This workshop was held at the 2019 Equal Justice Conference in Louisville, Kentucky.

Title:

Innovation, Data, and Promising Practices: Strengthening Capacity to Serve Older Adults

Presenters:

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More than seven million seniors are living in poverty, and more than half of senior households experience at least one legal problem in a year. Across the country, advocates are employing innovative practices to more effectively serve and reach seniors living in poverty. This session will highlight innovative outreach methods, strategies to strengthen partnerships in the community, and explore new data collection systems to better understand the older adult population.
The Essential Role of the State Legal Assistance Developer

ISSUE BRIEF • February 2018

Adapted from the Best Practice Notes by The Center for Social Gerontology

The Center for Social Gerontology

The Center for Social Gerontology, Inc. (TCSG), is a non-profit research, training and social policy organization dedicated to promoting the individual autonomy of older persons and advancing their well-being in society.

TCSG’s mission is to help society adapt to the dramatic increase in the numbers of old and very old, and to insure that older persons at all socio-economic and health levels are able to meet their needs and use their talents and abilities in a changing society.

Introduction

A central tenet of the Older Americans Act (OAA) is ensuring access to benefits and services for older adults in the greatest social and economic need. The State Legal Assistance Developer (LAD) plays a key role in meeting this goal. The LAD has the opportunity to work with the State Unit on Aging (SUA) to set a vision for an effective legal services delivery system for older adults. The LAD is an important advocate for legal services, and a strategic connector, working across the network to strengthen the legal services delivery system. From advocating for resources critical to legal providers, to helping an older adult find an attorney with proper expertise, the developer is critical to championing the rights of older adults and ensuring that the promise of the OAA is fulfilled.

This issue brief is intended to assist SUAs and other entities in the aging/legal services delivery networks meet the challenge of providing leadership on legal assistance development. The brief describes the key roles the State Legal Assistance Developer plays in the delivery of legal services to older adults. The issue brief is adapted from The Center for Social Gerontology’s Best Practice Note: The Essential Role of the State Legal Services Developer.

Older Americans Act Guidance on Legal Services

The OAA calls for states to provide leadership by a LAD in two places. First, in the state plan section, Title III requires that “(t)he plan shall provide assurances that each State will assign personnel (one of whom shall be known as a legal assistance developer) to provide State leadership in developing legal assistance programs for older individuals throughout the State.” Second, Chapter 4 of Title VII (Vulnerable Elder Rights Protection) reinforces this with very similar language. Further, Chapter 4 of Title VII provides guidance on role of the LAD. Specifically, under Chapter 4, the state agency is instructed to:

...provide the services of an individual who shall be known as a State legal assistance developer, and the services of other personnel sufficient to ensure:

(1) State leadership in securing and maintaining the legal rights of older individuals;
(2) State capacity for coordinating the provision of legal assistance;

1 See The Center for Social Gerontology Best Practice Note: The Essential Role of the Legal Services Developer: Blueprint for a Model Job Description, tcsg.org/bpnotes/december04/dec04BPN_01.pdf.
3 42 U.S.C. §3058j.
(3) State capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons, as appropriate;

(4) State capacity to promote financial management services to older individuals at risk of conservatorship;

(5) State capacity to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized by law, and maintaining the rights of older individuals at risk of guardianship; and

(6) State capacity to improve the quality and quantity of legal services provided to older individuals. 4

Title VII also continues to call on states to develop a vulnerable elder rights plan, as part of the State Plan, which prioritizes activities to ensure older persons “have access to, and assistance in securing and maintaining benefits and rights.” 5 The LAD has a key role in designing and implementing the Elder Rights Plan.

### Legal Assistance Developer and the State Plan

Title III of the OAA requires states to develop and implement a State Plan on Aging to provide a framework to guide the state’s programs, activities and services for older adults. 6 Each Plan must clarify how legal services will be coordinated in the state, specifically, as noted above, each State Plan must:

“provide assurances that each State will assign personnel (one of whom shall be known as a legal assistance developer) to provide state leadership in developing legal assistance programs for older individuals throughout the State.” 7

The State Plan requires the state to provide other assurances regarding legal services. The state must:

- Evaluate the need for legal assistance and other supportive services; 8
- Specify a minimum proportion of Title IIIB funds to be expended by each Area Agency on Aging (AAA) on each of the three priority services (access, in-home, and legal services); 9
- Assure that AAAs will enter into contracts with legal providers who have experience and capacity to deliver the needed services and who will be subject to regulations adopted by the Assistant Secretary for Aging, and
- Assure that AAAs and providers attempt to involve the private bar in furnishing services on a pro bono and reduced fee basis; 10
- Assure that no legal services will be provided unless the grantee has a program designed to serve older persons with social or economic need, and has agreed, if not a LSC grantee, to coordinate with existing LSC projects in the area to concentrate the use of IIIB funds on those in greatest need, and
- Assure that each AAA makes a finding after assessment, that any legal grantee selected for funding is the entity best able to provide the needed services; 11
- Provide for coordination of legal services within the State and provide advice and technical assistance in the provision of services, and support the furnishing of training and technical assistance; 12
- Assure that services furnished with IIIB funds will be in addition to services furnished with non-OAA

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7 42 U.S.C. §3027(a)(13)(Emphasis added.)
funds (for example LSC or IOLTA), and that efforts will be made to maintain existing levels of services through these other funding sources.\textsuperscript{13}

- Assure that AAAs give priority to legal assistance related income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect and age discrimination.\textsuperscript{14}

**The Role of the Legal Assistance Developer**

The OAA details the core responsibility of a LAD: working with the AAAs, IIIB legal providers, State Units on Aging, and others to coordinate and oversee legal assistance throughout the state. In practice, a strong LAD can help strengthen the state’s legal services delivery system. Here are some examples of ways the LAD plays an integral role improving the legal services delivery system.

**Lead and assist with program quality, integrity and compliance**

While the LAD’s role in program quality varies from state-to-state, the LAD can improve program integrity by providing leadership in developing the State Plan, ensuring legal services are appropriately targeted to those in greatest need without means testing,\textsuperscript{15} and working with the state and local agencies to develop statewide guidelines\textsuperscript{16} for legal services delivery.

For example, in 2015, the California LAD, working in conjunction with the AAAs, legal services providers, Long-Term Care Ombudsman programs, California Association of Area Agencies on Aging (C4A), and the State Bar, developed Statewide Guidelines for Legal Services Delivery.\textsuperscript{17} As a result of this statewide collaboration, the LAD and legal services programs have a clear roadmap for providing OAA-funded legal services. The guidelines defined core legal concepts, clarified the target client population, established priority legal issues, and detailed roles and responsibilities for different entities in the legal services delivery system.\textsuperscript{18}

**Build and maintain provider relationships and network partnerships**

The LAD can also lead partnerships across the state, bringing together the legal and aging network to create a seamless delivery system. In this role, the LAD can both provide strategic advocacy to improve systemic challenges in the delivery system, and educate partners across the delivery system. One partnership example is the relationship between the LAD and the State Long-Term Care Ombudsman (LTCO). The OAA requires each state to have an LTCO that empowers residents, addresses complaints and advocates for improvements in the long-term care system.\textsuperscript{19} According to a 2015 National LTC Ombudsman Resource Center (NORC) survey of LADs and LTCOs, respondents reported working together on the following: training opportunities, policy collaboration, technical assistance, jointly contributing to task forces, and collaborating to secure the availability of legal assistance to residents of long-term care facilities.\textsuperscript{20} Here are some specific examples of the LTCO-LAD partnership from the report:

- The LAD worked closely with the LTCO on Legal Assistance Guidelines and Ombudsman Policies and Procedures, as well as on contracts with AAAs.

