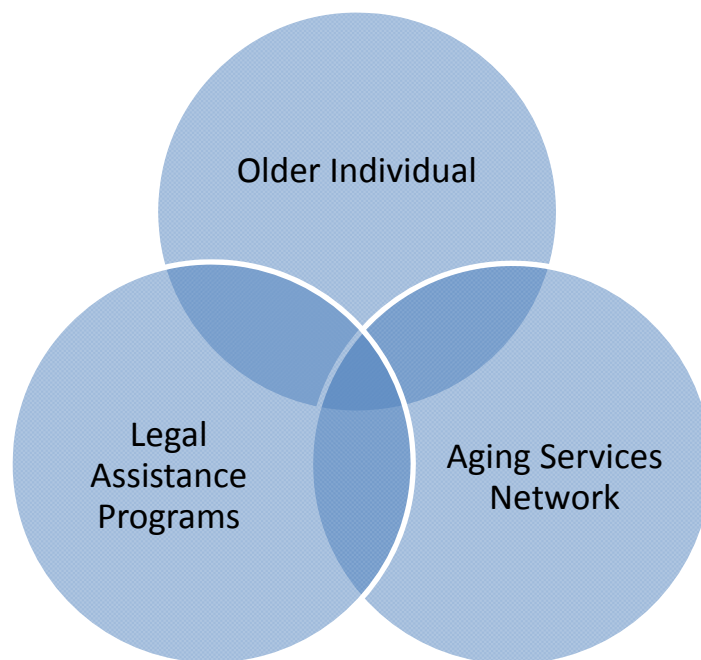


# Guide to Developing an Integrated and Comprehensive Legal Assistance Delivery System

## An Iowa Model



By: Deanna Clingan-Fischer, JD  
Legal Services Developer and  
Model Approaches Grant Project Director  
Iowa Department on Aging<sup>i</sup>  
510 E. 12<sup>th</sup> Street, Suite 2  
Des Moines, IA 50319  
[Deanna.clingan@iowa.gov](mailto:Deanna.clingan@iowa.gov)



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## **INTRODUCTION---IOWA'S SYSTEM and MODEL APPROACH**

The concept and ultimate goal for this project was the development of an integrated and comprehensive legal assistance delivery system that would unify the existing Iowa Legal Aid Hotline for Older Iowans with all the Title III-B providers, the state's Legal Assistance Developer, and other available legal resources. Through the Iowa Senior Legal Assistance Integration Project, Iowa's aging and legal services networks and partners would come together to build upon the current legal assistance delivery system in an effort to match older Iowans needs with the most appropriate delivery mechanism.

### **Iowa's Legal Assistance Delivery System:**

The aging network in Iowa consists of the state unit on aging, the Iowa Department on Aging; 13 Area Agencies on Aging<sup>ii</sup> covering 16 planning and service areas; and many providers of service. Iowa's 13 Area Agencies on Aging contract with 11 Title III-B legal services providers. These providers include 8 Iowa Legal Aid regional offices, a private attorney, the HELP Legal Assistance office, and Drake University Law School Senior Legal Clinic.<sup>iii</sup> In addition to the Title III-B partners, Iowa has a senior legal hotline operated by Iowa Legal Aid, a clinical law program through the University of Iowa, county legal assistance programs, and three volunteer lawyers projects that add to the resources available to assist older Iowans.

### **Legal Assistance Delivery System Needs:**

Even with all of these tremendous resources, the need to reach Iowa's socially and economically needy older adults remained. To meet this need was difficult. There was never enough funding or legal staff to provide all the services that were needed. The reduced funding and legal staff did not, however, equate to a reduction of need for older adults. Instead, it meant that legal assistance for issues of importance to older Iowans and their caregivers could not be provided. An Iowa Legal Aid study showed that over 35% of the people who contacted Iowa Legal Aid for help did not receive help because of a lack of available resources, while another 30% received only some of the services they needed. The impact of this study meant that older Iowans did not have sufficient access to affordable legal assistance to meet all of their legal needs. Although this study showed a definite unmet need, it only gave a small insight into the full extent of the problem. The aging and legal assistance delivery networks knew that there were still many older Iowans in need of legal assistance that had not been identified as they were isolated, did not know where to turn, or simply were unable to seek assistance due to a physical or cognitive impairment.

To counter this dilemma, the legal assistance delivery system had to become creative to help meet the need, yet face the reality that decreased funding and staff resources were going to be

a way of existence in the current economic environment. The legal integration project through the Administration on Aging (AoA) model approaches grant was the creative sparkplug to get the process rolling.

### **An Integrated and Comprehensive State Legal Assistance Delivery System:**

The development of an integrated and comprehensive legal assistance program was many years in the making and in fact continues to be a work in progress. Through the process, valuable insight, partnerships, and information was obtained and reviewed to create the foundation for a legal assistance network that will be available to many older Iowans who are in need of legal assistance.

This guide will assist others interested in following a similar path by utilizing the insights and processes already created and tested in Iowa through the AoA model approaches grant funding. Along the way, some of the key tasks were changed to better reflect the realities faced within the legal and aging services networks, but the overall purpose and goal remained constant.

The **purpose** of the Iowa Senior Legal Assistance Integration Project: to develop a comprehensive state legal assistance delivery system for older Iowans that integrates Iowa's existing senior legal hotline with all of Iowa's Title III-B providers, the Legal Assistance Developer and other available legal resources.

The **goal** of the project: to increase access to legal assistance services for older Iowans with limited abilities to resolve their legal problems as well as provide educational opportunities on elder law topics to all older Iowans and their caregivers.

The **objectives** of the project:

- To develop and implement a fully-integrated and comprehensive legal assistance delivery system for older Iowans;
- To expand the existing limited service senior legal hotline into a statewide senior legal hotline for most non-criminal legal issues;
- To expand the services provided by private attorneys to older Iowans within the targeted population;
- To increase the knowledge of seniors, caregivers, and service providers about older adult legal issues and establish self-help offices; and

- To assist other states to develop integrated and comprehensive state legal assistance delivery systems through information and assistance

The expected **outcomes**: Many older Iowans will make better informed decisions regarding critical legal issues since direct legal assistance to older Iowans will increase, and thousands of older Iowans will increase their ability to deal with legal issues through increased training and community legal education.

## **Legal Integration Project--The Iowa Model**

**Objective One:** To develop and implement a fully-integrated and comprehensive legal assistance delivery system for older Iowans. *See Appendix 1.* The key tasks for this objective included:

### **1. Organize and convene a statewide group to assist in a planning process**

The intent of the statewide planning group was to bring multiple disciplines together to discuss the perceived legal assistance needs of older Iowans and to network with non-traditional partners in an effort to develop a fully integrated system. The planning group consisted of several of Iowa's area agencies on aging from urban and rural settings, Title III-B attorneys, private attorneys, Legal Hotline for Older Iowans, Drake University Law School Clinic, Iowa College of Law Clinic, Attorney General's Office, Iowa Protection and Advocacy, Senior Health Insurance Information Program, Office of Long-Term Care Ombudsman, Volunteer Lawyers Projects, Iowa State Bar Association, Adult Protective Services, Senior Center Association, Alzheimer's Association, Alliance for the Mentally Ill of Iowa, and consumers. *See Appendix 2*

The objectives of this planning process were defined as:

- a. Identify the components and level of integration that comprise the current legal assistance delivery system
- b. Develop options to fully integrate and coordinate Iowa's legal assistance resources
- c. Expand the existing senior legal hotline statewide
- d. Develop and implement low-cost legal assistance delivery resources
- e. Inform about legal issues and empower older Iowans and their caregivers to self advocate
- f. Discuss and pursue funding options to sustain this model



To focus on these objectives, the statewide planning group divided into four workgroups: 1. Needs Assessment; 2. Service Options; 3. Education and Self-help; and 4. Evaluation of the Project.

