

# DIALOGUE

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## Grantee Spotlight: Iowa Legal Aid's Legal Hotline for Older Iowans

*By Dennis Groenenboom*

The nursing home where George's<sup>1</sup> wife resided had decided she was not their ideal patient, and with Medicaid making her payments, they would rather transfer her elsewhere. The elsewhere they had in mind was more than 40 miles away and would mean the end of George's daily visits to care for her and maintain, as best he could, the relationship they had spent a lifetime building. The nursing home was well on the way to making the transfer when George discovered Iowa Legal Aid's Legal Hotline for Older Iowans ("Hotline"). The Hotline attorneys intervened, and George's wife stayed in the home, with an admonishment from the judge, to the nursing home, that she was to be well cared for.

"I was taking care of my wife who had Alzheimer's at home. It got to be too much and she had to go to a nursing home. Later, they tried to discharge my wife. I could never have afforded a lawyer to fight these people; that's how I came in contact with Iowa Legal Aid."

George is typical of many elderly Iowans, either unaware of the civil legal protections or public benefits available to them, or without the resources to secure them, or both.

From its inception in 1998, the Hotline has provided legal assistance to a growing, but often underserved, segment of Iowa's population. In the first year of the program, 900 households with older Iowans were served by the Hotline staff. That number has increased to a projected 3,800 cases being handled in 2009, with an estimated 5,170 individuals assisted.

The Hotline is designed to meet the legal needs of Iowans over the age of 60. It does not employ a means test, but most clients have low incomes, with fully a third below the poverty level. A typical household of two contacting the Hotline for assistance has an annual income below \$20,000. They are generally Iowans who have had a long life of hard work, followed by a retirement funded by meager Social Security incomes and minimal, or non-existent pensions. Approximately 70% of people who call the Hotline are elderly women.

Often such Iowans, living uncomfortably close to the edge, will experience a single event that pushes them toward disaster. John, a 64-year-old Northwest Iowa man, faced a hospital bill in excess of \$160,000. He did not have a Medicare supplemental policy. The debt far eclipsed his net worth; he would never have been able to pay it off from his annual income of less than \$12,000. On advice from a Hotline attorney, and with a follow-up from the Hotline staff, John appealed to the hospital's charitable care program and had the entire debt written off.

### **IOLTA Provides a Lifeline**

In the late 1990's, Iowa Legal Aid became increasingly aware of the special and growing needs of Iowa's substantial elderly population. At the same time, federal funding was being provided to address this issue nationwide. The Hotline was initially funded by a grant from the U.S. Administration on Aging however, after two grant cycles the funding had ended. Iowa's Lawyer Trust Account Commission (IOLTA) became a critical new source of funding and has continued to sustain the Hotline. IOLTA had already been a key source of funding for the general programs of Iowa Legal Aid, and considers providing legal assistance to Iowa's aging population as a mission of special importance.

Paul Wieck, Director of the Office of Professional Regulation of the Iowa Judiciary and administrator of Iowa's IOLTA program, recognizes the continuing value of this project. "The Hotline is one of the most cost-effective grants funded by the Iowa IOLTA program. This program is particularly effective because it offers services virtually on-demand to senior citizens in every corner of Iowa," says Wieck.

IOLTA provides approximately 30% of the Hotline's funding, which supports three full-time attorneys, one part-time attorney and one full-time intake person who provide the legal assistance to older Iowans. IOLTA also provides valuable resources through its support of the Poverty Law Internship Program operated by Drake University Law School in Des Moines and the University of Iowa College of Law in Iowa City. The internship program usually provides 12-15 interns per year to support Iowa Legal Aid's staff attorneys, including the Hotline attorneys.

### **Addressing Healthcare and Related Concerns**

Not surprisingly, given the ages of the Hotline's clients, the largest number of calls to the Hotline are prompted by healthcare concerns. In addition, the Hotline frequently provides advice or refers elderly clients to resources to help them protect their assets.