\textsuperscript{13} 42 U.S.C. §3027(a)(11)(D).
\textsuperscript{14} 42 U.S.C. §3027(a)(11)(E).
\textsuperscript{16} For more on developing statewide guidelines, see: Developing Statewide Standards for Delivery of Legal Assistance under the Older Americans Act, ncler.acl.gov/pdf/NCLER-Developing-Statewide-Standards-for-Delivery-of-Legal-Assistance-Under-the-OAA.pdf.
\textsuperscript{17} California Statewide Guidelines on Legal Services Delivery, (April 2015), aging.ca.gov/docs/Legal/2015%20CA%20Statewide%20Guidelines%20for%20Legal%20Assistance.pdf.
\textsuperscript{18} Id.
\textsuperscript{19} National Long-Term Care Ombudsman Resource Center, Long-Term Care Ombudsman Programs and Legal Assistance Developers Collaboration, ltcombudsman.org/uploads/files/support/ltcop-lad-report.pdf.
\textsuperscript{20} Id. at 10.
The LTCO worked with the LAD to gather information on guardianship while working together on complex cases.

Joint efforts to update policy manuals and sharing information and resources regarding guardianship, fraud prevention, tax protection, abuse, neglect and the exploitation of older adults. 21

Determine education needs and provide and arrange for training

Similar to the partnerships discussed above, the LADs connect the aging and legal network through educational programs. Using the state guidelines 22 and targeting priorities 23 as a guide, under the LAD’s leadership, III-B legal services programs can offer training for non-legal service providers and older adults, as well as training for attorneys and elder rights advocates. As discussed above, when developing this training, it is particularly beneficial to coordinate with ombudsman, health insurance benefits counselors, and other training organizations in the aging network.

The LAD can utilize many resources when developing their training material. The National Center on Law & Elder Rights created a National Legal Training Curriculum, 24 which includes presentations on both basic and advanced legal topics. The NCLER website offers a webinar recording, slide deck and written materials on each core topic. The LAD can adapt these materials to state-specific training for a variety of audiences. The Administration for Community Living funds Resource Centers which also provide training material on a variety of OAA issues, for example: the National Center on Elder Abuse, 25 the National Long-Term Care Resource Center (NORC), 26 and the National Aging and Disability Transportation Center. 27

Provide leadership for strategic advocacy on systemic issues

The LAD is in a unique position to identify systemic challenges across the legal and aging network and work with partners to address them at a state level. To do this effectively, the LAD must stay informed of emerging trends, as well as legal and policy issues impacting older adults. State-level support is also important to ensure the LAD has the authority and resources needed to effectively support legal services and assist with systemic improvements. Recently, Delaware updated the State Plan 28 and included an explicit objective to develop and expand the role of the legal services developer:

“Delaware is focused on addressing some of the more challenging critical needs of its older population, including the need for legal services and supports. With the expanded role of DSAAPD’s Legal Services Developer and a focus on financial exploitation, Delaware is addressing the need head on:

Objective 4.4 Develop and expand the role of the legal services developer.

Strategy 4.4.1 Lead the state’s elder rights advocacy efforts by promoting critical legal needs of older individuals, including income, housing, access to healthcare and long-term services and supports, and defense against guardianship when appropriate.

Strategy 4.4.2 Expand capacity for coordinating legal assistance.

21 Id. at 14-15.
24 National Center on Law & Elder Rights, National Legal Training Curriculum, ncler.acl.gov.
26 National Long-Term Care Ombudsman Resource Center, Training Programs and In-Services, ltcombudsman.org/omb_support/training/training-programs.
Strategy 4.4.3 Provide technical assistance, training and other supportive functions to DSAAPD, legal assistance providers, ombudsmen, and other related persons and/or organizations.”

Explicit guidance, like this, to lead the state’s elder rights advocacy and expand the LAD role, empowers the LAD to provide leadership in strengthening legal services and improving the delivery system.

Recommendations for Strengthening the LAD Role

As states look to strengthen their legal services delivery system, they can take several steps to strengthen the LAD position. They include:

**Protecting confidential client-attorney relationships.** The LAD should not be required to disclose information regarding the identity of a client eligible person who contacts the LAD for information and referral for legal assistance unless the older person, in writing or orally, authorizes the LAD to reveal the information. The LAD should also not be required to disclose the identity of any person who registers a complaint with the LAD regarding legal assistance services.30

**Maintaining strong SUA, AAA, and LAD relationships.** The LAD should work collaboratively with the SUA, AAA and Title IIIB legal assistance providers. The SUA and the LAD should work in partnership to improve the delivery system.

**Provide full-time status.** In order to complete the duties and functions outlined in the OAA and described in this job description, the LAD should be a full-time position with staff sufficient to ensure that all the duties and responsibilities can be carried out.

**Adhere to LAD qualifications.** An ideal LAD would have experience and competency in:

- Legal analysis, consultation and negotiation
- Formulation of policies and procedures around contracting, data collection, and state administrative procedure
- Program administration, management and coordination of aging network services
- Effective written and oral communication skills
- Demonstrated ability to work with, and build partnerships with, groups serving older adults, including: area agencies on aging, long-term care ombudsman, social workers, residential services, transportation services, legal services programs, and nutritional services
- The OAA and legal assistance programs for older individuals
- Areas of the law affecting older persons, particularly those with economic or social need
- The aging network and aging services providers in the state
- State and local bar associations, law schools, and the private practice of law
- Social and protective services systems

Conclusion

A strong LAD correlates with an effective and efficient legal services delivery system for older adults. This issue brief provided guidance on how to clarify the LAD’s role and coordinate responsibilities across the legal and aging network. Given the variation on LADs from state-to-state, the guidance provided here should help states support state leaders as they work to strengthen the legal services delivery system.

Further technical assistance is available for attorneys and aging network professionals seeking more information to help older adults and improve the legal services delivery system. Contact NCLER at ConsultNCLER@acl.hhs.gov.

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Creating Effective Legal Outreach Programs

CHAPTER SUMMARY • March 2019
Sarah Galvan, Justice in Aging

Introduction

Legal outreach includes a wide range of programs and events that proactively reach individuals with legal needs. Community presentations, legal clinics, mobile legal options, and “office hours” at community partner locations are all examples of legal outreach programs.

Outreach is a key component of legal services delivery to older adults, and can help address priority and unmet needs in a community. Additionally, these programs provide an opportunity to foster collaborations with partners and reach older adults who would not otherwise come through your door.

