

# **The Missouri Legal Services Disaster Manual**

A Resource for Missouri Lawyers and Missourians

This document was prepared by the Legal Help in Disasters Committee  
of the Governor's Faith-Based and Community Service Partnership  
for Disaster Recovery

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“A special thanks to the following individuals and organizations that set aside other equally important work to help research and write the information contained within this manual.”

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## **INTRODUCTION**

This manual was prepared to assist Missourians who are or may be affected by disasters. This manual was prepared to assist Missouri lawyers whose clients may be facing legal issues new to the lawyers or unique to disasters. This manual is designed to assist and train those volunteer lawyers who graciously agree to help disaster survivors through on-site assistance.

Also, this manual is designed to provide information to the public concerning legal matters that may arise due to disasters in Missouri. As always, the public should consult with an attorney before taking action and the attorney should verify the information before any advice is provided.

This manual is brought to you by the cooperation of many organizations who compose the Legal Help in Disasters Committee (LeHDCOM) of the Governor's Faith-Based and Community Service Partnership for Disaster Recovery, who have spent an incredible amount of time and effort to compile all of this information. This manual is available under "Legal and Information and Forms\Disaster Relief" on the [www.lsmo.org](http://www.lsmo.org) website. We hope that this manual will provide valuable information to the reader prior to and during times of disasters in Missouri.

### **Notice**

This manual is intended to give general, basic information only, and give suggestions or ideas about various approaches that may be utilized to achieve various results. Such information should never be a replacement for the advice of a competent, licensed attorney familiar with your exact situation, circumstances, and goals. Provision of the following information is not intended to constitute or create an attorney-client relationship.

Use of this manual is for informational purposes only. No person should make any decision based solely on the information contained therein. We are not responsible for any loss or damage that result from reading, using, or relying on the information provided within this manual, without consulting an attorney. You should always consult a licensed attorney if you are looking for legal advice.



## A. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ASSISTANCE

When the President of the United States declares a “major disaster” anywhere in the United States or its territories, federal assistance is made available to supplement the efforts and resources of state and local governments and voluntary relief organizations pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), found at 42 USC 5121. For an up-to-date listing of current disaster declarations and the declared counties, visit <http://www.fema.gov>.

It is important to note that a declaration that authorizes Public Assistance (PA), primarily assists jurisdictions in repairing infrastructure and public works, and is a separate program from Individual Assistance (IA). Individual Assistance assists affected individuals. For more information on PA and IA programs, please visit <http://www.fema.gov>.

Individuals, families, and businesses in disaster-affected counties may be eligible for federal assistance if a disaster declaration is made. It is essential to register with FEMA to ensure access to all available assistance. You may register with FEMA and apply for disaster assistance by calling the FEMA Helpline at 1-800-621-3362 (TTY: 1-800-462-7585) or by visiting <http://www.fema.gov>.

Disaster survivors should read FEMA’s Applicant Guide, titled “Help After A Disaster: Applicant’s Guide to the Individuals and Households Program.” You will be mailed a copy of this publication after registering with FEMA. You may also read a copy online at: <http://www.fema.gov/help-after-disaster>.

It is important to understand that not everyone who has been affected by a disaster will be eligible to receive federal disaster assistance. In order to ensure that consistent and effective assistance is provided in the wake of a disaster, the Stafford Act disaster housing program is administered as part of a *standard sequence of delivery*. After a disaster occurs, emergency assistance, including food, shelter, clothing, and medical needs, may be available to disaster survivors. These services are primarily administered by voluntary organizations, faith-based organizations, and community organizations. FEMA grant programs authorized by the Stafford Act and other federal assistance programs generally provide funds to make a home safe, sanitary, and functional. Disaster survivors must first contact their insurance company to file a claim for disaster related damages. If disaster survivors do not have homeowners’ insurance, or their net insurance settlement is less than the verified damage determined, they may be eligible for housing assistance.

## **1. How do I apply for disaster help through FEMA?**

You can apply online at <http://www.fema.gov>.

You can apply via phone by calling the FEMA Helpline at 1-800-621-FEMA (3362), TTY 1-800-462-7585.

*If you get a busy signal when trying to call the FEMA Helpline, try calling at off-peak times (evenings or weekends).*

## **2. What information should I have available when applying?**

You will need the following:

- Social Security Number (SSN)
- pre-disaster address
- current address
- phone number where you can be reached
- insurance information
- total household annual income
- description of losses caused by the disaster

In the event that you are determined eligible to receive direct federal disaster assistance funds, you may opt to have these funds transferred directly into your bank account. If that is your preference, you will also need to provide a routing number and account number when applying.

After submitting an application, you will be given a FEMA registration number. This is very important, please write it down and keep it somewhere safe.

## **3. What happens after I apply for disaster assistance?**

Please note that it may take up to 48 hours for your registration to appear in FEMA's system.

You may find it helpful to create an online account which will allow you to track the progress of your application. You may create an account at <http://www.disasterassistance.gov>. Creating an online account is not required.

FEMA will mail you a copy of your application and an Applicant Guide which will explain the entire process.

You may be contacted by an inspector, who will schedule a time to review your damages. It is very important you provide a working phone number so this inspector is able to reach you. If an inspector cannot contact you, your application will experience delays. At the time of inspection, a person 18 years of age or older must be present. Owners may also be asked to show photo identification and proof of ownership and occupancy.

You may be asked to complete additional paperwork.

You may always call the FEMA Helpline at 1-800-621-FEMA (3362), TTY 1-800-462-7585 to check on the status of your application.

#### **4. How does my insurance, or lack of insurance, affect my FEMA application and benefits?**

If you have homeowner's insurance, you should still apply for FEMA assistance. However, you will need to work through your insurance company's claim process before being eligible for any FEMA benefits (and you may not be eligible for any FEMA benefits at all). You should provide FEMA with a decision letter from your insurance company. If your insurance company's settlement does not cover all your losses, or your insurance claim is denied, FEMA assistance may be available.

If you do not have homeowner's insurance, and your home or its contents were damaged, a FEMA inspector should contact you within 10-14 days of your application to inspect your home.

#### **5. I received an SBA loan application in the mail. I don't own a business, and I wanted a grant from FEMA, not an SBA loan—why did I get this?**

The Small Business Administration (SBA) serves an important role in disaster recovery. SBA loans are not just for business owners: homeowners and renters may also benefit from the loans. Interest rates are typically very low, with favorable terms for borrowers. Most FEMA grants are intended to meet immediate, emergency needs and may not cover all of your disaster-related losses. SBA loans are better suited to meet these non-emergency disaster-related needs.

If you receive an SBA loan application, it is very important that you complete and submit it. Even if you are approved, you are under no obligation to accept any loan. After reviewing your application, SBA may determine you are not eligible for a loan and refer you to FEMA. At this stage in the process, you may now be eligible for additional FEMA grant funds. If you fail to complete the loan application, you will miss out on the possibility of these additional grant funds.

The SBA application process will take approximately 30 minutes to complete. If you need assistance completing it, you may contact the SBA Customer Service Center at 1-800-659-2955.

#### **6. The FEMA letter said I had no damage/insufficient damage, but I think that is wrong. What do I do now?**

You may always appeal FEMA's decision if you believe it is incorrect. When you appeal FEMA's decision, you are asking FEMA to review your case again. It's important that you do this in a timely matter: you must appeal within 60 days of the date on FEMA's decision letter. All appeals must be in writing. You may mail or fax your appeal. You may appeal FEMA's decision regarding your eligibility, the amount or type of help provided to you, late applications, requests to return money (also called "recoupment"), or decisions regarding continued help.

Your appeal should explain in writing why you disagree with the decision. You may include documents which support your explanation: for example, a contractor's estimate showing how much it will cost to repair your home. Be sure to sign your appeal letter.

Your appeal should include your name, the last 4 digits of your Social Security Number, disaster number, and FEMA registration number.

Your appeal may be mailed to:

FEMA Individuals & Households Program  
National Processing Center  
P.O. Box 10055  
Hyattsville, MD 20782-8055

You may also fax your appeal to 1-800-827-8112.

### **7. How long does it take to get FEMA help?**

You should be contacted by a FEMA inspector within 10-14 days of application. The inspection will be scheduled as soon as possible, but keep in mind inspectors are often very busy after a disaster and have many homes to inspect. If the inspection shows you have uninsured eligible damage or need to rent housing while displaced from your home, a check can be printed and put in the mail within two days of the inspection. If you have chosen to use electronic deposit, the funds are deposited almost immediately after approval. The money often arrives before the official letter explaining the award, which will come in the mail.

### **8. I got a check from FEMA. Can I spend it on whatever I want?**

No. It is very important that you spend the money in the way FEMA intended. FEMA will send you an award letter with an explanation of the funds, and it is important that you spend the money appropriately and keep documentation (i.e., receipts) of this.

For example, FEMA “Housing Needs” assistance must be spent on housing. You may not spend it on replacement clothing or food, even if you need these things because of the disaster. If you do not use the money properly, you may not be eligible for additional help. You may also be required to pay the money back (also called “recoupment of funds”). If you aren’t sure whether a specific expense is qualified for use of FEMA funds, you should contact FEMA to ask.

### **9. What if I did not receive an award letter at all?**

If you have access to the internet, you may want to consider checking the status of your case online. Go to the Online Individual Assistance Center and follow the instructions for accessing your account information. You may also call the FEMA Helpline at 1-800-621-FEMA (3362), TTY 1-800-462-7585, or visit a nearby Disaster Recovery Center if there is one open in your area.

**10. I received a rental assistance check, but there are no places to rent.**

If you are eligible for housing assistance but cannot find rental housing within a reasonable commuting distance of your damaged dwelling, you should contact FEMA or visit a Disaster Recovery Center. FEMA will evaluate your situation and may, in certain large disasters, authorize a temporary housing unit (mobile home) to provide temporary housing.

**11. What if I don't get enough FEMA money to meet my needs?**

FEMA funds and other disaster aid programs are only intended to meet essential needs. There may be other sources of funding, such as SBA loans that can assist you in your recovery. You should apply for all available assistance. You can also get in contact with a disaster case manager who can refer you to other services or sources of funding that might be available to you. See "Disaster Case Management" within Section B of this manual.

If you feel the amounts FEMA has approved for specific needs are too low, you can appeal the decision. Keep in mind you will need to explain why you believe you are entitled to additional funds. See FAQ-6, "The FEMA letter said I had no damage/insufficient damage, but I think that is wrong. What do I do now?"

**12. Other people in my neighborhood, city or state got FEMA help but I didn't. Why?**

FEMA's eligibility criteria are the same for everyone; keep in mind that each person's situation is unique. FEMA will examine the damage to their individual home, their insured or uninsured status, etc. If you feel FEMA's decision is incorrect, you may always appeal the decision. See FAQ-6, "The FEMA letter said I had no damage/insufficient damage, but I think that is wrong. What do I do now?"

**13. I have a new phone number, how do I update my application?**

It is very important that you keep FEMA updated with current contact information, including phone number and address. You may update FEMA by calling the FEMA Helpline at 1-800-621-FEMA (3362), TTY 1-800-462-7585, or by visiting a Disaster Recovery Center.

**14. What are FEMA's citizenship/immigration requirements?**

You must be a US citizen, non-citizen national, or qualified alien to qualify for a FEMA grant. Undocumented immigrants are not eligible for FEMA assistance. However, only one member of a household needs to be eligible to qualify the home for FEMA aid. An undocumented parent or guardian may apply for assistance on behalf of a minor child who is a US citizen, noncitizen national or qualified alien.

**15. I am undocumented and want to apply for aid on behalf of my eligible minor child, but I am afraid of being reported to immigration authorities. Will FEMA report me?**

If you are an undocumented adult applying for aid on behalf of an eligible minor child, you will be asked to sign a FEMA release in the child's name. No information will be gathered about your immigration status or the status of other members of your household. You will not have to sign any documents regarding your immigration status.

**16. Who is a qualified alien?**

A qualified alien generally includes individuals who are lawful permanent residents (who have an alien registration card or “green card”), individuals with legal status due to asylum, refugee or parole, withholding of deportation, or domestic violence.

**17. What is a Disaster Recovery Center (DRC) and what services do they provide?**

A Disaster Recovery Center (DRC) is an accessible facility or mobile office where applicants may go for information about FEMA and other disaster assistance programs, including needed legal assistance. Applicants may also ask questions related to their individual FEMA case.

To locate the nearest Disaster Recovery Center, text “DRC” and your zip code to 43362 (4FEMA). You may also call the FEMA Helpline at 1-800-621-FEMA (3362), TTY 1-800-462-7585, or visit <http://www.fema.gov>

**18. I lost my job because of the disaster and may lose my housing because of the lost income. Will FEMA make payments until I can return to work?**

No, FEMA cannot make mortgage or rent payments on your behalf. If your job was affected by the disaster, you may be eligible for Disaster Unemployment Assistance (DUA). See FAQ-18, “Will FEMA pay for lost wages? I haven’t been able to work since the disaster.”

Voluntary agencies may also be able to help. You can get in contact with a disaster case manager who can refer you to other sources of funding that might be available to you.

**19. Will FEMA pay for lost wages? I haven’t been able to work since the disaster.**

You may be eligible for Disaster Unemployment Assistance (DUA). DUA provides temporary benefits to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster, and who are not eligible for regular unemployment insurance benefits. “Direct result” means an immediate result of the disaster itself, and not the result of a longer chain of events caused or worsened by the disaster.

To file your initial DUA claim, call 1-800-788-4002. A recording will give you important information about the DUA program and the phone number of your Regional Claims Center. You should then contact your Regional Claims Center, where a claims specialist will determine if you are eligible for any other unemployment benefits. If so, you will collect those benefits instead of receiving DUA benefits. If not, the claims specialist will help you file your DUA claim.

For additional information, you may visit the Missouri Department of Labor’s Natural Disasters website at <http://www.labor.mo.gov/disaster/>.

**20. I had damages to my farm or ranch. Can FEMA help?**

FEMA funds are intended to assist you with disaster-related damage to your home or personal property. If you have damages to your crops, livestock, farm equipment or buildings, you may be eligible for the USDA's disaster assistance program. To determine eligibility, contact your local Farm Service Agency office.

You may contact the Missouri State Farm Service Agency office at 1-573-876-0926 to get your local Farm Service Agency office's contact information.

**21. The inspector told me I was going to get money from FEMA, but the FEMA letter said I am not eligible. Who is right?**

Inspectors are contracted by FEMA to perform inspection work only, and are not authorized to comment on eligibility matters. The letter is correct, and not the inspector. If you disagree with the decision, you have the right to appeal.

**22. What will FEMA accept as proof of my occupancy in a damaged dwelling?**

FEMA will accept several types of documents, including but not limited to the following: utility bill for the damaged dwelling with your name or name of co-applicant, merchant's statement sent to the damaged dwelling with your name or name of co-applicant, pay stubs sent to the damaged dwelling with your name or name of co-applicant, and current driver's license or non-driver's license with the address of the damaged dwelling.

**23. What will FEMA accept as proof of home ownership?**

FEMA will accept several types of documents, including but not limited to the following: deed, mortgage documents, homeowner's insurance policy, property tax bill, and property tax receipts.

**24. I missed the FEMA inspector's call. Should I try to call them back?**

No. FEMA inspectors are busy inspecting other houses and you will likely be unable to reach them. You should wait for the inspector to contact you again. Inspectors will try to contact you three times to arrange an inspection of your property. It's important you keep your contact information updated so the inspector can reach you. If you are concerned that you will miss the opportunity to have an inspection, you can check with the FEMA Helpline at 1-800-621-FEMA (3362).

**25. I have insurance and filed a claim with my insurance agent but, I have no place to live. Can FEMA help me?**

Many homeowners' insurance policies include coverage for additional living expenses (ALE). ALE coverage includes the cost of housing, food, and other daily essentials. Your policy will specify the amount of ALE coverage provided. ALE coverage is only available when the insured property is uninhabitable because of a loss covered under the homeowner's insurance policy. If your housing costs exceed this amount, or your policy does not include ALE coverage, FEMA may be able to provide assistance.

**26. My insurance settlement isn't enough to meet my needs/cover my losses. Can FEMA help?**

First, carefully review your settlement documents and your insurance policy. If you lost your policy (your actual insurance contract) in the disaster, you may call your insurance company and request that a new copy be sent to you. Be sure you understand what kinds of damages and losses are covered by your policy. If you believe your insurance company has refused a claim for a damage or loss that is covered by your policy, you should contact your insurance company to appeal the decision. See the Insurance section appearing later in this Manual for additional information on insurance appeals.

FEMA may be able to provide assistance if you still have unmet needs after utilizing your insurance policy to its full extent. While anyone affected by a disaster should register with FEMA, your application will likely be denied as ineligible if you have homeowner's insurance. If you still have unmet needs after exhausting your insurance policy, you may contact FEMA to inquire about available assistance. You should explain that you have had a change in circumstances: you have made a claim on your insurance policy, utilized it in the intended manner, and still have unmet disaster-related needs. You should include the settlement information from your insurance company, explaining your insurance company's decision regarding your claim.

**27. Are insurance deductibles covered by FEMA funds?**

No, insurance deductibles are not covered by federal disaster funds.

**28. What insurance documents does FEMA need?**

FEMA is not allowed to duplicate any benefits already provided to you by your insurance company. Therefore, FEMA needs to know exactly how your insurance company handled your claim. Supporting documents to explain the handling of your claim may include a settlement detailing funds awarded or a denial letter.

**29. My insurance company told me they can't inspect my house for weeks. Can FEMA help?**

FEMA may be able to help if your insurance settlement is delayed. Your settlement is considered delayed if it has been longer than 30 days since you filed your claim and no decision has been made. You need to write a letter to FEMA explaining the circumstance. You should include documentation from the insurance company proving that you filed the claim. If you filed over the phone, you should include the claim number, date of filing, and any estimates given to you by the insurance company regarding how long settlement will take.

Please note that if FEMA provides any financial assistance because of a delayed insurance settlement, this assistance will be considered an advance. You must pay FEMA back the funds once your insurance settlement is complete.



**30. I need to pay money back to FEMA. Where do I send it?**

You have several options for paying money back to FEMA. You may pay by personal check or money order, by credit card, or by returning the uncashed US Treasury check.

Make all personal checks or money orders payable to FEMA. Be sure to include your FEMA registration number, which will be included on your Notice of Debt letter, or your Bill for Collection number. If FEMA cannot identify you and associate your personal check or money order with an outstanding debt, it will be returned to you.

Mail personal check or money order to:

FEMA  
P.O. Box 530217  
Atlanta, GA 30353

You may pay using a credit card by completing the form included in your Notice of Debt letter. Be sure to include the type of card (Visa, MasterCard, etc.), card number, expiration date, and your signature.

Mail the completed credit card form to:

FEMA  
P.O. Box 530217  
Atlanta, GA 30353

US Treasury checks which have not been cashed or deposited may be returned to FEMA at:  
Kansas City Financial Center  
P.O. Box 12599-0599  
Kansas City, MO 64116-0599

**31. My home is not damaged but a public road/bridge is damaged and so I can't access my home. Can FEMA help?**

Yes. If damages to a public road or bridge prevents or restricts you from accessing your home, FEMA may be able to provide assistance. FEMA may provide assistance if you are a person with an access and/or functional need, with or without a disability, and your home is no longer accessible to you because of damage from the disaster.

**32. If I own the road/bridge should I apply for help?**

Yes. If the private road or bridge damage prevents or restricts access to your home, FEMA may be able to provide assistance.

**33. What if I share ownership and responsibility for the road/bridge?**

All households who share in the responsibility of maintaining the private road or bridge should be encouraged to register, particularly if the damages prevent or restrict access to their homes.

**34. How do I get a FEMA temporary housing unit (THU)?**

FEMA will conduct a study of the community's available housing stock and then make a decision regarding the need for temporary housing units (THU's). If THU's are authorized as a form of direct housing assistance for that particular disaster, those applicants who are initially eligible will be contacted to determine the need for direct assistance and may then authorize a THU for that household. Once authorized THU eligibility is considered on a case by case basis.

To find out the status of your case with FEMA call the FEMA helpline at 1-800-621-3362 or visit a Disaster Recovery Center.

**35. How long can I use a FEMA temporary housing unit (THU)?**

If you are approved for a FEMA temporary housing unit (THU), you will need to meet with a FEMA housing specialist to prove your continued eligibility each month. This process is called "recertification." Generally, THU's are available for 18 months from the date of disaster declaration assuming you remain continuously eligible. At the state's request, FEMA may grant an extension to the 18 month time period.

**36. My family is too big for the temporary housing unit (THU), what now?**

FEMA temporary housing units (THUs) come in a variety of sizes. If the largest size available is still too small for your family, it may be possible for your family to get two. You should speak with your FEMA housing specialist about your concerns.

**37. Can I have a ramp or other access accommodation built for my temporary housing unit (THU)?**

Yes. Speak with your FEMA housing specialist or call the FEMA Helpline at 1-800-621-FEMA (3362), TTY 1-800-462-7585.

**38. What if a storm damages my temporary housing unit (THU)?**

When you move into a THU, you will be provided a maintenance number. If you do not have the maintenance number, call the FEMA Helpline at 1-800-621-3362 or speak with your FEMA housing specialist.

**39. After the storm the price of gas/water/etc. was very high. Is that price gouging?**

Price gouging refers to artificially inflated prices on necessities, frequently seen after a disaster. Missouri law prohibits individuals and businesses from substantially raising prices for the necessities of life during an emergency. Necessities include but are not limited to food, water, gasoline, hotel rooms, kerosene, and generators. Violators can face penalties of up to \$1,000 per violation.