Consider the case of Marjorie. Marjorie's husband's had suffered from Alzheimer's for seven years before she felt his best interests would be

served by moving him to a nursing home. At the time that her husband entered the nursing home, their life savings amounted to \$40,000. Not realizing that her husband might be eligible for Medicaid to pay his nursing home bills, they spent \$30,000 of their savings during the next few years for his care. Marjorie, who was only 68, began to wonder how she was going to pay her own expenses for the rest of her life if their savings were all used for nursing home bills. She contacted the Alzheimer's Association, which referred her to the Hotline. The Hotline advised her to immediately apply for Medicaid since her husband had been eligible for Medicaid benefits since he had first entered the nursing home. This simple advice protected her remaining assets from further erosion, but unfortunately, could not restore the \$30,000 she had already spent.

## **Resolving Consumer and Related Problems**

In addition to health related questions and asset management, the Hotline assists its elderly clients with consumer concerns. The Hotline often fields questions from an elderly client, frequently a widow or widower who has amassed significant credit card debt, sometimes as much as \$20,000. Of course, many Hotline clients assume responsibility for their debts and struggle to make minimum payments. But in many of these cases, the debts will likely last for the remainder of the client's lifetime and will force the client to forego food, medicine and other necessities. The Hotline is frequently able to recommend a course of action, which may leave some debts unpaid, but will secure a tolerable future for the older Iowan, as in the case of Betty.

Betty was being sued by a collection agency for her \$15,000 credit card debt. Social Security was her only income. The Hotline attorney informed the collection agency that Betty was "collection proof" and intervened to prevent any garnishment of her bank account, which consisted solely of Social Security income. The service to Betty did not end there. Hotline staff helped her apply for Iowa's Rent Reimbursement program and enroll in the Low-Income Home Energy Assistance Program to assist with her heat bills in the frigid Iowa winter.

As with Betty, the work of the Hotline is often less about direct legal representation and more about connecting people to resources. Clients will call with a question or an issue, and in the course of conversation, Hotline staff will recognize the clients' eligibility for assistance programs that will extend their limited income.

While discussing an unrelated issue with Sarah, a Hotline attorney discovered that she was spending \$300 of her monthly income of \$600 on medical and related expenses, all of which were eligible for reimbursement. The attorney's advice on how to receive reimbursement for these expenses effectively doubled Sarah's monthly income.

## **Preventative Education**

“Elder Law Seminars” have become a mainstay of the Hotline’s efforts to preserve the quality of life among older Iowans by helping them prevent legal problems. In the past year, five such seminars were aired over the Iowa Communications Network in 25 locations around Iowa with more than a thousand Iowans in attendance. Although directed at older Iowans, the seminars also draw providers from a wide range of social services agencies, thereby magnifying the impact and empowerment of the information. Topics are timely and include life planning issues, health care and public benefits, Medicaid eligibility, substitute decision making and consumer issues.

Likewise, the Hotline provides Continuing Legal Education to the legal community through seminars and bar association meetings. By doing so, it further educates the profession to the unique needs and challenges of elderly clients.

### **Hope, Dignity and Justice**

The attorneys who staff Iowa Legal Aid’s Hotline for Older Iowans are dedicated to securing access to justice and preserving hope for Iowa’s most marginalized citizens. While this is of course true of all of Iowa Legal Aid attorneys, Hotline attorneys have a special understanding of the barriers to justice faced by older Iowans. The work of the Hotline is driven by the conviction that a lifetime of often hard and physical work should, at a minimum, lead to adequate health care, a safe and warm home and other basic necessities of life. It is this belief that compels funders, staff and attorneys to help older Iowans live their final years with dignity with the assistance of the Legal Hotline for Older Iowans.

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<sup>1</sup> All clients’ names have been changed.

***Dennis Groenenboom*** is Executive Director of Iowa Legal Aid.

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