Fundamental Features of Effective Legal Outreach

No single model of outreach is right for every program and every community. Effective legal outreach is based on the needs and characteristics of the region and the individuals you are serving. However, there are some features that apply to most effective outreach programs:

- Addresses priority legal needs & fills a service gap
- Involves members of the community in planning the event
- Includes collaboration with community partners (legal or non-legal)
- Held at a location that is accessible and safe for all attendees
- Reduces barriers to accessing legal assistance

Outreach to older adults should seek to reach individuals who are living in the community and those who are institutionalized. Long-Term Care Ombudsman programs may be a great partner for programs intended to reach older adults in long-term care facilities.

Outreach Preparation Worksheet

Planning effective outreach programs requires thoughtful planning and evaluation. While some events may seem like an obvious fit for your program, it is still useful to determine the logistics and the goals of the program. The worksheet on page 3 will help you determine if the program does in fact contain the fundamental features outlined above. In turn, this will aid in deciding whether it makes sense to allocate time and resources to the particular event. The following worksheet offers a framework for planning and evaluating outreach programs.

Additional Resources:

- [NCLER Issue Brief: Targeting Older Americans Act Services Without Means Testing: Meeting the Challenge](#)
- [NCLER Issue Brief: The Older Americans Act in Action: Building & Cultivating Your Elder Law Program](#)
• Administration for Community Living: Profile of Older Americans
• Legal Services Corporation: The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans
• Legal Services Corporation: Why Location Matters: GIS for Justice
• Justice in Aging: How Legal Aid Programs Can Address the Growing Problem of Senior Poverty
• Justice in Aging: How Can Legal Services Better Meet the Needs of Low-Income LGBT Seniors?

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.

This Chapter Summary was supported by a contract with the National Center on Law and Elder Rights, contract number HHS-P233201650076A, from the U.S. Administration on Community Living, Department of Health and Human Services, Washington, D.C. 20201.
Outreach Planning Worksheet

Event Name: 

Date: 

Who do we want to reach? 

Why? 

Will the Event: 

☐ Reach geographically isolated individuals? 

☐ Reach a focus population? 

☐ Reach people with barriers to accessing legal assistance (resources, transportation, etc.)? 

What are the legal needs/what gaps are we filling? 

How do we know? 

☐ Incoming cases or inquiries indicate a need 

☐ Outside data 

☐ Spoke with a community representative (list name): 

☐ Other: 

What topics will be covered?
### Creating Effective Legal Outreach & Community Engagement Programs

**Are pro bono attorneys needed?**
- [ ] No
- [ ] Yes (how many):

**Who are community partners for this event?**

<table>
<thead>
<tr>
<th>What is the format of the event?</th>
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<tbody>
<tr>
<td>[ ] Presentation</td>
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<tr>
<td>[ ] Legal Clinic</td>
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<tr>
<td>[ ] Tabling Event</td>
</tr>
<tr>
<td>[ ] Office Hours</td>
</tr>
<tr>
<td>[ ] Other:</td>
</tr>
</tbody>
</table>

**Where is the event?**

**Considerations of event location:**
- [ ] Is it accessible?
- [ ] Is there public transportation to the location?
- [ ] Does the location have a private space to meet with individuals?
- [ ] Does our intended audience frequent this location?

**How will we advertise the event?**
- [ ] Flyers (how many/who will distribute):
- [ ] Social Media (where/how frequently):
- [ ] E-mail (to whom):
- [ ] Website
- [ ] Other:
<table>
<thead>
<tr>
<th>Question</th>
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<tbody>
<tr>
<td>What supplies or equipment are needed?</td>
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<tr>
<td>What is the anticipated cost of the event (venue, food, etc.)?</td>
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<tr>
<td>Who from the staff will attend the event?</td>
<td></td>
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<tr>
<td>What is the expected time commitment for our staff?</td>
<td></td>
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<tr>
<td>What will success look like?</td>
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The Older Americans Act in Action: Building & Cultivating Your Elder Law Program

ISSUE BRIEF • August 2018

Sarah Galvan, Justice in Aging

Justice in Aging

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources. Since 1972 we've focused our efforts primarily on populations that have traditionally lacked legal protection such as women, people of color, LGBT individuals, and people with limited English proficiency

Introduction

Older adults are one of the fastest growing populations that need legal assistance. 7.1 million seniors are living in poverty and it is estimated that 56% of senior households have at least one civil legal problem, particularly in the areas of health, income maintenance, and consumer issues. To effectively serve older adults, legal aid programs and staff attorneys need to provide quality elder law services to a large number of people in need. As a staff attorney, supervisor, or director of an organization that serves older adults, there are steps you can take now to build and enhance your current elder law program and services.

The Older Americans Act (OAA) and the accompanying Administration on Community Living (ACL) Legal Assistance regulations contain mandates for programs that receive OAA Title III-B funding to provide legal assistance to older adults. The framework for a successful elder law program is within the OAA and regulations, but applying them to a specific organization’s practice can be challenging. Legal aid programs serving older adults should analyze if and how they are reaching target populations, handling the target case types, and integrating legal services in the aging services community. This Issue Brief and accompanying webinar training provide concrete steps and examples for building an effective elder law program or unit while fulfilling the OAA guidelines.

Assessing Your Program’s Structure & Effectiveness

An informal internal assessment can be helpful in determining the best ways to enhance or improve your elder law program or unit. The assessment can indicate whether your program is reaching its goal of serving older adults with the greatest economic or social need, and whether it is providing the types of services needed by seniors in your community. The assessment does not have to be part of an expensive, formal evaluation. The goal of the assessment is to gather and review available information that will help you make improvements and adjustments where they are needed and best direct your limited time and resources.

Elder law programs or units within legal aid organizations have a variety of structures. Some have a designated attorney or attorneys who handle all legal work for older clients, while other programs rotate all work for older adults throughout the office, depending on the type of legal issue. And some programs are a hybrid of these two models. No matter what the structure is, efficacy of each program depends on the organization,

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their available resources, the experience of their attorneys, and the needs of the community. You internal assessment may reveal that your program might want to consider a change in structure if it appears that there is improvement to be made in the delivery and quality of services provided to older adults.

**Compare your internal data to your external data**

An informal assessment can be done by comparing your program’s internal data with available external data. In most organizations, gathering internal data means running reports from your case management system and applying filters and reporting parameters to answer questions like:

- Where do your clients live?
- Do they rent or own their home or are they in long-term care?
- What is the most common scope of services being provided?
- Are you engaging in full representation in most cases?

Many organizations capture quite a bit of data to fulfill reporting requirements for grants and gather information in the course of providing representation. This available information can be used for your informal internal assessment. While you may think that you know generally what you are doing for your clients, some of the data may surprise you; for example, there could be large gaps in service by zip code that you want to address.

External data can be gathered from a number of sources, depending on your location. On a national level, the United States Census, ACL, the National Resource Center on LGBT Aging, and LEP.gov provide quite a bit of demographic data. Some local resources to look for include:

- Community or health survey reports from your county;
- State or local Office for the Aging or Area Agency on Aging needs assessment reports;
- State Long-Term Care Ombudsman reports; and
- AARP local chapter survey reports on various topics and demographics.

**Identify gaps in target populations**

The OAA requires that legal assistance be targeted to those with the greatest social and economic need. By comparing your internal data to the external data, you can start to make decisions about where resources may need to be shifted to fulfill this targeting requirement. For example, if the external data shows that there is a high concentration of older adults in poverty in particular zip codes of your service area, you will want to see if you are providing services and outreach in those zip codes. Similarly, you may see in the external data that your service area has a high number of older adults who have limited English proficiency—that information may mean that you want to offer your brochures in more than one language.