If you suspect price gouging, you can file a complaint with the Missouri Attorney General's office at [www.ago.mo.gov](http://www.ago.mo.gov) or by calling the Consumer Protection Hotline at 1-800-392-8222. Price gouging is regulated by 15 CSR 60-8.030. The Attorney General administers and enforces the Missouri Merchandising Practices Act, found at Chapter 407, RSMo, and may make rules necessary to the administration and enforcement of the provisions of Chapter 407. This rule specifies the settled meanings of certain terms used in the enforcement of the Act and provides notice to the public of their application.

**40. When the US gives money to disasters in other countries, does that mean there is less for me and my state/disaster?**

No. If federal disaster assistance is designated for your area, the disaster relief funds for your state will not be affected by any funds provided for international relief efforts.

**41. My vacation/rental/second home was damaged. Can FEMA help?**

No. FEMA's disaster assistance program is intended to meet immediate needs, and as such is limited to an applicant's primary residence. However, if you own a secondary home that is rented out or occupied by a family member, you may be eligible for assistance from the Small Business Administration (SBA).

**42. Will FEMA pay my utility bills?**

No. FEMA cannot pay utility bills. However, local organizations may have funds designated for emergency utility assistance. You can also get in contact with a disaster case manager who can refer you to other services or sources of funding that might be available to you. See "Disaster Case Management" in Section B of this manual.

In addition, many utility companies will make special allowances or set up special payment plans after a disaster. Be sure to contact your utility company directly, explain your situation, and inquire about the availability of assistance programs.

**43. I lost food because of the power outage; can FEMA pay me for it?**

No. FEMA's disaster assistance program does not cover food loss. Voluntary agencies in your area may be able to assist with immediate food needs.

If you have homeowner's insurance, it is possible your policy covers food spoilage due to a covered loss: the basic homeowner policy does not, but you may have purchased an additional premium or "rider" to cover this cost. Review your insurance policy or contact your insurance company for more information.

**44. Can FEMA buy food for me?**

No, but you may qualify for disaster food assistance. Disaster food assistance is administered by the USDA’s Food and Nutrition Service through local governments, and in Missouri it is administered through the Missouri Department of Social Services.

Disaster food assistance provides emergency benefits to individuals or households that lose food as a result of a disaster, and also extends benefits to many people who would not ordinarily be eligible for food assistance. If you have had significant property damage or income loss due to a disaster, contact the Missouri Department of Social Services to see if disaster food assistance is available. You may reach the department at 1-800-392-1261.

**45. Can FEMA help with debris removal (trees, actual storm debris)?**

FEMA does not typically pay for cleaning up debris on private property. However, if the debris is keeping you or emergency workers from safely reaching your home, FEMA may be able to provide assistance to the state or local government in clearing the debris. In a large-scale disaster such as the 2011 Joplin, Missouri tornado, debris removal may actually be coordinated by the local city government. Contact local officials to see what assistance is available.

Debris removal may also be covered by your homeowner’s insurance policy. Review your policy or contact your insurance company for more information.

**46. Will FEMA reimburse for the generator I bought?**

FEMA will reimburse for generators purchased post-disaster only in very special circumstances. The applicant must first be eligible for FEMA assistance. The generator must be purchased or rented to power a medically-required appliance or piece of equipment. The generator must be purchased or rented on or after the governor’s declaration of a state of emergency up to the end of the incident period or the date power is restored to the applicant’s home, whichever occurs first.

You will need to send FEMA copy of the proof of purchase or rental receipts for the generator, and proof the appliance or equipment in question is required for medical purposes (for example, a letter from a physician on letterhead explaining the medical need for the appliance or equipment).

You may send the above information to:

FEMA Individuals & Households Program  
National Processing Service Center  
P.O. Box 10055  
Hyattsville, MD 20782-8055

You may also fax the above information to: 1-800-827-8112

However you choose to send it, be sure to also include your name, last four digits of your Social Security number, disaster number, and registration number. Please ensure this information appears on all pages of your correspondence, and keep a copy for your records.

**47. Do I have to repay the government for help I received?**

Under normal circumstances, grants from the Individual Assistance & Public Assistance programs do not have to be repaid. Recoupment or deobligation may occur if the federal government later finds you have misspent the funds allocated (used them for a purpose other than that specified by FEMA), or have received an incorrect amount of funds (either due to fraud or mistake). Loans from the Small Business Administration must be repaid.

**48. Where should I mail my receipts to FEMA?**

Mail receipts to:

FEMA Individuals & Households Program  
National Processing Service Center  
P.O. Box 10055  
Hyattsville, MD 20782-8055

You may also fax receipts to: 1-800-827-8112

However you choose to send it, be sure to also include your name, last four digits of your Social Security number, disaster number, and registration number. Please ensure this information appears on all pages of your correspondence, and keep a copy for your records. Do not send receipts unless you are asked to do so.

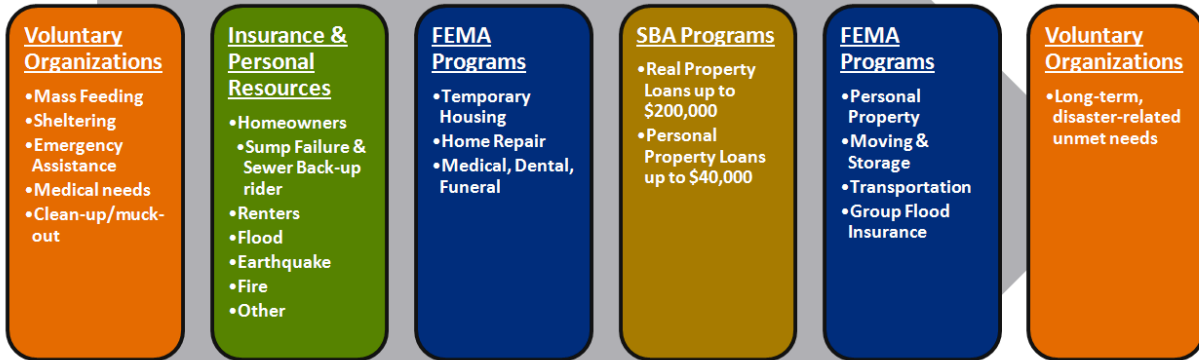
**49. I have a lot of damage but my FEMA letter says \$0. Why?**

Your letter from FEMA will state a reason for the denial. Once you have found the stated reason, you may refer to the Applicant's Guide for additional information. Applicants are most commonly denied because they have insurance to cover the loss.

**Individual Assistance Sequence of Delivery**

Please see the Individual Assistance Sequence of Delivery graphic on the next page for additional information about agencies that may provide assistance in the event of a disaster. Again, FEMA Individual Assistance and Public Assistance grants and Small Business Administration (SBA) disaster programs are only available when there has been a disaster declaration made by the President of the United States of America that authorizes such programs.

# Sequence of Disaster Assistance



## **B. ROLES OF THE MISSOURI STATE EMERGENCY MANAGEMENT AGENCY (SEMA) AND OTHER PARTNERS IN MISSOURI**

### **MISSOURI STATE EMERGENCY MANAGEMENT AGENCY**

The State Emergency Management Agency's (SEMA) mission is to protect the lives and property of all Missourians when major disasters threaten public safety in any city, county or region of Missouri. SEMA responds to two types of disasters - natural and those caused by man. Natural disasters are major snow and/or ice storms, floods, tornadoes and/or severe weather, as well as a potential major earthquake along Missouri's New Madrid Fault. Man-made disasters, also known as technological emergencies, may include hazardous material incidents, nuclear power plant accidents and other radiological hazards. SEMA is also responsible for developing a State Emergency Operations Plan which coordinates the actions of Missouri state government departments and agencies in the event of any emergency requiring the use of state resources and personnel. SEMA also serves as the statewide coordinator for activities associated with the National Flood Insurance Program.

The human services section of the Missouri State Emergency Management Agency (SEMA) encourages collaboration and coordination among all partners assisting Missourians during all phases of emergency management.

### **GOVERNOR'S FAITH-BASED AND COMMUNITY SERVICE PARTNERSHIP FOR DISASTER RECOVERY**

Through Executive Order 09-25, the Governor's Faith-based and Community Service Partnership for Disaster Recovery (The Partnership) is charged to; develop and maintain operating protocols for the Partnership; serve as the coordinating organization in concert with the State Emergency Management Agency for emergency human services functions in natural disasters and terrorist events; provide a forum to enable collaborative organizations such as the Missouri Voluntary Organizations Active in Disaster (MOVOAD) and Missouri Interfaith Disaster Response Organization (MIDRO) to best serve Missourians in time of emergency; assure the responsiveness of public and private sector resources to citizens in time of disaster; improve the human services disaster response and recovery delivery methods with a goal of increasing service to the citizens of Missouri while maximizing the use of public and private sector resources; develop and maintain an effective response and recovery plan which includes those Missourians with access and/or functional needs, with or without disabilities; function as the State Citizen Council for the State of Missouri, with support to the Homeland Security Advisory Council on post-disaster human service issues; and develop and propose to the Governor's office, viable plans for funding recovery efforts in disasters that are undeclared, and to assist Missourians who are underserved in declared disasters.

## **MISSOURI VOLUNTARY ORGANIZATIONS ACTIVE IN DISASTER**

As a collaborating entity, the purpose of Missouri VOAD (Voluntary Organizations Active in Disaster) is to coordinate the planning efforts of voluntary organizations responding to, preparing for, recovering from, and mitigating against disaster. Experience has shown that member organizations provide more effective and less duplicative services through cooperative efforts than they would if they acted autonomously. Missouri VOAD, in particular, has proven to be very effective in coordinating a wide variety of voluntary organizations to collectively meet disaster needs. Besides coordination and cooperation, Missouri VOAD also focuses on communication, education, and improved legislation for disaster response and recovery.

## **MISSOURI INTERFAITH DISASTER RESPONSE ORGANIZATION**

The Missouri Interfaith Disaster Response Organization (MIDRO) is a non-for-profit organization formed in 1993 to assist Missouri's faith communities to coordinate and collaborate in responding to disasters- especially in long-term recovery efforts. MIDRO is not a substitute for nor in competition with efforts of denominations, associations or other religious groups. By working together we reduce duplication, exercise better stewardship of resources, and help to provide documented evidence for grant applications and continuous funding justifications.

For more information about Missouri specific emergency human services please refer to <http://www.sema.dps.mo.gov>.

## **DISASTER CASE MANAGEMENT**

Through partnerships with local and state emergency management, The Partnership, MO VOAD, and MIDRO, many organizations throughout Missouri focus their efforts on long-term recovery, specifically through participation in Long-Term Recovery Groups (LTRGs) and disaster case management (DCM) services.

DCM is a time-limited process by which a skilled recovery specialist – a Disaster Case Manager – partners with a disaster-affected individual or household in order to plan for and achieve realistic goals for disaster recovery. This comprehensive and holistic approach to recovery extends beyond providing relief, providing a service, or meeting urgent needs<sup>1</sup>. The overarching goal of DCM is to assist individuals and households in recovering to a reasonable level of self-sustainability through the development of a holistic recovery plan.

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<sup>1</sup> NVOAD, Disaster Case Management Guidelines, 2011. <http://www.nvoad.org>



DCM services plan, secure, coordinate, monitor, and advocate for unified goals and services with organizations and personnel in partnership with individuals and households. DCM services include practices that are distinctive from traditional social services. Many times, these services are delivered under difficult environmental conditions that typically result in loss of infrastructure, disruption of operations, and special challenges for communication, record-keeping, coordination, and efficiency. Distinct service delivery challenges are associated with an influx and simultaneous deployment of local, regional, state and, in a declared disaster area, federal resources. In non-declared events, the lack of resources presents another unique set of challenges.

While most people who are affected by disasters are able to recover with the support of their families, friends, and fellow community members, at-risk and vulnerable populations many times do not have access to the necessary resources or expertise to recover on their own. Even in disasters in which Individual Assistance (IA) is available, some households will not be able to execute a successful recovery with the resources ordinarily available to them. Furthermore, studies have found that a disproportionate number of disaster survivors who experienced negative health consequences faced a high level of disaster exposure (i.e. were physically injured, lived in disaster-damaged residence for an extended period, etc.) were of low socioeconomic status, elderly, and/or had constrained resource access<sup>2</sup>. Similarly, other studies have found that disaster-affected households of low socioeconomic status face a higher risk of various and compounding physical and mental health challenges after experiencing a disaster<sup>3</sup>. Without significant coordinated assistance these households will not reach a reasonable level of self-sustainability post-disaster.

In Missouri, DCM is the keystone to successful individual and household disaster recovery operations, particularly in low attention, non-declared events. DCM services, when delivered in a coordinated and collaborative manner, have proven to be a highly successful tool in engaging with individuals and households to address disaster-caused unmet needs. Accountability and empowerment are two main tenets of the DCM philosophy, and Disaster Case Managers work diligently to encourage and support disaster survivors to take ownership in the recovery process.

DCM services may be delivered within, or separate from, a multi-service organization/agency. In many communities, local LTRGs oversee/coordinate DCM operations in partnership with local service providers. LTRGs are highly collaborative, community-based groups that convene at a

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<sup>2</sup> Collins TW, Jimenez AM, Grineski SE. Hispanic health disparities after a flood disaster: results of a population-based survey of individuals experiencing home site damage in El Paso (Texas, USA). *J Immigr Minor Health*. 2013 Apr;15(2):415-26. doi: 10.1007/s10903-012-9626-2. <http://www.ncbi.nlm.nih.gov/pubmed/22527746>

<sup>3</sup> Galea S, Tracy M, Norris F, Coffey SF. Financial and social circumstances and the incidence and course of PTSD in Mississippi during the first two years after Hurricane Katrina. *J Trauma Stress*. 2008 Aug;21(4):357-68. doi: 10.1002/jts.20355. <http://www.ncbi.nlm.nih.gov/pubmed/18720399/>

common table to support a DCM function and identify/develop and deploy resources – money, material, muscle – to address disaster-caused unmet needs. Disaster Case Managers serve as liaisons between disaster-affected individuals and households and the LTRG, acting as advocate as necessary.

DCM is a valuable force-multiplier able to maximize resources by leveraging strong partnerships and volunteer capacity while simultaneously minimizing resource duplication. As DCM services continue to be implemented and accepted by municipal and county leaders, voluntary agencies, faith-based organizations, businesses, and impacted individuals/households as the routine manner in which survivor unmet needs are assessed, vetted, and addressed, more resources will be utilized in a coordinated, efficient, and non-duplicative fashion, thereby reducing the overall cost of assisting survivors in reaching a reasonable level of self-sustainability.

## C. LANDLORD/TENANT LAW

Most of Missouri's landlord/tenant law is laid out in three chapters of the Revised Statutes:

Chapter 441—Landlord and Tenant

Chapter 534—Forcible Entry and Unlawful Detainer

Chapter 535—Landlord-Tenant Actions

**\*There have been certain changes in Missouri criminal code. Criminal codes have been set up in their own sections of the statutes. In 2017 the new changes to the criminal code go into effect.**

### **1. May I terminate my lease because of the disaster?**

If the residence is destroyed by a natural or man-made disaster, a tenant is no longer liable for rent during the remainder of the lease term so long as the tenant is not the person who caused the disaster. RSMo 441.645.

### **2. If the premises are totally unusable because of the disaster, do I have to permanently move out even though I want to stay?**

The landlord may attempt to use immediate eviction procedures available under RSMo 441.740(1). This provision allows a court to order the immediate eviction of a tenant if it finds that an emergency situation where dispossession of the tenant by other, less expeditious legal means would, because of the passage of time, imminently cause with a reasonable certainty either 1) physical injury to other tenants or the leaser; or 2) physical damage to leaser's property and the reasonable cost to repair such damage exceeds an amount equal to twelve months of rent. In the event of a natural disaster, such as a tornado it is likely that there would be physical damage to the property and that the cost to repair would exceed twelve months' rent.

In addition, the public officials may deem the property unsafe and may even condemn it. In case such as this, you may have to vacate.

### **3. If the dwelling is partially unusable because of the disaster and I don't want to permanently move out, can my rent be partially abated?**

If your lease sets out specific guidelines for rent abatement, you must abide by those terms. If your lease is silent on rent abatement, you should talk to your landlord to see if you can reach an agreement regarding partial abatement. If you enter into an agreement, be sure to get it in writing.

### **4. May I withhold payment of rent because of the disaster or because the landlord has failed to timely repair the dwelling after the disaster?**

RSMo 441.234 allows a tenant to deduct a portion of the cost of repairs, but only under very specific circumstances. The statute is very technical. This statute requires the tenant to have lawfully resided on the rental premises for six consecutive months, paid all rent and charges due during that time and has cured any lease violations.

**5. Do I have to keep paying rent to my landlord while I am not living at my house/apartment?**

If your lease sets out specific guidelines for rent abatement, you must abide by those terms. If your lease is silent on rent abatement, you should talk to your landlord to see if you can reach an agreement regarding partial abatement. If you reach an agreement, be sure to get it in writing.

**6. What can happen and what should I do if I cannot pay the rent on my dwelling because of job or salary interruptions following the disaster?**

First, check your lease. There may be a provision addressing the issue.

You can be evicted for not paying the rent under Missouri's Rent and Possession procedure. Such an eviction can harm both your credit rating and your future housing prospects.

You should first try to contact your landlord or property manager and let them know your situation. You may be able to work out a payment arrangement. If you are able to come to an agreement, be sure to get it in writing. See FAQ-18 in the FEMA section, "Will FEMA pay me for lost wages? I haven't been able to work since the disaster."

**7. How could I pay rent if I wanted to?**

Be sure to have your rent money saved up. If you cannot find your landlord then be sure not to spend your rent money on anything else.

As always, be sure to obtain a rent receipt for each and every rent payment.

**8. How do I contact my landlord?**

This depends. Cellular phone networks may go down in a disaster area.

If you and your landlord are in close proximity you may be able to walk or drive to your landlord.

People often have to leave a disaster area. If you cannot find your landlord then you may need to rely upon the landlord's other tenants, friends and family for help in locating the landlord. Social media, such as Facebook and Twitter, may also help you locate your landlord.

Government agencies and organizations (i.e., American Red Cross, The Salvation Army, faith-based organizations, etc.) often maintain lists of people they have helped. You may be able to obtain contact information from, or arrange contact through, these organizations.

**9. Can my landlord rent my home/apartment to someone else while I am gone?**

Usually not.

Missouri law does set out a procedure by which a landlord can establish a tenant has abandoned the property. If the landlord follows these steps then the landlord may remove a tenant's belongings from the property without liability. A tenant must owe unpaid rent, the landlord must

send a specific written notice and the tenant not respond to this written notice within ten days for a landlord to declare the property abandoned. You may find the specifics in RSMo 441.065

**10. My landlord told me to move out the next day because he wants the dwelling for his daughter who lost her home in the disaster. He told me if I didn't move out, he would change the locks. Do I have to move out?**

No. In almost every case, a landlord must take the tenant to court to remove the tenant from the premises.

If the landlord interferes with the tenant's possession of the property by shutting off utility services, changing locks or forcibly removing the tenant from the property, a tenant may be able to sue the landlord under Missouri's Forcible Entry and Detainer, RSMo 441.233.

Missouri criminal law also prohibits landlords from interfering with a residential tenant's utility service. Local law enforcement is often reluctant to intervene in these sorts of situations. Local law enforcement may claim this is a civil matter and they cannot become involved. If they claim this, inform them of the criminal offenses of first degree tampering, RSMo 569.080 and second degree tampering RSMo 569.090, in the Missouri law. These statutes consider utility interference as one of the crimes.

**\*There have been certain changes in Missouri criminal code. Criminal codes have been set up in their own sections of the statutes. In 2017 the new changes to the criminal code go into effect.**

Depending upon the landlord's actions, the tenant may also have grounds for Replevin and Conversion, Trespass to Chattels and even an action for physical injuries to the tenant and/or the tenant's family.

**11. What should I do if I am served with an eviction lawsuit?**

There will be a date and time on the front page of the court papers. Be sure to appear in the court on that day and time. Do not take anyone's word that the lawsuit will be dismissed; always go to every court appearance.

You may wish to consult a lawyer. You may not have much time between when you are served the court papers and when you are scheduled to go to court.

A disaster case manager may refer a survivor to the appropriate Legal Services organization for the disaster affected area in which they live for additional assistance.

**12. How can I recover my personal property from the leased premises?**

Government officials may seal off or limit access to disaster areas. Once access is permitted, law enforcement may set up one or more checkpoints to control entry. You may need to bring some form of identification or proof of residency with you to the checkpoint before law enforcement will permit you entry.

**13. May I recover damages against my landlord for injuries or property damage I suffered as a result of the disaster?**

Usually not. Generally, your belongings are insured only if you have renter's insurance. Contact your insurance company to file a claim. If you register with FEMA, some losses may be covered by FEMA's Individual and Household Plan.

It is also important to read a prospective renter's policy very carefully as they are all different in regard to what is and is not a covered loss. If you have a specific item of great value that you would want covered, it would be advisable to list that item specifically in the policy to be certain that it is covered in the event of loss or theft. It is also important to know if the renter's policy will cover damage due to flood, or whether you may require an additional policy to cover such losses.

Depending upon the landlord's actions, you may have grounds for Forcible Entry and Detainer, Replevin and Conversion, Trespass to Chattels and even an action for physical injuries to you and/or your family.

**14. I have suffered personal injuries or loss or damage to my personal belongings from the disaster. May I recover damages against my landlord or the previous homeowner if they knew about the possibility of flooding and failed to inform me?**

No, it is your responsibility to protect yourself from any potential damage from flooding.

