
THE FAMILY CENTER

**Written Comments of
Djibril Cisse, Client of The Family Center
Adam J. Halper, Esq. and Elsa Cruz Pearson, Esq.**

**Submitted to the
The Permanent Commission on Access to Justice
Hon. Jonathan Lippman, Chief Judge of the State of New York
Hon. Randall T. Eng, Presiding Justice, Second Department
Hon. Lawrence K. Marks, Chief Administrative Judge
David P. Miranda, President, New York State Bar Association**

**October 16th, 2015
NYS Judicial Institute
White Plains, New York**

Comments of Djibril Cisse:

My name is Djibril Cisse. I live in Harlem with my wife, Seynabou and our four children, two of whom are in college. I drive a cab for a living and have done so since 1987. My wife does not work but she was a babysitter. She is too sick to work, now.

Sometime ago, my wife was diagnosed with breast cancer. After many treatments, it spread to other parts of her body including her brain. When she became sick, we lost her income which was very bad for our family. Also, she couldn't take care of our younger children. We began to have very serious money problems. Each month, we fell more and more into debt and we could not pay our rent. Our landlord brought us to Housing Court. In late 2014, we owed close to eight thousand dollars. We had other debts and we were worried all the time about money. This also caused my wife a lot of stress, which is bad for her when she is sick.

I learned about The Family Center through Ms. Alexandra Russo, a social worker at the hospital where my wife receives treatment (Mt. Sinai).¹ I called them and quickly, Ms. Erica Gomez (Staff Attorney) met me in my home and she began working on the Housing Court matter. The situation was very bad. Both I and my wife assumed that we would be evicted. We owed so much money. By the time anything began to happen in court, we owed over ten thousand dollars.

Ms. Gomez was hard-working and creative. She filed an answer to the Housing Court complaint and helped us file for a "one shot deal." My wife and I came from Senegal three decades ago. All of our children were born here. All of us are US citizens. Still, I did not know that we qualified for any kind of assistance or that such programs existed to help us. I was spending so much time taking care of my wife, driving a taxi, dealing with the hospital and taking care of the children that it would have been very difficult to do anything in court without Ms. Gomez's help. She suggested, among other things, that we take on a boarder to supplement our income and we did, a young man from Senegal studying in the U.S. Without her help, I know me, my wife and my family would have been evicted.

Later, with my wife still sick, there was another problem – with Medicaid. Earlier this year, Ms. Russo submitted a "recertification" package for my wife's Medicaid. Without Medicaid, there is no care for her

¹ Ms. Alexandra Russo, LMSW, was formerly a Social Worker at The Family Center.

– nothing we can afford. After our recertification we received word that we had a \$240.50 a month spend-down. My wife was very, very sick then. She had long-term care and we were living month to month. This made the housing problem seem small. When we found out about it, it was again Ms. Russo who helped us, first by filing for a fair hearing and then immediately placing us in touch with The Family Center, again.

This time, we were represented by Ms. Elsa Cruz Pearson (Staff Attorney). She represented us in a fair hearing, but the matter was taking a long time and the judge seemed unclear as to how he would rule on the denial of the Medicaid. The issue was very complicated because of my income is somewhat low – but constantly changes. Because of the way the taxi company keeps records for its drivers, it was hard for me to show how much I made month-to-month. In any given year, I make just enough to cover my family’s expenses. Ms. Pearson began speaking directly with a Medicaid worker and tried to get them to re-calculate our income because the numbers they were using were wrong. Also, she tried to have them use a different way of budgeting for Medicaid called MAGI budgeting.² This was something else that we did not know about.

Medicaid recalculated our budget and found that Seynabou was eligible for Medicaid long-term care without a spend-down based on the new numbers and Ms. Cruz Pearson’s advocacy. Debt collection letters from the HMO stopped, as did my worry that she wouldn’t get medical care. My wife is still unwell and her condition is uncertain, but she has excellent medical care. The children are holding up well. Our oldest daughter will graduate college at the end of this school year. She will be the first in our family to get a college degree.

Here’s what would have happened had Ms. Russo not called TFC for us. My family and I would have been evicted. We would have gone into a shelter or we discussed moving back to Senegal. After 28 years here, we still struggle. Keeping my wife’s very serious medical care would have been impossible. We would have had more problems understanding the spend-down and certifications. In addition to the debt, we would have owed the HMO. We would have had the Medicaid turned off and it would not have come back on. I would have tried to take care of it and I would have failed. I don’t know how we would have cared for my wife.