**OAA on Target Populations for Legal Assistance**

The OAA defines greatest economic and social needs as: The term “greatest economic need” means the need resulting from an income level at or below the poverty line. The term “greatest social need” means the need caused by non-economic factors, which include: (a) physical and mental disabilities; (b) language barriers; and (c) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that: (i) restricts the ability of an individual to perform normal daily tasks; or (ii) threatens the capacity of the individual to live independently.

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Identify service gaps & build your expertise

The OAA and ACL Regulations identify priority case types, including income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination. In addition to looking at your data for the demographic and location gaps in services, programs can also look to their internal and external data to determine which case types could use growth or improvement within their office. For example, your state’s Long-Term Care Ombudsman report could show a high rate of nursing home discharges. But your internal data might show that you do not have many cases involving this legal issue. The next steps for your program could include increased outreach to older adults in skilled nursing facilities, or improved collaboration with your local ombudsman program.

Another response to providing increased services in a particular case type is to ensure that you and your elder law program or unit (including intake staff) are well-trained in those areas of law and comfortable with issue spotting. ACL regulations specify that legal assistance providers should have staff with expertise in areas of law affecting older persons in economic or social need. Both basic and advanced training can help with issue spotting, as well as lead to improvements in the quality of services being provided. There are high-quality, free and affordable training opportunities on the priority case types and conferences that can provide opportunities for elder law program staff to grow their skills. Some national training options include the following:

- National Center on Law & Elder Rights provides free webinars and issue briefs on substantive elder law topics
- American Bar Association’s Commission on Law & Aging has publications and training available on a variety of elder law topics
- Department of Justice Elder Justice Initiative has training & resources related to elder abuse
- Practicing Law Institute—legal aid organizations may be eligible for access to all CLE and trainings by applying for a non-profit membership
- Law Help has education guides & forms, by state and by topic
- National Aging & Law Conference—annual conference that focuses on elder law topics

Collaboration & Outreach

Legal aid programs have limited resources, and it can be challenging to conduct outreach to those who may not easily be able to access your services, because of limited time, staff, and general resources. Collaborations with other community partners can increase your reach and improve the quality of holistic service provisions to older adults who may be socially or geographically isolated.

Find your core collaboration partners

Legal service programs serving older adults should have relationships with some core collaboration partners who regularly work with older adults in a variety of settings. These partners are generally aging services providers, and they can be a source of referrals to your elder law program or unit, as well as a place where you can refer your clients to receive a number of supportive services. Your local core collaboration partners can be found at Elder Care Locator and include:

- Your state’s Legal Assistance Developer
- Area Agencies on Aging

6 45 C.F.R. §1321.71 (c) (2012)
• Nutrition services (i.e.: Meals on Wheels and meal sites)
• Long-Term Care Ombudsman
• Adult Protective Services
• Aging & Disability Resource Centers
• Veteran’s services

Add in some new “untraditional” collaboration partners

Some valuable collaboration partners are organizations that are not always considered aging services providers, but regularly work with older adults and should be part of your provision of services to older adults. For these providers, in-service training to help them identify legal issues to refer to your office will be key to a successful collaboration. Some “untraditional” partners to consider include:

• HUD Housing Counseling Providers (often counsel older adults facing mortgage foreclosure, seeking housing subsidies, and reverse mortgage counseling)
• Consumer credit counseling service providers (a growing number of seniors are facing debt issues and often reach out to local consumer credit counselors)
• Local PRIDE centers (some have senior-specific groups)
• Utility services community liaisons (will encounter older adults who have problems paying their utilities or have issues with housing conditions)
• United States Postal Inspection Service (provide services related to fraud and scams targeting older adults and work with victims)
• Domestic violence and shelter services (work with older victims of abuse)

Thinking creatively about collaboration partners and making connections in the community will improve your ability to reach the target populations for legal assistance to older adults through quality referrals. Your program may want to strategically reach out to one or two new partners, based on the service needs and gaps that you identify in your assessment.

Use your assessment data to set up new outreach models & locations

Legal services organizations often turn to their local senior centers as host locations for outreach presentations and clinics. In addition to outreach at senior centers, some programs are using other innovative outreach strategies to reach older adults with the greatest social and economic need:

• Library clinics & video assistance: libraries are great locations for clinics and for setting up remote legal assistance programs because they are trusted community locations and are often on public transportation lines. Models: Maryland Legal Aid & Volunteer Legal Services Project of Monroe County.
• Mobile options: Mobile mammography units, mobile food banks, mobile clothing buses and more are reaching people with mobility or transportation issues and make great partners for legal services or even just distributing your printed resources. Models: Center for Elder Law & Justice & Eastern Missouri Legal Services (partners with Salvation Army Food Bus)
• Food banks & pantries: As many adults face food uncertainty, many turn to local food pantries to meet their needs. Having legal information or services at these locations can help older adults connect to legal services for income and consumer needs. Model: Marquette Volunteer Legal Clinic

Sustainability

With the growing number of older adults in need of legal assistance, it is clear that adding financial resources for staff and elder law programs is important. In addition to OAA funding, there are a range of funding sources that can support services for older adults in your program. To stay informed of funding opportunities, the following resources can be valuable to a legal aid organization to be familiar with or subscribe to:

- **Civil Legal Aid Federal Funding Resources** *(Through the National Legal Aid & Defender Association, this online resource updates federal grant opportunities, and you can sign up for email updates to be alerted when grant opportunities for legal aid are posted)*

- **Department of Justice OVW Funding Opportunities** *(Grant opportunities are posted here—look for opportunities to fund legal services for elder abuse victims)*

- **Office for Victims of Crime Funding Opportunities** *(Grant opportunities posted here, sometimes for elder abuse)*

- **VOCA funding** *(Can be used to address elder abuse—these are federal funds administered by your state)*

- **Grants.gov** *(Search for federal grant opportunities by search terms)*

- **Administration for Community Living Grant Opportunities** *(Grant opportunities for aging and disability services are posted here)*

- Foundation grant search subscriptions *(There are a number of subscription options to search for foundation grants—some public libraries offer it for free)*

As your program collaborates with non-legal services providers, new opportunities to add legal services to other aging-focused funding proposals may emerge.

Conclusion: Ten Things You Can Do Now

A program overhaul can seem like a daunting task, but starting to take steps to evaluate and improve your program can be less time consuming and less expensive than you think. A checklist included at the conclusion of this Issue Brief provides ten concrete things that you can do now.

Additional Resources

- **Administration for Community Living: Aging Integrated Database** *(includes state program reports and census databases)*

- **Administration for Community Living: Profile of Older Americans**

- **Legal Services Corporation: The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans**

- **Legal Services Corporation: Why Location Matters: GIS for Justice**

- **National Resource Center on LGBT Aging**

- **NCLER Issue Brief: Targeting Older Americans Act Services Without Means Testing: Meeting the Challenge**

- **NCLER Issue Brief: State Legal Services Capacity Assessments: Ensuring State Systems Target Older Adults with the Greatest Social or Economic Needs**
Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.