**15. Can I recover damages against my landlord or the previous homeowner if they didn't know about the possibility of flooding?**

No. Again, it would be your duty to protect yourself from any potential damage from flooding.

**16. All my personal belongings were destroyed when the roof fell in on the place I rent. What help can I get from my insurance company?**

Contact your insurance agent. If you have notified your landlord previous to the roof falling in of the damaged or defective roof, and the landlord made no attempt to repair the damage, there may be a cause of action against the landlord for damages incurred by their failure to provide a secure premises.

**17. What should I do if I do not have insurance on my personal belongings?**

You will have to replace your belongings yourself. You can apply to FEMA and see if you qualify for assistance with replacing your personal belongings. You may be able to get assistance from voluntary organizations who are providing support services at that time. Please contact your local emergency management office for more information on support services being provided. Contact information for your local Emergency Management Director in Missouri can be found at <http://www.sema.dps.mo.gov>. In the future, you should purchase renter's insurance to assist you with your recovery.

**18. If my personal belongings are lost or damaged as a result of the flood or other disaster, may I recover from my landlord under the landlord's hazard insurance policy?**

Not usually. Renter's insurance costs about as much as basic cable and is a good investment for anyone who rents.

**19. Is flood damage covered under my insurance policy?**

Check your insurance policy or contact your insurance agent.

**20. Does my automobile insurance cover the damage to my car resulting from the disaster?**

Check your insurance policy or contact your insurance agent.

**21. May I recover damages against my neighbor whose property damaged my property during the disaster?**

It is established law in Missouri if an Act of God is the sole cause of the damage then it is a viable defense against property damage claims. But the Act of God defense is negated and someone can be found liable when the damage is caused, in part, by human: (1) active intervention, (2) neglect or (3) failure to act. Kennedy v. Union Electric Co., 358 Mo. 504 (Mo. banc 1948), 216 S.W.2d 756; Hewitt v. Chicago, Burlington & Quincy R.R., 426 S.W.2d 27 (Mo. 1968)

**22. What can I do with someone else's property which the disaster carried onto my land?**

It depends upon what the property is. A birth certificate or family photo album on your lawn is one thing; a car on your roof is quite another.

If you can, try to find out whose property it is and contact the owner if possible.

You should gather the property together as much as is possible. Government agencies or charities may set up a centralized "lost and found" clearinghouse.

**23. Can I sue the local, state, or federal government for damages caused by the disaster?**

Usually not. Sovereign immunity protects federal, state and local governments from most such lawsuits.

**24. Must I continue paying rent for my commercial lease space even though it has been rendered totally or partially unusable by the disaster?**

Check your lease. Missouri law gives commercial tenants fewer rights than it gives residential tenants.



## **HOMEOWNERS & MORTGAGES**

### **1. My house was damaged and I can't live in it. Do I have to make my mortgage payments?**

Generally, no. The contract should be cancelled due to impossibility, and in addition, most mortgage companies will voluntarily place a moratorium on payments and foreclosures for homes seriously damaged by the disaster. Be sure to contact the mortgage company if you can't make your payment. Sometimes they will only grant the moratorium if asked to do so. Be sure to get that agreement in writing. If the house is uninhabitable, the contract cannot be performed under common law theories, but it is simpler for the mortgage company to agree. If the house is livable, but damaged, yes; negotiate with the insurance company to get it fixed.

### **2. Do I have to pay my mortgage note while I am not living at the property?**

See the answer to FAQ - #1 Homeowners & Mortgages, "My house was damaged and I can't live in it. Do I have to make my mortgage payments?" above. This largely depends on whether the person is not living there because they can't or because they are choosing not to. If it is simply hard to live there due to the damage, but they can make alternative arrangements and want to keep the home, they need to keep paying. If they stop paying, but could have lived there, they are in default.

### **3. What should I do if I receive a notice that my lender is going to foreclose on my home for non-payment of the mortgage?**

First contact the lender and ask for a moratorium (temporary stop to the proceedings). If the home is in a declared disaster area, some mortgage companies will delay any further proceedings for 60-90 days. If they agree, get that promise in writing. If they won't agree, contact a lawyer to seek assistance. You could also let the home be sold if you don't want to keep it or knowingly allow the mortgage to go in to default. If you choose the second option, however, keep in mind that the non-payment and foreclosure will impact your credit score.

### **4. Can my mortgage holder foreclose on my home if I can't make the payments?**

Yes. They can always foreclose, the only exceptions being the cancellation due to impossibility described in the beginning of this section or their written promise not to do so. Since foreclosures in Missouri are non-judicial (they don't have to go to court to get the order that says you don't own the home any longer), it is always best to file a case to establish that the contract could not be performed.

## **PERSONAL PROPERTY**

### **1. Who is responsible to replace my personal property that was located on someone else's property (leased property, rented out to a customer, etc.)?**

You are. Hopefully, your personal property was already insured. Check your policy.

### **2. Who is responsible for the value of my personal property that was stolen (looted)?**

Technically, the thief is responsible for the value of your property. If the thief is captured and convicted then making restitution to you may be part of the thief's probation, parole or sentence.

As a practical matter, you should file a police report. You can submit this report to your insurer to substantiate your loss. You should also file an insurance claim.

Under Missouri law, victims of crime may receive compensation. The Missouri Crime Victims' Compensation's office is located in Jefferson City, Missouri. You may contact them at the address and telephone numbers below:

**Crime Victims' Compensation**  
P.O. Box 1589  
Jefferson City, MO 65102-1589

Toll-Free: (800) 347-6881  
Direct Dial: (573) 526-6006

### **3. Is there any program available for me to recover the value of my lost personal property?**

If you have insurance then you may file a claim with your insurer.

Under Missouri law, victims of crime may receive compensation. The Missouri Crime Victims' Compensation's office is located in Jefferson City, Missouri. You may contact them at the address and telephone numbers below:

**Crime Victims' Compensation**  
P.O. Box 1589  
Jefferson City, MO 65102-1589

Toll-Free: (800) 347-6881  
Direct Dial: (573) 526-6006

## **D. EMPLOYER/EMPLOYEE ISSUES**

### **Missouri Worker's Compensation Benefits**

If you are currently receiving workers' compensation benefits and have relocated or have otherwise seen a disruption in benefit checks due to flooding, tornado, or other natural disaster, there are steps you can take to make sure you continue receiving benefits. If you used an attorney in your workers' compensation case and are able to locate a phone number or contact information for that attorney or firm, he or she should be able to contact your employer's (whether current or former employer) human resources department or insurance carrier on your behalf to make sure your benefits continue. If you did not use an attorney, you can call your employer (the one you had at the time of your workers' compensation injury) and ask to speak to someone in human resources or management to report your move or to discuss workers' compensation benefits. If you happen to have contact information for the insurance claims adjuster who handled your claim, you can call that person as well.

If you are not able to reach or locate an attorney, your employer at the time of the injury, or the insurance adjuster who handled your claim, you can call Missouri Department of Labor and Industrial Relations at 1-800-320-2519.

If you have been injured in the course of your employment or while at work -- even if the injury is related to a natural disaster -- you may be entitled to workers' compensation benefits in the form of medical care and/or disability benefits. Missouri law establishes time limits for notifying your employer and for seeking recovery for such benefits. Generally, you must file a claim within 2 years. If you have been injured at work, you should seek legal advice at once.

### **Unemployment Compensation**

If a person became unemployed because his or her employer's business was destroyed or closed because of the disaster, or because the person lost his or her job because his or her house or car was destroyed, or because the person was no longer able to get work due to the disaster, he or she may be entitled to receive unemployment compensation benefits. Missouri Unemployment Compensation Benefits may be applied for online at Missouri Department of Labor and Industrial Relations website at <https://www.ui.labor.mo.gov/som/>. As referenced above in the FEMA section, if a survivor is not eligible for Missouri unemployment compensation, he or she may be entitled to federal disaster unemployment assistance. Unemployment compensation benefits and disaster unemployment assistance require the completion of separate applications. In any event, unemployed disaster survivors should apply for unemployment benefits under both the state and FEMA provisions as soon as possible since there is a waiting period for receipt of benefits. Disaster survivors seeking information on unemployment benefits and disaster unemployment benefits may also call 1-800-788-4002. Online guidance is available at <http://www.labor.mo.gov/disaster/>. Disaster survivors MUST first file for regular unemployment benefits to get into the system, which may be done by calling your Regional Claims Center.

### **1. What is an employer's obligation in regards to termination of employees?**

The loss or destruction of an employee's home or personal property due to a natural disaster does not create an exception to at-will employment in Missouri. Thus, an employer is not legally prohibited from terminating an employee who has suffered the loss of his or her home or personal property as the result of a natural disaster. *Delany v. Signature Health Care Foundation*, 376 S.W.3d 55 (MO. App. Ct. E.D. 2012).

### **2. What is an employer's obligation with respect to group insurance?**

The shutdown of an employer's enterprise would trigger the elimination of group insurance coverage for covered employees and dependents. This would obligate the firm to send notices to the ex-employees advising them of their conversion rights (the right to convert the group coverage to an individual coverage) pursuant to a federal statute known as "COBRA." In the usual case, COBRA permits the ex-employee to continue the same coverage in an individual policy for up to 18 months. <http://www.dol.gov/dol/topic/health-plans/cobra.htm> 26 CFR § 54.4980 B-1

### **3. What can employers do with regards to the payment of salaries to terminated employees?**

In Missouri, discharged employees must be paid on the day of discharge unless the employee is paid on commission basis and an audit is necessary to determine the amount of pay that is due. RSMo 290.110

### **4. Does Missouri have any legal restrictions against firing, suspending or disciplining employees?**

Missouri is known as an employment-at-will state. Generally, this means that an employer may legally hire, fire, suspend or discipline any employee at any time and for any reason – good or bad – or for no reason at all (unless there is an employment contract or union protections). However, an employer may not discriminate against any employee on the basis of the employee's race, sex, age, religion, color, national origin or disability. The Missouri Human Rights Act prohibits discrimination in employment based on race, color, religion, national origin, ancestry, sex, disability, and age. The Act also makes it unlawful to retaliate against an individual for filing a complaint of discrimination, testifying or assisting in an investigation, or proceeding under the Act. Additionally, the Act protects individuals against discrimination on the basis of their association with a person in a protected category. <http://labor.mo.gov> 26 CFR § 54.4980

## **5. Does Missouri have a whistleblower statute?**

For state employees, a supervisor or appointing authority is prohibited from taking any disciplinary action against a state employee for the disclosure of information which the employee reasonably believes evidences a violation of any law, rule or regulation, or mismanagement, a gross waste of funds or abuse of authority, or a substantial and specific danger to public health or safety. RSMo 105.055.

In regards to at-will employment, the Missouri Supreme Court has created a public policy exception for whistle blowing. An at-will employee may not be fired for refusing to violate a law, rule or regulation “or for reporting any wrongdoing or violations of law to superiors or public authorities.” *Fleshner v. Pepose Vision Institute, P.C.*, 304 S.W. 3d 81, 92 (MO. 2010).

## **6. Are there exceptions to Missouri’s employment-at-will doctrine?**

Exceptions to Missouri’s employment-at-will doctrine include:

1. Discrimination based on your race, color, religion, national origin, ancestry, sex, disability, and age - RSMo 213.055;
2. Harassment based on any of the above characteristics;
3. Discrimination or harassment based on your association with someone with the above characteristics; and
4. Retaliation because you have opposed or made a complaint about illegal discrimination or harassment - RSMo 213.070.

Missouri Courts also recognize the following Public Policy exceptions to Missouri’s employment-at-will doctrine, which include when an employee is discharged for:

1. Refusing to perform an illegal act or an act contrary to a strong mandate of public policy;
2. Reporting the employer or fellow employees to superiors or third parties for their violations of law or public policy;
3. Acting in a manner public policy would encourage; or
4. Filing a claim for worker’ compensation. - *Delaney v. Signature Health Care Foundation*, 376 S.W. 3d 55, 57 (2012).

**DEADLINES:** Employees cannot protect their rights unless they take some kind of action, like filing a civil rights complaint or a lawsuit, within a reasonable time frame after something bad happens at work. Complaints under the Missouri Human Rights Act must be filed with the Missouri Commission on Human Rights within 180 days of the alleged discrimination. Federal law allows 300 days for filing employment discrimination complaints with the Equal Employment Opportunity Commission (EEOC).  
[http://labor.mo.gov/mohumanrights/File\\_Complaint/](http://labor.mo.gov/mohumanrights/File_Complaint/) - RSMo 213.111

## **7. When should final paychecks be issued in the case of employers who are closing their businesses as a result of the disaster?**

In the event that an employee is discharged, he or she is entitled to any unpaid wages on the day that he or she is discharged. A discharged employee may also request to have their unpaid wages sent to any station or office where a regular agent is kept. If the money or check does not reach the station or office within 7 days, then a penalty equal to the employee's daily wage will be applied until the money or check is received but only up to a maximum period of 60 days. RSMo 290.010.

## **8. What is unemployment insurance?**

Unemployment Insurance (UI) is a program designed to provide temporary financial assistance to workers who are unemployed through no fault of their own. To be eligible for unemployment insurance benefit payments, you must:

1. Lose your job through no fault of your own OR quit for good cause related to the work or the employer.
2. Make at least \$1,500 during one of the calendar quarters.
3. AND your total base period wages must be at least one and a half times your highest quarter wages.
4. OR you were paid wages in at least 2 calendar quarters of the base period that total to at least one and a half times the maximum wage base.
5. Base period-the first four of the last five completed calendar quarters immediately preceding the first day of your benefit year.
6. Calendar quarter - the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31.
7. Maximum wage base or Taxable wage base-this amount changes but is currently set at \$13,000. It may increase by \$1,000 or decrease by \$500, but will never be more than \$13,000 or less than \$7,000. RSMo 288.036(2)

[www.labor.mo.gov](http://www.labor.mo.gov) RSMo 288.030 - RSMo 288.040

## **9. How do I qualify for unemployment insurance benefits?**

In order to qualify for unemployment benefits in Missouri, an individual must first be employed in insured work, which is work done for one or more employers that are required to contribute to the Unemployment Insurance Trust Fund. If an individual was employed in insured work, then to be eligible for benefits, he or she must;

1. Lose his or her job through no fault of his or her own or quit with good cause related to the work or the employer.

2. Make at least \$2,250 – at least \$1,500 during one of the calendar quarters, and at least \$750 during the remainder of the year.

AND

His or her total base period wages must be at least 1.5 times your highest quarter wages.

OR

He or she must make at least \$19,500 during two or the four base period quarters.

Once an individual has been determined to be eligible for benefits, in order to remain eligible, he or she must;

1. Report all wages earned each week, including tips, commissions, bonuses, show-up time, military reserve pay, board, and lodging.
2. Be able and available for work each week. A refusal of an offer of work may result in denial of benefits.
3. Report in person at least once every four weeks to a Missouri Career Center or other designated office. RSMo 288.040 and RSMo 288.030(22)(b).

Note: See RSMo 288.050 for list of denial reasons.

## **10. How do I file for unemployment insurance?**

To file a claim for unemployment insurance, you may report in person or by telephone to the nearest Missouri Division of Employment Security Regional Claims Center from 8 a.m. to 5 p.m. Central Time, Monday through Friday, except holidays. You may also file 24 hours a day except between 11: 30pm Saturday and 12: 31am Sunday through Internet Claim Filing System. Before filing a claim, you will need the following information:

1. Your social security number.
2. The name, address and telephone number of your most recent employer, and the beginning and ending dates that you worked for that employer.
3. The employer's corporate name and address, if applicable.
4. An Alien Registration Number, if you are not a U.S. citizen.
5. A DD-214 (Member 4), if you served in the U.S. Military during the last 18 months.
6. An SF-8 form, if you worked for the federal government in the last 18 months.

7. The amount your spouse earned in the preceding week, before deductions, including any vacation, holiday, or Worker Adjustment and Retraining Notification (WARN) pay.

Follow this link to view a step-by-step instructional video on how to file a claim on the Missouri Department of Labor & Industrial Relations website: <https://www.ui.labor.mo.gov/som>

Do not delay in filing your application because you may lose benefits if you are not allowed to back date your application. Your claim must be submitted within 14 days from the last day of the week being claimed. This time limit may be extended to 28 days, but only for good cause.

You can also go to the website [www.labor.mo.gov](http://www.labor.mo.gov) or call 1-800-320-2519. - RSMo 288.040

#### **11. How should I file if I worked in another state or more than one state?**

If an individual worked in another state, or for a federal employer, or actively served in the military in the 18 months prior to applying for benefits, he or she must file in person, rather than online, at the nearest Regional Claims Center (RCC).

[http://www.labor.mo.gov/DES/Claims/faqs\\_web.asp](http://www.labor.mo.gov/DES/Claims/faqs_web.asp)

#### **12. What is the maximum amount of UI benefits and how is it calculated?**

The maximum weekly benefit amount is currently \$320. Your weekly benefit amount (WBA) is 4 percent of the average of your two highest quarters in the base period (highest quarter + second highest quarter / 2 x 0.04 = WBA). Your maximum benefit amount (MBA) is the most you can receive in your benefit year. It is 20 times your WBA, or one-third of your total base period wages, whichever is less. When calculating, your quarterly earnings are limited to 26 times your WBA.

[http://www.labor.mo.gov/DES/Claims/faqs\\_web.asp](http://www.labor.mo.gov/DES/Claims/faqs_web.asp) - RSMo 288.038

#### **13. Are Unemployment Benefits taxable?**

Unemployment insurance benefits are considered taxable income for both Missouri and the federal government. However, it is important to note that under the American Recovery and Reinstatement Act the first \$2,400 of benefits received is not taxable. Anyone receiving unemployment insurance benefits will be issued a 1099G at the end of January. 26 U.S.C. § 85

#### **14. What is Disaster Unemployment Assistance, or DUA?**

The Disaster Unemployment Assistance (DUA) Program provides temporary benefits to individuals whose employment or self-employment has been lost or interrupted as a direct result of a major disaster and who are not eligible for unemployment insurance (UI) benefits. 20 CFR § 625.1

#### **15. Can I recover disaster unemployment benefits or assistance?**

If an individual becomes unemployed due to a major disaster as declared by the President of the United States, he or she may be eligible for Disaster Unemployment Assistance. Before an



individual becomes eligible for DUA benefits, it must be determined that he or she is not eligible for any regular unemployment insurance benefits. 42 U.S.C. § 5177

## **16. Who qualifies for Disaster Unemployment Assistance?**

One of the following conditions of unemployment must have occurred as a direct result of the disaster to qualify for DUA benefits:

1. The individual has had a week of unemployment following the date the major disaster began
2. The individual is unable to reach his or her place of employment;
3. The individual was scheduled to start work and the job no longer exists, or the individual was unable to reach the job;
4. The individual was unable to reach the job;
5. The individual became the major support because the head of the household died as a direct result of the disaster;
6. The individual cannot work because of an injury caused as a direct result of the disaster;
7. DUA benefits are not available if you are entitled to regular UI benefits or waiting week credit. There is no waiting week required for DUA claims;
8. In order to be eligible for DUA benefits, individuals who meet one of the qualifying conditions above also must meet all the following eligibility requirements;
9. The individual is not eligible for regular UI benefits;
10. The individual is unemployed as a direct result of the disaster;
11. The individual is able and available for work, unless injured as a direct result of the disaster;
12. The individual filed an application for DUA benefits within 30 days of the date of the public; announcement of the availability of DUA funds;
13. The individual has not refused an offer of employment in a suitable position;
14. Payment will be made to unemployed U.S. nationals and qualified aliens, who as a direct result of a major disaster;
15. No longer have a job;
16. Are unable to reach the place of work;

17. Were to commence work and does not have a job or is unable to reach the job;
18. Have become the breadwinner for the household because the head of household has died or become incapacitated. (If you became a breadwinner due to the death of a self-employed individual, you are considered an unemployed worker for DUA purposes); or
19. Cannot work because of a disaster-incurred injury. - 20 CFR § 625.4

### **17. What benefits are available?**

DUA benefits are available to an eligible individual for up to 26 weeks as long as their unemployment continues to be as a result of the declared major disaster. Missouri's unemployment insurance laws determine the maximum amount of benefits that can be received each week. 42 U.S.C. 5177

### **18. How do I file a claim?**

1. Call 800-788-4002. A recording will give you important information about the DUA program and the phone number of your Regional Claims Center (RCC) to file your DUA claim.
2. Contact your RCC. A Claims Specialist will help you determine if you are eligible for any other unemployment benefits. If so, you will collect those benefits instead of receiving DUA benefits. If not, the representative will help you file your DUA claim. Please note, you will need to provide your Social Security Number (SSN).
3. Once your DUA claim is filed, you must continue to file a weekly certification each week to receive DUA benefits. Paper DUA weekly certification forms will be mailed to you. You must report all income from the week, including wages, even if you have not yet been paid for the work. Report pension or retirement pay if the Claims Specialist instructs you to do so, but do not report Social Security payments.

Your claim must be filed within 30 days of the announcement date of the major disaster.

[www.labor.mo.gov](http://www.labor.mo.gov) - 20 CFR § 625.8

## **E. BANKING AND FINANCIAL ISSUES**

### **Banking/FDIC Issues**

#### **1. The local banks are not cashing my checks or letting me withdraw money from teller stations, what can I do?**

If you have a bank account somewhere, they will cash your checks. If you don't, they may not cash your check unless a special arrangement with a bank exists.

#### **2. My direct deposit is not showing up in my account, and I need money. Is there somebody who can help me clear this up with the bank?**

Sometimes there are delays in the processing of transactions, including direct deposits, as banks activate backup plans to deal with natural disasters. If any delays exist, they should be rectified soon. You should talk to your bank directly about the problem. You may also want to contact the individual or company that originated the deposit to see if they have any information about the status of your deposit.

