

*Understanding the Role of Legal Services  
in the Lives of Vulnerable Seniors*

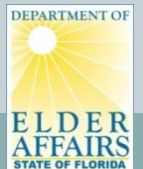


**Partnering with Legal  
Providers to Respond to  
Elder Financial Exploitation**

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# Introductions: Getting to Know You



- Name
- Program
- From
- Work
- What would you like to take away from this workshop?

# Workshop Goals / Learning Objectives:



## Participants will learn about:

- *The role of the State Legal Services Developer and how the Developer can assist states in broad Elder Rights Advocacy;*
- *Forming effective strategies for integrative partnerships;*
- *How to spot potential civil legal issues in reports of abuse, neglect, and exploitation;*
- *Where to refer callers for free civil legal resources to address the abuse, neglect, and exploitation of seniors; and*
- *How to establish a coordinated network of legal and social services providers in the participant's community.*



# Advocacy in the Aging Network

# What is a Legal Services Developer?



- A position required in each state under the Older Americans Act (OAA)
- Responsible for providing leadership in developing legal assistance programs for persons 60 years of age and older and provides oversight of the OAA Title IIIB legal assistance programs.
- Plays a key role in assisting states in the development and the provision of a strong elder rights system.
- **Assures that at-risk older people understand their rights and have access to the civil justice system.**

# What are Elder Rights?



- The Older Americans Act is more than just the program and services created by the Act.
- The Act seeks to advance a number of objectives that we can read in Title I.
- The purpose of the OAA is to secure and protect essential rights and benefits for older persons, e.g. adequate income, quality health care, affordable and suitable housing, non-discrimination, autonomy and choice.
- Achieving this purpose necessarily involves legal advocacy services.

# What is Advocacy?



- Many different ways of thinking about advocacy
- One definition - An advocate is a person who represents and works with a person or group of people who may need support and encouragement to exercise their rights, in order to ensure that their rights are upheld.
- Formal vs. informal advocacy

# Why Do We Need Advocacy?



- **Premise - Difficulty in personally exercising rights should not mean that those rights no longer apply.**
- **Some effective method of assisting the person to exercise their rights must be found.**



# Focused on Advocacy



If we see ourselves as advocates, rather than simply service providers, we need to ask ourselves a number of questions:

- **As advocates for older persons, particularly those that are economically and socially vulnerable, are we taking a holistic approach to our service provision?**
- **Are we the eyes and ears to the opportunities and challenges seniors face, or are we simply gatekeepers that open or close doors?**
- **If not, how do we do this?**

# What is the Legal Assistance Program Under Title III B of the Older Americans Act?



- The role of the Title IIIB legal assistance program is to ***identify and serve*** the civil legal needs of those older people who are ***most vulnerable*** due to social and/or economic circumstances, particularly those who are frail, isolated, and/or minorities.
- The activities of these legal programs and the legal services developer help seniors by enabling them to ***retain their autonomy and remain in the community***. They also assist in the prevention of many kinds of abuses against older people.

# What Types of Legal Services are Provided?

- **Maintaining adequate income** – Medicaid and other public benefits
- **Securing Health Care Benefits** - Medicare and other medical plans
- **Keeping safe and affordable housing** - Foreclosure, eviction, utility shut-off
- **Preventing and finding relief from fraud, abuse, neglect and exploitation** - Home repair scams, revoking powers of attorney, restraining orders, and other remedies
- **End of life care communications** - Advance directives, do-not-resuscitate issues
- **Maintaining the rights of at-risk older persons** - Guardianship and conservatorship defense, residents' rights protections

# Older Floridians Legal Assistance Program



- IIIB is more than a funding source
- We should and can be buying more than ‘units of legal service’
- The Older Floridians Legal Assistance Program is a **collaborative** statewide program of key stakeholders working together to serve the legal needs of seniors in greatest economic and social need.

