



WORKING TOGETHER TO TARGET SENIORS WITH THE GREATEST SOCIAL AND ECONOMIC NEED

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Legal Assistance under Title III-B

- Under The Older Americans Act
 - “Legal Assistance” means legal advice and representation provided by an attorney to older individuals with economic or social needs;

TARGETED SERVICES

- The Older Americans Act requires services to be targeted at the needs of seniors with the greatest social and economic needs
 - “Greatest Economic Need” means the need resulting from an income level at or below the federal poverty line.
 - “Greatest Social Need” means need caused by non-economic factors, such as physical/mental disabilities, language barriers, and cultural, social, or geographical isolation, including isolation caused by racial/ethnic status, that restricts ability of individual to perform normal daily tasks or threatens capacity of individual to live independently.

Draft Best Practices 2012 MAP Project

- III. Targeting (Seniors with Greatest Social or Economic Needs)
 - A. Recognizing that the resources of the Older Americans Act are not adequate to meet the legal needs of all Ohio seniors, legal assistance programs shall be targeted to those in greatest social or economic need, including seniors who:
 - • Have low income;
 - • Are frail;
 - • Are disabled;
 - • Are culturally and/or geographically isolated;
 - • Have limited English proficiency;
 - • Are abused, neglected or exploited;
 - • Are members of a minority group;
 - • Live in rural areas;
 - • Are residents of long-term care facilities; or
 - • Receive home and community-based long-term care.

B. The Area Agencies on Aging and Legal Assistance Providers shall, in consultation with the Legal Services Developer, jointly develop and regularly review plans to target legal assistance programs to these individuals, as appropriate in each Area Agency on Aging. Flexibility is important during the planning process, which should include consideration of the availability of other resources to meet the legal needs of the targeted populations, as well as the necessity to target additional populations based on local community need.

LEGAL ASSISTANCE

- Priority is to be given “to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination.”

Priority Legal Issues 2012 MAP Project

- **Income** – Social Security, SSI, SSD, VA benefits, all other needs-based income, pensions and retirement benefits
- **Health Care/Long-Term Care** – Medicaid, Medicare, health insurance (including health insurance exchanges), long-term care residents' rights
- **Nutrition** – Food Assistance (SNAP)
- **Housing** – foreclosure, pre-foreclosure, predatory lending, other home ownership issues, eviction, subsidized housing, tenant rights, mobile and manufactured home parks, landlord/tenant conditions, other landlord/tenant issues
- **Utilities** – access to utilities, utility terminations
- **Protective Services** – elder abuse (including restraining orders, restitution, domestic violence, banking issues), neglect and exploitation, defense of guardianship (with emphasis on enforcing the right to effective court appointed counsel of seniors who are wards or allegedly incapacitated)
- **Age discrimination** – in employment area, assistance should be limited to assisting seniors in recognizing when an issue is appropriate for referral to the U.S. Equal Employment Opportunity Commission or Ohio Civil Rights Commission
- **Consumer** – debt issues, contracts, identity theft, scams and other consumer protection issues

Legal Assistance Being Provided

- MAPS system assessment by Pro Seniors indicated the following legal areas were addressed in 2009 by Title III-B providers:
 - **Over 20% of all legal assistance**
 - Wills and estates (13.4%)
 - Advance Directives/Financial Powers of Attorney (7.2%)
 - **Over 29% of all legal assistance**
 - Other (29.4%)
 - **50% of all legal assistance**
 - Medicaid (9%)
 - Collection (8.1%)
 - Bankruptcy/debtor relief (8%)
 - Foreclosure (6.5%)
 - Private landlord/tenant (5.8%)
 - Homeownership/real property (not foreclosure – 5.4%)
 - Contracts/warranties (3.7%)
 - Subsidized housing (3.6%)

Area Agency Funded Services

- Information and assistance, outreach, benefits counseling, case management, disease prevention, health promotion, or volunteer placement
- Education, training, support groups, adult day care
- Meal service –home delivered/congregate
- Personal care assistance
- Homemaking
- Ombudsman, elder abuse prevention, or other consumer protection service
- Transportation services

AAA service providers are seeing seniors with the greatest economic and social needs

- Users of many AAA funded services include ones most likely to be seniors with the greatest economic and social needs:
- physical/mental disabilities,
- language barriers,
- cultural, social, or geographical isolation, including isolation caused by racial/ethnic status,
- have restricted ability to perform normal daily tasks, or
- have threats to their capacity to live independently.

AAA service providers may see or (be trained to see) legal needs of seniors with greatest economic and social needs

- Meal deliverers may see a senior living in unsafe housing, struggling with utilities, or not having adequate income
- Personal care assistants, homemakers, transportation providers may see a senior living in housing needing accommodations to their disabilities
- Support groups may hear of seniors struggling with debt, being harassed by debt collectors, having problems with benefit problems
- Transportation providers may hear of problems affording or accessing medical care

Training/Collaboration to Better Help Seniors with the Greatest Economic and Social Needs

- **Are AAA funded helpers trained on:**
 - How to spot/hear legal problems?
 - How to talk to a senior about legal help?
- **Working Partnerships could improve services/outcomes**