- The purpose of the needs assessment workgroup was to identify the legal needs and unmet needs of older Iowans and to assist in identifying client characteristics of individuals in need of follow-up assistance. *See Appendix 3*
- The purpose of the service options workgroup was to look at Iowa's current system to see what legal resources currently exist and what level of service was provided. This workgroup also looked at ways to better integrate existing services and expand current services to include low-cost legal assistance delivery resources. *See Appendix 4*
- The purpose of the education and self-help workgroup was to determine the topics to include in the elder law trainings across the state. In addition, this workgroup would review what self-help materials currently existed and what materials still needed to be developed to establish the self help legal offices around the state. *See Appendix 5*
- The purpose of the evaluation workgroup was to review the outlined measurable outcomes to ensure compliance and look at client satisfaction with the process. In addition, this workgroup's task included looking into project sustainability, once the AoA grant funding was complete. *See Appendix 6*

## **2. Conduct a legal needs assessment**

The intent of the legal needs assessment process was to review current state data to see if an assessment of older Iowans legal needs already existed. If the data did not exist or was not complete, then the project would develop a tool to determine legal needs of Iowa's older population. This would allow the state and legal assistance delivery system to plan service priorities and ensure targeting to low income, rural, Non-English speaking, and other people who face ethnic, cultural or other barriers to accessing legal services. *See Appendix 3.* To start this process:

- a. Convene a workgroup from the state planning group to assist in the compilation and review of data

- b. Review other states needs assessment tools and modify as needed
- c. Determine how to carry out the assessment methodology. Should the assessment be by mail or completed in person? If mailed, who would this be sent to? If in person, who would facilitate the process? Iowa decided to implement the needs assessment tool through small focus groups intended to reach the targeted populations as well as making the facilitator(s) available for questions and answers.
- d. Develop an assessment tool, if necessary
- e. Set up a sample focus group to test the “draft” assessment tool and process
- f. Incorporate sample focus group suggested changes/additions to the assessment tool and process
- g. Utilize the workgroup partners to locate focus group sites around the state to reach targeted populations for administering the needs assessment
- h. Create an agenda for the focus group and guidelines for facilitator(s)
- i. Determine who will serve as facilitator(s)
- j. Host focus groups
- k. Summarize findings and work to implement ideas generated

### **3. Create statewide legal program standards**

The intent of creating statewide standards was to ensure that all older persons across the state in need of legal assistance had access to the same quality and quantity of options for legal assistance service through the Title III-B legal assistance program. Toward this end, the Iowa Department on Aging convened a workgroup of Area Agencies on Aging program and monitoring staff, all Title III-B legal providers, the Legal Hotline for Older Iowans managing attorney, Iowa Department on Aging staff, and the Legal Services Developer. This session was facilitated by Penny Hommel of The Center for Social Gerontology. Based upon the day long discussion, it was decided to develop “Best Practices” which would serve as a document to lead Title III-B legal providers and guide the aging network on standard expectations for the Title III-B legal assistance program. *See Appendix 7 & 8*

**Objective Two:** To expand the existing limited service senior legal hotline into a statewide senior legal hotline for most non-criminal legal issues. The intent of this objective was to make the Hotline for Older Iowans available to older Iowans and their caregivers in all planning and service areas of the state, as well to expand the subject matter issues for which counsel and advice or brief service was provided. The key tasks for this objective included:

**1. Fully staff the hotline and provide training.** To start this process:

- a. Reassign existing Legal Aid staff to the hotline or hire new staff
- b. Contact the law schools and volunteer lawyers projects to recruit interns and retired or volunteer attorneys to assist at the hotline
- c. Contact the Area Agencies on Aging with current limited access in their planning and service area and advise of the expansion to cover all counties in the state
- d. Orient the new staff about the legal assistance delivery system and aging network
- e. Provide on-going training to staff and volunteers on issues relevant to older Iowans and their caregivers
- f. Contact each Title III-B provider to provide for the exchange of referrals and client intake information. Ensure that the providers are agreeable to receiving and making referrals and discover what types of cases each current provider handles so that appropriate referrals are made. Refer older Iowans needing in-depth assistance or special outreach to the Title III-B legal providers

**2. Develop an outreach plan for the hotline to:**

- a. Educate older Iowans, caregivers, aging network, legal services delivery system and service providers of the hotline's expanded services and coverage areas, with particular attention to the local areas of the state now served
- b. Inform older Iowans and caregivers about the hotline availability and services
- c. Inform service providers and other organizations about the hotline availability
- d. Promote the hotline through publications, press releases and educational sessions
- e. Provide continuing education on elder law issues to professionals

**3. Develop or utilize an existing public benefits and legal issues screening checklist.** To start this process:

- a. Determine what, if any, screening checklists exist
- b. Contact other states and entities to see if a checklist is already utilized which would be applicable to the hotline and aging network. The screening checklist would include issues such as healthcare, Medicaid, Medicare Part D, and other public benefit programs

- c. Test sample screening checklists to see if applicable to public benefits in Iowa and modify as needed.
- d. Begin use for all calls

*See Appendix 9*

**4. Evaluate effectiveness of services to clients.** To start this process:

- a. Develop evaluation questions
- b. Determine how to implement the evaluation
- c. Conduct an evaluation survey to clients
- d. Compile and review survey findings
- e. Implement applicable findings

*See Appendix 6*

**5. Increase utilization of Volunteer Lawyers Projects.** To start this process:

- a. Recruit and train volunteer attorneys to assist on issues impacting older Iowans
- b. Create a referral process to the volunteer lawyers projects and train intake operators on how and when to make these referrals
- c. Train volunteer attorneys to help provide hotline services
- d. Recruit and train law student interns to assist with hotline services

*See Appendix 10*

**6. Develop a referral network** from the legal hotline to volunteer lawyers projects, Area Agencies on Aging, Title III-B legal providers and others. To start this process:

- a. Coordinate services with all Title III-B legal providers, with special focus on the non-Legal Aid providers
- b. Coordinate services with the aging network resources
- c. Coordinate services with the volunteer lawyers projects
- d. Coordinate services with other legal service delivery components such as fee-for-service panels and county legal aid programs
- e. Discuss with local Title III-B legal providers the protocol for the hotline to make referrals

**7. Identify clients most likely to need follow-up.** Two different studies<sup>iv</sup> have shown that many clients who receive advice from hotlines do not always follow up or take the specific actions suggested to resolve their legal concerns and issues. Both studies recommended that hotlines provide various types of follow up services after providing advice. To start this process:

- a. Convene the hotline advisory council, state planning group and other community and faith based organizations to identify characteristics of clients most likely to need follow up assistance
- b. Convene the hotline advisory council and state planning groups to help identify those issues which would result in the most serious consequences to clients, if clients did not receive sufficient assistance to obtain a favorable outcome
- c. Identify the types and amount of follow-up services to provide and decide how these services will be structured, implemented and tracked
- d. Train staff and AmeriCorps members on how to provide appropriate follow-up services. The system in Iowa worked as follows: An attorney working on a case provided the appropriate legal advice and referred the client to other agencies for services such as filing an application for Medicaid or low-income home energy assistance. The attorney then tickles the case for a legal assistant or volunteer. The tickle instructs the legal assistant to contact the client a few weeks later to determine whether the client applied for the public benefits or followed the attorney's legal advice. Sometimes the legal assistant would call the client numerous times over several months to urge the client to take the recommended actions. If additional help is needed from the attorney, then the legal assistant would bring the attorney back into the case to help the client
- e. Analyze the effectiveness of follow up services and make needed adjustments to services and/or data tracking methods

**8. Submit grant applications for additional resources and ongoing sustainability.** To start this process:

- a. Research grant opportunities, process requirements, and due dates within the state and local communities
- b. Research grant opportunities, process requirements, and due dates of private foundations, state lawyers trust accounts, and corporations
- c. Contact the Area Agencies on Aging to see if additional Title III-B or other general aging fund dollars are available, and if so, how could the project access those funds
- d. Collaborate with state agencies as well as the state Attorney General's office to seek a state budget line-item request for the project from the state general fund

