

**COMPREHENSIVE GUIDE  
TO  
DELIVERY OF LEGAL ASSISTANCE  
TO OLDER PERSONS**



The Center for Social Gerontology, Inc.  
2307 Shelby Avenue, Ann Arbor, MI 48103  
Tel: (734) 665-1126 Fax: (734) 665-2071  
Email: [tcsg@tcsg.org](mailto:tcsg@tcsg.org)

---

© 1988. (Chapter I and Chapter XII updated August 2001, Chapter IV updated December 1992). All rights are reserved. Reproduction will generally be allowed, upon request, provided proper attribution is given.

---

The following materials were developed pursuant to Grant Numbers 90-AM-0260, 90-AM-0574, and 90-AM-2153 Administration on Aging, Office of Human Development Services, U.S. Department of Health and Human Services, Washington, D.C. to The Center for Social Gerontology. The opinions expressed herein should not be construed as representing the opinion or policy of any agency of the U.S. Government.

**COMPREHENSIVE GUIDE TO DELIVERY OF  
LEGAL ASSISTANCE TO OLDER PERSONS**

**TABLE OF CONTENTS**

	<u>Page</u>
Brief History of TCSG .....	iv
Introduction to the Guide .....	v - vi
<b>Chapter I</b> Legal Assistance Under the 2000 Amendments to the Older Americans Act: The Act, Regulations, and Legislative History .....	I-i
<b>Chapter II</b> Overview of Actors Involved in Developing and Delivering Legal Assistance to Older Persons.....	II-i
<b>Chapter III</b> Common and Emerging Legal Problems of the Elderly.....	III-i
<b>Chapter IV</b> Assessing Legal Needs of Older Persons .....	IV-i
<b>Chapter V</b> Targeting, Priority Setting, and Means Testing.....	V-i
<b>Chapter VI</b> Overview of Models for Delivery of Legal Assistance to Older Persons .....	VI-i
<b>Chapter VII</b> Tips on Developing Requests for Proposals and Proposals .....	VII-i
<b>Chapter VIII</b> Comprehensive Sample Provisions, With Annotations, for Contracts Between Area Agencies and Legal Assistance Providers.....	VIII-i
<b>Chapter IX</b> Development and Operation of a Title III Legal Assistance Program .....	IX-i
Part (A)      The Essentials of Setting Up and Operating a Title III Legal Program.....	IX(A)-1

Part (B)	Specific Aspects of Title III Programs and Their Relationship With Clients.....	IX(B)-i
Part (C)	Ensuring Quality Legal Representation.....	IX(C)-I
Part (D)	Utilizing Other Resources to Expand Services.....	IX(D)-i
<b>Chapter X</b>	Evaluating the Performance of Legal Providers And Considerations in Devising System for Reporting.....	X-i
Part (A)	Introduction to Evaluation Questions .....	X(A)-1
Part (B)	Questions to Guide Evaluation of Title III B Legal Assistance Providers .....	X(B)-1
Part (C)	Devising Systems for Reporting on Title III B Legal Programs .....	X(C)-1
<b>Chapter XI</b>	Private Sector Fundraising for Title III B Legal Services Programs for the Elderly .....	XI-i
<b>Chapter XII</b>	National Resource and Support Organizations .....	XII-i

## **Brief History of The Center for Social Gerontology**

The Center for Social Gerontology, Inc. (TCSG), a non-profit organization, was established by Wilma Donahue, Ph.D., in 1971 as the International Center for Social Gerontology. In 1985, TCSG adopted its current name to reflect a shift of focus from international to national activities, and moved its headquarters from Washington, D.C. to Ann Arbor, Michigan.

TCSG, since its inception, has been 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 has pursued this goal through a wide variety of projects, including serving since 1985 as an Administration on Aging-funded National Support Center in Law & Aging.

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. We undertake to lead, and even prod, policy makers and others to consider carefully the implications of the aging of America in formulating social policies and programs.

### **In Pursuit of Our Goals We:**

- \* Conduct and encourage research on various issues important to development of sound social policy and programs;
- \* Disseminate information and research findings on issues in aging;
- \* Educate public policy makers on issues affecting older Americans; and
- \* Conduct training to enhance skills of professional and technical workers in aging.