#### **3. If my ATM card does not work, what should I do?**

If your ATM card will not work, you should contact your bank directly. It may be your bank's verification system is not working. You may consider cashing a check or using a credit card. If you cannot contact your bank, you should contact one of the emergency service organizations, such as FEMA or voluntary organizations as they may be able to provide some immediate assistance.

#### **4. I am no longer working due to the storm and don't have the income to live on and meet my payments. If I miss some loan payments, how will this affect my credit? Will I be charged late fees?**

Banks usually work with customers hardest hit by natural disasters. You should talk to your bank directly and see if they may be willing to (i) allow some loan payments to be skipped without it counting against your credit history, (ii) extend the terms of your loan, and/or (iii) restructure loans to take into account your new circumstances. Before skipping payments contact your bank. The FDIC usually encourages financial institutions to work with borrowers who are experiencing difficulties beyond their control because of damage caused by a natural disaster.

#### **5. I need longer term financing until insurance checks come in, and I can find another job, will banks help?**

Not all banks provide short-term, unsecured loans, but regulators usually encourage banks to consider making loans on a short-term basis to help consumers.

**6. Where can I find a list of banks that are working with displaced people?**

The FDIC encourages depository institutions in affected disaster areas to meet the financial service needs of their communities. This includes extending repayment terms, restructuring existing loans or easing terms for new loans. You can contact your bank directly to see if they've adopted a policy for assisting displaced people.

**7. What about the contents of my safe deposit box? Does FDIC insurance cover safe deposit boxes?**

Deposit insurance does not cover safe deposit contents. Most safe deposits are held in the bank's vault, however, which are fireproof and waterproof. Contact your bank branch where your box was located to determine the condition of your box.

**8. How will I get my Social Security check?**

Your social security check should still be going to your account at your local bank. If there have been any disruptions, you should contact your bank or the Social Security Administration directly.

To get your social security check if you have not been receiving direct deposit, go to the nearest office of the Social Security Administration which can be located by calling 1-800-772-1213.

**9. I am worried about ID theft since my home was severely damaged during the storm or I am not sure where my belongings are at the moment. What do I do?**

You may place a fraud alert on your account by calling any one of the three main nationwide reporting companies at the numbers listed below. The alert tells creditors to follow certain procedures before they open new accounts in your name or make changes to your existing accounts.

Equifax: 1-800-525-6285

Experian: 1-888-EXPERIAN (397-3742)

TransUnion: 1-800-680-7289

**10. What happens if my bank has lost my records?**

Normally, banks do not lose records in times of natural disasters. Banks are required to have extensive contingency plans for all types of disruptions to operations including natural disasters. Banks have backup systems of records and other built-in duplications that are housed in safe locations so financial records can be reconstructed and restored.

**11. If my local bank was destroyed, is my money still insured?**

Yes, your money is still insured by the Federal Deposit Insurance Corporation (FDIC). Deposits with a FDIC insured bank or savings institution will continue to be protected up to \$250,000. However, you should keep any financial records you have in order to help reconstruct your accounts.

## **F. CONSUMER DISASTER RECOVERY ISSUES**

### **What Missouri laws prohibit price gouging?**

Price gouging refers to artificially inflated prices on necessities after a disaster, natural or otherwise, so consumers should be aware of products that have suddenly seen large increases in price. Price gouging is illegal in Missouri.

Missouri law prohibits individuals and businesses from substantially raising their prices for the necessities of life during such an emergency. Missouri has seen price gouging after the onset of ice storms, hurricanes, floods, and other natural disasters. The types of goods and services covered by the price-gouging law include: food, water, gasoline, hotel rooms, kerosene, gas-powered generators, and other basic necessities. Those who violate the price-gouging provisions can face penalties of up to \$1,000 per violation. The Attorney General's office is vigilant in enforcing Missouri's law against this type of activity.

MO 15 CSR § 60-8.030 prohibits charging an "excessive price" for any necessity within a "disaster area" or charging an "excessive price" for any necessity the seller has reason to know will be provided to consumers in a disaster area. The regulation also prohibits taking advantage of a person's physical or mental impairment and/or hardship to charge a price substantially above the previous market price. Those in violation can face penalties up to \$1,000 per violation plus restitution and injunctive relief. If knowingly committed, persons can face felony charges.

After damaging storms and natural disasters, con artists can take advantage of consumers who are in desperate need of help.

Missourians who suspect price gouging or other fraud can file a complaint with the Attorney General's Office at <http://www.ago.mo.gov>, or by calling the Consumer Protection Hotline at 1-800-392-8222.

### **What is "Home Equity Fraud"?**

Home equity is the market value of the home minus the mortgage and other liens on the home. For example, if a home's market value is \$100,000 and the mortgage and all liens are \$80,000, the equity is \$20,000.

Home equity fraud is the taking of a homeowner's equity by fraudulent means. Victims of home equity fraud are most often elderly persons and persons with limited English proficiency.

## **Be Cautious about the Following Scams**

### **Appliances**

If one repair person tells you that an expensive or major appliance should be replaced, ask for the opinion and replacement cost in writing. Ask to see the contractor's state and/or local business license. Talk to your insurance adjuster about the cost, and consider getting a second opinion. Make sure your contract lists materials to be used and a completion date. As always, don't make the final payment until the work is completed and you are satisfied with the job.

### **Automobiles**

If your car was submerged in at least a foot of standing water for more than an hour, have it checked out by a car dealer or repair shop. Even if it runs, hidden damage could pose problems later on.

Get detailed written estimates and keep copies of receipts and invoices.

If you're buying a used vehicle, inspect it carefully. Look at hidden parts or crevices to check for mud or silt, which indicates water damage.

Some clues include:

1. New upholstery or carpeting;
2. Dirt or mud in air vents or on top of the engine;
3. Musty or moldy smell;
4. Fluid contamination such as oil, power brakes and transmission. A mixture of motor oil and water looks milky white.

Before you buy a used car, do a title search for the current owner's name and address, purchase date, purchase price, sales tax, if owner is a car dealer, and odometer reading. You must have the Vehicle Identification Number (VIN) to do this. It's on the dashboard.

The [National Insurance Crime Bureau](#) (NICB) has compiled a database of vehicles affected by hurricanes and other events. The information in this database was gathered from a number of sources, including insurance companies, salvage yards and state and local authorities. NICB is allowing individuals to check VINs free of charge as a public service to help determine whether a specific vehicle was involved in either hurricane. In addition, some, but not all, states require that a vehicle's title indicate when it has been salvaged.

## **Charity Scams**

Most charitable organizations are honest and put donations to good use. But some spend the majority of donations they receive on salaries and administrative costs. Occasionally, scam artists solicit donations for fake or existing charities and pocket the money. Before you give, consider this:

1. Don't judge a charity by its name. False charities may use names that closely resemble legitimate charities.
2. Don't let callers play on your sympathy by identifying their organization with a natural disaster. This can be a tactic to get your money.
3. Don't be pressured. Give only when you are comfortable with the charity.
4. Don't commit over the phone unless you have fully checked out the organization.
5. Avoid cash donations and make checks payable to the organization, not to an individual.
6. Be careful about letting solicitors into your home. If you are solicited by telephone, ask if the caller works for a professional fundraiser. Professional fundraisers may take 95% of your donation, so you are best to give directly to the organization.
7. Charities are required to register with the Missouri Attorney General's Office, and to file certain financial disclosures. Check the charity out online at [www.ago.mo.gov](http://www.ago.mo.gov)

Also, see Federal Trade Commission (FTC) consumer alert on "[Before Giving to a Charity](#)" or "[Disaster Preparedness](#)"

## **Contractor Scams**

After a disaster hits your area, you may discover that your damaged home or business may need extensive repair or demolition. Insurance settlements and relief from the federal government to property owners can provide con artists with opportunities to profit unfairly. It's no secret that fraudsters follow the money, attracted by the demand for repairs and the availability of funds.

When you deal with contractors:

1. Ask for copies of their general liability and worker's compensation insurance;
2. Check their identification and references;
3. Some towns or counties require a license, find out if yours does, and if so, only hire those with the proper license;

4. Don't pay more than the minimum in advance;
5. If the contractor says he needs money for materials, buy the materials yourself and have them delivered to your home as they are needed;
6. Deal with reputable people in your community;
7. Check out the business (see below);
8. Call the Attorney General's office, police, and the Better Business Bureau if you suspect fraud.

If your house is severely damaged, make sure you can legally rebuild if you intend to. When you file for a building permit, local inspectors will determine what federal regulations you must comply with. Make sure you check the building permit for any restrictions yourself and that the new structure meets any elevation standards.

If your house is basically intact, but you need a contractor to help with some repairs, ask questions first and pay later. **Remember to be skeptical.**

### **Choosing a Contractor**

Get recommendations from friends, relatives, neighbors, co-workers, insurance agents, or claims adjusters. You may also refer to a disaster case manager to vet a contractor.

Deal only with licensed and insured contractors. Check with the Attorney General's Office at <http://www.ago.mo.gov> the local Better Business Bureau and Home Builders Association to see if complaints have been lodged against any contractor you're considering.

Be skeptical of contractors who encourage you to spend a lot of money on temporary repairs.

Get a written estimate that includes any oral promises the contractor made. Remember to ask if there's a charge for an estimate before allowing anyone into your home. Don't let anyone in your home who doesn't have proper identification.

Take your time about signing a contract, and don't be rushed to sign immediately even in the urgency of a disaster. Ask for explanations for price variations, and don't automatically choose the lowest bidder. Resist dealing with any contractor who asks you to pay for the entire job up-front or with any contractor who offers to do the job for the full amount of your insurance payout and refuses to give you an itemized bid or estimate. A deposit of one-third of the total price is standard. Pay only by check or credit card and pay the final amount only after the work is completed to your satisfaction. Don't pay cash.

Get estimated dates for completion of the project (or stages if it is a big job), and be skeptical if the dates appear to be too quickly. Overpromising results can be a sign of unreliability on other things as well.

Ask a knowledgeable friend, relative or attorney to review a home repair contract before you sign. Get a copy of the final, signed contract before the job begins.



If the work is not on your primary residence, ask the contractor you choose to provide a lien waiver before starting your job. This is a receipt that says the workers and suppliers of material will not ask you for money once you have paid the contractor. In any case, don't sign a consent of owner statement: it says you, the property owner, will cover the costs of materials and labor if the contractor doesn't pay.

### **Damaged or Lost Documents**

It is important to replace any legal documents that have been damaged or lost. Among those documents that should be replaced – and the contacts – are:

1. Deeds and recorded real estate documents: County's Recorder of Deeds;
2. Mortgages and other credit: Lender or financial company;
3. Leases: Landlord or financial company;
4. Insurance policies: Insurance company/agent;
5. Wills: Attorney. If the will is destroyed, you'll need another;
6. Checks/Passbook Savings book/Investment materials: Bank, Investment Company, or your Broker;
7. Auto Title/Driver's License: Secretary of State or Department of Motor Vehicles;
8. Birth Certificate: Vital Statistics Office from county where person was born;
9. Social Security Card: local Social Security Administration Office;
10. Tax Returns: IRS Center;
11. Passports or Visas: US Department of State. The closest emergency locations are in Hot Springs, Arkansas and Chicago, Illinois. You won't have to pay for a replacement (other than getting new photos) if you submit a sworn statement about losing it in a declared disaster area.
12. Other important documents, such as contracts or divorce judgments: Attorney or the court.

A very important document to have at this time is your credit report because it lists all your creditors. Everyone is entitled to one free credit report every 12 months from each of the three national credit reporting companies. Log on to [www.annualcreditreport.com](http://www.annualcreditreport.com) or call, toll-free, 1-877-322-8228 for your free credit report. If you have already gotten your free credit report this year from each of the companies, you may have to pay for another copy – but it won't cost more than \$9.50.

## **Debris Removal Scams**

If you are dealing with a company or person who promises to remove debris from your property, ask them to list the services they will provide in writing. Don't make the final payment until you have inspected the job and are happy with it. Check around for prices to make sure you are not overcharged.

## **Door-to Door Sales (Cooling off rule)**

After a disaster, you may find salespeople at your door offering a variety of home-repair products or services. You have certain cancellation rights when sales occur in your home, from the back of a truck, or anywhere but the seller's established place of business.

If the sale is more than \$25, you can cancel within three days and still get a full refund. The salesperson is required to tell you about your three day right to cancel and give you a form to use. This is required under the Missouri Merchandising Practices Act.

You can cancel for any reason, but you have to do it in writing. Sign and mail the form the salesperson gave you at the sale. Make sure it is post-marked before midnight on the third business day after the sale. Report any problems with door-to-door sales to the Federal Trade Commission at [www.ftc.gov](http://www.ftc.gov), or 1-877-FTC-HELP.

## **Fake Disaster Officials**

Always ask for identification from any officials who stop at your home or your temporary shelter. Some scam artists claim to be government officials who could help you qualify for disaster relief payments for a "processing" fee. Others masquerade as safety inspectors or utility repair men who say immediate work is required. Still others say they can get you FEMA funds for a fee. FEMA does not charge application fees. In fact, no government agency charges application fees.

Verify the credentials of anyone who is offering you low-interest government loans. Confirm that they are affiliated with such agencies by calling the agencies if necessary. FEMA, SEMA, and law enforcement personnel always have official government identification.

## **Flood Restoration**

Your home and its contents may look beyond hope, but many of your belongings can be restored. If you do things right, your flooded home can be cleaned up, dried out, rebuilt, and reoccupied sooner than you think.

**Play it safe.** The dangers are not over when the water goes down. Your home's foundation may have been weakened, the electrical system may have shorted out, and floodwaters may have left behind things that could make you sick. When in doubt, throw it out. Don't risk injury or infection.

**Ask for help.** Many people can do a lot of the cleanup and repairs needed after a flood. But if you have technical questions or do not feel comfortable doing something, get professional help.

If there is a federal disaster declaration, a telephone "hotline" will often be publicized to provide information about public, private, and voluntary agency programs to help you recover from the flood.

**Clean up/dry cleaning services.** Be careful of businesses that offer to clean all your clothes, blankets, or your home. Get a written contract that states exactly what they are going to do and the total amount it will cost you.

**Flood proof.** It is very likely that your home will be flooded again someday. You can save a lot of money by flood proofing as you repair and rebuild. You should also prepare for the next flood by buying flood insurance and writing a flood response plan.

For more information, read the American Red Cross's Repairing Your Flooded Home available on their website, [www.redcross.org](http://www.redcross.org) or by calling the American Red Cross directly.

### **Foundation, Excavation or Waterproofing Work**

Occasionally, workers offer to use "leftover" materials to repair your home. Very often, these are not left over from a previous job, but rather poor quality materials. Some states report that common household paint has even been used in fraudulent waterproofing scams. What can you do?

1. Get all proposals and contracts in writing.
2. Get a second opinion.
3. Check the identification of the workers.

Inspect the work before it is covered with dirt, siding, etc., – or ask independent and qualified people to check the work for you before it is covered and you pay for it.

### **Home Ownership Issues**

If your home is damaged and you can't live there, you still have a mortgage. Contact your lender immediately. After a disaster, many institutions will allow a grace period during which they may suspend your obligation to make mortgage payments. See FAQ's in the HOMEOWNERS & MORTGAGES section of this document for a more complete explanation.

### **Home Repair Scams**

Consider any offer that is made on a "now or never" basis to be fraudulent. Ask to sleep on any offer and get a phone number to call back.

### **Paying for Repair Work**

Never sign your insurance check over to a contractor. Instead, arrange with your bank for a Certificate of Completion. The bank will pay the contractor for each stage of the job only after you have given your okay.

The U.S. Federal Emergency Management Agency (FEMA) operates a Disaster Housing Program to help homeowners who have been forced out of their homes by disasters. This

includes Disaster Home Repair Assistance, which provides grants to homeowners for minor but necessary disaster-related repairs. Call the FEMA Disaster Helpline at 1-800-621-FEMA.

The U.S. Small Business Administration makes low interest loans of up to \$200,000 to homeowners to repair or replace damaged or destroyed real estate.

If you get a loan to pay for the work, be cautious about using your home as security. If you don't repay the loan as agreed, you could lose your home. Consider asking an attorney to review the loan documents.

If you used a credit card to pay for a product or service in dispute, you may be able to recover your money. Write the credit card company a letter with the details of the matter; you must do this within 60 days after you get the disputed bill.

If you suspect a repair rip-off, contact the consumer division of your state Attorney General's office. For a list, visit [www.naag.org](http://www.naag.org). If you suspect fraud, waste or abuse involving FEMA disaster assistance programs, report it to the Department of Homeland Security's Inspector General's Office at 1-800-323-8603.

## **Identity Theft**

### **Guarding Against Identity Theft in the Aftermath of a Disaster**

If you are recovering from a natural disaster, you will need to share your personal information to get relief benefits from government agencies or other organizations, or replacement identification documents. **Be cautious.** Identity thieves may be posing as government officials or representatives for government agencies. Ask for identification, and when possible, initiate contact yourself using information posted on official websites or in official information dissemination areas.

If you find that you inadvertently gave out your personal information to a thief, if your wallet was stolen, or if you are concerned that your information may be accessible to thieves, contact your financial companies about closing your accounts. When you open new accounts, place passwords on them. Avoid using your mother's maiden name, your birth date, the last four digits of your Social Security number or your phone number, or a series of consecutive numbers.

If you inadvertently gave out your Social Security number to a thief or know that it was stolen, you may want to place a fraud alert on your credit reports. Fraud alerts can help prevent identity thieves from opening new accounts. But note that when you place a fraud alert on your credit file, companies take certain steps to verify your identity before they issue you credit. You may experience a delay in getting credit, especially if you have lost some or all of your identification documents. If you decide that placing a fraud alert is appropriate, call the toll-free fraud number of one of the following credit bureaus:

Equifax: 800-525-6285  
Experian: 888-397-3742  
TransUnion: 800-680-7289

If you're concerned that you may be a victim of identity theft, you can check your credit report. If an identify thief is opening new credit accounts in your name, these accounts are likely to show up on your credit report. You can get your report free from [www.annualcreditreport.com](http://www.annualcreditreport.com), or 1-877-322-8228. Check your report to make sure it is accurate.

Disasters can often transport items over many miles, and the personal documents of people impacted by those disasters can become lost. The Attorney General's Office offers the following suggestions for people whose personal financial information was lost:

1. Contact your credit card companies and let them know of your situation. Ask if the company can put a pass code or change your account number to protect their use.
2. Contact your bank to request similar assistance.
3. Stop the issuance of your credit reports by putting a security freeze on your account. New credit is not given without a credit report, so if you prevent the credit report from being issued to new potential creditors, it will stop the unauthorized credit. See FAQ-9, "I am worried about ID theft since my home was severely damaged during the storm or I am not sure where my belongings are at the moment. What do I do?" in the BANKING & FINANCIAL ISSUES section of this document for more details.
4. Ask your credit card company and bank also to monitor your accounts for any suspicious activity.
5. If you get a call from someone claiming to be from your bank or credit card company, don't give them your information, tell them you will call them back and hang up. Then, find the correct phone number (from the back of your credit card or your bank statements) and call that number.
6. Monitor your accounts closely to minimize the damage. If improper charges appear on your credit card statements, federal law allows you only sixty days to challenge the charge. Do this in writing even if you are already talking to the credit card company on the phone.
7. Consider running a credit report periodically with all three credit bureaus to make sure no one has used your identity.
8. Sadly, you may discover mail belonging to other people. In that situation, the United States Postal Inspector's Office encourages you to either (a) give it to your letter carrier and tell him/her that it is found mail or (b) put the mail in a bag with a note stating that it was found mail and take it to a post office window or drop it into a mail deposit box.

9. Don't give out your Social Security or account numbers unless you initiate the contact.
10. Stop your mail service during the time you are unable to return to your residence, or have your mail forwarded to another address

### **Job Scams**

Most disaster-related job scams involve advertising job opportunities, such as floor clean up or other labor requiring a payment in advance however, they do not produce a job. Job listings from 800 and 900 phone numbers are of special concern. Classified ads telling you to call a 900 number for a job referral are an expensive way for someone to read you classified ad listings. Report job scams to the FTC at [www.ftc.gov/complaint](http://www.ftc.gov/complaint), or 1-877-FTC-HELP and to the Missouri Attorney General.

### **Pest Control**

Disaster clean-ups bring out pests. Check any offers of free inspections: They could result in unnecessary and expensive treatments. Get a second opinion.

### **Rental Listing Scams**

After a disaster, many people are in need of someplace to live. In a rental listing scam, someone promises to find you housing, but asks you to pay for the promise in advance. Usually state law requires a prepaid rental listing service to give you a written contract. Read it carefully. Meanwhile, know that con artists may try to charge you a fee for the promise of housing that doesn't exist.

### **Utility Related Scams**

Sometimes, fraudsters lie about the quality of the water supply to get you to buy overpriced or useless water treatment devices. Or door to door con artists portray themselves as utility workers checking out safety issues. They're really casing your place. Ask for identification before you let anyone in, and make sure you can believe it by checking out the company.

### **Water Treatment or Purification Devices**

Fraudulent firms may try to sell you overpriced or useless water treatment devices by offering to test your water for free. Offers to test the tap water in your home for free are almost always part of a sales promotion. No single device can solve all kinds of water problems. Don't drink any tap water until the local authorities have said its okay.

If you're on a public water system, your local water-utility office can tell you about water safety problems and what to do. The health department can answer your questions about private wells. And if the seller claims the water treatment device can remove contaminants, don't buy it until you find out if the seller is properly registered and the treatment system is properly certified with the state department of public health.