*See Appendix 11*

**Objective Three:** To expand the services provided by private attorneys to older lowans within the targeted population. The intent of this objective was to allow for legal assistance to be provided to older lowans who may not meet the low income and asset guidelines for Legal Services Corporation (LSC) grantees, but cannot afford legal assistance. The LSC low income and asset guidelines exclude from service many older lowans within the targeted population. The key tasks for this objective included:

1. Recruit attorneys willing to participate in the volunteer lawyers projects or willing to donate time to work on specific issues impacting older lowans
2. Create an efficient referral system so these volunteer attorneys are utilized for the intended purpose and not bogged down with “non-legal” related issues
3. Create a low-fee or no-fee panel of lawyers to provide specific services to the targeted population group. This key task was modified after discussing the intent of this objective. It was decided that the intent was to ensure legal assistance availability to those older lowans with too much income or assets for traditional legal aid programs, but with no real financial means to pay for legal assistance. In Iowa, the planning group felt that the intent of this task could be achieved by allowing for an exception to the income and assets limits. The hotline brought this issue forward to the Board of Directors of Iowa Legal Aid. The Board voted to allow an exception for persons 60 and older. This meant that an older lowan within 200% of poverty could still receive assistance through Iowa Legal Aid or one of their referral panel attorneys
4. Expand and enhance the existing senior legal hotline fee-for-service attorney referral panel. When older lowans need legal assistance that cannot be provided by the current legal assistance delivery system, they need help finding an appropriate attorney that can help with their specific legal problem. When Iowa Legal Aid started its legal hotline, it established a panel of attorneys who can accept cases on a fee-for-service basis. In this manner, callers to the hotline can be referred to several attorneys from this “Attorney Referral Panel” so that they can be assured that the attorney they contact is knowledgeable about the area of law in which they need help
5. Determine the current volunteer lawyers projects eligibility criteria and refer appropriate clients. To start this process:
  - a. Contact the Volunteer Lawyers Project (VLP) director(s) and obtain eligibility guidelines for the project
  - b. Contact the VLP director(s) to discover the types of cases or issues able to be referred
  - c. Contact the VLP director(s) to learn the referral protocol
  - d. Share information on the legal assistance delivery system and aging network resources with the VLP director(s) and attorneys

*See Appendix 12*

**Objective Four:** To increase the knowledge of older Iowans, caregivers, and service providers about legal issues and establish self-help offices. The intent of this objective is to empower older Iowans and their caregivers to advocate for themselves. This would then allow for the limited legal assistance dollars to be used in assisting older Iowans that are not able to resolve their legal assistance concerns. The key tasks for this objective included:

- 1. Education Sessions.** The intent of this task was to provide face-to-face training and information to older Iowans and their caregivers to help prevent and resolve legal problems. This is especially true in rural areas and for low-income Iowans who may not have access to or the ability to obtain access to the Internet
  - a. Convene a workgroup of the state planning group to determine training and information needs of older Iowans, caregivers and service providers
  - b. Schedule trainings and reserve locations
  - c. Recruit speakers to present at the trainings on the identified issues
  - d. Develop a brochure and poster with registration process announcing the event
  - e. Determine what agency will handle the registration process and send participant materials to the local training sites
  - f. Write and disseminate a press release announcing the event
  - g. Publicize the event through Area Agencies on Aging, senior centers, libraries, ADRC's, resident advocate programs, AARP, Alzheimer's Associations, and other aging network and media outlets
  - h. Develop resource and training materials to disseminate to all participants
  - i. Locate facilitators for each site to handout materials, present questions from the site and to gather evaluations
  - j. Conduct trainings across the state utilizing the states fiber optic network—the Iowa Communication Network (ICN). This network allows a training to be broadcast at multiple sites throughout the state of Iowa
  - k. Evaluate results and the need for additional training or materials

*See Appendix 5*

- 2. Self-Help Elder Law Materials.** The intent of this task was to provide older Iowans and their caregivers a centralized location to review and obtain materials and assistance relating to specific elder legal assistance topics

- a. Develop a plan to create and maintain self-help elder law offices around the state to provide up-to-date and relevant legal information and resources to older Iowans and their caregivers

This task was modified from the original objective as the self-help office model did not end up being an efficient or cost-effective option. In addition, concerns were raised over how the project would keep the materials and supplies up to date. Instead, the planning group decided to proceed by developing a “Legal Mail” system. The Legal Mail is a periodic fact sheet on different areas of law that impact older adults and is distributed via e-mail. The recipients were generally providers of service who would post the information on their community bulletin boards and create a file for consumers to read or share with specific older clients. In addition, these Legal Mails were disseminated through press releases and published by several newspapers and aging network newsletters

- b. Prepare and distribute monthly articles and legal mails about important elder law issues to project partners and the media
- c. Review existing community legal education materials on elder law issues to determine which materials need to be revised, what issues need to be discussed and what, if any, new materials need to be developed
- d. Post materials on websites to allow for availability to a larger group of consumers, including caregivers and providers. To start this process:
  - i. Place elder law information on partner websites. Utilize Live Help on the state’s Legal Aid senior website<sup>v</sup>. This software program allows a website user to chat online with staff at the local Legal Aid office. This is just one part of the education component of the project and would be done in collaboration with a legal education program
  - ii. Place legal resources on the state unit on aging website and disseminate throughout the aging and legal networks<sup>vi</sup>
  - iii. Develop information, forms and other self-help materials for distribution through the websites

*See Appendix 13, 14 & 15*



**Objective Five:** To assist other states to develop integrated and comprehensive state legal assistance delivery systems through information and assistance. The intent of this objective was to share Iowa's experiences with other states who were interested in replicating Iowa's legal assistance delivery system or the ideas generated from the project. The key tasks for this objective included:

1. Create a Guide to Developing an Integrated and Comprehensive Legal Assistance Delivery System for other states to use to replicate Iowa's model
2. Present information at state and national level meetings regarding the Iowa model
3. Contact other states' Legal Assistance Developers to initiate discussions on developing an integrated and comprehensive legal assistance delivery system for their states older adults
4. Share project findings with others

See Appendix 16



## Legal Integration Project--The Iowa Model

### A Checklist

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#### Building a Legal Assistance Program—step by step:

- ☐ **Establishment of goals and work plan.** The work plan should consist of major objectives, key tasks, lead person and timeframes for occurrence
  - a. Discuss goals and work plan with grant partners
  - b. Enter into a financial agreement (contract) with the grant partners, as needed
  - c. Determine key participants and invite to be a part of the process
  
- ☐ **Convene and utilize a planning group** to assist in the implementation of goals and work plan
  
- ☐ **Evaluate current system and needs**
  - a. What legal delivery assistance program exists—Legal Assistance Developer, Title III-B, Legal Services Corporation programs, Volunteer Lawyers Projects, Hotline, Law School Clinics, Bar Association, Protection & Advocacy Agency, county based legal services programs, and other entities
  
  - b. Develop referral protocols—discover if legal providers have client eligibility and/or restrictions on the types of cases handled
  
- ☐ **Create work groups** from the state planning group to assist in meeting goals
  - a. Needs Assessment Workgroup—identify the legal needs and unmet needs and assist in identifying client characteristics for those in need of follow up assistance

#### Needs Assessment implementation:

- i. Determine if an assessment is needed or if current data can supply this information
- ii. Determine the type of assessment to conduct, e.g.: data review, survey through the mail or focus groups
- iii. Develop the assessment tool

- iv. Evaluate the tool effectiveness through a test focus group
- v. Define and plan focus groups to reach target populations
- vi. Host focus groups around the state to gather input
- vii. Compile data and disseminate results
- viii. Utilize input to structure legal assistance program

Client Follow-up implementation:

- i. Determine characteristics of clients that would warrant follow up
  - ii. Implement a protocol and system to allow for follow up with those clients
  - iii. Survey hotline clients to evaluate the effectiveness of follow up services
  - iv. Review the protocol to ensure the intent of this objective is being met
  
- b. Service Options Workgroup—review current legal assistance delivery system to see what legal resources exist and what client satisfaction component is currently built in. Collaborate with partners to better integrate those systems as well as to expand the system to meet the unmet needs and survey clients for feedback
  - i. Survey all Title III-B providers, agencies, and a few private attorneys. Compare the issues handled to those identified in the needs assessment to determine what gaps exist, if any
  - ii. Schedule meetings between the Legal Assistance Developer, Legal Hotline, Title III-B providers and the Legal Services Corporation to develop a referral protocol
  - iii. Convene a work group to discuss statewide legal standards or legal best practices
  - iv. Research the option of expanding income eligibility for older persons to be referred to the state Legal Aid office and the volunteer lawyers projects. For example, expanding the income eligibility guidelines for acceptance of a case from 120% of poverty to 200% of poverty
  - v. Work with volunteer lawyers projects to recruit and train volunteer lawyers on elder law issues
  - vi. Develop or expand upon a legal fee-for-service panel accessed through the LSC grantee in the state

- c. Education and Self-Help Workgroup—identify the educational and resource needs for older Iowans. Collaborate with partners to develop

Education seminars implementation:

- i. Host elder law seminars around the state
- ii. Develop brochures/posters and disseminate press releases to promote the seminars
- iii. Organize training sites and local facilitators
- iv. Recruit speakers
- v. Develop resource materials to distribute to participants
- vi. Conduct trainings/information sessions
- vii. Record trainings and make available to participants unable to attend the actual event
- viii. Distribute evaluations to participants to make changes to format or topics as needed
- ix. Provide education to other groups as time permits

Self help offices implementation:

- i. Determine how to disseminate legal information and resources around the state to help older adults understand their legal rights and promote self-advocacy. For example, this could happen through self-help elder law offices, fact sheets, presentations, or legal mails
- ii. Self help elder law offices concept evolved into “Legal Mails”. The original self help office concept was to place racks with brochures and binders of relevant legal information in community centers where older adults congregate. This idea was transformed into sending e-mails on relevant issues to providers or caregivers who could then forward or print out and distribute to consumers in need
- iii. Contact partners across the state for assistance in disseminating the legal mail’s in their local community
- iv. Develop a listing of topics to discuss in the legal mails but be flexible to address current issues of relevance
- v. Create an e-mail group list serve to distribute the legal mails and allow for a system to add future recipients
- vi. Carry out the theme of sharing pertinent information at the legal focus groups. Allow a question & answer component after the assessment tool has been completed for consumers/caregivers/participants to ask about the legal issues they are facing

- d. Evaluation of the Project Workgroup—develop tools to evaluate client satisfaction, system coordination and measurement of outcomes
  - i. Client satisfaction surveys
  - ii. Reports to ensure that the outlined outcomes are indeed measured
- ☐ **Identify possible future funding sources.** Collaborate with partners to consider all funding options, both traditional and non-traditional concepts such as:
  - i. State allocation
  - ii. Area Agencies on Aging
  - iii. Grants—state and federal government as well as local community funders such as United Way
  - iv. Lawyer Trust Accounts
  - v. Bar Association Foundations
  - vi. Corporation foundations and giving programs
  - vii. Revenue from gaming
  - viii. Other
- ☐ **Serve as a resource** to share with other legal assistance networks interested in replicating an approach similar to Iowa’s model. This can be accomplished through:
  - a. Teleconferences
  - b. Webinars
  - c. Presentations
  - d. Develop a Guide to Developing and Integrated and Comprehensive Legal Assistance Delivery System.

## **Legal Integration Project--The Iowa Model**

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10. Volunteer Lawyers Sample Training Agenda
11. Language for State Appropriation
12. Proposed Exception Guidelines
13. Self-help Office Memorandums
14. Legal Mail Sample
15. Monthly Legal Articles--Press Release Sample
16. Agenda for Discussion of Legal Integration Model with Other States

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<sup>i</sup> The Iowa Department of Elder Affairs name was changed to the Iowa Department on Aging during the course of this grant.

<sup>ii</sup> The Area Agencies on Aging are: Area 1: Northland Agency on Aging; Area 2,5,12: Elderbridge Agency on Aging; Area 3: Northwest Aging Association; Area 4: Siouxland Aging Services, Inc.; Area 6/7: Hawkeye Valley Area Agency on Aging; Area 8: Scenic Valley Area Agency on Aging; Area 9: Generations Area Agency on Aging; Area 10: The Heritage Agency; Area 11: Aging Resources of Central Iowa; Area 13: Southwest 8 Senior Services, Inc; Area 14: Area XIV Agency on Aging; Area 15: Seneca Area Agency on Aging; and Area 16: Southeast Iowa Area Agency on Aging.

<sup>iii</sup> While Drake University Law School Senior Legal Clinic still operates to serve older Iowans, it is no longer a Title III-B provider.

<sup>iv</sup> Senior Statewide Legal Hotlines Client Outcomes Survey, 2002, conducted by the AARP Foundation's Technical Support for Legal Hotlines Project, and the Hotline Outcomes Assessment study, completed in 2002 with funding through the Project for the Future of Equal Justice.

<sup>v</sup> Iowa Legal Aid's website is: [www.iowalegalaid.org/hotline/](http://www.iowalegalaid.org/hotline/)

<sup>vi</sup> the Iowa Department on Aging's website is [www.aging.iowa.gov](http://www.aging.iowa.gov)



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# APPENDIX 1

*Project Measures and Work Plan*



## Attachment C

### Iowa Senior Legal Assistance Integration Project Project Work Plan, Page 1

**Goal:** Develop and implement an integrated and comprehensive state legal assistance delivery system for older Iowans that will fully integrate Iowa's existing senior legal helpline with all of Iowa's Title III-B legal services providers and other available resources; and help the senior networks in eight other midwestern states to develop an integrated and comprehensive state legal assistance delivery system for their older adults.

**Annual Measurable Outcomes(s):**

1. 4,700 older Iowans will make informed decisions about their legal rights after receiving legal assistance from the senior legal helpline in 3,300 cases, a 57% increase over existing services;
  2. Over 1,300 clients will achieve successful outcomes regarding critical issues involving health care directives, end-of-life planning, consumer protection, health care, housing, elder abuse and other important matters after receiving brief services, full representation or other the follow-up services from the senior legal helpline or Title III-B providers, a 55% increase over existing services;
  3. At least 1,500 older Iowans, caregivers, and service providers will increase their ability to deal with legal issues involving end-of-life planning, consumer issues, Medicaid and other public benefits, guardianships and conservatorships, elder abuse and resident rights through their attendance at the first series of three trainings that will be conducted over the Iowa Communications Network every six months;
  4. At least 6,000 older Iowans, caregivers, and service providers will increase their ability to deal with legal issues involving health care, Medicaid, Medicare, elder abuse, resident's rights, consumer protection, public benefits, guardianships, conservatorships, advanced planning matters and other critical matters through obtaining information forms and self-help materials at self-help legal offices at senior centers and meal sites;
  5. During the last six months of the first year of the Project, at least 300 people will receive the legal assistance they need through referral to a volunteer lawyers project, the low-fee or no-fee referral panel, or the attorney referral panel.
- Additional outcomes are listed in the Project Narrative.