Over the years, our specific objectives and activities have evolved in response to emerging issues and as the needs of older persons and of aging society have evolved. Currently, TCSG is focusing particular attention on: law and aging issues and delivery systems; research on the provision of and standards for guardianship services; tobacco and elderly issues; and, the use of mediation in guardianship and long-term care cases.

## INTRODUCTION TO THE GUIDE

The Center for Social Gerontology (TCSG) is pleased to make available to the law and aging network this *Comprehensive Guide to Delivery of Legal Assistance to Older Persons*. It is intended to provide guidance in the planning, design, implementation, and assessment of legal delivery systems for older persons at the state and local levels.

### **Impetus for Development of the Delivery Systems Guide**

Since 1985, TCSG has served as a National Support Center In Law And Aging. During this time, state directors and their legal services developers, area agencies on aging, and providers of legal services have consistently expressed to TCSG two very important needs related to delivery of legal assistance. First, the need for help in grappling with the complex array of issues surrounding the establishment and operation of high quality, cost effective Title III legal assistance programs that adequately serve those most in need. Second, the need for assistance in building coordinated systems, of which Title III-funded programs are a key component, that effectively utilize the combined resources of Title III providers, the private bar, law schools, non lawyer advocates, State and area agencies on aging, and others to provide access to the system of justice to all older persons.

In some cases, these delivery issues are being addressed at a state level with the legal services developer providing leadership and coordination for providers and AAA funders in the state. Many developers, however, are untrained and inexperienced in program design and development; and significant turnover among them aggravates this problem. Thus many attempts to address these issues occur at the individual AAA/provider level.

Each year TCSG receives numerous requests for technical assistance dealing with the broad range of issues related to delivery systems. These include:

- assessing need for legal assistance;
- defining "adequate proportion;"
- targeting to those in greatest need without use of a means test;
- drafting requests for proposals, proposals, and contracts;
- establishing reporting systems that provide useful information without violating confidentiality;
- devising appropriate systems for soliciting client contributions;
- using non-Title III resources such as private bar volunteers, law school clinics;
- fundraising beyond Title III, etc.

The diversity of delivery models -- from staff attorney programs to referral programs dependent on private bar volunteers -- further complicates the issues listed above, as each model requires a somewhat different approach. And yet, prior to this *Comprehensive Guide* and the workshops undertaken to disseminate it, there were no formal training curricula or written materials which systematically addressed this complex array of issues and problems. Existing material on legal services delivery is scattered and often not utilized because of lack of availability or knowledge of its existence.

Given the complexity of the issues and problems being addressed, the inefficiency of having the same issues constantly re-addressed at local and state levels, and the diffuse nature of existing materials, a serious need for a written compilation of materials dealing with delivery issues in a comprehensive manner was perceived. It is for these reasons that TCSG has developed -- as part of its National Legal Support Project funded by the Administration on Aging -- this *Comprehensive Guide On Delivery Of Legal Assistance To Older Persons*.

### **Contents of the *Comprehensive Guide***

The *Comprehensive Guide* attempts to address the entire range of issues related to delivery systems that combine funding from the Older Americans Act and other private and public sources. Twelve chapters cover the following:

- Legal Assistance Under the 2000 Amendments to the Older Americans Act: The Act, Regulations and Legislative History.
- Roles of the Aging Network in Legal Services Delivery Systems.
- Common and Emerging Legal Problems of the Elderly.
- Assessing Legal Needs of Older Persons.
- Targeting, Priority Setting, and Means Testing.
- Overview of Models for Delivery of Legal Assistance to Older Persons.
- Tips on Developing Requests for Proposals and Proposals.
- Comprehensive Sample Provisions, With Annotations, for Contracts Between Area Agencies and Legal Assistance Providers.
- Development and Operation of a Title III Legal Assistance Program.
- Evaluating the Performance of Legal Providers and Considerations in Devising Systems for Reporting.
- Private Sector Fundraising for Title III B Legal Services Programs for the Elderly.
- National Resource and Support Organizations.

**Please give us your suggestions.** AoA has funded TCSG to update the *Comprehensive Guide* during the current year. **If you have comments or suggestions on how to improve the *Comprehensive Guide*, please contact TCSG's Co-Director, Penelope Hommel, at (734) 665-1126.**