

# Intake & Screening

For Student Loan Issues



# What we'll cover

- Questions staff can ask at intake to issue-spot common student loan issues
- Next steps for advocates to take after screening

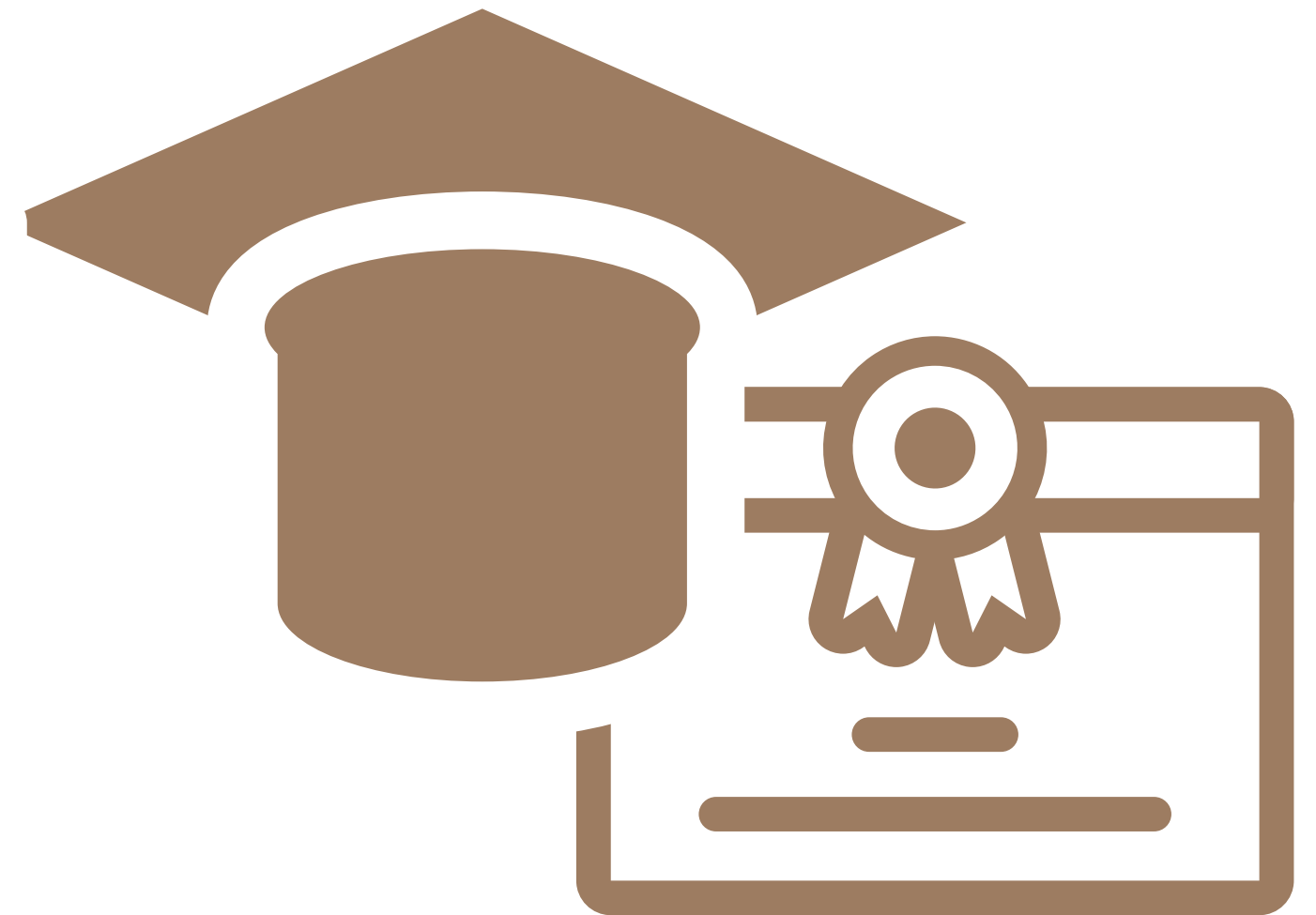


# Initial Questions

# Question 1: What Do You Want Help With?

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- Important to first ask client what they want help with/why they need help.



# Question 2: Are You a Student or Parent Borrower?

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- Helps us to identify type of loans and borrower options.
- If a parent, may be a federal Parent PLUS Loan or a co-signed private loan.
- If a friend or other relation, likely a co-signed private loan.



# Question 3: Have You Been Served with a Lawsuit Related to Your Loans?

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- If a borrower has been served, then after intake this should be sent as emergency to attorney.
- Currently, if answer is yes then this is likely a private student loan lawsuit.
- If yes, we also ask:
  - How borrower found out/was served?
  - Date borrower was served or discovered lawsuit?
  - Whether borrower has complaint, summons and any other court documents. Then, attorney can ask for them to provide documents or obtain them and provide them.
- If borrower recalls lawsuit from a long-time ago, may be a federal or private loan.
- If borrower has discovered that a default judgment exists, then this will signal to get documents to determine if:
  - Borrower was properly served/grounds for motion to set aside;
  - But still need to determine if borrower has any defenses – if not, motion to set aside may be waste of time and increase the amount borrower owes.