# **Iowa Senior Legal Assistance Integration Project Project Work Plan, Page 2**

Major Objectives	Key Tasks	Lead Person	Timeframe (Start and End Date by Month)											
			1	2	3	4	5	6	7	8	9	10	11	12
1. Conduct a statewide planning process for developing and implementing a fully-integrated and comprehensive legal assistance delivery system for older Iowans.	Enter into cooperative agreement with the Administration on Aging for implementation of Project.	Deanna Clingan-Fischer, Legal Services Developer	x	x										
	Meet with Statewide Planning Group to identify the components, level of integration, funding, performance and results that comprise the current legal assistance delivery system in Iowa, to develop options to fully integrate and coordinate the various legal assistance resources in the state, to develop low-cost legal assistance delivery mechanisms and methods of increasing the utilization of such mechanisms, and to begin developing statewide standards for legal assistance. The group will also decide on evaluation questions and specific indicators of success and ensure that appropriate data collection methods are in place to evaluate the implementation and success of the plan for an integrated and comprehensive legal assistance delivery system.	Deanna Clingan-Fischer	x	x		x		x						
	Develop and conduct a needs assessment to determine the legal needs of the state's senior population in order to plan service priorities and to ensure that the legal assistance is targeted to low-income, rural, non-English-speaking and other people who face ethnic, cultural, or other barriers to accessing legal services.	Deanna Clingan-Fischer		x	x	x	x	x						

**Iowa Senior Legal Assistance Integration Project  
Project Work Plan, Page 3**

Major Objectives	Key Tasks	Lead Person	Timeframe (Start and End Date by Month)											
			1	2	3	4	5	6	7	8	9	10	11	12
	Implement plan for creating a fully-integrated and comprehensive legal assistance delivery system in Iowa.	Deanna Clingan-Fischer Scott Hartsook, Iowa Legal Aid					x	x	x	x	x	x	x	x
	Meet with Statewide Planning Group to evaluate progress on implementing the plan.	Deanna Clingan-Fischer											x	x
	Develop statewide standards for legal assistance.	Deanna Clingan-Fischer			x	x	x	x	x	x	x	x	x	x
2. Expand and improve the existing, limited service senior legal helpline into a statewide senior helpline for most non-criminal legal issues, thereby increasing services by 57%.	Expand the legal helpline's advisory council to include more members who are client-eligible or representatives of community-based or faith-based organizations. Meet regularly to provide input and guidance to the helpline about needs of clients, how best to provide services, and appropriate outreach activities. Have three meetings per year.	Scott Hartsook	x	x	x	x	x	x	x	x	x	x	x	x
	Reassign existing Iowa Legal Aid attorney staff to fully staff helpline. Orient the new staff about the new service priorities of the helpline to ensure that the helpline returns to being a full-service helpline providing services about most non-criminal legal issues.	Scott Hartsook	x											
	Provide ongoing training to staff and volunteers.	Scott Hartsook	x	x	x	x	x	x	x	x	x	x	x	x
	Develop and execute outreach plan to inform seniors, caregivers, service providers, and other organizations about the helpline's expanded services, and about the additional services provided by the Project.	Scott Hartsook	x	x	x				x	x				x
	Develop a comprehensive public benefits and legal issues screening checklist.	Bill Nassif, Iowa Legal Aid	x	x										

**Iowa Senior Legal Assistance Integration Project  
Project Work Plan, Page 4**

Major Objectives	Key Tasks	Lead Person	Timeframe (Start and End Date by Month)											
			1	2	3	4	5	6	7	8	9	10	11	12
	Provide high-quality legal advice about most non-criminal legal issues in 3,300 cases that will help over 4,700 older Iowans.	Scott Hartsook Bill Nassif Fred Nelson, Iowa Legal Aid	x	x	x	x	x	x	x	x	x	x	x	x
	Submit grant applications to area agencies on aging, the Lawyer Trust Account Commission, the Principal Foundation, Allied Insurance/Nationwide Foundation, EMC and other funders to obtain match funds for the second year of the AoA grant and to maintain statewide helpline.	Scott Hartsook					x	x	x	x				
	Send evaluation surveys to clients and compile information when returned.	Scott Hartsook	x	x	x	x	x	x	x	x	x	x	x	x
	Recruit and train volunteer attorneys to help with helpline services.	Scott Hartsook	x	x	x	x	x	x	x	x	x	x	x	x
	Recruit and train law student interns to help with helpline services.	Scott Hartsook						x	x	x				
	Meet with the helpline's Advisory Council and other community based and faith based organizations to identify characteristics of clients most likely to need follow-up assistance, to identify those issues which would result in the most serious consequences to clients if clients did not receive sufficient assistance to obtain a favorable outcome, to identify the types and amount of follow-up services to provide and to decide how the follow-up services will be structured, implemented, and tracked	Scott Hartsook		x					x			x		



**Iowa Senior Legal Assistance Integration Project**  
**Project Work Plan, Page 5**

Major Objectives	Key Tasks	Lead Person	Timeframe (Start and End Date by Month)											
			1	2	3	4	5	6	7	8	9	10	11	12
			x	x										
	Decide on evaluation questions and specific indicators of success and ensure that appropriate data collection methods are in place to evaluate the follow-up services and the general helpline services.	Scott Hartsook												
	Train staff on how to provide the appropriate follow-up services.	Scott Hartsook		x										
	Provide brief services, follow-up representation, and other follow-up services to ensure successful outcomes.	Scott Hartsook Bill Nassif Fred Nelson			x	x	x	x	x	x	x	x	x	x
	Analyze the effectiveness of follow-up services and make needed adjustments to the services and/or the data-tracking method. Provide preliminary information concerning the follow-up services to the AoA, the Technical Assistance Project and other helplines.	Scott Hartsook							x				x	x
	Continue to use LiveHelp on Iowa Legal Aid's senior website to assist visitors find the information, forms, and self-help materials they need.	Scott Hartsook	x	x										
	Increase the helpline's coordination with Title III-B providers by increasing referrals to the Title III-B providers which are not Iowa Legal Aid.	Scott Hartsook		x					x					
3. Expand the services provided to older Iowans by private attorneys.	Create a low-fee or no-fee panel of lawyers who will provide services for low-income older Iowans in areas such as wills, end-of-life planning, housing, guardianships and conservatorships. Recruit attorneys and create an efficient referral system.	Deanna Clingan-Fischer Scott Hartsook				x	x	x	x					

# **Iowa Senior Legal Assistance Integration Project Project Work Plan, Page 6**

Major Objectives	Key Tasks	Lead Person	Timeframe (Start and End Date by Month)											
			1	2	3	4	5	6	7	8	9	10	11	12
	Expand and enhance the existing senior legal helpline's attorney referral panel to increase the number of referrals to the private bar on a fee-for-service basis. Recruit new attorneys and create a more efficient referral system.	Scott Hartsook				X	X	X	X					
	Continue referring eligible clients to Iowa's free volunteer lawyers projects.	Scott Hartsook	X	X	X	X	X	X	X	X	X	X	X	X
4. Increase the knowledge of seniors, caregivers, and service providers about legal issues.	Meet with Statewide Planning Group to determine training and information needs of seniors, caregivers, and service providers.	Deanna Clingan-Fischer Scott Hartsook	X	X		X		X						
	Develop and conduct the first series of three, two-hour trainings for seniors, caregivers, and service providers concerning end-of-life planning, consumer issues, Medicaid and other public benefits, guardianships and conservatorships, elder abuse and resident rights.	Deanna Clingan-Fischer Scott Hartsook				X	X	X	X	X				
	Develop plan to create self-help legal offices in senior centers and congregate meal sites. Recruit sites willing to maintain self-help legal offices and provide appropriate materials to the sites for distribution to older Iowans.	Deanna Clingan-Fischer Scott Hartsook				X	X	X	X	X	X			
	Meet with the Statewide Planning Group to review existing community legal education materials about elder law issues, determine which materials need to be revised, and decide the subject matter of new materials to prepare. Prepare and revise elder law materials for use at the statewide training, the self-help legal offices, for the media and on appropriate websites of legal assistance providers in Iowa.	Deanna Clingan-Fischer Scott Hartsook				X	X	X	X	X	X	X	X	X