When The Family Center approached me to write this letter, I did not wait. I thank Ms. Gomez, Ms. Cruz Pearson and The Family Center for helping me.

Ms. Cruz Pearson has explained to me what the Commission does and how it is connected to The Family Center and their work.

For my wife, my children and me, thank you.

Djibril Cisse

Thank you to Judge Lippman and to the Commission for receiving these comments. I am the Director of Legal Services at The Family Center (TFC), a multidisciplinary agency in New York City serving individuals and families affected severe illness. The Family Center’s Department of Legal Services assists clients with a range of civil legal problems all connected to “essentials of life.” Families and individuals

² New York State Department of Health, 13ADM-03 - Medicaid Eligibility Changes under the Affordable Care Act (ACA) of 2010, September 25, 2013. http://www.health.ny.gov/health_care/medicaid/publications/adm/13adm3.htm

who come to us are in the midst of extreme personal crisis and their cases and concerns are many. Today, I submit comments with one of our former clients, Djibril Cisse. He and his family are direct beneficiaries of the work of the Commission and funding through JCLS monies.

The Family Center:

Founded in 1994, The Family Center (TFC) provides legal and social services to New York City individuals whose lives are marked by the intertwined challenges of poverty and illness. We address numerous socio-economic, health and legal problems so that clients may devote their energy to getting well and planning for the future. During the year ending March 31st, 2015, the Legal Services Department served **1,316** clients (representing over **2,332** individual household members). On their behalf, we won **\$2,192,852** representing back awards and ongoing monthly benefits. We saved taxpayers **\$4,416,088**. Our total economic impact for the last IOLA, JCLS year was **\$6,634,940**. We closed **1,480** cases. We successfully resolved **192** court proceedings in all five boroughs. We conducted **26** consumer and provider clinics and workshops, reaching an additional **745** people. These numbers were delivered by a full-time Legal Department staff of seven as well as a volunteer army of Public Interest Law Fellows, Law Student Interns, Graduates and pro bono attorneys.

Funding for this work comes from a number of places including the state. Those funds support civil legal services work for NYC's most marginalized residents. We serve a variety of populations in the city all of whom are affected by serious illness, such as cancer. Additionally, clients' lives are often woven with the terrible threads of incarceration, mental health problems, substance abuse and histories of domestic violence. They live on subsistence incomes and come from the most disadvantaged and under-served areas of the city including northern Manhattan, the South Bronx, Mott Haven, St. George, Stapleton, Bedford Stuyvesant, the Rockaways, Brownsville and East New York. Our clients have high unmet needs for quality social and legal services and tremendous difficulties accessing public benefits, health insurance and maintaining shelter security. They are also those most likely to have significant legal issues and little means to access services, such as Djibril.

As a final note, as of the submission of this testimony, Djibril has been summoned to Housing Court again. Without discussing the merits of that matter, it is fair to say that the costs and hardships of his wife's illness continue. The Family Center will be there to assist him.

When working with clients who are indigent and survive with severe illness against improbable odds, outcomes are not always final. Still, in the case of Djibril and his wife, civil legal services provide more than just assistance with problems involving the essentials of life. Access to civil legal services provides for life, itself. The need for legal assistance, for many, is on-going and vital.

Thank you.

Djibril Cisse
143 West 111th Street, 4B
New York, New York 10026
[917.930.0020](tel:917.930.0020) (Tel)

Elsa Cruz Pearson, Esq.
Staff Attorney
The Family Center
493 Nostrand Avenue,
3rd Floor
Brooklyn, New York 11216
[718.789.3841](tel:718.789.3841) (Tel)
[718.638.1628](tel:718.638.1628) (Fax)
epearson@thefamilycenter.org
www.thefamilycenter.org

Adam J. Halper, Esq.
Director of Legal Services
The Family Center
493 Nostrand Avenue,
3rd Floor
Brooklyn, New York 11216
[718.789.3841](tel:718.789.3841) (Tel)
[718.638.1628](tel:718.638.1628) (Fax)
ahalper@thefamilycenter.org
www.thefamilycenter.org