# Why Coordinated/Integrated?

- Holistic view of client services
- Integrated point of entry
- Treating the cause rather than the symptoms
- Many people are reluctant to admit they have legal problems
- There may be a pattern of problems that need systemic advocacy

# No Man is an Island



- No one discipline has all of the answers
- Build referral networks for better client service
- Diverse services
  - In-house
  - Referral networks
    - ✦ Formal
    - ✦ Informal

# Who is a Civil Legal Services Provider?



1. Statewide Senior Legal Helpline
2. Title IIIB Legal Provider
  - Other local legal aid organizations
3. The State Bar – The Private Bar
  - Elder Law
  - Personal Injury
  - Local Bar Association

# Other Sources of Legal Information



- State Law Help pages – ex.: [www.floridalawhelp.org](http://www.floridalawhelp.org), <http://www.lawhelp.org/SC/> (South Carolina)
  - 'Life Planning' Page
  - 'Age 60+' Page
- State Bar Consumer Pamphlets
  - Powers of Attorney
  - Advance Directives
- Court Self-Help Centers
- Handbooks for seniors



# Networking with Providers



- Identify legal service providers
- Build relationships with them
- Learn what kinds of issues and clients they can help
- Collaborate and cross-train on training intake and referral staff
- Program visits

# Learning Objectives

- Develop the ability to identify civil legal needs
- Learn to identify underlying causes for reported problems
- Learn the basics of preparing a senior with a legal issue for referral to an appropriate provider
- Understand the resource limitations within the civil legal system and how this can be overcome through effective partnerships

# The Easy Indicators of Legal Need



- I need to talk to a lawyer
- I need a divorce
- I need a will and power of attorney
- I have been hurt
- I am being sued
- I am being evicted

# The Next Questions

- **Self-identified legal problem**

- **Screen for:**

- ✦ **Legal or non-legal: review with the senior**
- ✦ **Urgency/legal deadlines reported by senior**
- ✦ **Other non-legal needs and services**
- ✦ **Possible mental health issues**
- ✦ **Eligibility for public or other benefits**
- ✦ **Classify for appropriate referral**



# Social Services or Legal Need?



- Senior needs help with food or paying utility bills.
- Standard solution is to connect with food or utility assistance
- Holistic approach is to look for a underlying or a systemic issue

# Look for Problems With...



- Income
- Exploitation
- Abuse
- Living conditions (landlord/tenant)
- Debts

.....that complicate or aggravate health problems or interfere with the caller's independence and quality of life.

# How Can You Help? Ask Questions!



- Income
- Assets
- What are they spending their money on
  - **Detail is important**
- Changes in personal and household income
- Changes in family status
- Ask about debts – mortgage issues

# Inviting Disclosure: Some Questions to Ask



- **When did this happen?**
  - *Timing is very important*
- **Have you received a letter or notice from anyone?**  
*(they may not tell you)*
  - When
  - Dated
  - Mail, notices hand-delivered or left on door
- **Are you worried about your safety?**



# Additional Questions

- Has there been a change in family status?
- Is someone threatening you?
  - **Who?**
  - **How?**
  - **When?**
- Has there been a change in income, health care coverage, housing?
  - **Look for a termination of or a reduction in a benefit**

# Focus on Financial Exploitation



- **Persons over the age of 50 control over 70% of the nation's wealth.**
- **The annual financial loss by victims of elder financial exploitation was estimated to be \$2.9 billion in 2009, a 12% increase from 2008.**
- **An estimated \$40 billion is lost every year to investment fraud, with losses from seniors totaling as much as \$2.6 billion.**

**For our mutual clients, our focus is on the illegal or improper use of an elder's funds, property, or assets.**

# Warning Signs of Exploitation



- Sudden changes in bank account or banking practice
- Inclusion of additional names on an elder's bank signature card;
- Unauthorized withdrawal of the elder's funds;
- Abrupt changes in a will or other financial documents;
- Unexplained disappearance of funds or valuable possessions;
- Substandard care being provided or bills unpaid; despite the availability of adequate financial resources;
- Unexplained sudden transfer of assets;
- Provision of services that are not necessary

# Referrals - Clients



- Does the Client understand that there may be a legal problem and a legal remedy?
- Does the Client want help with the issue?
- Does the Client have capacity to communicate the problem?
  - If not, does Client have an agent under a DPOA?