**Iowa Senior Legal Assistance Integration Project  
Project Work Plan, Page 7**

Major Objectives	Key Tasks	Lead Person	Timeframe (Start and End Date by Month)											
			1	2	3	4	5	6	7	8	9	10	11	12
5. Help eight other upper midwestern states to develop an integrated and comprehensive state legal assistance delivery system.	Develop a model plan, a "How To" manual, and other materials that can be used to encourage and help the senior networks in other states to develop an integrated and comprehensive state legal assistance delivery system.	Deanna Clingan-Fischer Scott Hartsook						x	x	x	x	x	x	x
	Make a presentation to the annual meeting of the Midwest Legal Services Project Directors about Iowa's willingness to help states develop an integrated and comprehensive state legal assistance delivery system.	Scott Hartsook								x				
	Contact the legal services developer and other legal services providers in two other states to initiate discussions with them about why their states should develop an integrated and comprehensive legal assistance delivery system for older adults.	Deanna Clingan-Fischer Scott Hartsook											x	x

## Project Work Plan, Page 1 – Iowa Senior Legal Assistance Integration Project

**Goal:**

Develop and implement an integrated and comprehensive state legal assistance delivery system for older Iowans that will fully integrate Iowa's existing senior legal helpline with all of Iowa's Title III-B legal services providers and other available resources; and help the senior networks in eight other Midwestern states to develop an integrated and comprehensive state legal assistance delivery system for their older adults.

**Measurable Outcome(s):**

Major Objectives	Key Tasks	Lead Person	Timeframe (Start and End Date by Month)											
			1	2	3	4	5	6	7	8	9	10	11	12
1. Implement the strategies developed for a fully-integrated and comprehensive legal assistance delivery system for older Iowans.	Meet with statewide planning group committees to assist in implementation 1. Needs Assessment 2. Service Options 3. Education and self-help 4. Evaluation	Deanna C-F Scott Hartsook Scott H. Deanna C-F	X			X			X	X			X	X
	Host a test focus group to evaluate the effectiveness of the legal needs tool	Deanna Clingan-Fischer and Scott H.	X											
	Host focus groups around the state to gather input from targeted populations and use the legal needs assessment tool to gain input on what the perceived legal need for assistance is across the state.	Deanna Clingan-Fischer Scott Hartsook	X	X	X									
	Begin work on statewide standards for legal assistance	Deanna Clingan-Fischer							X					X

## Project Work Plan, Page 2 – Iowa Senior Legal Assistance Integration Project

Major Objectives	Key Tasks	Lead Person	Timeframe (Start and End Date by Month)											
			1	2	3	4	5	6	7	8	9	10	11	12
2. Expand and improve the existing, limited service senior legal helpline into a statewide senior helpline for most non-criminal legal issues.	Continue to fully staff the helpline through reassigned Iowa Legal Aid attorneys and provide ongoing training.	Scott Hartsook	X	X	X	X	X	X	X	X	X	X	X	X
	Implement outreach plan to inform seniors, caregivers, service providers, and other organizations about the helpline's expanded services and about the additional services provided by the project.	Scott Hartsook	X			X			X			X		X
	Utilize a comprehensive public benefits and legal issues screening checklist	Scott, Bill and Fred	X	X	X	X	X	X	X	X	X	X	X	X
	Provide high-quality legal advice about most non-criminal legal issues	Scott Hartsook Bill Nassif Fred Nelson	X	X	X	X	X	X	X	X	X	X	X	X
	Submit grant applications to area agencies on aging, the lawyer trust account commission, and other foundations to obtain match funds for the third year of the AoA grant and to maintain statewide helpline	Scott Hartsook							X	X	X	X		

## Project Work Plan, Page 3 – Iowa Senior Legal Assistance Integration Project

Major Objectives	Key Tasks	Lead Person	Timeframe (Start and End Date by Month)											
			1	2	3	4	5	6	7	8	9	10	11	12
	Develop and send evaluation surveys to clients and compile information when returned.	Scott Hartsook	X	X	X	X	X	X	X	X	X	X	X	X
	Recruit and train volunteer attorneys and law student interns to help with helpline services.	Scott Hartsook	X	X	X	X	X	X	X	X	X	X	X	X
	Continue to use LiveHelp on Iowa's Legal Aid's senior website to assist visitors find the information, forms, and self-help materials they need	Scott Hartsook	X	X	X	X	X	X	X	X	X	X	X	X
	Legal hotline will provide counsel and advice and brief services, follow-up and coordinate referrals to appropriate Title IIIB, low-fee panel attorneys and other legal providers.	Scott Hartsook Bill Nassif Fred Nelson	X	X	X	X	X	X	X	X	X	X	X	X
	Train helpline staff on how to provide appropriate follow-up services. Hotline staff will pursue until formal approach developed.	Scott Hartsook	X	X	X	X	X	X	X	X	X	X	X	X
	Analyze the effectiveness of follow up services and make needed adjustments. Provide this information in "How to" guide.	Scott Hartsook							X	X	X			

## Project Work Plan, Page 4 – Iowa Senior Legal Assistance Integration Project

Major Objectives	Key Tasks	Lead Person	Timeframe (Start and End Date by Month)											
			1	2	3	4	5	6	7	8	9	10	11	12
3. Expand the services provided to older Iowans by private attorneys	Finalize work on a no-fee or low-fee panel of lawyers who will provide services for low-income older Iowans in areas such as wills, end of life planning, housing, guardianships, and conservatorships. Recruit attorneys and create an efficient referral system	Scott Hartsook Deanna Clingan-Fischer	X	X	X	X	X						X	X
	Continue to expand and enhance the existing senior legal helpline's attorney referral panel	Scott Hartsook			X	X								
4. Increase the knowledge of seniors, caregivers, and service providers about legal issues	Continue to collaborate with Iowa's existing volunteer lawyers projects and continue to make referrals	Scott Hartsook	X	X	X	X	X	X	X	X	X	X	X	X
	Plan for and conduct two series of two three-hour trainings for seniors, caregivers, and service providers concerning end-of life planning, consumer issues, Medicaid and other public benefits, guardianships conservatorships, elder abuse and resident rights.	Deanna Clingan-Fischer Scott Hartsook		X			X							
	Develop an e-mail elder law network which conveys legal topics of interest senior centers and meal sites to share with older Iowans and their caregivers.	Scott Hartsook Deanna Clingan-Fischer	X	X	X	X								
				X						X		X		

## Project Work Plan, Page 5 – Iowa Senior Legal Assistance Integration Project

Major Objectives	Key Tasks	Lead Person	Timeframe (Start and End Date by Month)											
			1	2	3	4	5	6	7	8	9	10	11	12
5. Help other upper Midwestern states to develop an integrated and comprehensive state legal assistance delivery system.	Develop a model plan, a “how to” manual, and other materials that can be used to encourage and help the senior networks in other states to develop an integrated and comprehensive state legal assistance delivery system.	Deanna Clingan-Fischer Scott Hartsook						X	X	X	X	X	X	X
	Contact several Midwestern states to share outcomes and ideas on developing an integrated and comprehensive legal assistance delivery system.	Deanna Scott						X	X	X	X	X		
	Contact the legal services developer and other legal services providers in two other states to initiate discussions with them about why their states should develop an integrated and comprehensive legal assistance delivery system for older adults	Deanna Clingan-Fischer Scott Hartsook											X	X



## APPENDIX 2

*State Planning Committee Letter of Invitation  
and Initial Agenda*



## **State Planning Group Role**

**Goal: bring together parts of the system into a whole—for Older Iowans**

Anticipate that the final project plan will be based upon comments from this group

1. Assist to identify components of the current legal assistance network and levels of integration.
2. Assist to develop options to fully integrate and coordinate various legal assistance resources in the state.
  - (Statewide “seamless” system—get help, no matter where they call)
  - (Statewide legal standards for this system)
  - (Develop “How to” guide to establishing an integrated system)
3. Assist in the development of a low-cost legal assistance delivery mechanisms and develop methods to increase utilization.
  - (Fill the gaps in the legal assistance delivery system.)
4. Share ideas which will ensure that legal assistance is targeted to the low-income, rural, non-English speaking and other socially isolated populations.
  - (Effective targeting components.)
5. Assist in the process of identifying the legal needs of seniors (formally and informally)
  - (Identify issues which would result in serious consequence to clients if assistance was not received.)
6. Assist in the identification of characteristics of clients most likely to need follow up assistance.
  - (Targeting.)
7. Assist in determining training and information needs of seniors, caregivers and services providers relating to elder law issues.
  - (Establish a statewide training program to provide older Iowans, caregivers and service providers legal information.)
8. Assist in developing a plan to create self-help legal offices in senior centers and congregate meal sites.
9. Review existing community education materials---which need to be revised, what subject matter materials are needed, and what exists.
  - (Distribute monthly articles about elder law issues.)
10. Assist in the development of project evaluation components, including data collection.
  - (Evaluation: decide on questions, set indicators of success and ensure appropriate data collection methods as well as periodic review.)