## **Contractor Scams**

Be on the alert for “storm chasers” – companies that follow severe weather and try to contract with homeowners who have suffered storm or tornado damage to provide roofing and other repair services. Company representatives will typically go door to door in storm-damaged areas posing as recovery experts or contractors specializing in home repairs.

These storm chasers will ask homeowners to sign a contract allowing their company to negotiate with the homeowner’s insurance company. The companies generally use high-pressure sales tactics; ask for cash up front; may have out-of-state drivers licenses or plates; be unable to produce local references; and have no proof of workers’ compensation insurance. Often, they perform shoddy work, then leave the area, leaving the homeowner with little or no recourse.

Storm chasers strike at a time when people are at their most vulnerable, trying to capitalize on the misfortunes of storm survivors. The elderly and disabled are particularly at risk because they may be unable to assess the damage to their homes themselves.

Use the following tips to avoid being scammed by the storm chasers:

1. Get at least two estimates on work in writing before choosing a contractor to repair your home or remove debris.
2. Never enter into or sign a contract while reviewing it quickly – review the contract and check with the Attorney General’s Office and the Better Business Bureau for complaints and information regarding the company and or individuals representing the company.
3. Ask how long the company has been in business and their physical location.
4. Know where you are getting your supplies and get invoices for all purchases.
5. Ask for insurance and licensing information, and make sure the company has the proper work permits before work begins.
6. Never pay cash up front before the job is completed. Paying by check is the best method.
7. Watch for price gouging on materials and work to be provided.
8. Don’t pay full price for services you have yet to receive. Make full payment only when the terms of your agreement have been met.
9. Always get a phone number and address for the company represented, and then check it out.
10. Ask for local references and check with them about the work provided.

11. If you notice out-of-state plates, logos on vehicles, etc., make note of the information.

### **VICTIMS OF SCAMS**

If you or someone you know is a victim of one of the above scams, contact the Missouri Attorney General's Office at: [www.ago.mo.gov](http://www.ago.mo.gov) or 1-800-392-8222.



## **G. INSURANCE ISSUES**

### **1. Can I obtain immediate financial assistance from my homeowner's insurance company to pay for additional living expenses while I am displaced from my damaged or destroyed property?**

Under your home owner's insurance policy, you may be entitled to additional living expenses. It is important that you ask your insurance company about these benefits. After the disaster ask your insurance company for a copy of the policy so that you can confirm what things are covered.

### **2. Do I have to continue paying my insurance premium even after the disaster?**

Generally you must continue to pay your policy premiums, but there are circumstances under which some companies will grant extensions on payment deadlines.

### **3. What is covered under the typical homeowner's policy?**

The following things are generally covered by someone's homeowner's policy: the dwelling and any other structures on the property, personal property, additional living expenses, and comprehensive personal liability protection. Other miscellaneous associated additional coverage may also be included. It is important that the insured is familiar with his/her policy.

### **4. What do I do to preserve my claims and protect my right to get paid under my policy?**

It is very important that you call your insurance company, agent, or broker as soon as possible after a disaster and report your loss. It is a good idea to write down the names of anyone you speak to. You will be given a claim number. Write this down as well. Whoever you speak to, please give the insurance company all your contact information and keep it updated.

### **5. I have a renter's insurance policy. What does that do for me?**

If you have a renter's insurance policy that you think may cover your damage, call your agent, insurance company, or broker as soon as possible to report your loss.

### **6. Are there any special insurance considerations for condominium owners?**

Condominium owners should check for coverage for damage under both the association policy and your individual coverage under your owner's insurance policy.

### **7. What is "proof of loss"?**

Policies of insurance often provide that the insured must provide proof of loss to the insurer. The purpose of this is "to inform the insurance company of the essential facts in the case which are necessary for the determination of liability." *Hughes v. Patriotic Ins. Co. of America*, 193 S.W.2d 958, 960 (Mo. App. 1946). Upon the receipt of the notice of loss, the insurer should advise the insured as to what is necessary to constitute proof of loss. Your policy may specify a timeframe in which the proof of loss must be submitted back to the insurance company.

## **8. What are my duties as the insured?**

An insured has the burden of establishing the loss resulted from a peril insured against. An insurer on the other hand, has the burden of establishing that a loss of or damage to property within the coverage proximately caused by a peril insured against is excluded from coverage. Your policy will outline your duties after a loss.

## **9. What do I need to do in order to get an insurance adjuster to my house to look at my damage?**

When you first call your insurance company, request that they send an adjuster to take a look at your property. It is best if you make this request in writing. If necessary, contact the Missouri Department of Insurance, Financial Institutions and Professional Registration (DIFP) at 1-800-726-7390.

## **10. Someone claiming to be from my insurance company or the Missouri Department of Insurance has asked me to pay them money in order to expedite my claim. Is this legitimate?**

No. Victims should be aware of anyone who claims that they are working on behalf of the government, the Missouri Department of Insurance, Financial Institutions and Professional Registration (DIFP), or your insurance company and asks for money to help expedite your claims. Ask this person for their name and credentials and immediately report them to your insurance company or contact the Missouri Department of Insurance, Financial Institutions and Professional Registration.

## **11. What should I do to prepare for the insurance adjuster to come look at my property?**

Try to make a list of all the damaged and destroyed property. Take pictures, collect names, addresses, and phone numbers of witnesses, obtain repair estimates, keep a record of expenses, such as alternative housing, etc. and locate bills and receipts for lost items if possible. When and where you purchased things, as well as brand names, and model numbers are helpful information.

## **12. I have been approached by a “public adjuster”. What is this?**

A public adjuster is a state-licensed individual who represents homeowners in claims negotiations with their insurance companies. Public adjusters may offer to help customers get more money for their insurance claims. Their fee is usually a percentage of the claims payment.

You should always try to work directly with your insurance company to resolve a claim. If you cannot come to an agreement or you have difficulty resolving your claim, you may consider hiring a public adjuster. However, you should be aware that you will have to pay a fee.

Before signing a contract with a public adjuster, be sure to verify with the Missouri Department of Insurance that they are licensed properly. You may call the Insurance Consumer Hotline at 800-726-7390 or visit <http://insurance.mo.gov/>

**13. How much can I be reimbursed for the repairs by my insurance company?**

Most insurance companies will only pay for the reasonable cost of repair. If prices quoted for repairs appear inflated, get another estimate and obtain your insurance company's agreement before undertaking repairs. Remember that your claim will only be approved to the extent that it does not exceed your policy limit. If you undertake repairs at an inflated price, you may reach your maximum policy limit very quickly.

**14. What is the difference between Replacement Cost and Actual Cash Value?**

Replacement Cost provides you with the dollar amount needed to go out and replace the damaged item with one of similar kind and quality without deducting for depreciation (the decrease in value due to age, obsolescence, wear and tear, etc.). Actual cash value policies pay you the amount needed to replace the item minus depreciation.

**15. I need money now and can't wait for an adjuster to look at the property. What should I do?**

Some policies provide for reimbursement for temporary housing and relocation costs while your home is being repaired and for car rental costs while your car is being repaired or replaced. It is also important that you try to mitigate damages as much as possible. Boarding up windows, tarping roofs, and other quick repairs to make the structure as secure and weather proof as possible are very important. Clearing debris and moving property to secure areas are important to do. However, you should always check with the insurance company before taking any such actions if possible. Also, avoid disposing of any items until the insurance company has examined them. Take photos of everything along the way in order to document the process.

**16. Will making emergency repairs on my own, or hiring someone to do so, negatively affect my insurance payout?**

No. Most homeowner's policies cover materials and reasonable labor expenses for temporary and emergency repairs. If possible, try to get several estimates. When you make your initial call to the insurance company ask the representative whether the company will reimburse you for work you do yourself. It is important to remember to keep all receipts.

**17. Are there any circumstances where I should just sign my insurance proceeds over to a contractor?**

No! If you have extensive repair work to be done, the contractor may ask for periodic payments as the work progresses, but reputable contractors rarely ask for full payment in advance. Make sure you review the contract you sign with the contractor. Ensure that there are clear terms and that it calls for payment upon completion. If you have a mortgage on your home it is imperative you also talk with your lender as they may have specific requirements as to how any insurance funds are distributed and paid out.

**18. My insurance company has offered to settle my claim and I'm not sure if it is a fair settlement amount. Who should I go to consult with?**

You should consider consulting with an attorney before signing any releases or waivers and before cashing any checks from the insurance company which might be deemed the full and final payment of your claim. It is important that you have taken steps to be fully aware of the full extent of your damages and the full value of your claim before you attempt to settle with the insurance company. In some cases you may have to get estimates or physically get the work completed before you can agree to a specific figure with the insurance company.

**19. My insurance company has offered me significantly less than I believe I am owed, or has denied my claim all together. What should I do?**

Any denial or limiting of your claim by the insurance company should be given to you in writing. If you do not receive this in writing you should demand it requesting the specific reasons. An attorney should review these reasons. Ask for any documents or reports prepared by the insurance company that factored in to their decision. Most policies require that you bring suit against the insurance company within one year from the date of occurrence of the damage. You should contact the Missouri Department of Insurance, Financial Institutions and Professional Registration or consult an attorney if you have more questions.

**20. I don't know if the damage to my home is covered by my insurance policy.**

Homeowner's insurance policies generally cover most storm-related disaster damage with the exception of damage caused by flooding. You should check and see if you have a separate flood insurance policy. The federal government provides coverage for flooding under the National Flood Insurance Program.

**21. My policy is not going to cover all the damage to my home and personal property, what can I do?**

It is possible that you are eligible for benefits from FEMA. See the FEMA section of this manual. Also, Long Term Recovery Groups (LTRGs) and disaster case managers may be able to refer you to other sources of assistance to help with costs that are not covered by your insurance policy. See "Disaster Case Management" in Section B of this manual.

**22. Does the damage my car received in the disaster get covered under my auto insurance or my homeowners insurance?**

It depends on your policy. Please consult with your insurer to see what is covered under your existing comprehensive policy.

**23. I have my insurance settlement but it's going to be six months before I can move back into my home. Where can I live in the meantime?**

Additional Living Expense coverage will pay you for the costs you incur in excess of your normal living expenses. It is important that you find out from your insurance company if there are any restrictions on how long you can stay or how much you are allowed for hotel rooms, etc. Other costs such as higher utility bills and the cost of storage of your personal belongings may be covered.

**24. What should bids for repairs include?**

If possible, get bids from reliable, licensed contractors. Ask around, get references, and check with local organizations to see if they are reputable. The bids they give you should include details of the materials to be used and prices on a line-by-line basis. This makes adjusting the claim faster and simpler.

**25. What about fallen trees? Does insurance pay to remove them?**

The general rule is that the tree must cause damage to your home or property before the insurance company will pay for clean up or removal. If it is physically on your house the insurance company should pay for its removal.

**26. What happens when a tree on adjacent property falls and causes damage?**

Unless you can prove that your neighbor was negligent in some way, the neighbor's policy covers his/her house and your policy covers your house, irrespective of where the fallen tree originated from. The general rule is that a person is not liable for injuries or damages caused by a disaster or an "Act of God" where there is no fault or negligence.

In addition to fallen trees from a neighbor's property, when personal property is carried away by wind or flooding and comes to rest on the land of another, it still remains the property of the original owner and the original owner may enter and retrieve it. If the landowner refuses to let the original owner of the property enter or appropriates the property for the landowner's use, the original owner of the property will have an action against the landowner. On the other hand, the landowner has no obligation to preserve the property and may move the property if necessary to use the land, provided such action is taken in a reasonable manner.

**27. My business owns vehicles which were damaged in the disaster. Which of my insurance policies covers them?**

This depends on the type of insurance coverage you have, and what caused the loss. Check with your insurance company to see what policies you have and what they cover.

**28. My business was damaged in the disaster. Does my commercial property policy cover the damage to the building and its contents?**

Commercial property policies generally pay for direct physical loss or damage to the covered property resulting from a covered loss. Such properties often include exclusions. It is important for you to be aware of what those are.

**29. Does my business commercial property policy entitle me to replacement costs?**

Policies typically pay cash value which takes into consideration the appreciation of the property. However, endorsements may be available which will provide coverage on a replacement cost basis.

**30. My business cannot operate in light of the disaster. Will my insurance cover my lost business?**

Business Interruption Insurance may entitle you to recover the net profits and fixed expenses you fail to earn because of the interruption of your business resulting from a disaster. An insured has the burden of establishing the business income loss incurred.

## H. WILLS AND ESTATES

The Missouri Probate Code, or RSMo Chapters 472-475, governs the payment of debts and distributions of the deceased individual's assets. This body of law is highly statutory and Chapters 472-475 is the best resource for any questions you may have.

After a person passes away (also known as the "decedent"), their assets and debts (that are not otherwise controlled by joint tenancy or by pay-on-death beneficiary instructions) pass directly into his/her estate. All assets of the decedent belong to the estate, subject to the aforementioned exceptions.

### **1. A relative died as a result of the disaster and we are not sure if she had a will. What should we do?**

First establish whether the decedent had a will, as that fact will channel the probate process into either the [a] testate (with a will); or [b] intestate (without a will) process.

First, relatives should search for the will in any place where the decedent may have kept it. Often, the will is kept one of the following places:

1. Safe or lockbox;
2. Safety deposit box;
3. In the decedent's personal files;
4. With a trusted friend or relative; or
5. With the decedent's attorney.

Under RSMo 473.043, any person in custody of the decedent's will is obligated by law to deliver the will to the court. This can be done by [a] delivering the will to the probate division of the circuit court with jurisdiction over the estate; or [b] delivering the will to the probate division of the circuit court where the will was found. That court will make a copy and send the original to the circuit court with jurisdiction. Failure to deliver the will to the court may subject the person in possession of the will to contempt of court.

If the will is in a safe deposit box, a copy may be made. However, the original will must be delivered to the county clerk by the depository (i.e. bank), as they have custody of the will per RSMo 362.488.

### **2. We know that our relative does not have a will. What happens now?**

Once determining that the decedent did not have a will, the relative should [a] collect and "freeze" the assets of the estate; and [b] see an attorney practicing probate law as soon as possible. If the intestate estate is probated, [c] an administrator will be appointed to pay the debts of the estate and [d] distribute remaining assets.

### **Collect and “Freeze” Decedent’s Assets**

It is important that no one distribute or give away any assets of the estate before the court determines that the estate has sufficient funds to pay all of the decedent’s debts. A person who distributes or gives away the assets of the estate can be personally liable for the value of the assets to the estate (RSMo 473.550). Only the decedent’s bills necessary to maintain the real estate owned or rented by decedent (if any) should immediately be paid. These bills include the mortgage payments, homeowner’s \ renter’s insurance, electrical, natural gas, water, or other bills necessary to maintain the premises in its current condition. Other than those bills, no bills of the estate should be paid until an administrator has been appointed, the period to file claims against the estate passes, and the court determines the priority of the debts that should be paid.

### **Initial Meeting with an Attorney**

The initial meeting with the attorney is essentially an information gathering session, so the relative is encouraged to bring as much information and as many documents as he/she deems helpful.

The attorney will conduct an interview with the relative to determine a number of issues and collect the following information:

1. Whether the decedent had a will;
2. Biographical information of the decedent, including the complete name, address, social security number, marital status, the spouse’s name (if applicable), date of birth, date of death, and location of death;
3. Biographical information of the petitioning administrator including the complete name, address, date of birth, social security number, date of birth, contact information (phone numbers and e-mail address), and relationship to the decedent;
4. Biographical information on all known heirs at law including the complete name, address, date of birth, social security number, date of birth, contact information (phone numbers and e-mail address), and relationship to the decedent;
5. Information regarding the assets of the decedent, including recent bank statements, investment portfolios, insurance policies, appraisals, abstracts, promissory notes, contracts, and other documents reflecting the decedent’s ownership interest in the asset;
6. Information regarding the debts of the decedent, including bills, payment schedules, promissory notes, contracts, debtor contact information and other documents reflecting the decedent’s debts.



This will provide the attorney with enough information to start the probate procedure. If probate is necessary, the attorney will attend to the following items necessary to open an intestate estate:

1. Filing fee of \$300;
2. Filing Information Sheet;
3. Application for Letters of Administration;
4. Copy of death certificate;
5. Corporate surety bond in the minimum amount of \$10,000 or in the amount of the personal property;
6. Complete names, address and relationship of all heirs (family tree may be requested);
7. Indication as to whether independent or supervised administration is requested;
8. If independent is requested, need consent from all the heirs and a statement by the proposed Personal Representative and Attorney that the estate can be closed in one year; otherwise, default to supervised Renunciations of all persons entitled to act as Personal Representative or request that the application be set for hearing;
9. A designation of resident agent by non-resident Personal Representative and acceptance of the designated agent.

The attorney must also publish the Notice to Creditors in a local periodical, typically a newspaper, once a week for two successive weeks. Attorneys must further check with the MO HealthNet Estate Recovery program to determine whether any Medicaid liens exist against the decedent's estate and provide notice to all known creditors.

### **Duties of the Administrator**

After the administrator is appointed by the court, the attorney should prepare a letter to the administrator detailing the administrator's duties and how the goals of the estate are best accomplished. The administrator will have essentially the same powers over the decedent's assets as the decedent did during his/her lifetime, but without the range of discretion. The administrator must act for the benefit of the heirs at law and owes the estate a duty of good faith, care, and fair dealing. If the court determines that the administrator self-dealt or acted in bad faith, the administrator may be removed from his/her position and be liable to the estate for any damages it may have incurred.

## **Distribution of Assets**

If the debts of the estate are paid in full and assets are still owned by the estate, the remaining assets are distributed amongst the “heirs at law” according to RSMo 474.010-474.290.

### **1. A relative died as a result of the disaster and we know that she had a will. What happens now?**

If you determine that the decedent had a will and you are unable to find the original will, refer to the first question above.

Typically, only a properly executed will is enforceable in court. If you are unable to locate the original will, but you have an executed copy, a relative or attorney may petition the court to accept the exact copy of the will in the absence of the original. The relative or attorney thereof will have the burden of proving to the court that [a] the original will was destroyed, and [b] the copy of the will is identical to the executed original. If the court finds as such, the court may open the estate using an exact copy of the will, rather than the executed original.

Regardless of whether the relative is in possession of the original will or an executed copy, the relative should [a] collect and “freeze” the assets of the estate; and [b] deliver the will to an attorney practicing probate law as soon as possible. If the testate estate is probated, [c] an executor will be appointed to pay the debts of the estate and [d] distribute remaining assets

### **Collect and “Freeze” Decedent’s Assets**

It is important that no one distribute or give away any assets of the estate before the court determines that the estate has sufficient funds to pay all of the debts. A person who distributes or gives away the assets of the estate can be personally liable for the value of the assets to the estate. Only the decedent’s bills necessary to maintain the real estate owned or rented by decedent (if any) should be paid. These bills include the mortgage payment, homeowner’s \ renter’s insurance, electrical, natural gas, water, or other bills necessary to maintain the premises in its current condition. Other than those bills, no bills of the estate should be paid until after an executor has been appointed, the period to file claims against the estate passes, and the court determines the priority of the debts that should be paid.

### **Initial Meeting with an Attorney**

This initial meeting with the attorney is essentially an information gathering session, so the relative is encouraged to bring as much information and as many documents as he/she deems helpful.

The attorney will conduct an interview with the relative to determine a number of issues and collect the following information:

1. The location of the decedent’s will;

2. Biographical information of the decedent, including the complete name, address, social security number, marital status, date of birth, date of death, and location of death;
3. Biographical information of the petitioning administrator including the complete name, address, date of birth, social security number, date of birth, contact information (phone numbers and e-mail address), and relationship to the decedent;
4. Biographical information on all known heirs at law including the complete name, address, date of birth, social security number, date of birth, contact information (phone numbers and e-mail address), and relationship to the decedent;
5. Information regarding the assets of the decedent, including recent bank statements, investment portfolios, insurance policies, appraisals, abstracts, promissory notes, contracts, and other documents reflecting the decedent's ownership interest in the asset;
6. Information regarding the debts of the decedent, including bills, payment schedules, promissory notes, contracts, and other documents reflecting the decedent's debts.

This will provide the attorney with enough information to start the probate procedure. If probate is necessary, then the attorney will then attend to the following items necessary to open a testate estate:

1. Filing fee in the amount of \$300;
2. Copy of death certificate;
3. If Personal Representative named in the will is applying and bond is waived in the will, then no bond will be required; if not, \$10,000 minimum corporate surety bond is required;
4. Filing Information Sheet
5. Application for Letters Testamentary listing complete names, addresses and relationship of all the heirs and devisees with explanation if names do not match the will;
6. Indication as to whether independent or supervised administration is requested;
7. Consents to independent administration from devisees if not allowed in the will;
8. A statement from the Personal Representative and Attorney that the estate will be closed in one year, if independent administration is requested;
9. Refusal to qualify of named Personal Representative if they are refusing to serve;

10. Renunciations of persons entitled to act as Personal Representative, or request that the Application for Letters be set for hearing if applicant is not the Personal Representative named in will;
11. A designation of resident agent by non-resident Personal Representative and acceptance of the designated agent;
12. Application for Probate of Will;
13. Testimony of witnesses to will if not self-proving;
14. Provide names and addresses of witnesses if a Commission is required to prove the will.

The attorney must also publish the Notice to Creditors in a local periodical, typically a newspaper, once a week for two successive weeks. Attorneys must further check with the MO HealthNet Estate Recovery program to determine whether any Medicaid liens exist against the decedent's estate and provide notice to all known creditors.