# Referrals – Civil Legal Providers

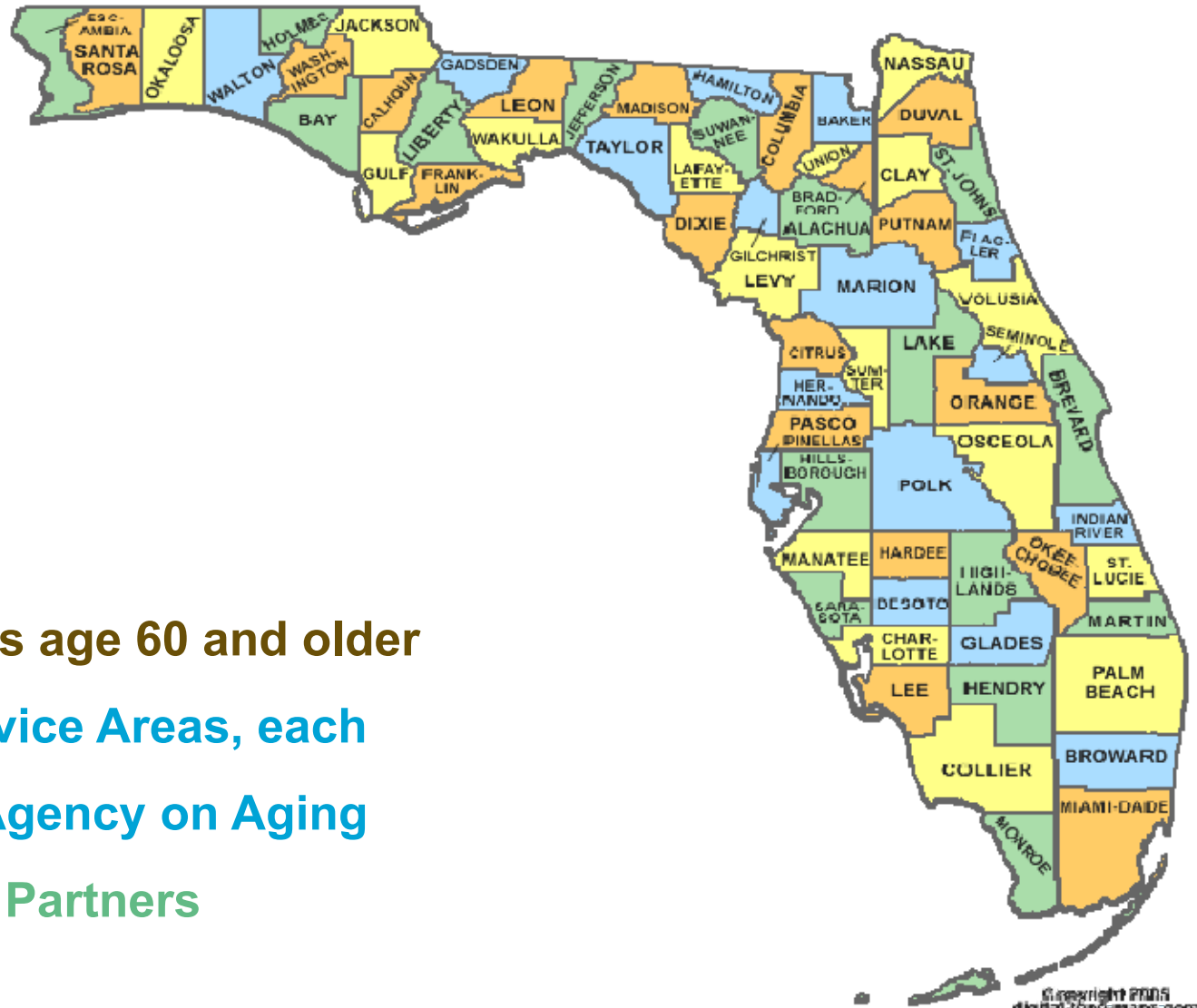


- Understanding Legal Referral Protocols
  - Understand what kinds of cases they will take
  - Client eligibility rules
  - Intake procedures for new clients
  - What, how, when, and where?
  - Who will they talk to?
  - Ways to avoid client bounce/assure help is received
  - Share info about unmet legal needs/lack of good referrals

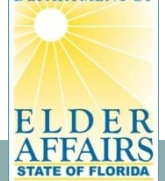


## Florida Senior Legal Helpline

- 67 Counties
- 4,157,824 residents age 60 and older
- 11 Planning & Service Areas, each with its own Area Agency on Aging
- 14 Title III-B Legal Partners



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# Creating Effective Partnerships

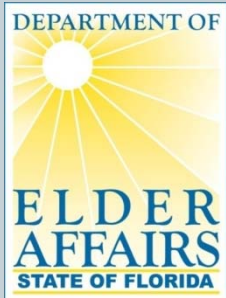


- Identify legal services providers and invite them to be included in a referral network
- Learn about the types of issues, clients they can help
- Collaborate on training intake and referral staff
- Cross-train all staff and undertake program visits
- Identify coordinated response appropriate for elder financial exploitation

# Case Studies



## **BREAK-OUT GROUPS DISCUSSION OF ACTION PLANS QUESTIONS**



*Charles T. Corley, Secretary*



# Contact Us



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