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Ten Things You Can Do Now

This checklist includes steps you can take now to evaluate and improve your elder law program. Find more resources and information at NCLER.acl.gov.

Assess Your Program’s Structure

☐ Run reports in your case management system for clients 60 years and older, looking at zip codes, case type, service level, etc.

☐ Gather your local census data.

☐ Review your current brochure for services to highlight (think about those gaps in services that you identified in your assessment).

Collaboration and Outreach

☐ Look through the substantive trainings offered by the National Center on Law & Elder Rights (NCLER) and Practicing Law Institute (PLI)—pick one or two that you will do in the next month and calendar them.

☐ Calendar upcoming conference dates—be sure to set reminders for scholarship deadlines.

☐ Find the list of senior nutrition sites in your area. Pick two that are in underserved zip codes, and set up a presentation or clinic.

☐ Search Eldercare.gov and reach out to at least one agency or organization you do not currently partner with and schedule an in-service presentation.

Sustainability

☐ Reach out to one “untraditional” service partner to set up a meeting or in-service presentation.

☐ Sign up for funding alerts.

☐ Review past funded projects on grant websites and get ideas for your next project.

Further technical assistance is available for attorneys and aging network professionals seeking more information to help older adults and improve the legal services delivery system. Contact NCLER at ConsultNCLER@acl.hhs.gov.
Innovations, Data, and Promising Practices: Strengthening Capacity to Serve Older Adults

Sarah Galvan, National Center on Law & Elder Rights
Eva LaManna, Administration for Community Living
Karen Nicolson, Center for Elder Law & Justice
The Administration for Community Living was created around the fundamental principle that older adults and people of all ages with disabilities should be able to live where they choose, with the people they choose, and with the ability to participate fully in their communities.

By funding services and supports provided by networks of community-based organizations, and with investments in research, education, and innovation, ACL helps make this principle a reality for millions of Americans.
Center for Elder Law & Justice

• Civil Legal Services Provider with several offices in Western New York.

• Focuses on legal issues that impact older adults and provides full service representation, limited scope, pro bono, outreach and policy advocacy.

• Initially incorporated in 1978 with small Title IIIIB grant from Erie County Senior Services.
About NCLER

The National Center on Law and Elder Rights (NCLER) provides the legal services and aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social needs. A centralized, one-stop shop for legal assistance, NCLER provides Legal Training, Case Consultations, and Technical Assistance on Legal Systems Development. Justice in Aging administers the NCLER through a contract with the Administration for Community Living’s Administration on Aging.
Road Map

• Growing need for legal assistance for older adults
• Using data as a foundation for growth
• Collaborations- successes and challenges
• Sustainability options
• Questions & listening session
Older Adults Today

Video: (Not) Making Ends Meet on SSI
7.1 MILLION SENIORS IN POVERTY PER SUPPLEMENTAL POVERTY MEASURE

+ 1M MORE IN NF

NATIONAL NUMBERS
Legal Needs of Older Adults

56% Had at least one legal problem in a year period

10% Had 6+ legal problems in a year period

How Can We Meet the Need?

• Legal assistance programs:
  • Prioritize issues faced by older adults in poverty
  • Look for ways to grow capacity & improve efficiency
  • Utilize data to drive smart growth, focus and sustainability
  • Build collaborative programs to reach diverse populations of older adults
Data
What Can Data Tell You?

• Comparing your internal data on services provided to external data on need can help you identify service and population gaps within your program
  • Example: Does your community data show high numbers of property tax foreclosures for older adults? Are you providing these housing services?
  • Example: Do certain zip codes in your community show high poverty rates for older adults? Are you providing sufficient services in those counties?

• Can also generate ideas for new funding sources
Internal vs. External Data

• External Data
  • Census data, community & organization reports, government reporting
    • American Fact Finder
  • Administration for Community Living: AGing Integrated Database- includes state program reports and census databases
    • Legal Services Corporation Justice Gap Report

• Internal Data
  • Information from your case management system
  • Information gathered for reporting
External Data: Legal Assistance and ACL Reporting

• Current state:
  • Legal assistance providers report hours of service to ACL through AAA contract-sponsors and via state units on aging

• Impetus for change:
  • ACL wants to better understand legal assistance activities through more targeted data
    • Tell your story more comprehensively
    • New data elements
    • Not asking for any data you don’t already collect
    • NO disclosure of personally identifiable information!
Key Dates and How to Find Documentation

- October 1, 2020: Data Collection Begins
- January 29, 2022: 1st Data Submission Due
- For more information and resources
  - ACL’s data website: AGID (AGing Integrated Database)
  - https://agid.acl.gov/
Legal Assistance Data Specifics

• Service Type “Restricted”
• Unit of Service = Hours: Not a new data element
• Open Cases: Refers to the number of cases that were open at any time during the reporting period
  • The reporting period is October 1 – September 30
  • Aggregated as of the end of the reporting period, e.g., September 30
Legal Assistance Data Specifics – Closed Cases

• **Closed Cases**: refers to the number of cases closed at any time during the reporting period
  
  • the reporting period is October 1 – September 30
  • De-identified and aggregated as of the end of the reporting period, e.g., September 30

• Closed cases by intensity of legal service
  
  • Advice
  • Limited representation
  • Representation

• Closed cases by case type/issue: Aligned to Older Americans Act priority case types
Collaborative Projects
Diverse Populations in Need of Services

• 1.5 million LGBT older adults - will double by 2030
• Older minority populations will increase by 200%
• 5 million of America’s older adults are limited English proficient (“LEP”)
• Outreach & collaboration can be key to reaching diverse populations of older adults
  • Top reason cited for not seeking legal help was not knowing where to look or what resources were available
Working with Community Partners

- Your state’s Legal Assistance Developer
- Area Agencies on Aging
- Nutrition services (i.e.: Meals on Wheels and meal sites)
- Long-Term Care Ombudsman
- Adult Protective Services
- Aging & Disability Resource Centers
- Veteran’s services
- HUD Housing Counseling Providers
- Consumer credit counseling service providers
- Local pride centers
- Utility services community liaisons
- Court systems and task forces
- Domestic violence and shelter services
Should we also add courts where elders in poverty might find themselves, such as housing court, family court (for protective orders), defense of guardianship, etc.?

Eva LaManna, 4/26/2019
Examples at CELJ

- Older Refugee Project
- Court Navigator Program
- Legal Risk Detector App.
- EMDT (Enhanced Multi-Disciplinary Teams to Combat Elder Abuse)
Older Refugee Project

• Initially funded by large local funder and included 6 partners.
• To provide free civil legal services (not just immigration related) to difficult to reach populations.
• Resulted in a LEP policy by Buffalo police and hundreds of clients helped.
• Our employee and community liaison added to the Senior services Advisory board.
• Erie County Senior Services added to our grant to fund our portion going forward.
Relationship Building

• Community leaders often know what issues people are facing
  • Check in and make sure you are including their perspective in both planning and evaluation of projects

• Details
  • Is a MOU needed?
  • Assignments of responsibilities and expectations
  • For ongoing relationships, it can be helpful to establish referral protocols and understanding of ethical obligations.
Court Navigator Program

• ACL Elder Justice Innovations Grant
• Idea originated from our work with the court system and the Elder Justice Committee.
• Able to tag onto the EMDT that had been piloted already.
• Scaled down existing models of elder court innovations in California and Florida.
Sustainability
Sustainability & Funding

• Think about funding sources that address poverty issues, issues affecting women, funding for kinship care work, etc.