#### **Duties of the Executor**

After the executor is appointed by the court, the attorney should prepare a letter to the executor detailing the executor's duties and how the goals of the estate are best accomplished. The executor will have essentially the same powers over the decedent's assets as the decedent did during his/her lifetime, but must act for the benefit of the beneficiaries of the will and owes the beneficiaries the duties of good faith, care, and fair dealing. The executor must also act in accordance with the intentions of the will. If the court determines that the executor self-dealt, acted in bad faith, or acted contrary to the intentions of the will, the executor may be removed from his/her position and be liable to the estate for any damages it may have incurred.

#### **Distribution of the Estate**

If the debts of the estate are paid in full and assets are still owned by the estate, the remaining assets are distributed amongst the beneficiaries of the will according to the distribution scheme enumerated in the will.

## I. HEALTH CARE ISSUES

### Information on Public Health Assistance

For information concerning disaster relief assistance services offered in Missouri, visit the following websites or links:

Missouri Emergency Management Agency

<http://sema.dps.mo.gov/>

Missouri Department of Health and Senior Services

<http://health.mo.gov>

#### **1. Do I need to get any vaccines before I return to clean up my home, which sustained damage in a flood?**

According to the World Health Organization (WHO) floods can increase the transmission of some communicable diseases including typhoid fever, hepatitis A, and cholera. Although the risk is relatively low, it is a good idea to make sure that you are up to date on all vaccinations. See World Health Organization, Flooding and Communicable Diseases Fact Sheet at:

[http://www.who.int/hac/techguidance/ems/flood\\_cds/en/](http://www.who.int/hac/techguidance/ems/flood_cds/en/)

In cases where you or a family member have sustained a cut or skin abrasion, first check your immunization records. If you are unsure or have not received a tetanus booster in the last five years, see your medical provider.

#### **2. How should I clean up mold in my home?**

The federal Centers for Disease Control and Prevention (CDC) has issued guidelines for the safe and effective cleanup of household mold, which many will experience after a flood. Please view the mold removal and cleanup guidelines at: [www.bt.cdc.gov](http://www.bt.cdc.gov)

There is also a 15 page easy-to-read document on the EPA's website about cleaning your house after a flood at: <http://www.epa.gov>

There is more information about flood clean-up at: <http://www.epa.gov/mold/flood/index.html>

#### **3. I did not bring my children's immunization records with me when we evacuated. Can I still enroll them in new schools?**

You should be able to obtain a copy of your children's immunization records from your children's doctor.

There is a federal law requiring a school to enroll a child, even without proof of immunization, proof of residency, or birth certificates, if the child is considered to be homeless. "Homeless" is defined in the McKinney-Vento Act (42 USC 11434a) as including "sharing the housing of other persons due to loss of housing, economic hardship or a similar reason, living in motels,

hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations, and living in emergency or transitional shelters,” in addition to other situations.

**4. I need to enroll my child at a new school following my family’s evacuation and do not have the birth certificate he/she will need to do so. Where can I obtain one?**

There is a federal law requiring a school to enroll a child, even without proof of immunization, proof of residency, or birth certificates, if the child is considered to be homeless. “Homeless” is defined in the McKinney-Vento Act (42 USC 11434a) as including “sharing the housing of other persons due to loss of housing, economic hardship or a similar reason, living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations, and living in emergency or transitional shelters,” in addition to other situations.

In order to obtain a new copy of your child’s birth certificate,

You can obtain an application for a certified copy of a birth certificate at the Missouri Department of Health and Senior Services website: <http://health.mo.gov/data/vitalrecords/>

You must print the application and either mail it, or turn it in to your nearest local health department. Each copy will cost \$15.00 and will take approximately 2-4 weeks for delivery.

Upon completion of the application form with a notarized signature, attach a check or money order payable to the 'Missouri Department of Health and Senior Services,' a legal-sized self-addressed and stamped envelope, and submit to:

Missouri Department of Health and Senior Services  
Bureau of Vital Records  
P.O. Box 570  
Jefferson City, MO 65102

For expedited service you can also call VitalChek at 1-877-817-7363. This service is available 24 hours a day, 7 days a week. Documents can be requested by phone and charged to a major credit card. An additional fee is charged for use of this service. Overnight delivery is available for an extra charge.

**5. I evacuated from the flood and now I have no means of paying for my prescription medications. What can I do?**

For all Medicare Part D prescription benefit plans, the federal Department of Health and Human Services has waived the rules that prevent early refills of prescriptions. This should enable patients to get refills before the 30 days have passed.

You may also want to see if your physician can give you free samples of medications. You can also try going to a free medical clinic in your area to see if they can give you free samples of medications.

Another option is to request prescription assistance from a pharmaceutical company by visiting <https://www.pparx.org/Intro.php>. Disaster case managers may also be able to refer you to other funding options. See “Disaster Case Management” in section of this manual.

**6. I have a relative who is a senior citizen or disabled and need help relocating him or her. Whom can I call?**

Contact your local Center for Independent Living (CIL). A list of centers can be found on the Missouri Statewide Independent Living Council's website at [www.MOSILC.org](http://www.MOSILC.org). You can call your local Area Agency on Aging to see if there are any facilities in your area that have openings. You can also check with the United Way by calling "2-1-1" or visiting their website:

United Way of Greater Kansas City

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

Phone: 816-474-4289

United Way of Greater St. Louis

[www.stl.unitedway.org](http://www.stl.unitedway.org)

Phone: 314-421-0700

Local Area Agencies on Aging:

St. Louis

<http://www.mid-eastaaa.org/>

Phone: 636-207-1323

Kansas City

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

816-474-4240

Columbia

<http://www.cmaaa.net/>

800-369-5211

Springfield

[www.swmoa.com](http://www.swmoa.com)

888-796-6260

**7. Where can I take my pet or pick up my pet?**

Questions about animals caught up in disaster areas can be answered by calling the Humane Society of Missouri. Depending upon the disaster, the Humane Society has a protocol for dealing with displaced animals in emergent situations. To learn more about the Humane Society of Missouri's Disaster Preparedness Plans, please visit their website at [http://www.hsmo.org/animal-rescue/disaster\\_prep.html](http://www.hsmo.org/animal-rescue/disaster_prep.html).

**8. My family member was in a hospital before the storm and we need to know where he/she was evacuated. How can we find out?**

To find out information about where family members have been taken, contact the State Emergency Management Agency. See their website at <http://sema.dps.mo.gov/>

In addition, be sure to pay attention to local news outlets, as they will generally give out local numbers to call to get information about family members in disaster areas.

## **HIPAA**

### **Are there exceptions to the HIPAA (Health Insurance Portability and Accountability Act of 1996) requirements in the event of a disaster?**

As you may know, HIPAA established fairly stringent privacy and disclosure requirements for health care providers. There are certain exceptions to these requirements in the event of a disaster. The following provides a summary of what patient information can be shared in order to assist disaster relief efforts:

#### **Treatment**

Health care providers can share patient information in order to provide treatment.

Treatment includes:

1. Sharing information with other providers (including hospitals and clinics),
2. Referring patients for treatment (including linking patients with available providers in areas where the patients have relocated), and
3. Coordinating patient care with others (such as emergency relief workers or others that can help in finding patients appropriate health services.

Providers can also share patient information to the extent necessary to seek payment for these health care services

#### **Notification**

Health care providers can share patient information as necessary to identify, locate and notify family members, guardians, or anyone else responsible for the individual's care of the individual's location, general condition, or death.

The health care provider should get verbal permission from individuals, when possible; but, if the individual is incapacitated or not available, providers may share information for these purposes if, in their professional judgment, doing so is in the patient's best interest.

Thus, when necessary, the hospital may notify the police, the press, or the public at large to the extent necessary to help locate, identify or otherwise notify family members and others as to the location and general condition of their loved ones.

In addition, when a health care provider is sharing information with disaster relief organizations that, like the American Red Cross, are authorized by law or by their charters to assist in disaster relief efforts, it is unnecessary to obtain a patient's permission to share the information if doing so would interfere with the organization's ability to respond to the emergency.



### **Imminent Danger**

Providers can share patient information with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public consistent with applicable law and the provider's standards of ethical conflict.

Facility Directory. Health care facilities maintaining a directory of patients can tell people who call or ask about individuals whether the individual is at the facility, their location in the facility, and general condition.

### **Facility Directory**

Health care facilities maintain a directory of patients, so they can tell people who call or ask about individuals whether the individual is at a facility, their location in the facility, and their general condition.

## **J. PERSONAL BANKRUPTCY ISSUES**

In some circumstances it may be necessary or advantageous for survivors of a natural disaster to consider filing bankruptcy. Below is a summary of some common questions about bankruptcy.

### **1. What is involved in the bankruptcy process?**

A bankruptcy case begins with the filing of a petition, schedules (forms on which the debtor lists his/her property, secured debts, unsecured debts, exemptions, and other information) and a statement of financial affairs that provides personal information. Before filing, debtors will be required to take a credit counseling course either online, over the phone or in person.

In a Chapter 7 case, the court will appoint a trustee to represent the interests of creditors. About one month after filing, the debtor must attend the “meeting of creditors” with the trustee to answer questions regarding the debtor’s assets and liabilities. Creditors may appear and ask questions of the debtor although they do not usually show up for these meetings. The meeting is usually short, often lasting less than five minutes. The trustee’s goal is to discover any assets the debtor has that are not exempt. The trustee can take non-exempt assets and sell them to pay the debtor’s creditors a part of what is owed; this is called an “asset case”. The trustee can also recover funds for creditors by recovering preferential payments to creditors or fraudulent transfers. Any funds the trustee recovers are distributed to the creditors in a fair, pro rata basis. All creditors have 60 days following the meeting of creditors to file written objections to their debt being discharged. If no objections are filed the debtor will receive a discharge shortly thereafter.

A Chapter 13 bankruptcy case begins by filing the same papers as in a Chapter 7. In addition, a debtor must file a repayment plan that obligates the debtor to pay some percentage of their debts over a 3-5 year period. Debtors make payments directly to the Chapter 13 trustee. The trustee then pays creditors according to the terms of the plan. When creditors have been repaid according to the plan, a debtor will be discharged from all dischargeable debts listed in the bankruptcy. The decision to file a Chapter 13 rather than a chapter 7 is usually dictated by one of three factors. First, the debtor’s income level may be too high to qualify for a Chapter 7. Second, the debtor may own non-exempt property that the debtor does not want the trustee to take. Or, third, the debtor may be behind on mortgage payments and need the structure of the Chapter 13 plan to make payments on the arrearage without facing foreclosure.

### **2. Which debts are not discharged in bankruptcy?**

In general, the most common obligations debtors can’t obtain a discharge for are: (1) back alimony and support, (2) student loans, (3) damages resulting from driving under the influence, (4) court-ordered restitution or criminal fines included in the sentence for conviction of a crime, (5) debts incurred by fraud, (6) damages for willful and malicious injury to someone else’s person or property, and (7) certain taxes and tax penalties. A complete list can be found at 11 USC Section 523. There are exceptions to these rules though so be sure to consult an experienced attorney.

### **3. Does a bankruptcy filing stop a wage garnishment?**

Yes. This is a result of the automatic stay that occurs when you file a bankruptcy petition.

#### **4. What is a discharge in bankruptcy?**

A "discharge" in bankruptcy means that you are legally free and clear of any obligation to repay certain debts. The creditor no longer has any right to collect that debt. The debtor no longer has any obligation to repay it.

#### **5. How can I escape from my student loan debt?**

Student loans are dischargeable only on a showing of "undue hardship." The "undue hardship" standard is very hard to meet and there is currently no statute of limitations for the collection of student loan debt.

#### **6. Can I repay a creditor if I want to - even after bankruptcy?**

Yes. You can voluntarily repay a debt even if it was discharged by the bankruptcy. Any such payment is strictly voluntary and does not revive the debt.

#### **7. What is the automatic stay?**

The "automatic stay" prevents a creditor from continuing to enforce a claim against a debtor during the life of the bankruptcy case. This means that creditors cannot:

1. File a new lawsuit, or continue a lawsuit that had already been filed;
2. Send collection letters;
3. Refuse to issue a transcript of school records; or
4. Cancel your driver's license.

#### **8. I'm married. Can I file by myself?**

Yes, but your spouse will still be liable for any joint debts. If you file together you will be able to double some of your exemptions. In some cases where only one spouse has debts, or one spouse has debts that are not dischargeable then it might be advisable to have only one spouse file.

#### **9. Where do I file if I haven't lived in the same state or district for the last six months?**

A bankruptcy case should be filed where the debtor has lived "for the one hundred and eighty days immediately preceding" the filing, "or for a longer portion of such one-hundred-and-eighty-day period." This means that the case should be filed in the bankruptcy district in which the debtor has lived for the greater portion of the last six months.

#### **10. If I am going through a divorce, how will my ex-spouse filing bankruptcy affect our divorce settlement?**

A person who files for Chapter 7 bankruptcy cannot discharge alimony, maintenance, support debts or debts allocated to them in the course of a divorce or separation or in connection with a separation agreement, divorce decree or other court order. 11 USC 523.

**11. Will my retirement plan be protected?**

Yes, if the funds are in a qualified account. Missouri has opted out of the federal exemptions provided by the bankruptcy code therefore you must look to state exemptions or other federal exemptions to determine the exempt status of the particular retirement plan. Generally, retirement plans that are ERISA- qualified are protected and are not included as property of the bankruptcy estate.

**12. What effect does bankruptcy have on child support?**

Any back payments owed for child support cannot be discharged in a bankruptcy proceeding.

**13. What about Co-signers?**

If someone has co-signed a loan with you and you file for bankruptcy, the co- signer may have to pay your debt.

**14. Will my filing bankruptcy stop a foreclosure?**

Yes, if it is your first time filing within the last year. The 2005 revision of the bankruptcy code significantly changed the automatic stay provision of the code to discourage serial filings by limiting or eliminating the automatic stay for the second or subsequent filings. See 11 USC 362. Filing a Chapter 7 bankruptcy only temporarily stalls your lender's right to foreclose. If you cannot get caught up on your mortgage payments within the first 30 days the creditor can get permission from the bankruptcy court to go forward with the foreclosure proceedings. It is advisable to file a Chapter 13 bankruptcy when the Debtor is facing foreclosure on a mortgage with substantial arrears.

**15. Could filing bankruptcy after a disaster affect my receiving charitable disaster assistance?**

Many charitable organizations will not rebuild a house free and clear after disaster if there was a mortgage pre-disaster. However, attorneys will usually tell homeowners to pay off the mortgage with insurance benefits if they are under a bankruptcy settlement.

## K. REPLACING LOST DOCUMENTS

### 1. Some of my important documents were destroyed during the disaster. What do I do?

#### **Bank and Investment Account Records**

It is unlikely that banks have lost any records, so you should contact your bank directly regarding any records you have lost and request duplicates. Similarly, contact your investment brokerage for duplicates of your account records.

Claims for lost, stolen or destroyed United States savings bonds, bearer securities or registered securities can be made directly to the United States Treasury Department at [www.treasurydirect.gov](http://www.treasurydirect.gov) (click on Treasury Hunt).

#### **Birth and Death Certificates**

Birth and death certificates are kept by the State of Missouri and by the county in which the event occurred.

There is a \$15 fee for birth certificates and a \$13 fee for death certificates. Only checks and money orders are accepted, and they must be made out to the Missouri Department of Health and Senior Services.

To request a certificate locally, submit the application [www.health.mo.gov](http://www.health.mo.gov)

To request a certificate from the State, submit the application [www.health.mo.gov](http://www.health.mo.gov) fee (money order or check), and a legal-sized, self-addressed stamped envelope to:

Missouri Department of Health and Senior Services

Bureau of Vital Records  
P.O. Box 570  
Jefferson City, MO 65102

Note that mail-in requests must be notarized.

Expedited service is available through VitalChek at 1-877-817-7363 at any time. The certificate fee and additional Vital Check fee may be made via major credit card. Overnight delivery is available through this service.

A written request for these records may be made in writing without an application. The request must be mailed to the above address and include the following information:

1. Full name at birth, death, or fetal death;
2. Date of birth, death, or fetal delivery;

3. Place of birth, death, or fetal delivery;
4. For birth records and fetal death records, provide both parents' names including mother's maiden name;
5. Your relationship to the person whose record is being requested; and
6. Explain reason for requesting the record

### **Marriage Certificates and Divorce Judgments**

To request a certified copy of a marriage license, contact the Recorder of Deeds in the county where the license was obtained. [www.sos.mo.gov](http://www.sos.mo.gov)

To request a certified copy of a divorce decree, contact the Circuit Clerk in the county where the decree was granted.)

Procedures and fees for requesting these records may vary by county.

### **Missouri Driver's Licenses and Identification Cards**

You may apply for a replacement Driver's License or ID card at any Missouri license office. If the license was due to expire within the next six months, it will be processed as an early renewal. Otherwise, it will be processed as a duplicate copy and have the same expiration date as the missing license. Fees are often subject to change, and are available at <http://dor.mo.gov/pdf/feechart.pdf>.

For new or duplicate licenses, you may be required to present acceptable documents that show proof of name, date and place of birth, proof of Social Security Number, and proof of Missouri Residential Address. A list of documents that meet these requirements is available at <http://dor.mo.gov/drivers/idrequirements.php>.

### **Vehicle Registration and Ownership Documents**

To obtain a duplicate vehicle title, you must complete a notarized Application for Missouri Title and License (Form 108) which is available at [www.dor.mo.gov/forms/108.pdf](http://www.dor.mo.gov/forms/108.pdf), a notarized Lien Release (Form 4809) (if applicable), and submit them with an \$11 fee.

To request a receipt of title and/or registration, use Form 2519 which is available at [www.dor.mo.gov/forms](http://www.dor.mo.gov/forms) and submit it with a \$12 fee.

Forms and fees should be submitted to your local licensing office or to:

Motor Vehicle Bureau  
301 West High Street  
Room 370  
P.O. Box 100

Jefferson City, MO 65105-0100

Payments must be made via check or money order. Personal checks must show your name, driver license number or Social Security number, date of birth, daytime phone number, and address. Checks should be made payable to the Missouri Department of Revenue.

### **Passports**

Passports should first be reported missing by submitting a Form DS-64: Statement Regarding a Lost or Stolen Passport. Form DS-11 should then be submitted in order to receive a new passport. These forms may be found online at [http://travel.state.gov/passport/lost/lost\\_848.html](http://travel.state.gov/passport/lost/lost_848.html) and should be submitted in person at a Passport Agency or Acceptance Facility.

### **Deeds and Mortgages**

Copies of deeds to your house and land, as well as mortgage instruments, are kept by the Recorder of Deeds office in the county in which the property is located. Certified copies can be requested from the Records of Deeds office. You may also want to contact the title company at which your last closing took place.

### **Immigration Documents**

If you are a permanent resident who needs to replace your green card, or a conditional resident who needs to replace your two-year card that has been lost or destroyed, you may apply for a replacement card by filing a USCIS Form I-90 with the U.S. Citizenship and Immigration Services. The filing fee is \$450 and all supporting documentation must be included with the application. More information is available at <http://www.uscis.gov/green-card/after-green-card-granted/replace-green-card>

### **Credit Cards**

If your credit cards are lost, you must notify the bank that issued the card right away. You should ask the bank to cancel the lost card and issue you a new card. Cancelling your credit cards will limit your liability in the event someone finds your lost credit card and attempts to use it.

### **Tax Returns**

To obtain copies of your federal tax returns, contact the IRS Service Center at 1-800-829-1040 or go online at [www.irs.gov](http://www.irs.gov). If you need an exact copy of your return(s) including attachments, you will need to complete Form 4506 Request for Copy of Tax Return and submit it along with a \$57 fee for each tax year requested. You can request the current tax year and up to the past 6 tax years.

If you need only a tax return transcript, which shows most line items on the tax return, you can obtain a transcript free of charge by calling 1-800-829-1010 or by

mailing a completed Form 4506-T. A tax transcript can be requested for the current and past 3 years.

To obtain free copies of your Missouri tax returns, you must complete Form 1937, which is available at <http://dor.mo.gov/forms/1937.pdf>. The form may be faxed to 573-526-1881 or mailed to:

Missouri Department of Revenue  
P.O. Box 3022  
Jefferson City, MO 65105-3022

### **Social Security Cards**

Contact your nearest Social Security Administration office to apply for a replacement Social Security card. Replacement is free. You will need to complete an Application for a Social Security Card (SS-5) and show proof of U.S. citizenship and identity using original or certified copies of appropriate documentation. If you are not a U.S. citizen, you will need to show proof of immigration status, work eligibility and identity. For more information, call 1-800-722-1213 or visit Social Security's website at [www.ssa.gov](http://www.ssa.gov).

### **Social Security/SSI Prepaid Debit Cards**

To replace your Direct Express prepaid debit card, you should visit your local Social Security Administration office or call 1-800-772-1213.

### **Medicare Card**

You can request a replacement Medicare card online at [www.socialsecurity.gov/medicarecard](http://www.socialsecurity.gov/medicarecard). You will need to provide your name as it appears on your most recent Social Security card, your Social Security number, and your date of birth. If you prefer, you can request replacement by calling the Social Security toll-free number at 1-800-772-1213

### **Medicaid Card/MOHealthNet**

To report the loss of your MOHealthNet card, you should contact your local Family Support Division (FSD) office in the county where you live. A list of family support offices may be found here: <http://www.dss.mo.gov/offices.htm>

### **Food Stamp Benefits**

If you lost food purchased with food stamp benefits as a result of a disaster, contact your local county office to complete a request for a replacement. Alternatively, you may complete a Statement of Loss/Replacement Request form which has been made available at [www.dss.mo.gov/fsd/fstamp/pdf/im110\\_0707.pdf](http://www.dss.mo.gov/fsd/fstamp/pdf/im110_0707.pdf) and fax it to any FSD office or 573-522-6220.



