free legal help. Quinnipiac College School of Law Legal Clinic (203-287-3238) and UCONN School of Law Tax Clinic (860-570-5165) offer free clinics to help with tax problems. They can give you free advice about your rights and free income tax preparation. All consultations are free and all information is confidential. Income limits apply.



The articles in this paper are meant to give information. **NOT to give legal advice.** No one should interpret any law without the help of an attorney who has been told all the facts.



The **Quinnehtukqut Legal News** is published by Pine Tree Legal Assistance, Inc. The views expressed by individual authors in this Newsletter are not necessarily shared by Pine Tree Legal Assistance or its staff.

Executive Director of PTLA: Nan Heald, Esq.
Native American Unit:
 Directing Attorney: Eric Nelson, Esq.
 Staff Attorneys: Craig Sanborn, Esq., Mike Guare, Esq.
 Paralegal: Danny Mills
 Editor: Cushing Pagon Samp

You may contact us at Quinnehtukqut Legal News, Pine Tree Legal Assistance, Coe Building, 61 Main St., Room 41, Bangor ME 14401. Or you can send e-mail to csamp@ptla.org or call 1-800-879-7463.



INDEX of COMMUNITY RESOURCES

This is a list of some key resources, which will offer you service or direct you to the best local resource.



CRISIS SERVICES (available 24 hours a day)



INFOLINE

211

INFOLINE is a Statewide Information, Referral, and Crisis Intervention Service. Callers can get help 24 hours a day. The professional caseworkers answering the phone can give up-to-date information about agencies and programs, can make referrals, and can intervene in crises, including suicide prevention.



Child Abuse and Neglect:

Child Abuse & Neglect Hotline 1-800-842-2288
 TD 1-800-624-5518



Elder Abuse and Neglect:

☎ **INFOLINE** (for after hours emergencies).....211

Statewide (Toll free):.....1-888-385-4225

Eastern Region:

Greater Norwich/New London Area860-886-2641
 Windham Area.....860-465-3550

North Central Region:

Hartford Area.....860-723-1003
 Manchester/New Britain/Bristol Areas.....860-647-5930

North West Region:

Torrington Area.....860-496-6950
 Waterbury/Danbury Area.....203-596-4242

South Central Region:

Middletown/Meriden/Wallingford Areas.....860-704-3040
 New Haven.....203-974-8029

South West Region:

Bridgeport Area.....203-551-2701
 Norwalk Area.....203-855-2759
 Stamford Area.....203-251-9392



Domestic Violence:

☎ **Ansonia:**

The Umbrella Project

860-892-7042

☎ **Avon:**

Interval House

860-409-2583

☎ **Bridgeport:**

Center for Women and Families
 of Eastern Fairfield County, Inc.

203-384-9559

☎ **Danbury:**

Women's Center of Greater Danbury

203-731-5206

☎ **Danielson:**

Domestic Violence Program/United Services, Inc

860-774-8648

☎ **Enfield:**

Network Against Domestic Abuse

860-763-4542

☎ **Falls Village:**

Women's Support Services

860-824-1080

☎ **Greenwich:**

Domestic Abuse Service Greenwich YWCA

203-622-0003

☎ **Hartford:**

Interval House

860-527-0550

☎ **Manchester:**

Interval House

860-645-4033

☎ **Meriden:**

Meriden-Wallingford Chrysalis

203-238-1501

☎ **Middletown:**

New Horizons

860-301-0030

☎ **New Britain:**

Prudence Crandall Center for Women

860-225-6357

☎ **New Haven:**

Domestic Violence Services of Greater New Haven

203-789-8104

☎ **New London:**

Domestic Violence Services of New London County

860-301-0030

☎ **Norwalk:**

Domestic Violence Crisis Center

203-852-1980

☎ **Stamford:**

Domestic Violence Crisis Center

203-357-8162

☎ **Torrington:**

Susan B. Anthony Project

860-482-7133

☎ **Waterbury:**

Women's Emergency Shelter

203-575-0036

☎ **Willimantic:**

Domestic Violence Program/United Services

860-456-9476



Mental Health:

☎ **Ansonia:**

Valley Mental Health Center

203-736-2601

☎ **Bridgeport:**

Greater Bridgeport Community
 Mental Health Center

203-551-7400

Hotline

1-800-586-9903

☎ **Danbury:**

Danbury Hospital

203-797-7899

☎ **East Hartford:**

Emergency Services

860-895-3100

☎ **Enfield:**

North Central Counseling Services

860-253-5020

☎ **Hartford:**

Capitol Region Mental Health Center

860-297-0999

☎ **Manchester:**

Genesis Center

860-643-3680

☎ **Meriden:**

Mid-State Medical Center

1-800-567-0902

☎ **Middletown:**

River Valley Services

860-262-5200

☎ **Milford:**

Bridges Community Support System

203-878-6365

☎ **New Haven:**

Connecticut Mental Health Center

203-974-7300

☎ **Norwich:**

Southeastern Mental Health Authority

860-886-9302

☎ **Plainville:**

Wheeler Clinic

860-747-8719

☎ **Stamford:**

F.S. DuBois Center

203-358-8500



✧ Torrington:

Northwest Mental Health Authority 860-482-1560

✧ Waterbury:

Waterbury Hospital 203-573-6500

✧ Willimantic:

United Services 860-456-2261



Poison Control:

Connecticut Poison Control Center 1-800-343-2722
TD 860-679-4346



Sexual Assault Crisis Programs:

(Hotline Numbers)

- ❖ Center for Women and Families of Eastern Fairfield Co., Inc. Rape Crisis Service 203-333-2233
- ❖ Women's Center of Greater Danbury Sexual Assault Crisis Service 203-731-5204
- ❖ Hartford Region YWCA Sexual Assault Crisis Services 860-522-6666
- ❖ Central Connecticut YWCA Sexual Assault Crisis Service 860-635-4424
- ❖ Rape Crisis Center of Milford 203-878-1212
- ❖ New Britain YWCA Sexual Assault Crisis Service 860-223-1787
- ❖ Coordinating Council for Children in Crisis 203-624-2273
- ❖ Northeastern Connecticut Sexual Assault Crisis Service 860-456-2789
- ❖ Susan B. Anthony Project for Women (Serving Northwestern Connecticut) 860-482-7133
- ❖ Women's Emergency Shelter Sexual Assault Crisis Service (serving greater Waterbury) 203-753-3613
- ❖ Sexual Assault Crisis Center (Lower Fairfield County) 203-329-2929



Youth Crisis:

Contact the nearest Youth Service Bureau through your town hall



LEGAL RESOURCES



☐ Lawyer Referral Service:

This service can recommend a private lawyer who, for a small fee, will assess a case and give an estimate of charges.

Fairfield County 203-335-4116
Hartford 860-525-6052
New Haven Area/Waterbury/Middlesex County 203-562-5750
New London/Norwich 860-889-9384

☐ Legal Assistance Programs:

These organizations give free civil legal help to income eligible people. This help includes telephone advice, referrals, direct representation, and giving out self-help material, depending on the priorities and resources of the organization.

STATEWIDE Statewide Legal Services 1-800-453-3320
in Middletown 860-344-0380

Statewide Legal Services screens cases for all legal assistance programs in the state, giving brief service and advice, community education materials, and referrals to local legal services offices for non-criminal cases

❖ **Bridgeport** Connecticut Legal Services 203-336-3851
❖ **Hartford** Greater Hartford Legal Assistance (serving Greater Hartford) 860-541-5000
❖ **New Britain** Connecticut Legal Services 1-800-233-7619
❖ **New Haven** New Haven Legal Assistance 203-946-4811
❖ **New London** Connecticut Legal Services 1-800-413-7798
❖ **Stamford** Connecticut Legal Services 1-800-541-8909
❖ **Waterbury** Connecticut Legal Service 1-800-413-7797
❖ **Willimantic** Connecticut Legal Services 1-800-413-7796
Legal Assistance to Medicare Patients 1-800-413-7796

☐ Connecticut Legal Rights Project

This organization helps mental health clients, residents of mental health facilities, and out-patient clients of community residential facilities. Telephone: 860-262-5030

☐ Connecticut Lawyer's Legal Aid to The Elderly

This organization offers legal help to low-income elderly in the Hartford area. Telephone: 860-273-8164

☐ Children's Law Center

This organization gives legal representation to children in northeastern Connecticut using a lawyer/mental health team approach. Telephone: 860-951-1520
860-872-7220

☐ Connecticut Women's Education and Legal Fund

This organization provides a free telephone counseling, information and legal referral line for help on discrimination, harassment and family matters. The group also offers community education and training, mainly in employment and family law. For information on workshops, call 860-247-6090. Telephone: 1-800-479-2949

☐ Disabilities:

Connecticut Office Of Protection and Advocacy For Persons With Disabilities

60B Weston Street
Hartford CT 06120
Toll Free Telephone: 1-800-842-7303
Hartford area: 860-297-4300
TDD: 860-566-2102
Fax: 860-566-8714



☐ Discrimination:

Connecticut Commission on Human Rights and Opportunities

Capitol Region:
1229 Albany Avenue
Hartford, CT 06112
Tel.: 860-566-7710

Southwest Region:
1057 Broad Street
Bridgeport CT 06604
Tel.: 203-579-6246

West Central Region:

50 Linden Street
Waterbury CT 06702
Tel.: 203-596-4237

Eastern Region:

City Hall, Room 210
100 Broadway
Norwich CT 06360
Tel.: 860-886-5703
TD: 860-886-5707

Central Office

21 Grand Street
Hartford CT 06106
Tel.: 860-541-3400
1-800-477-5737



Some Helpful Native American Web Sites

- ☐ Nipmuc Indian Association of Connecticut:
<http://www.nativeweb.org/NativeTech/Nipmuc/>
- ☐ Pine Tree Legal Assistance:
<http://www.ptla.org>
- ☐ Index of Native American Resources on the Internet:
<http://www.hanksville.org/NAresources/>
- ☐ Free Indian News: <http://www.freeindiannews.com/>
- ☐ Native Links: <http://www.johnco.com/native/>
- ☐ Native Sense: <http://www.nativesense.com/>
- ☐ Aboriginal Links:
<http://www.bloorstreet.com/300block/aborcan.htm>
- ☐ Dusters Native American:
<http://www.specent.com/~duster/volc2.html>
- ☐ Wabanaki Confederacy:
<http://communities.msn.com/WabanakiConfederacy>