• Collaborations with non-legal services providers may also open up opportunities for funding
  • Building these relationships to improve service delivery, access, and future opportunities for growth
Innovations and Funding Concerns

• Don’t reinvent the wheel- build on what others have done.

• Have those community contacts so others think of you.

• Management should want to make this investment: it helps more clients, increases efficiency and results in additional dollars.

• Have an innovations plan. Do not try to come up with the next big idea only in response to an RFP.
  • “New Ideas Committee”
Legal Risk Detector App

- Community partner approached us
- Pilot had no funding
- Incubation phase was a year and a half
- Small investment in tech, about 3 grand
- Funding came after, payoff about 15 times the investment.
VOCA Funding

• Many programs are using VOCA funding to provide services to survivors of elder abuse
  • Indiana Legal Services Legal Assistance for Victimized Adults (LAVA) Project
  • Michigan Elder Justice Initiative
  • Bet Tzedek Elder Justice Team
  • Jefferson County, Kentucky ElderServe
  • Maine Legal Services for the Elderly

• NCLER webinar on VOCA
E-MDT

• Multidisciplinary Team to combat elder abuse. Enhancement is addition of forensic accountant and geriatric psychiatrist.

• Community Partner, Lifespan, got initial funding from New York State Office for Aging to pilot.

• CELJ was partner on pilot

• Additional funding from State Office of Victim Services/Office for Aging. VOCA funding.
Changing the Narrative

• The goals of funders and foundations often align with the outcomes that arise from the provision of legal assistance to older adults
  • Grantmakers in Aging
  • Reframing Aging

• How are you presenting this work both within your office and in the community?
Stay Informed

• Sources of funding alerts & information:
  • Civil Legal Aid Federal Funding Resources
  • Department of Justice
  • OVW Funding Opportunities
  • Office for Victims of Crime Funding Opportunities
  • VOCA funding
  • Grants.gov
  • Administration for Community Living Grant Opportunities
Questions & Discussion
Contact Us!

Sarah Galvan: sgalvan@justiceinaging.org
Eva LaManna: eva.lamanna@acl.hhs.gov
Karen Nicolson: knicolson@elderjusticeny.org
Visit Our Website:
NCLER.acl.gov

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ncler.acl.gov
Targeting Older Americans Act Services Without Means Testing: Meeting the Challenge

ISSUE BRIEF • January 2018

Adapted from the Best Practice Notes by The Center for Social Gerontology

The Center for Social Gerontology

The Center for Social Gerontology, Inc. (TCSG), is a non-profit research, training and social policy organization dedicated to promoting the individual autonomy of older persons and advancing their well-being in society.

TCSG’s mission is to help society adapt to the dramatic increase in the numbers of old and very old, and to insure that older persons at all socio-economic and health levels are able to meet their needs and use their talents and abilities in a changing society.

Introduction

While Older Americans Act (OAA) programs and services are open to all older adults age 60 and over, the Act contains numerous requirements that limited program and service resources be targeted specifically to older adults with the greatest economic or social need. Throughout the OAA’s history, Congress has added clarification on groups of older persons to be particularly targeted. Beyond the Act’s general targeting requirements, there are special provisions regarding legal assistance that place even greater emphasis on targeting legal services. However, while the OAA mandates targeting to those in greatest need, it also clearly prohibits the use of means testing to determine who is eligible to receive legal services, creating a challenge for state and area agencies as well as legal providers.

This Issue Brief first describes the general targeting provisions in the OAA, and then examines additional requirements specific to legal services. It explores the challenge of how to effectively target limited legal resources to those in economic or social need if legal providers cannot say no to serving individuals based on income and assets. It concludes with guidance on approaches for fulfilling the OAA’s targeting requirements while adhering to the means testing prohibition. The Issue Brief is adapted from The Center for Social Gerontology’s Best Practice Notes: Targeting Older Americans Act Services Without Means Testing: Meeting the Challenge.

General Targeting Requirements in the Older Americans Act

The original purpose of the OAA in 1965 was to test ways to address the needs of all older persons. However, over the past 50 years, Congress has increasingly directed that limited OAA resources be targeted to older adults with the greatest social or economic need. This has included more fully identifying an increasing number of specific groups to receive particular attention in targeting efforts; for example, low-income minority individuals and those with limited English proficiency.

The OAA defines greatest economic and social needs as:

The term “greatest economic need” means the need resulting from an income level at or below the poverty line. The term “greatest social need” means the need caused by non-economic factors, which include: (a) physical and mental disabilities; (b) language barriers; and (c) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that: (i) restricts the ability

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1 See for example, 42 U.S.C. §3025(a)(2)(E).
of an individual to perform normal daily tasks; or (ii) threatens the capacity of the individual to live independently.\(^3\)

The OAA defines “poverty line” as the official poverty line (as defined by the Office of Management and Budget, and adjusted by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).\(^4\)

In each OAA reauthorization, Congress has provided further guidance and expansion on this targeting expectation. For example, in 1992, Congress required state agencies on aging to set goals for area agencies to provide services to low-income minority individuals and provide assurances that they would undertake specific program and outreach efforts to meet those needs.\(^5\) In 2000, the reauthorization added focus on older individuals residing in rural areas. In 2006, Congress added, in a number of places, that state and area agencies should recognize the language needs of older individuals with limited English proficiency.\(^6\)

The OAA currently specifies for state and area agencies on aging (AAA) a fairly long list of groups to be targeted. For example, with regard to outreach in both state and area plans, it requires the plans to provide assurances that the state/area agencies will use outreach that will identify older persons in particular target groups and inform them of available services. Area plans for example, must:

(4)(B) provide assurances that the area agency on aging will use outreach efforts that will—

(i) identify individuals eligible for assistance under this Act, with special emphasis on—

(I) older individuals residing in rural areas;

(II) older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(III) older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas);

(IV) older individuals with severe disabilities;

(V) older individuals with limited English proficiency;

(VI) older individuals with Alzheimer’s disease and related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

(VII) older individuals at risk for institutional placement; and

(ii) inform the older individuals referred to in subclauses (I) through (VI) of clause (i), and the caretakers of such individuals, of the availability of such assistance.\(^7\)

All levels of the aging network—from the Administrator for Community Living/Assistant Secretary for Aging to each local provider—must adhere to these targeting requirements. At the federal level for example, targeting requirements are included in the role of ACL/AoA in providing training and TA to states, AAAs and providers and in evaluation of programs and services under the Act.\(^8\)

**Greater Targeting Requirements Specific to Legal Services**

As noted, the targeting directive for legal assistance is even greater than for other OAA services. This is because of all the services defined in the Act, only “legal assistance” includes as part of the definition itself, a

\(^4\) 42 U.S.C §3002(43)(2016).
\(^7\) (42 U.S.C. §3026(a)(4)(B)(2016)). Similar language about State Plans is at 42 U.S.C.§3027(a)(16) 2016, with the exception that older individuals at risk of institutional placement are not mentioned.
\(^8\) 42 U.S.C. §3017(a), §3018(a)(1) and (c), (2016).
directive that services are to go to “older individuals with economic or social needs.” The definition is as follows:

(33) the term “legal assistance”—

(A) means legal advice and representation provided by an attorney to older individuals with economic or social need;... (emphasis added)\(^9\)

As further guidance for targeting legal services, since 1992, state agencies are required to include assurances in their State Plan that area agencies on aging will give priority to legal problem areas of particular significance to the target populations. The priority issues include: income, health care, long-term care, nutrition, housing, utilities, protective services, defending older persons against guardianship, abuse, neglect and age discrimination.\(^10\)

The 1991 Senate Committee report explains that the priority list is included: ...in response to concerns that many area agencies on aging have not established legal assistance programs which include sufficient outreach, targeting and community education components,... It is the Committee's expectation that these provisions will ensure that services are targeted to those in greatest social and economic need.\(^11\)

**Requirements to Target vs. Prohibition Against Means Testing**

As noted, while targeting is clearly required throughout the OAA, means testing is prohibited. The balance of targeting services to those in greatest need while avoiding means testing can present a real challenge, particularly at the local service provider level. Understanding Congress’ prohibition on means testing and the purposes of targeting can help providers achieve that balance.

“Means testing” is a process of using income and resources to determine eligibility for services. Initially, the OAA Regulations contained the means testing prohibitions—for OAA services generally\(^12\) and for legal services specifically. For legal services, the regulations state that: “a legal assistance provider may not require an older person to disclose information about income or resources as a condition for providing legal assistance under this part.”\(^13\)

The means testing prohibition can present a particular challenge to providers who also receive funding from the Legal Services Corporation (LSC). LSC grantees are required to means test. Providers who receive funding from both LSC and ACL/AoA must be careful to assure their compliance with requirements of both funding sources.

**Cost-Sharing vs. Voluntary Contributions in the 2000 Amendments**

The 2000 Amendments brought—for the first time in the OAA—cost-sharing which is a form of means testing that uses a sliding fee scale linked to an older person’s income. Any type of means testing had been a source of disagreement in prior reauthorizations. After much debate during the 2000 reauthorization process, Congress agreed to permit cost sharing for certain OAA services, for example, home and community based services.

However, for purposes of this discussion, the important point is that while the Act now allows some cost

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\(^9\) 42 USC. §3002(33) (2016) The uniqueness of the targeting requirement in the legal assistance definition is highlighted by comparing it to the definition of “information and assistance service.” (I&A) Although I&A contains language that it be targeted to those with greatest social and economic needs and those at risk for institutional placement, it clearly prefaces this by defining I&A service as one that “serves the entire community of older individuals.” 42 USC §3002(28) (2016). Legal assistance, on the other hand, is defined as a service to be delivered to elders with economic or social need and does not require serving the entire community


\(^11\) S. Rep No 151, 102d Cong at 91 (1991)

\(^12\) 45 C.F.R. §1321.67 (2012)

\(^13\) 45 C.F.R. §1321.71(d) (2012).
sharing, it specifically prohibits it to determine eligibility for certain Title III services for which voluntary contributions are allowed. These include essential services, such as: legal assistance or other consumer protection services; benefits counseling; ombudsman, abuse prevention, congregate and home delivered meals; and any services delivered through tribal organizations.\textsuperscript{14}

It is in the discussion of voluntary contributions that the Act itself now addresses means testing. Voluntary contributions are only allowed \textit{provided there is no coercion}\textsuperscript{15} or \textit{means test used}.\textsuperscript{16} Further, if a provider accepts voluntary contributions for legal services, these contributions must be used to augment legal services, and should not be used for other services or purposes.\textsuperscript{17}

\section*{Asking About Financial Circumstances as Part of Service Delivery}

Legal assistance providers often include questions about income and assets as part of their intake process so that they can appropriately address a client’s legal circumstances or identify benefits for which they could qualify. So long as this information is not used up front to deny or limit services to the individual, this is appropriate under the OAA, as OAA regulations specifically state: “A legal assistance provider may ask about a person’s financial circumstances as part of the process of providing legal advice, counseling, and representation, or for the purpose of identifying additional resources and benefits for which an older person may be eligible.”\textsuperscript{18}

Many legal problems cannot be resolved without understanding the client’s income and assets. Further, many programs ask these questions as part of a “public benefits check-up” with clients to identify whether the client is eligible for SNAP, Supplemental Security Income (SSI), public housing, Medicaid, and Medicare Savings Programs.\textsuperscript{19}

\section*{Guiding Principles for Targeting Services Without Means Testing}

As clarified in the OAA, the goal for all entities in the aging network should be to provide legal services to those individuals with the greatest social and economic need. However, because of the natural tension between targeting services to those with greatest need while adhering to the means testing prohibition, legal services programs can effectively target by following these principles:

1. Identify the target population;
2. Establish the legal issue/case priority;
3. Provide legal services with cultural sensitivity and effective communications;
4. Develop strategic outreach and education materials;
5. Coordinate with other entities in the legal services and aging network; and
6. Make legal services accessible and user friendly.

More information on each of these components is below.

\section*{1. Identify the target population}

Providers have several tools available to help ensure clients in the greatest need of legal services are targeted for assistance. First, providers, Legal Assistance Developers (LADs), and area agencies on aging (AAAs) can

\begin{itemize}
\item \textsuperscript{14} 42 U.S.C. §3030c-2(a)(2) and (3) 2016.
\item \textsuperscript{15} 42 U.S.C. §3030c-2(b)(1). (2016).
\item \textsuperscript{16} 42 U.S.C. §3030c-2(b)(3) (2016).
\item \textsuperscript{17} Specifically, the OAA states: “The area agency on aging shall ensure that each service provider will... use all collected contributions to expand the service for which the contributions were given and to supplement (not supplant) funds received under this chapter). 42 U.S.C. §3030c-2(b)(4)(E)(2016).
\item \textsuperscript{18} 45 C.F.R. §1321.71(e)(2012).
\item \textsuperscript{19} The National Council on Aging’s (NCOA) website, located at \url{benefitscheckup.org}, provides an easy way to identify benefits for clients.
\end{itemize}
jointly establish guidelines for identifying clients in the greatest need in their locality, with a focus on the populations identified in the OAA. These entities can then work together and use demographic information, such as census data, to target groups in the state and service area. Since information and assistance networks (I&Rs) and Aging and Disability Resource Centers (ADRCs) often serve as the first-line of assistance to many older adults and caregivers, the data that these programs track and report can be useful in highlighting trends and emerging legal issues. These targeting guidelines can serve to inform the development of operational procedures to reach and serve the target populations.

2. Establish legal issue/case priorities

Priority setting is the identification of specific types of life problems that are most critical to target groups in meeting basic needs, for example, income, shelter, nutrition, and health care. To avoid means testing, but to also successfully target the populations with the greatest needs, legal providers can prioritize these life challenges into the types of legal issues they will and will not handle. Legal resources are limited and by setting priorities, providers can maximize service for target groups and address the most serious needs.