If you lost your Electronic Benefit Transfer (EBT) card, call 1-800-997-7777 or the FSD Information Center toll-free at 1-855-FSD-INFO to cancel your card. A replacement will be mailed in 3-5 days.

### **Wills, Advance Directives and Other Estate Planning Documents**

Typically, courts prefer that testamentary documents be the executed originals. Copies of a destroyed original may be admitted to probate, but the party submitting the copy must overcome the presumption that the original was not revoked. It is generally a wise idea to use the copy to help create a new original document to be executed. If the document was created by an attorney, s/he will typically have a copy of file from which you can create a new one.

If the lost document is a Power of Attorney (POA) of a family member who is no longer competent, consult with an attorney about guardianship.

If you are the executor or heir of a family member or friend who passed away and the original will cannot be located, see the above section of this manual on wills.

## **L. PUBLIC BENEFITS**

### **Food Stamps**

#### **1. What are food stamps?**

Food stamps are a monthly grant of money to be used only to buy food, issued on an EBT card.

#### **2. Who is eligible?**

Eligibility is determined on a “household” income and resource basis. The combined monthly income of all household members after deductions may not exceed the program maximums. Since the program aids low-income households, the higher your income, the fewer food stamp benefits you will receive.

Households can have up to \$2,000 in countable assets. Your home and personal belongings, as well as certain vehicles, will not be included in this calculation. Households can have up to \$3,250 in countable assets if there is an elderly or disabled individual in that household.

#### **3. How do I get food stamps?**

To apply for food stamps, you may call or visit the Family Support Division (FSD) office in the county of your current residence. The application must be taken or mailed to you on the day of your first contact. FSD has 30 days to process your application. All of your income, assets and expenses will have to be verified by FSD. If you are denied benefits, you may appeal by requesting a hearing from your caseworker at FSD within 90 days of the denial.

You may apply online at the state website: <http://www.dss.mo.gov>

#### **4. What if I am already receiving benefits, but my EBT card has been lost or destroyed?**

Contact your FSD caseworker immediately to report this. Your benefits will be replaced as long as you report your lost card immediately. Your caseworker will ask you to complete a Replacement Request form. This form must be returned to FSD within 10 days of the date you reported the lost card. FSD must process your replacement benefits within 10 days of the report of the lost card, or within 2 days of receiving your completed form, whichever is longer.

### **Disaster Food Stamp Assistance**

#### **1. Are special food stamp benefits available after a disaster?**

Possibly. If the State deems your county an authorized disaster area, special food stamp policies will be activated. To be eligible, you must reside in the disaster area, and be in need of emergency food stamps due to a reduction in or inability to access your income or cash resources. Contact your county FSD office to see whether your area has been authorized for disaster food stamps.

## **2. What if I was already on food stamps but lost my food in the disaster?**

A second issuance of food stamps may be authorized to replace lost food purchased with food stamp benefits. If food purchased with food stamps is destroyed in a disaster or any “household misfortune”, you must complete an IM-110 Statement of Loss/Replacement Request form at FSD in your county. These replacement benefits are limited to the value of one month’s benefits. This form must be completed within 10 days of the day you report the lost food. FSD must process your replacement benefits within 10 days of your report, or 2 days of receiving your completed form, whichever is longer.

## **Expedited (Emergency) Food Stamps**

### **1. What if my county is not an authorized disaster area, but I need emergency food stamps?**

Expedited (emergency) food stamps are available to very needy persons within seven calendar days of application. The expedited process is part of the regular food stamp program application process, and all new or returning applicants will be screened for expedited benefits.

### **2. How do I know if I am eligible for expedited food stamps?**

1. To be eligible for expedited food stamps, you must show one of the following:
2. You or your household have no more than \$150.00 in monthly income before taxes and liquid
3. Resources less than \$100.00; OR
4. Your basic shelter and utility expenses are greater than your present income and liquid resources combined; OR
5. You are a destitute migrant or seasonal farm worker with liquid assets less than \$100.00.

### **3. What verification do I need for expedited food stamps?**

You will only be required to verify your identity.

### **4. Do I have to meet any other eligibility requirements?**

As with regular food stamps, you will be asked for verification of your immigration status, your social security number, your income and your expenses at the time you apply. However, you will be eligible for expedited food stamps within five days after you apply even if all of the verification cannot be obtained.

## **5. How long do expedited food stamp benefits last?**

You can only get expedited food stamps for one month. After that, you will have to produce verification of your immigration status, social security number, income and expenses, in order to continue to be eligible.

## **6. If I do not qualify for expedited food stamps, can I still get regular food stamps?**

Yes. FSD must process your food stamp application within thirty days and mail you a written decision stating whether you are eligible and the amount of benefits to which you are entitled. If you are denied benefits or you do not receive them within forty-five days of your application, and you believe you are entitled to them, you can call your nearest Legal Services office for possible legal representation.

## **Temporary Assistance for Needy Families (TANF) Benefits**

### **1. What is TANF?**

Temporary Assistance for Needy Families is a monthly cash payment to families with children who have been deprived of the support of a parent due to a parent's death, absence, disability or financial need. Participants access TANF benefits through the use of Electronic Benefits Transfer (EBT) card which can be used retail store or an automatic teller machine (ATM).

### **2. Could I be eligible for TANF?**

If you live in the same household as your minor children, and you have limited income and assets, you may be eligible for TANF. You must prove that your child is deprived of parental support for one of the above reasons. You should apply at the FSD office in your current county of residence.

### **3. Could my family be eligible for TANF even if we are a two-parent family, but the principal wage earner in the household is unemployed?**

Possibly. Your family might be eligible and you should apply at your closest Department of Social Services – Family Support Division (FSD) office.

### **4. Could I be eligible for TANF if I am a caretaker for a child, but not that child's parent?**

Possibly. A TANF recipient may be a non-parent relative to a child (grandparent, aunt, etc.) or an unrelated stepparent or legal guardian. If you meet the criteria listed above, you should apply for TANF at your county FSD office even if you are not a parent of the child you care for.

## **Medicaid Benefits**

### **1. What is Medicaid or “Medical Assistance”?**

Medicaid (Medical Assistance) is medical coverage designed to help pregnant, low-income, disabled, or elderly citizens with the costs of health care, including prescription costs, doctor and hospital bills, and various other services.

### **2. Could I be eligible for Medicaid?**

If you have limited income and are also pregnant or a parent/caretaker for of minor children, you and or your family may be eligible depending on your immigration status and income. If you are receiving monetary assistance from the Family Support Division of the Missouri Department of Social Services, including Temporary Assistance for Needy Families (TANF), you should automatically receive a MO HealthNet card.

You may also be eligible if you are at least 65 years old, blind, disabled, receiving Social Security disability or receiving SSI, and have limited income and resources. The resource limits for the Aged, Blind & Disabled programs require that countable assets be valued at less than \$1000 for a single person, or a less than \$2000 for a married couple. Certain assets are not counted toward this limit including the residential home and one vehicle.

Coverage under MO HealthNet for Kids (MHK) is available to low-income children without adequate health insurance. Some of these programs require a monthly premium based upon your income.

If you think you may be eligible for MO HealthNet based on any of the above criteria, you should apply at a Family Support Division office in the county of your current residence. If you are denied, or do not receive a decision within 45 days, contact Legal Services in your area for possible legal representation.

### **3. What if my Medicaid card was lost or destroyed?**

You must report your lost card to your caseworker at your county FSD office immediately. FSD will provide you with an IM-29 Authorization Letter including the names and Medicaid numbers (DCN numbers) of each covered person in your household, as well as the date the coverage expires. You may use this letter as temporary proof of Medicaid eligibility to show to your pharmacy, doctor or hospital. The card itself is not as important as knowing your Medicaid (DCN) number, which proves your eligibility within the FSD system.

### **4. Could I be eligible for Medicaid if I am disabled but still able to do limited work?**

Possibly. A program called Ticket to Work Health Assurance Program allows a person with limited income from employment, who is permanently disabled, to have Medicaid coverage, as long as he/she also has limited assets. This program has restrictions on income, and may require payment of a premium. If you think you might be eligible, apply for these benefits at your county FSD office.

It may also be possible to have your Medicaid suspended if a FEMA payment shows up in your account at the time of Medicaid review. This is an inadvertent double bind of two federal programs. An attorney or disaster case manager should call MO HealthNet at 573-751-3425 immediately, to get reinstatement of your Medicaid benefits as quickly as possible.

## **Social Security Benefits**

### **1. What are Social Security benefits?**

Social Security benefits provide a minimum income for eligible workers and their families when the worker retires, becomes disabled, or dies.

### **2. What types of benefits are available, and what are the eligibility requirements?**

*Social Security Retirement:* General eligibility for retirement benefits begins when you reach age 65-67 depending on the year you were born. Eligibility and the amount of benefits also depend on how long you have contributed to the program as a worker, and when you last worked. Ten years of coverage (40 quarters) will fully insure a worker and family for life, but less may also be enough if certain work credits were earned.

*Social Security Disability (SSDI):* Disability benefits are available for workers who were recently employed and have a minimum number of work credits and quarters of coverage. Applicants must also prove permanent and total disability, which means that you are unemployable due to your disability for at least 12 months.

*Supplemental Security Income Benefits (SSI):* The SSI program provides a basic monthly income to blind, disabled or elderly (65 or older) persons who are financially needy. You can receive SSI even if you have never worked, or do not qualify for other Social Security programs. However, your income must be less than the current SSI benefit amount, and your countable assets may not exceed \$2,000.

### **3. How do I begin the application process?**

If you are over the age of sixty-five, blind, disabled or think you may be eligible to collect benefits on behalf of a worker, you should apply for benefits at the Social Security office nearest you. You can also start an application by calling the Social Security Administration's toll free telephone number (1-800-772-1213). You can also apply online at [www.ssa.gov/onlineservices/](http://www.ssa.gov/onlineservices/). Once Social Security has all the necessary documentation, such as proof of earnings, or medical evidence of disability, they will send you a written decision. If you are denied and you think you are eligible, you should file a request for reconsideration within sixty days of the date of the initial decision. If you are denied again, you should request a hearing and contact Legal Services for possible legal representation.

## **Social Security Cards and Payments**

### **1. How do I replace a lost Social Security Card?**

You must apply for a replacement card by contacting your local Social Security Administration (SSA) office or the customer service number above. This cannot be done online, but is free. To find a location near you, call 800-772-1213, 1-800-325-0778 (TTY), or log onto [www.ssa.gov](http://www.ssa.gov). You must provide proof of citizenship and identity. A US Passport will be accepted to prove both. If you do not have a passport, a valid driver license and certified birth certificate together will be accepted. More information on proving your status can be found at [www.ssa.gov](http://www.ssa.gov).

### **2. How do I replace a Lost Direct Express Benefit Card?**

If you need to replace your Direct Express card, you must contact Direct Express, not the Social Security Administration. You can call customer service at 1-888-741-1115 or visit [www.usdirectexpress.com](http://www.usdirectexpress.com).

## **M. IMMIGRATION**

### **1. Do I need to be a U.S. resident or citizen to apply for emergency disaster assistance?**

Short-term, non-cash, in-kind emergency disaster relief is available regardless of immigration status. This includes emergency medical care, shelter, food and other essential needs.

Eligibility for long-term FEMA Assistance Programs, Individual and Family Grant Programs, and Disaster Unemployment Assistance is restricted to “qualified” immigrants and victims of human trafficking. Contact FEMA to see if you are in a “qualified” immigrant status.

If you are not a qualified immigrant, another adult household member may qualify the household for assistance.

### **2. Can an undocumented immigrant apply for FEMA cash assistance on behalf of a child who is a U.S. citizen?**

Yes, if the child is under 18 and lives with the undocumented person. No information on the adult’s immigration status is required. Only the child’s Social Security Number (SSN) is required.

### **3. Will I be considered a public charge and denied residency if I apply for emergency disaster relief?**

No. Emergency disaster relief is not considered public cash assistance preventing you from becoming a resident. You will not be classified as a public charge solely because you have accepted emergency disaster assistance.

### **4. If I lost my Permanent Resident Cards (Green Card) in a natural disaster or tornado, how can I get a replacement?**

Fill out and file Immigration Form I-90 which can be filed online at [www.uscis.gov](http://www.uscis.gov). If mailing the form, include a check or money order payable to USCIS for \$185.00 filing fee plus \$70.00 biometric fee. (Fee subject to change) The filing fee can be waived if you show inability to pay. Proof of your evacuee status should be sufficient. Mail the completed form and fees or fee waiver request to USCIS, P.O. Box 54870, Los Angeles, CA 90054-0870. NOTE: Applying online is considerably faster. Most libraries have online access. You may obtain more information or help in completing an application by contacting the Legal Services of Eastern Missouri Immigration Law Project at 314-534-4200, Ext. 1301 or 1302 or Legal Aid of Western Missouri Immigration Project at 816-474-9868.

### **5. If I lost my work permit in a disaster, how can I get it replaced?**

Fill out and file Immigration Form I-765. Include two passport-type photos and a check or money order payable to USCIS in the amount of \$175.00 (this fee is subject to change). The fee can be waived if you show inability to pay. You may obtain more information by contacting the Legal Services of Eastern Missouri Immigration Law Project at 314-534-4200, Ext. 1301 or 1302 or Legal Aid of Western Missouri for assistance at 816-474-9868.



NOTE: If you had any interviews or appointments scheduled with United States Citizenship and Immigration Services, or with the Immigration Judge, please contact the appropriate legal aid program listed in the previous paragraph.

**6. How do I get the immigration forms I need to apply for new papers?**

You can get immigration forms by mail from the INS by calling 1-800-870-3676. This service is available twenty-four hours a day, seven days a week. You can get help in completing immigration forms from the agencies listed under "IMMIGRATION" at the end of this handout. These agencies may also have copies of immigration forms. If you have any concerns about your current immigration status, contact one of these agencies for legal assistance before applying for a green card or a work permit, because if you are not eligible you will lose your money.

**7. Do I need to let INS or the immigration court know that I have moved as a result of a natural disaster?**

It depends on what type of immigration case you have whether you are required to notify Immigration Service of your new address and where you send the notification. To find out what to do in your particular case or situation, you can call the INS toll-free number: 1-800-870-3676.

## **N. FAMILY CONCERNS**

### **1. My child is living with a relative. Will my child be able to get medical care if I cannot be reached by telephone?**

If your child's medical need is an emergency and you cannot be reached, the following people can consent to your child's treatment:

1. Someone to whom you gave the authority to consent to your child's medical treatment through a power of attorney;
2. Your child's stepparent;
3. Your child's adult brother or sister; or
4. Your child's grandparent.

In addition, if a doctor believes a true emergency exists, and there is no one immediately available who is authorized to give consent, the doctor can provide emergency medical care and treatment without your consent.

### **2. Is it still possible to do something about violence in our home?**

Disasters cause a great deal of stress on everyone. This can lead to increased tension and violence in family and household units. If this were to occur in your home, you can file for an Order of Protection at the Circuit Clerk's Office in the county in which you live. If you want to enter a battered women's shelter in order to escape the abuse, you may contact the Domestic Violence Hotline at 800-799-SAFE (7233) or 800-787-3224 (TTY) for assistance in locating the nearest shelter. You should contact your local police department if you feel that you are in immediate danger.

### **3. What can be done about child abuse or neglect?**

The same tension and stress which leads to domestic violence can also cause child abuse or neglect. You can report the abuse or neglect by calling the statewide Child Abuse Hotline at 800-392-3738. You may also file for a Child Order of Protection at the Circuit Clerk's office in the county where you live. You should contact your local police department to report the abuse or neglect if you feel the child is in immediate danger.

### **4. In the event that I must move, how can I arrange for child support payments to be sent to a new location?**

If you have a child support caseworker assigned to your case, you should contact him or her to request that your child support payments be forwarded to you at a different address. If you do not have a child support caseworker, you should contact the Division of Child Support Enforcement Customer Service Line at 800-859-7999 to request that your child support payments be sent to your new address.

## **5. How can I get counseling for myself or for my family?**

Family or individual counseling services are located throughout the state. Refer to the United Way contacts in the index for your nearest United Way office. They can assist you with a referral to a local counseling service. Also, disaster case managers may make a counseling services referrals.

## **O. GETTING INTO THE DESTROYED AREA**

Getting into a destroyed area may be difficult. Normally, when a disaster has been declared residents or workers may need a permit to get back into the area. This permit may be issued by the city or county law enforcement departments. You may be asked to verify your address. You may also be asked for some sort of identification to verify you live at the address. In some cases phone books will be used at checkpoints to verify addresses of family members or friends you may be assisting. If you have questions about access during a disaster, contact your local law enforcement office.

## **P. DISASTER DOCUMENTS CHECKLIST**

### **DO NOT RISK YOUR LIFE TO COLLECT THESE ITEMS AT THE LAST MINUTE.**

Make a kit. Stay informed. Be prepared. Your emergency preparedness kit should include copies of important documents so that you are able to evacuate or shelter in place easily. For more information on making an emergency preparedness kit, utilize Missouri's Ready-in-3 Program by visiting [www.health.mo.gov/emergencies/readyin3](http://www.health.mo.gov/emergencies/readyin3) or [www.ready.gov](http://www.ready.gov).

1. Identification: Driver's license, passport, photo id, green card, visa, etc. recent photos of you and your family.
2. Medical: Medications, current prescription bottles, inhalers, oxygen, shot records, blood type cards, eyeglasses, etc. for you and your family. Make a list of medication needs and doctors for each of you. Keep with the medications.
3. Proof of address: Deed, lease, recent utility bill to prove your address so that you can apply for benefits. These also may be needed so that you can return to your home if law enforcement blocks entry to the disaster area.
4. Insurance: Life, medical, vehicle, tenant, homeowner and other property insurance policies; medical, Medicaid, Medicare cards for you and your family.
5. Legal documents: Birth certificates, adoption papers, child' custody documents, orders of protection, divorce decrees, wills, powers of attorney, etc.
6. Cash and banking items: Cash; credit, debit and ATM cards; checkbooks, bank books, account documents; deeds and leases; mortgage and other loan documents. Remember, ATM machines will not work and electronic transfers will not be possible if there is no electricity. You will need cash.
7. Pets: Tag your pets. Prescriptions, shot records, pet photos.
8. Cell phones and chargers, address and phone books to contact family and friends. Keep phones fully charged.
9. Bills: List of your bills (with account numbers) and mailing address for each.
10. Other important items: Keys, recent pay stub, Social Security card, veteran's or military ID, food stamp and other benefit eligibility documents, etc.

11. Recent pictures of your home. Whether you own or rent, take photos before the flood or other disaster of all areas, inside and outside, of your home and property, including basement, garage, barns, outbuildings, yard, etc. Get the photos developed immediately with date stamps. Keep them in your waterproof container.
12. Personal Items: Family photos and precious items that cannot be replaced.

## **Q. RESOURCE AND REFERRAL**

If you don't have a personal computer available to you, public libraries often allow Internet access free of charge.

### **FEDERAL ASSISTANCE**

Federal Emergency Management Agency: FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

Register for Assistance: Toll Free: 1-800-621-FEMA (3362)  
TTY: 1-800-462-7585  
Web site: <http://www.fema.gov/>  
Fax: 1-800-827-8112

Online Registration: <http://www.fema.gov/>.

Technical Assistance: Phone: 1-800-745-0243

General Address: Federal Emergency Management Agency  
P.O. Box 10055  
Hyattsville, MD 20782-8055

### **FEMA Regional Office VII (Kansas City)**

Federal Emergency Management Agency  
9221 Ward Parkway, Suite 300  
Kansas City, MO 64114-7061  
Phone: 816-283-7061

Mitigation: National Flood Insurance Program and Hazard Mitigation Grant Program  
Phone: (816) 283-7002

Response and Recovery Division: Disaster response and recovery programs.  
Phone: (816) 283-7025

Information on Disaster Preparedness Kits can be found at: <http://www.ready.gov/>

### **U.S. Department of Agriculture**

Website: [www.usda.gov/](http://www.usda.gov/)

### **U.S. Department of Agriculture Farm Service Agency (FSA)**

Website: [www.fsa.usda.gov](http://www.fsa.usda.gov)

Follow the web site's directions for searching Missouri State Office and search for which farm programs are applicable to you and to apply for those programs.

**U.S. Department of Health and Human Services**

Website: [www.hhs.gov](http://www.hhs.gov)

Follow the web site's directions for your individual state to view Health and Human Services programs.

**U.S. Department of Labor**

Website: <http://www.dol.gov/>

Follow the web site's directions for searching information concerning disaster unemployment assistance and programs applicable to you and to apply for those programs.

**U.S. Department of Revenue (IRS)**

Website: <http://www.irs.gov/>

Phone: 1-866-562-5227

The IRS is providing a toll free Federal Taxpayer Assistance number for affected personnel in Missouri.

**STATE ASSISTANCE**

See Section B for information regarding the role of Missouri State Emergency Management Agency (SEMA).

State Emergency Management Agency (SEMA):

P.O. Box 116

2302 Militia Drive

Jefferson City, MO 65102

Website: <http://sema.dps.mo.gov/>

Phone: 573-526-9100

Fax: 573-634-7966

Email: [mosema@sema.dps.mo.gov](mailto:mosema@sema.dps.mo.gov)

Follow the web site's directions for searching individual counties and find the specific city in question to find out the local emergency coordinator and each location.

**Missouri Emergency Response Commission's (MERC):** MERC mission is to protect public health and the environment by assisting communities with chemical incident prevention, preparedness, response and recovery.