November 17, 2006

XXXX  
XXXXXX  
XXXXXXX

RE: Legal Assistance for Older Iowans grant

Dear Mr. XXXX:

By this letter, I invite you or your representative to participate in a planning effort by the Iowa Department of Elder Affairs and the Legal Hotline for Older Iowans. We need your input to assess the current legal needs of older Iowans, and review the present legal assistance structures, including low-cost mechanisms to address identified needs. During the time of this grant, the Hotline Advisory Council will not be meeting.

The Department of Elder Affairs, in collaboration with Iowa Legal Aid, responded to and was successful in obtaining a grant through the Administration on Aging which will help Iowa develop an integrated and comprehensive state legal assistance delivery system. In order to accomplish the goals of this grant, we would like to brainstorm with all of you regarding:

1. What are the current legal needs of older Iowans?
2. What are the current legal services delivery systems within our state?
3. What are the concerns within these systems that inhibit accessibility and potential availability of legal assistance to older Iowans?

A planning group meeting has been set for **December 12<sup>th</sup>, 2006 from 11:00 am to 2:00 pm** at the AARP State Offices, 600 E. Court Avenue, Ste 100, Des Moines, Iowa. A lunch will be provided. More details such as driving location and an agenda will be forthcoming.

I hope you can attend. Please e-mail or telephone me as to your availability so that the correct number of lunches may be ordered. My e-mail is [Deanna.clingan@iowa.gov](mailto:Deanna.clingan@iowa.gov) and my telephone is 515-725-3319.

Thank you so much for your time and attention.

Sincerely,

Deanna Clingan-Fischer, JD  
Legal Services Developer



THOMAS J. VILSACK  
GOVERNOR  
SALLY J. PEDERSON  
LT. GOVERNOR

# STATE OF IOWA

DEPARTMENT OF ELDER AFFAIRS  
MARK A. HAVERLAND, DIRECTOR

## AGENDA

### **Statewide Planning Group Iowa Senior Legal Assistance Integration Project**

**Tuesday, December 12, 2006  
11:00 a.m.  
AARP State Offices  
600 East Court Ave., Ste 100  
Des Moines, Iowa**

1. Welcome and Introductions.
2. Overview of Iowa Senior Legal Assistance Integration Project grant.
3. Objectives of the Planning Group and planning process.
4. Description by existing legal services providers of current services and existing integration of services.
5. Organization of Needs Assessment, Service Options, Education and Evaluation committees.

#### 6 Needs assessment

What are the legal needs of older Iowans, both issues and extent of services?  
What needs are not being met?  
Client characteristics that might require targeted services, follow-up services  
or other special services.  
Surveys of clients and service providers

**Iowa Senior Legal Assistance Integration Project**  
**Page 2**

7. Service options to meet client needs through integration and expansion of services.

- How to best integrate services?
- Hotline
- III-B providers
- Legal aid providers
- VLP's
- Low-fee or no-fee panels
- Private bar
- Law school clinics
- Education and self-help materials
- Others

8. Education and self-help initiatives.

- Fact sheets and self-help materials
- ICN and other elder law trainings
- Self-help legal offices in senior centers
- Remote intake sites
- Web site materials

9. Evaluation of Project

- Establish evaluation questions and indicators of success.
- Ensure appropriate data collection.
- Perform intermediate and final evaluations of project.

10. Options for future funding of expanded Hotline when AoA funding ends.

11. Statewide standards for legal assistance.

12. Model plan to replicate project.

13. Next Planning Group meeting - February 23, 2007

# APPENDIX 3

## *Legal Needs of Older Iowans Report and Assessment Tool*





# Older Iowan's Legal Assistance Program

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Legal Needs of Older Iowans:

## A Survey Report

### Principal Surveyors:

Deanna Clingan-Fischer, J.D.

Project Director

Iowa Department on Aging

Scott Hartsook, J.D.

Legal Hotline for Older Iowans

Report prepared by the project director at the Iowa Department on Aging

2010

## Acknowledgements

This survey was made possible through model approaches legal integration grant funding from the Administration on Aging and the dedication and ideas of the statewide planning group for the Legal Assistance Integration Project.

The principal surveyors would like to thank all who provided assistance and support in developing the survey form, assisted in setting up focus groups across the state --from extending invitations to older Iowans and their caregivers as well as providing a location, and to all participants who completed the legal needs assessment survey, thereby allowing us to collect this data. A special thank you to Penny Hommel of The Center for Social Gerontology for facilitating our legal needs committee of the statewide planning group to develop our final survey tool.



Provide advocacy, educational, prevention and health promotion services for older Iowans, their families and caregivers through partnerships with Area Agencies on Aging and other stakeholders.



Iowa Legal Aid is a non-profit corporation that provides civil legal services to low-income Iowans.

The opinions expressed in this document do not necessarily reflect the views of the Administration on Aging

## I. Executive Summary

The Iowa Legal Assistance Program serves persons sixty (60) years of age and older by providing legal advice, representation, information and education as well as referrals in civil legal matters throughout the state. A priority of the program is to provide outreach and assistance to those most in need with an emphasis on those persons with greatest social and economic need, persons with limited English proficiency, and persons residing in rural areas. While the Iowa Legal Assistance Program served 3,006 older Iowans in SFY 2009, there were 667 individuals that came into contact with the aging network that had a need for legal assistance that could not be met with current resources.<sup>1</sup> If 667 known individuals needed legal assistance, how many others are in need but cannot access services or do not know of existing services? To better understand this unmet need and the legal needs in general, as well as older Iowans knowledge of the services currently available, the Program needed to hear from older Iowans themselves. To accomplish this, the Iowa legal assistance model approaches grant partners concluded that the best way to obtain this information was through a survey administered in a local focus group setting.

In the fall of 2008 and the spring of 2009, The Iowa Department on Aging and the Hotline for Older Iowans staff surveyors travelled throughout the state talking to older Iowans, their caregivers, and providers in the aging network to determine what was really needed. The results of this journey are as follows.

- The top legal issue faced by thirty-two percent (32%) of older Iowans within the past ten years relates to health care, in particular Medicaid, Medicare, insurance, and facility based care.
- Within the health care category, twenty-seven percent (27%) of those surveyed listed Medicare Part D, finding an appropriate prescription drug plan and prescription drug coverage as their primary concern.
- The second most identified legal issue faced by older Iowans within the past ten years relates to consumer concerns, in particular telemarketing, debt collection and door to door sales.
- Within the consumer category, thirty-six (36%) of those surveyed listed telemarketing as their primary concern.
- The third most identified legal issue faced by older Iowans within the past ten years is the other category which included areas of estate planning, personal injury/falls, insurance and taxes.

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<sup>1</sup> The Iowa Department on Aging Title IIIB Legal Assistance Activity Report for SFY 2009 see [www.aging.iowa.gov](http://www.aging.iowa.gov).