The eleven (11) broad case priorities in the OAA—income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect and age discrimination—are a helpful starting point for the priority setting process. Also, the conclusions from a state’s “legal needs assessment” can help clarify the state and area’s legal priorities. A finely honed set of priorities that reflect the most critical needs of targeted populations can provide a program with a fair and consistent way of accepting the most important cases and saying “no” without means testing.

Priorities should be revisited as client needs change, and as laws and policies affecting the target populations change. Further, while priorities should guide intake decisions, they should not be used as rigid rules to turn clients away. A program should retain flexibility to accept compelling cases for the target client population, even if a particular case falls outside of the program’s stated priorities.

**Important note regarding the role of IIIB providers in guardianship cases:** When setting priorities, remember the OAA provides specific guidance on the role of IIIB legal providers in guardianship cases. The role is to defend an older person against guardianship or to terminate a guardianship. Only in limited circumstances can the Title IIIB provider represent an older person petitioning for guardianship. Under Title IIIB, the older adult is the client, and IIIB resources should not be used to represent an individual wishing to gain guardianship over an older person.

3. Provide legal services with cultural sensitivity and effective communication

Once developed, the identified target groups and case priorities should drive and shape outreach to potential clients. All outreach efforts should be guided by the overriding principle that legal services are provided with cultural sensitivity and clear communication.

Legal providers must have the capacity to communicate with individuals who have language barriers or other communication challenges. To achieve this, programs can develop a language access plan. A language access plan should include procedures for assessing language needs, identifying staff language capacity, using interpreters, training staff, translating client letters and legal documents, conducting outreach to limited English proficient clients, and continuing to evaluate language access policies and procedures.

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23 Id.
Here are several examples of language access plan components:

- Policy and Procedures on Providing Services to Limited English Proficient Clients
- Step-by-Step Guide to Intake and Case Handling
- Poster notifying clients of the right to an interpreter

Additional guidance on developing language access policies is available through the Legal Services Corporation.

4. Develop strategic outreach, publicity and community education

Frequently, the older adults with the greatest economic and social needs can be the hardest to reach and serve. Effective legal services outreach should accomplish three goals: education, relationship building, and empowerment. First, providers should educate older adults about the availability of legal services and the help they can offer. Next, providers should build relationships—both with older adults themselves, and the trusted community organizations already linked up with older adults. These trusted organizations are key for issue-spotting and can help provide “warm handoffs” to connect the older adult to the legal services organization. Finally, the outreach should empower the older adult. Whether through community legal education events that help the older adult recognize their problems as legal problems, targeted materials written at levels understandable by audiences, or other strategic means, outreach should empower the older adult to seek assistance and know that legal services can help them. Here is an example of how legal services programs can strategically reach a target population: LGBT older adults.

How Legal Services Can Strategically Reach a Target Population: LGBT Older Adults

First, the program can build a relationship with LGBT centers and faith-based groups that serve LGBT older adults. Many LGBT centers have senior groups that would welcome a legal services program as a speaker. To educate the target population, a legal services program could offer free legal clinics for LGBT older adults on specific topics, such as advance planning documents, and collocate the clinic at LGBT centers on an ongoing basis. Legal services programs could advertise their services in a local LGBT publication, especially one that might be read by an older audience. Finally, to empower LGBT older adults to seek assistance, all outreach materials should specifically name issues facing LGBT older adults as issues the legal services organization works on. This specificity helps create an environment that welcomes LGBT older adults to seek services, even before the intake process.

5. Coordinate with legal services and the aging network

The OAA requires each legal program coordinate its services with local LSC programs, and with the private bar. Although the LSC Act requires programs use means testing, and the OAA explicitly prohibits means testing, the difference in eligibility processes heightens the need for Title IIIB legal services and LSC programs to coordinate. When Title IIIB and LSC providers share information about case priorities, they can set

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26 Massachusetts Law Reform Institute, available at: maslegalservices.org/content/your-right-interpreter-poster-editable-version
priorities that complement each other, and coordinate procedures for referrals. For example, most LSC offices handle public housing, family law and landlord/tenant cases, which are experienced by low-income individuals regardless of age. A IIIB program would still have the flexibility to represent an older adult with a landlord/tenant problem, if referred by the LSC office for not meeting eligibility guidelines. Both programs must work together closely to avoid clients being bounced between programs or falling through the cracks.

In addition to LSC coordination, coordinating with local aging network community-based organizations (CBOs) is critical for providing holistic assistance to older adults. When legal services programs build relationships with these CBOs, and communicate with them regularly, the CBOs can issue-spot and refer older adults from the target populations to legal services, when appropriate. Here are some ways legal services can work with a CBO to reach the target populations:

- Coordinate with the local Long-Term Care Ombudsman program to reach nursing home residents;
- Train volunteers and staff who deliver meals and other home services on how to recognize priority legal problems and refer persons with legal needs to the legal provider; and
- Offer a free legal clinic at an LGBT center focusing on issue of specific interest to LGBT older adults.

Providers may also consider creating an Advisory Committee within the aging network to receive input about the needs, interest, and preferences of the target population. This committee should be diverse and include representatives of the target population, as well as other service providers and community leaders who serve or represent targeted groups.

6. Make services accessible and user friendly

Easily accessible services and user friendly offices are essential to targeting and successfully reaching those in greatest need. Legal providers should periodically assess their offices and operations to see how easily older adults can access their services.

### Accessibility Check: Questions to Ask

- **Location and times of operation:** Is the office and intake site located within the target client community?
- **Home and institutional visits:** Does the program make home or institutional visits so that homebound seniors and those in nursing facilities have access to services?
- **User friendly and culturally sensitive offices:** Does the staff reflect the racial, ethnic and social backgrounds of the targeted groups? Does the program inform and educate staff about the perspectives, beliefs, traditions and customs of the cultures in the area served by the office?
- **Telephone access:** Does the provider have a toll-free number to enhance accessibility for clients in outlying rural areas? Does the provider utilize a relay service to communicate with clients who are deaf or hard of hearing? Is the phone system equipped to accept emergency messages from clients when staff are unavailable to answer?
- **Internet access:** Does the program’s website clearly, and prominently, list the e-mail address, intake hours, directions and program priorities? As increasing numbers of older adults use Facebook to communicate, does the program have a Facebook account that it uses to help older adults access services?
Evaluating Targeting and Outreach Efforts

To assess the success of their outreach, programs can employ a range of methods to evaluate their targeting efforts. For example, legal services providers can seek regular feedback from clients through targeted surveys and documenting informal feedback. Programs can also use the data they collect on clients served, and regularly review that data to determine whether target populations are receiving needed services. Finally, coordinating with legal and aging partners, perhaps through an Advisory Committee or other established coordination infrastructure, can provide critical information to determine whether the legal and aging network as a whole is reaching the targeted population.

Conclusion

Targeting is critical to the provision of impactful, meaningful legal services. Targeting allows Title IIIB legal services providers to comply with the OAA’s requirements for targeting older adults, without using means testing to limit eligibility. Working cooperatively, legal services providers, Legal Assistance Developers, state units on aging, and AAAs can appropriately target services to ensure that those services reach those older adults with the greatest social and economic needs.

Further technical assistance is available for attorneys and aging network professionals seeking more information to help older adults and improve the legal services delivery system. Contact NCLER at ConsultNCLER@acl.hhs.gov.

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