Website: [www.sema.dps.mo.gov](http://www.sema.dps.mo.gov)

Phone: (573) 526-9237

Fax: (573) 526-9261



Missouri Floodplain Management: The Floodplain Management Section administers the National Flood Insurance Program (NFIP) for the state of Missouri. Most homeowner insurance does not cover flood damage, so the purchase of specific flood insurance may be necessary. For those who live in a mapped high risk Special Flood Hazard Area (SFHA), federal law compels federally backed mortgage lenders to require the purchase of flood insurance. Access more on the NFIP here: <http://www.floodsmart.gov/floodsmart/>. On their website there is a map for you to use to search by county and by city to find the local area Flood Plain Administrator.

**Floodplain Management SEMA**

2302 Militia Drive  
Jefferson City, MO 65101

Phone: 573-526-9135  
Fax: 573-526-9198

Website: <http://sema.dps.mo.gov/programs/floodplain/>

**Missouri Aging Information**

Website: <http://www.moaging.com/>

**Missouri Department of Agriculture**

Phone: 573-751-4211

Website: <http://mda.mo.gov/>

**Missouri Attorney General-Consumer Programs**

Toll Free: 800-392-8222

Website: [www.ago.mo.gov](http://www.ago.mo.gov)

**Missouri Career Center**

Phone: 888-728-5627

Website: <http://jobs.mo.gov/>

**Missouri Commission on Human Rights**

Phone: 573-751-3325

Website: <http://labor.mo.gov/mohumanrights/>

**Missouri Department of Insurance**

Phone: 573-751-4126

Website: <http://insurance.mo.gov>

**Missouri Department of Public Safety Office of Homeland Security**

Website: [www.dps.mo.gov/dir/programs/ohs/](http://www.dps.mo.gov/dir/programs/ohs/) Phone: 573-522-3007

**Missouri Department of Mental Health-Access Crisis Intervention (ACI)**

Website: [www.dmh.mo.gov](http://www.dmh.mo.gov)

**Missouri Department of Natural Resources**

Phone: 800-361-4827

Website: <http://www.dnr.mo.gov/>

**Missouri Department of Public Health**

Phone: 573-751-6400

Website: <http://health.mo.gov/index.php>

**Missouri Department of Public Safety**

Phone: 573-751-4905

Website: <http://dps.mo.gov/>

**Missouri Department of Revenue**

Phone: 573-751-3505

Website: <http://dor.mo.gov/>

## **MISSOURI DEPARTMENT OF EMPLOYMENT SECURITY**

### **Regional Telephone Claims Centers**

Jefferson City Regional Claims Center:

Phone: 573-751-9040/573-751-9889

Toll Free: 800-788-4002

Kansas City Regional Claims Center:

Phone: 816-889-3101/816-889-7400

Springfield Regional Claims Center:

Phone: 417-895-6851/417-895-6802

St. Louis Regional Claims Center:

Phone: 314-340-4950/314-340-3496

Outside Local Calling Area:

Toll Free: 800-320-2519

Regional Fax Number:

Fax: 573-751-9730

TDD: 1-800-316-0896

Website: <https://www.ui.labor.mo.gov/som>

Claimants E-mail: [esuiclaims@labor.mo.gov](mailto:esuiclaims@labor.mo.gov)

Employers E-mail: [esemptax@labor.mo.gov](mailto:esemptax@labor.mo.gov)

Appeals E-mail: [appealtribunal@labor.mo.gov](mailto:appealtribunal@labor.mo.gov)

**Missouri Division of Labor Standards**

Phone: 573-751-3403

Website: <http://labor.mo.gov/DLS/>

**Missouri Division Labor and Industrial Relations Commission**

Phone: 573-751-2461

Website: <https://www.labor.mo.gov/>

**Missouri Environmental Protection Agency**

Website: [www.epa.gov/iaq/states/missouri.html](http://www.epa.gov/iaq/states/missouri.html)

**Missouri Social Services, Family Support Division**

Website: <http://dss.mo.gov/fsd/>

**Missouri State Highway Patrol**

Phone: 573-751-3313

Website: [www.mshp.dps.missouri.gov/](http://www.mshp.dps.missouri.gov/)

**Missouri Statewide Independent Living Council (MOSILC)**

Website: <http://www.mosilc.org>

**Missouri State Media Inquiries**

Phone: 573-751-4091x2

**State Board of Mediation**

Phone: 573-751-3614

**University of Missouri Extension-Disaster Information**

Website: <http://extension.missouri.edu/main/DisplayCategory.aspx?C=10>

## **LEGAL AID AND OTHER ASSISTANCE**

When you are in need of legal assistance, contact the legal service organizations listed below or consult your local telephone directory for branch offices. You may be eligible for free legal assistance, if you qualify. The counties served by each program are listed below. Also, if you have access to a computer, you can go to [www.lsmo.org](http://www.lsmo.org) to look up programs by county.

### **Legal Aid Programs in Missouri and County Service Areas**

#### **Legal Aid of Western Missouri**

1125 Grand Avenue, Suite 1900

Kansas City, MO 64106

Clients Call: (816) 474-6750

Phone: (816) 474-6750

Fax: (816) 474-1578

Counties Served: Andrew County, Atchison County, Barton County, Bates County, Benton County, Buchanan County, Caldwell County, Camden County, Carroll County, Cass County, Clay County, Clinton County, Daviess County, DeKalb County, Gentry County, Grundy County, Harrison County, Henry County, Hickory County, Holt County, Jackson County, Jasper County, Johnson County, Lafayette County, Linn County, Livingston County, McDonald County, Mercer County, Morgan County, Newton County, Nodaway County, Pettis County, Platte County, Putnam County, Ray County, St. Clair County, Saline County, Sullivan County, Vernon County, Worth County

#### **Legal Services of Eastern Missouri, Inc.**

4232 Forest Park Avenue

St. Louis, MO 63108

Phone: (314) 534-4200

Fax: (314) 534-1425

Clients Call: (800) 444-0514

Counties Served: Adair County, Clark County, Franklin County, Jefferson County, Knox County, Lewis County, Lincoln County, Macon County, Marion County, Monroe County, Montgomery County, Pike County, Ralls County, St. Charles County, St. Louis County, Schuyler County, Scotland County, Shelby County, Warren County, Washington County, St. Louis city

#### **Mid-Missouri Legal Services Corporation**

1201 West Broadway

Columbia, MO 65203

Phone: (573) 442-0116

Fax: (573) 875-0173

Clients Call: (800) 568-4931

Counties Served: Audrain County, Boone County, Callaway County, Chariton County, Cole County, Cooper County, Howard County, Miller County, Moniteau County, Osage County, Randolph County

**Legal Services of Southern Missouri**

809 N. Campbell Avenue  
Springfield, MO 65802

Phone: (417) 881-1397

Fax: (417) 881-2159

Clients Call: (800) 444-4863

Counties Served: Barry County, Bollinger County, Butler County, Cape Girardeau County, Carter County, Cedar County, Christian County, Crawford County, Dade County, Dallas County, Dent County, Douglas County, Dunklin County, Gasconade County, Greene County, Howell County, Iron County, Laclede County, Lawrence County, Madison County, Maries County, Mississippi County, New Madrid County, Oregon County, Ozark County, Pemiscot County, Perry County, Phelps County, Polk County, Pulaski County, Reynolds County, Ripley County, Ste. Genevieve County, St. Francois County, Scott County, Shannon County, Stoddard County, Stone County, Taney County, Texas County, Wayne County, Webster County, Wright County

If a legal aid office cannot handle your case, check the sources listed below for referral to the private bar in your community or contact your local office of the Area Agency on Aging (listing at the front of this section) for further information.

**Missouri Bar Lawyers Referral Service**

P.O. Box 119  
Jefferson City, MO 65102  
Phone: 573-636-3635

**Lawyer Referral Service of Kansas City Bar Association**

Phone: 816-221-9472

**Bar Association of Metropolitan St. Louis Lawyer Referral Service**

Phone: 314-621-6681

**Missouri Trial Lawyers Care/MATA**

Phone: 573-635-5215 9-5 M-F

Phone: 573-230-8528 in non-office hours

**GOVERNOR'S FAITH-BASED AND COMMUNITY SERVICE PARTNERSHIP FOR DISASTER RECOVERY**

[www.sema.dps.mo.gov](http://www.sema.dps.mo.gov)

**MISSOURI INTERFAITH DISASTER RESPONSE ORGANIZATION**

<http://midrodc247.weebly.com/>

**MISSOURI VOLUNTARY ORGANIZATIONS ACTIVE IN DISASTER**

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

**AMERICAN RED CROSS CHAPTERS**

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

**Western Missouri Chapter**

211 W. Armour Blvd.  
Kansas City, MO 64111  
Phone: 816-931-8400

**St. Louis Area Chapter**

10195 Corporate Square  
Creve Coeur, MO 63132  
Phone: 314-516-2800

**AREA AGENCIES ON AGING LOCAL CONTACT INFORMATION**

**Northeast Missouri Area Agency on Aging**

815 N Osteopathy  
Kirksville, MO 63501

Phone: 660-665-4682

Alt. Phone: 800-664-6338

Website: <http://www.nemoaaa.com>

Counties served: Adair, Clark, Knox, Lewis, Lincoln, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Schuyler, Scotland, Shelby, and Warren

**Northwest Missouri Area Agency on Aging**

504 East Highway 136, P.O. Box 265  
Albany, MO 64402

Phone: 660-726-3800

Alt. Phone: 888-844-5626

Website: <http://www.nwmoaaa.org>

Counties served: Atchison, Nodaway, Worth, Harrison, Putnam, Holt, Andrew, Gentry, Buchanan, Dekalb, Clinton, Davies, Caldwell, Grundy, Livingston, Sullivan, Linn, and Mercer

**Mid-America Regional Council (MARC)**

600 Broadway, Suite 200  
Kansas City, MO 64105-1554

Phone: 816-474-4240  
Alt. Phone: 800-593-7948

Website: <http://www.marc.org>

Counties served: Platte, Clay, Ray, Jackson, and Cass

**District III Care Connection for Aging Services**

106 West Young  
P.O. Box 1078  
Warrensburg, MO 64093

Phone: 660-747-3107  
Alt. Phone: 800-748-7826

Website: <http://www.goaging.org>

Counties served: Carroll, Chariton, Lafayette, Saline, Johnson, Pettis, Bates, Henry, Vernon, St. Clair, Cedar, Benton, and Hickory

**Central Missouri Area Agency on Aging**

1121 Business Loop 70 East  
Columbia, MO 65201

Phone: 573-443-5823  
Alt. Phone: 800-369-5211

Website: <http://www.cmaaa.net>

Counties served: Audrain, Boone, Callaway, Camden, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Laclede, Maries, Miller, Morgan, Moniteau, Osage, Phelps, Pulaski, and Washington

**Mid-East Area Agency on Aging**

14535 Manchester Rd.  
St. Louis, MO 63011

Phone: 636-207-0847  
Alt. Phone: 800-243-6060

Website: <http://www.mid-eastaaa.org>

Counties served: St. Charles, St. Louis County, Franklin, Jefferson

**Southwest Office on Aging**

1735 S Fort Ave.  
Springfield, MO 65807

Phone: 417-862-0762  
Alt. Phone: 800-497-0822

Website: <http://www.swmoa.com>

Counties served: Barry, Christian, Dade, Dallas, Douglas, Greene, Howell, Lawrence, Oregon, Ozark, Polk Shannon, Stone, Taney, Texas, Webster, and Wright

**Southeast Missouri Area Agency on Aging**

1078 Wolverine, Suite J  
Cape Girardeau, MO 63701

Phone: 573-335-3331  
Alt. Phone: 800-392-8771

Website: [www.agingmatters2u.com](http://www.agingmatters2u.com)

Counties served: St. Francois, Ste. Genevieve, Perry, Iron, Reynolds, Madison, Bollinger, Cape Girardeau, Wayne, Carter, Ripley, Butler, Stoddard, Scott, Mississippi, New Madrid, Pemiscott, and Dunklin

**Region X Area Agency on Aging**

531 E. 15th Street  
Joplin, MO 64804

Phone: 417-781-7562

Website: <http://www.aaaregionx.org>

Counties served: Barton, Jasper, Newton, and McDonald

**St. Louis Area Agency on Aging**

1520 Market St. Room 4086  
St. Louis, MO 63103

Phone: 314-612-5918  
Alt. Phone: 877-612-5918

Website: <http://www.slaaa.org>

Area served: St. Louis City



## COMMUNITY ACTION AGENCIES INFORMATION

### **Missouri Association for Community Action**

2410 Hyde Park Road, Suite A  
Jefferson City, MO 65109

Phone: 573-634-2969

Fax: 573-636-9440

Website: <http://www.communityaction.org>

### **Central Missouri Community Action (CMCA)**

807B North Providence Road  
Columbia, MO 65203-4359

Phone: 573-443-8706

Fax: (573) 875-2689

Email: [info@showmeaction.org](mailto:info@showmeaction.org)

Website: [www.showmeaction.org](http://www.showmeaction.org)

Counties served: Audrain, Boone, Callaway, Cole, Cooper, Howard, Moniteau, and Osage

### **Community Action Agency of St. Louis County**

2709 Woodson Road  
St. Louis, MO 63114

Phone: 314-863-0015

Fax: 314-863-1252

Website: [www.caastlc.org](http://www.caastlc.org)

Counties served: St. Louis

### **Community Action Partnership of St. Joseph**

817 Monterey Street  
St. Joseph, MO 64503

Phone: 816-233-8281

Fax: 816-233-8262

Email: [capstjoe@endpov.com](mailto:capstjoe@endpov.com)

Website: [www.endpov.com](http://www.endpov.com)

Counties served: Andrew, Buchanan, Clinton, and Dekalb

### **Community Services, Inc. of Northwest Missouri**

P.O. Box 328  
1212B South Main  
Maryville, MO 64468-0328

Phone: 660-582-3113

Fax: 660-582-2965

Website: [www.communityservicesinc.org](http://www.communityservicesinc.org)

Counties served: Atchison, Gentry, Holt, Nodaway, and Worth

**Delta Area Economic Opportunity Corporation**

99 Skyview Road  
Portageville, MO 63873

Phone: 573-379-3851

Fax: 573-379-5935

Website: [www.daeoc.org](http://www.daeoc.org)

Counties served: Dunklin, Mississippi, New Madrid, Pemiscot, Scott, and Stoddard

**East Missouri Action Agency**

403 Parkway Drive  
P.O. Box 308  
Park Hills, MO 63601

Phone: 573-431-5191

Fax: 573-431-6773

Website: [www.eastmoaa.org](http://www.eastmoaa.org)

Counties served: Bollinger, Cape Girardeau, Iron, Madison, Perry, St. Francois, Ste. Genevieve, Washington

**Economic Security Corporation of the Southwest Area**

P.O. Box 207  
302 South Joplin Street  
Joplin, MO 64802-0207

Phone: 417-781-0352

Fax: 417-781-1234

Website: [www.escswa.org](http://www.escswa.org)

Counties served: Barton, Jasper, McDonald, and Newton

**Green Hills Community Action Agency**

1506 Oklahoma Avenue  
Trenton, MO 64683-0278

Phone: 660-359-3907

Fax: 660-359-6619

Email: [greenhills@ghcaa.org](mailto:greenhills@ghcaa.org)

Website: [www.ghcaa.org](http://www.ghcaa.org)

Counties served: Caldwell, Daviess, Grundy, Harrison, Linn, Livingston, Mercer, Putnam, Sullivan, Carroll, and Ray

**People's Community Action Corporation**  
5701 Delmar Boulevard  
St. Louis, MO 63112

Phone: 314-367-7848  
Fax: 314-367-5637

Website: [www.pcacstl.org](http://www.pcacstl.org)

Counties served: City of St. Louis and Wellston

**Jefferson-Franklin Community Action Corporation**  
#2 Merchant Dr.  
P.O. Box 920  
Hillsboro, MO 63050

Phone: 636-789-2686  
Fax: 636-789-2686  
Email: [communityaction@jfcac.org](mailto:communityaction@jfcac.org)

Website: [www.jfcac.org](http://www.jfcac.org)

Counties served: Franklin and Jefferson

**Missouri Ozarks Community Action, Inc.**  
306 South Pine Street  
Richland, MO 65556

Phone: 573-765-3263  
Fax: 573-765-4426

Website: [www.mocaonline.org](http://www.mocaonline.org)

Counties served: Camden, Crawford, Gasconade, Laclede, Maries, Miller, Phelps, and Pulaski

**Missouri Valley Community Action Agency**  
1415 South Odell  
Marshall, MO 65340-0550

Phone: 660-886-7476

Website: [www.mvcaa.net](http://www.mvcaa.net)

Counties served: Carroll, Chariton, Johnson, Lafayette, Pettis, Ray, and Saline

**North East Community Action Corporation**  
P.O. Box 470  
16 North Court Street  
Bowling Green, MO 63334-0470

Phone: 573-324-2231  
Fax: 573-324-2231  
Email: [necac@necac.org](mailto:necac@necac.org)

Website: [www.necac.org](http://www.necac.org)

Counties served: Lewis, Lincoln, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Shelby, St. Charles, and Warren

**Northeast Missouri Community Action Agency**  
215 N. Elson St.  
Kirksville, MO 63501

Phone: 660-665-9855  
Fax: 660-665-542

Website: [www.NMCAA.org](http://www.NMCAA.org)

Counties served: Adair, Clark, Knox, Scotland, Schuyler

**Ozark Action, Inc.**  
710 East Main  
West Plains, MO 65775

Phone: 417-256-6147  
Fax: 417- 256-7318  
Email: [askme@oaiwp.org](mailto:askme@oaiwp.org)

Website: [www.oaiwp.org](http://www.oaiwp.org)

Counties served: Douglas, Howell, Oregon, Ozark, Texas, and Wright

**Ozarks Area Community Action Corporation**  
215 South Barnes  
Springfield, MO 65802-2204

Phone: 417-862-4314  
Fax: 417-862-3499

Website: [www.oacac-caa.org](http://www.oacac-caa.org)

Counties served: Barry, Christian, Dade, Dallas, Greene, Lawrence, Polk, Stone, Taney, and Webster

**South Central Missouri Community Action Agency**  
P.O. Box 6  
Old Alton Road  
Winona, MO 65588-0006

Phone: 573-325-4255  
Fax: 573-325-4542  
Email: [scmqaa@hotmail.com](mailto:scmqaa@hotmail.com)

Website: [www.scmcaa.org](http://www.scmcaa.org)

Counties served: Butler, Carter, Dent, Reynolds, Ripley, Shannon, and Wayne

**United Services Community Action Agency**  
6323 Manchester  
Kansas City, MO 64133-4717

Phone: 816-358-6868

Website: [www.choose-hope.org](http://www.choose-hope.org)

Counties served: Clay, Jackson, and Platte

**West Central Missouri Community Action Agency**

P.O. Box 125  
106 West 4th Street  
Appleton City, MO 64724-0125

Phone: 660-476-2185

Fax: 660-476-5529

Email: [info@wcmcaa.org](mailto:info@wcmcaa.org)

Website: [www.wcmcaa.org](http://www.wcmcaa.org)

Counties served: Bates, Benton, Cass, Cedar, Henry, Hickory, Morgan, St. Clair, and Vernon

**HOUSING AND URBAN DEVELOPMENT CONTACTS IN MISSOURI**

**HUD offices in Missouri**

**Kansas City Regional Office**

400 State Avenue  
Kansas City, KS 66101-2406  
Jurisdiction: Western half of Missouri

Phone: 913-551-5644

Fax: 913-551-5469

TTY: 913-551-6972

**St. Louis Field Office**

1222 Spruce Street  
St. Louis, MO 63103-2836  
Jurisdiction: Eastern half of Missouri

Phone: 314-418-5400

Fax: 314-539-6384

TTY: 314-418-5219

Please call to see which office services your county.

**IMMIGRATION OFFICES IN MISSOURI**

**U.S. Citizenship and Immigration Services**

Phone: 1-800-375-5283

Website: [www.uscis.gov](http://www.uscis.gov)

**Kansas City District**

9747 Northwest Conant Avenue  
Kansas City, MO 64153

Phone: 1-800-375-5283

**St. Louis Sub-Office**

Robert A. Young Federal Building  
1222 Spruce Street, Room 1.100  
St. Louis, MO 63103-2815

Phone: 1-800-375-5283

**Department of Homeland Security**  
Washington, D.C. 20528

Phone: 1-800-368-6498

You may obtain a copy of the National Response Plan through the Web site: [www.dhs.gov](http://www.dhs.gov)

**Missouri Office of Homeland Security**  
P.O. Box 749  
Jefferson City, MO 65102

Phone: 573-522-3007  
Fax: 573-751-5399

Website: <http://www.dps.mo.gov/dir/programs/ohs/>

### **MISSOURI SENIORS LEGAL HELPLINE**

A phone line and website for seniors to access information and assistance on legal issues:

Phone: 1-800-235-5503

Website: <http://www.moaging.com/legalhelp>

### **Elder Abuse Hotline**

To report abuse and neglect of seniors and adults with disabilities:

Phone: 1-800-392-0210

### **UNITED WAY OFFICES OF MISSOURI**

**United Way of Greater Kansas City**  
801 West 47th Street, Suite 500  
Kansas City, MO 64112-1377

Phone: 816-472-4289

Website: <http://www.unitedwaygkc.org/>

**United Way of Greater St. Louis, Inc.**  
910 North 11th Street  
St. Louis, MO 63101

Phone: 314-421-0700  
Referral Number: 314-421-4636  
Toll-free Number: 800-427-4626

Website: <http://www.stl.unitedway.org/>