# Questions Regarding Loan Type and Status

# Question 4: What Type(s) of Loans Do You Have?

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- **Clients RARELY know the answer to this question.** The attorney/advocate will have to do more investigation to determine loan types after intake. Sometimes they have both.
- Options: FEDERAL or PRIVATE
- Federal Loans can be:
  - Direct or Federal Family Education Program Loans (FFEL) (note that borrowers often think FFEL Loans are private loans because they were initially made by a bank)
  - Stafford, Graduate Plus, Parent Plus, Perkins
- Private Loans can be made by:
  - A bank or some other financial institution;
  - Some other company;
  - An institution.





# Question 4 Cont'd: What Type(s) of Loans Do You Have?

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- Don't worry if the client does not know or guesses wrong! We also will cover questions for clues. Once advocate receives the intake, they can investigate further.
- For federal loans:
  - Have client obtain .txt file from [studentaid.gov](http://studentaid.gov) and email.
  - We have short and easy-to-follow directions we email to clients with photos about how to get FSA ID and how to download the .txt file to email us. This works most of the time.
- For private loans:
  - Loans made by big banks and financial institutions often appear on credit reports (if not obsolete). Client can get one free annual credit report at [www.annualcreditreport.com](http://www.annualcreditreport.com) and email it to you.
  - Or have client send you (take good photo and email or mail if voluminous docs) any loan statements, collection letters or emails, loan agreements, etc. Anything like this will get you enough information to send a debt validation or document request to the loan holder.
  - But other loans – made by institutions or weird financial products liked ISAs do not always appear on credit reports.
  - Can also get loan-related information through a FERPA request to a school (if school or its owner still exists and or attendance was not too long ago).

# Question 5: What is the Status of Your Federal Student Loans?

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## Possibilities:

- Repayment: We then ask: *“Are you having difficulty making payments? Explain.”*
- Delinquent: Behind on payments but not yet defaulted. Clients often confuse this with default.
- Defaulted:
  - Has your income tax refund ever been seized?
  - Has your Social Security (or SSDI) ever been offset?
    - If answer to either of the above is yes, then borrower has federal loans.
  - Have your wages ever been garnished or have you been threatened with wage garnishment?
    - If answer is yes, and borrower has never been subject to a lawsuit, then this is also likely a federal loan. But should make sure.
- Forbearance or deferment (borrower will likely not know the difference so I don't get too specific on this question).
- Don't know – again, many clients do not know.

# Question 6: If You Are in Repayment, Are You on and Income-Driven Repayment Plan?

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- Borrower may not know
- Even if they know, may not know what type



# Questions 5 & 6 Cont'd: What is the Status of Your Student Loans/What Type of Repayment Plan?

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- For federal loans, you will be able to figure out status based on .txt file from [studentaid.gov](https://studentaid.gov).
- We don't really ask this separately for private loans. This is because dealing with and assessing a borrower's options on a private loan is very different.



# Questions To Identify Potential Discharges

in Order from Most Complete Relief to Least

# Question 7: Where Did You Go to School?

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- Find out where and when
- May have attended multiple schools
- If a for-profit school, then more likely that student/borrower will have a basis for a school-based discharge
- Some programs for particular schools (i.e., Corinthian, ITT Tech, Marinello Schools of Beauty, Westwood, etc.)



# Question 8: For Each School Listed

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- Did you complete the program?
- If not, why not:
  - Withdrew
  - School closed
    - Check official closure dates here: <https://www2.ed.gov/offices/OSFAP/PEPS/docs/closedschoolsearch.xlsx>
  - Terminated

Screening for Closed School/Unpaid Refund  
Discharges

# Question 9: For Each School Listed

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- When you enrolled, had you earned your high school diploma (including in another country) or a GED?
- If no:
  - Did the school give you any kind of test before you enrolled?
    - If yes, was the test to get a high school diploma on a website?
    - If yes, did you notice anything strange about the test (i.e., did someone give you answers, were you allowed to take it multiple times, etc.)?

Screening For False Certification Discharge  
(Ability to Benefit/No H.S. Diploma)



# Question 10: For Each School Listed

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- Do you feel like the school lied to you about anything?
  - (e.g. Whether you would get a job, how much the program would cost, whether credits were transferable, income of graduates, job placement assistance, availability of externships).
- Do you feel like the school pressured you to enroll quickly?
- Please describe.

Screening for Borrower Defense to  
Repayment Discharge

# Question II: Other Types of Questions for School-Related Discharges

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- Do you contend that these loans were taken out in your name due to identity theft or that they were taken out without your knowledge or consent?
  - *Note – don't necessarily need to ask this question because the client often says if this is the issue right at the beginning of the intake*

Screening for False Certification Discharge (ID Theft or Forgery/Unauthorized Loan)

# Question II Cont'd: Other Types of Potential Discharges

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- Is there any reason you cannot work or become licensed in the field you were trained for?
- Did you tell anyone at your school about this issue?
- This is most/only relevant for borrowers who attended program that was training for specific set of jobs e.g. x-ray tech, truck driving school.
- Again, this often comes up in response to other questions, so may not be necessary to ask these.

Screening For False Certification Discharge  
(Disqualifying Status)

A person in a dark suit is gesturing with their right hand, palm up, over a desk. On the desk, there are papers, a pen, and a scale of justice. The background is a window with blinds, and the overall lighting is warm and soft. A dark brown rounded rectangle is overlaid on the center of the image, containing the text "Disability Discharge" in white serif font.

# Disability Discharge

# Question 12: Do You Have a Disability?

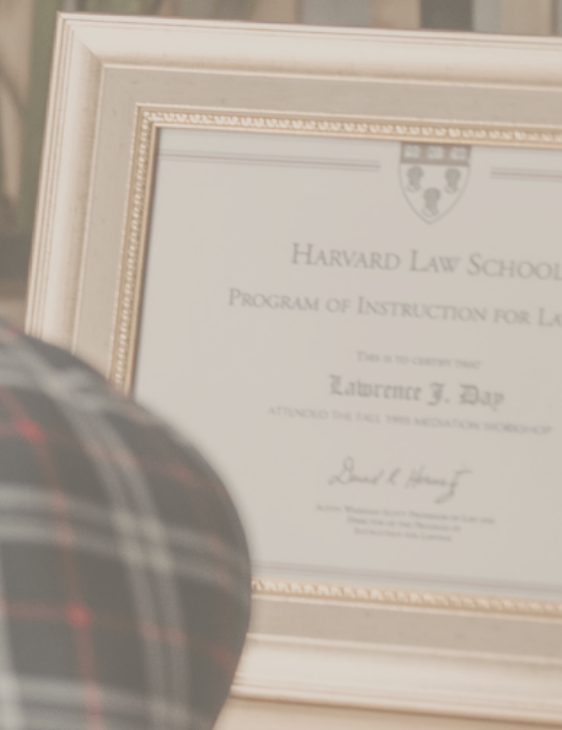
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- Does it prevent you from working? Explain.
- Are you a veteran? If so, has the VA determined whether your disability is service-related?
- Do you get disability benefits from any source? If so, what is the source? (VA, SSI, SSDI, state disability benefits, etc.)
- Have you ever worked?
  - I ask these questions to (1) determine whether the borrower is collection proof now and in future and (2) to determine whether they might meet TPD discharge standard without a health professional's certification.
  - This also helps evaluate private student loan issues/whether client judgment proof
- Do you see a doctor?
- Do you expect or hope to be able to work in the future?
  - Note: Important to ask about disability that prevents substantial gainful employment, regardless of whether client has been approved for disability benefits.

Screening for Total and Permanent Disability Discharge



# Public Service Loan Forgiveness



# Question 13: Have you ever worked for a nonprofit organization or government agency?

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- For how long?
- How many hours per week?

Screening for Public Service  
Loan Forgiveness



A photograph of two young women sitting on a light-colored sofa in a bright, modern interior. The woman on the left, with her hair in a bun and wearing glasses and a white long-sleeved shirt, is leaning forward and writing in a white notebook with a light blue pen. The woman on the right, wearing a light pink hoodie and blue jeans, is looking towards the first woman with a slight smile, her hands clasped near her chin. The background shows a window with white frames and a wooden beam. A semi-transparent brown rounded rectangle is overlaid on the left side of the image, containing the word 'Bankruptcy' in white serif font.

# Bankruptcy



# Question 14: Have you filed for bankruptcy since you had student loans?

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- When?
- Chapter 7 or 13?
- Are you:
  - Over 65?
  - Disabled
  - In repayment/forbearance/deferment (except in-school deferment) for 10+ years?
  - Unemployed 5 out of the last 10 years?



A man and a woman in business attire are sitting at a desk, looking at a tablet. The man is pointing at the screen while the woman looks on. The background is a bright, modern office setting.

# Additional Intake Questions

# Question 15: Have You Ever Paid Anyone to Help You with Your Student Loans?

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- If so, get details to identify whether client has been victim of scam



# Question 16: Do You Have an FSA ID?

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- This is useful for investigation and fact gathering



A photograph of two women in business attire sitting at a table. The woman on the left is smiling and looking at a tablet. The woman on the right is looking at a laptop. The background features a whiteboard and a wooden slat wall. A brown banner with white text is overlaid on the image.

# Advocates' Next Steps

# Investigate

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- Obtain federal loan text file (.txt file) to determine loan types, status, payment history.
  - (including for evaluating IDR forgiveness/IDR recount options, Biden forgiveness), schools attended, etc.
- Obtain other documents necessary for evaluation from client if they have any.
  - (regarding private student loan collection docs, court docs if any, school documents, etc.)
- Ask any follow up questions.
- Research potential discharges and understand differences if borrower is eligible for multiple types.
  - (i.e., borrower may be eligible for closed school discharge, borrower defense discharge, and disability discharge)

# Questions?

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