- Within the other category, forty-nine percent (49%) of those surveyed listed estate planning as their primary concern.
- Each focus group identified Telemarketers, Medicaid and Medicare Part D drug plans as issues of concern.
- The rural focus groups identified health care, consumer, individual rights/personal security, and estate planning (long term care expenses, avoiding probate and wills) as the top four issues affecting their areas.
- The urban, low-income minority and non-English speaking focus groups all identified health care and consumer issues as their top concerns. In addition, these focus groups also identified housing, individual rights/personal security, and income maintenance as issues affecting their areas.
- The caregiver focus groups identified health care, other (estate planning) and individual rights/personal security as the top three legal concerns.
- The focus groups in long-term care settings identified other (estate planning), health care, consumer and individual rights/personal security as the top four legal issues faced in the last ten years.
- The in-home surveys conducted by case managers for those isolated or homebound identified health care, consumer and income maintenance as the most pressing legal issues faced within the last ten years.
- The service providers participating in the focus groups identified health care, individual rights and consumer issues as the top three legal concerns encountered in assisting older Iowans.
- The best way to let older Iowans and their caregivers know of available legal assistance is through the Area Agencies on Aging. (61%)
- Forty-six percent (46%) of those surveyed have used the services of a lawyer within the past ten years.
- Sixty-four percent (64%) felt that having available low or no-cost legal assistance was very important.

## **II. Introduction**

The Iowa Title IIIB Legal Assistance<sup>2</sup> Program serves persons sixty (60) years of age and older by providing legal advice and representation, information and education and referrals in civil legal matters throughout the state. The role of this program is to identify and serve the legal needs of those older people who are most vulnerable due to social and/or economic circumstances.<sup>3</sup> To serve this need, the question must first be asked, “What are the legal assistance needs of these older Iowans?” Rather than trying to answer this question from a state unit on aging, service provider or legal services corporation perspective, the statewide planning group partners wanted to hear from older Iowans themselves. The answers to the question came through a legal needs assessment survey process. The results of this survey now provide a baseline for providing legal assistance services that truly meet the needs of older Iowans.

## **III. Background**

In the fall of 2006, the Department of Elder Affairs (now the Iowa Department on Aging) received a model legal assistance approaches grant from the Administration on Aging. The focus of the grant --to develop a comprehensive state legal assistance delivery system for older Iowans that integrates the existing legal hotline with the Older Americans Act Title III-B legal providers and other available legal resources. One of the key tasks in creating an integrated legal assistance network was to develop and conduct a needs assessment to determine the legal needs of the state’s older population in order to plan service priorities and to ensure that the legal assistance is targeted to low income, rural, non-English speaking and other people who face ethnic, cultural or other barriers accessing legal services. The idea was to have these older persons and their caregivers tell us what they saw as their legal needs.

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<sup>2</sup> Legal assistance means legal advice and representation provided by an attorney to older individuals with economic or social needs and includes....counseling or other appropriate assistance. An older individual means an individual who is 60 years of age or older. (As defined by the Older Americans Act of 1965, as amended 42 U.S.C 3001)

<sup>3</sup> The Older Americans Act, 42 U.S.C. 3027(16) outlines that outreach efforts will place special emphasis on: i. Older individuals residing in rural areas; ii. Older individuals with greatest economic need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas); iii. Older individuals with greatest social need (with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas); iv. Older individuals with severe disabilities; and v. Older individuals with Alzheimer’s disease and related disorders.

As part of this process, the Department on Aging assembled a work group from the statewide planning group, to work specifically on the issue of legal needs. The first phase of this process was to determine if an actual formal needs assessment tool was needed or if current data sources would be sufficient. To discover what data was currently collected, the work group had discussions with Iowa Legal Aid, Title IIIB providers, Legal Hotline, Protection & Advocacy, Alliance for the Mentally Ill, Department of Human Services, Ombudsman Program, Alzheimer's Association, and the Volunteer Lawyer's Project. We also looked to the information collected from the Area Agencies on Aging through the aging network reporting system. These data collection points reported that the needs being seen by these agencies were residents rights, wills, undocumented aliens, special needs trusts for older persons with a disabled child, guardianship, conservatorship, mental health commitments, advance planning, financing long-term care, Medicare, involuntary discharges and dependent adult abuse. While this information was available on the type of legal issue affecting each client base, there was little or no breakdown by age, location or income status of the client. It was also determined that on the whole, the majority of the data collection regarded individuals already in the system and receiving help or was anecdotal and reported by providers of service rather than from the older Iowan or their caregiver. While this information was helpful and a good place to start, it was decided that an additional avenue for data collection focused on legal assistance needs of the underserved older population was needed. This additional source would be a formal legal needs assessment.

Once it was decided that an assessment was indeed needed, the second phase was to determine what information should be included in the legal assistance survey tool. Our work group began by reviewing other states surveys, specifically Georgia, Utah and Florida, to use as a template. These surveys were a valuable place to start. The Iowa process took pieces from these other surveys and combined them with ideas specific to Iowa. Creating this legal needs assessment tool involved a several month process of fleshing out what information was really needed and what would be nice to have. In essence, what did we really want to learn from this process? What was our goal? The goal of the survey was to discover what the needs of older Iowans are as seen through their eyes. Are those needs different in various regions of the state? Are the legal needs different for residents of a long term care facility compared to the general population living at home? Are a caregiver's perceived legal needs for the individual they are providing care to different than those mentioned by older Iowans? By determining common issues identified as legal concerns for persons 60+, the aging and legal assistance program network can develop programs to hone skills and knowledge base on these issues for our Title III-B providers, volunteer lawyer's and the general legal network to ensure accurate, consistent and reliable advice is given.

The third phase was to decide the process for disseminating surveys and collecting responses, especially in attempting to reach the targeted populations. Concerns were voiced as to the legitimacy of conducting a mail survey sent to names obtained through a voting or driver's license registry. How would those in economic or social need be reached? Our solution was to create a survey based upon

other state models, but instead of sending through the mail, we would hold focus groups around the state and reach out to the target population. We decided rather than sending thousands of surveys with no assurance of a return, we would create small groups and have one on one interaction with the survey participants. This way any questions while completing the survey could be addressed and we could share information on legal terminology as well as on state legal resources that were available. We also allowed for a question and answer period following the completion of the survey for participants to ask questions on situations they were experiencing or on which they had general questions. With this focus group format, we knew that we would not reach as many older Iowans and not have the response rate that other surveys had received, but we did know that the individuals that did complete the survey were our target population. This would allow us to create a legal assistance system and network which would meet the needs of this group of Iowans. The work group decided that the focus groups should cover a range of geographic areas in Iowa. We also wanted the focus groups to be held in rural and urban areas and include low-income, non-English speaking, various ethnic groups, nursing and affordable assisted living facilities and/or retirement communities. Attempts were made to reach older adults in a few ethnic communities. What we discovered was that without a contact person that was known within that community, we could not gain access. In addition, we were informed that many times the older adults are not the individuals that would attend anyway—it would be the young adult family member that attends and brings back the information to translate for the older family members.

The next focus became how could we reach the socially isolated or homebound? They would not be able to attend a focus group, even if it was within their community, and this created a barrier to access. In response to this concern, the surveyor's contacted the Area Agencies on Aging and the Case Management for Frail Elders case managers. The case managers were asked to assist by taking the survey into their client's homes and providing assistance in completing the survey. This would give us additional information to see what the socially isolated identified as their legal assistance issues.

The result: 12 focus groups with 159 completed surveys. The focus groups took place in senior centers, nursing homes, and assisted living facilities, Area Agencies on Aging, a church and at an Alzheimer's support group. These focus groups occurred around the state in low-income, rural, and urban areas as well as in diverse ethnic groups. Thirty-two (32) socially isolated or homebound were reached. The concept of the focus group was to bring together a few individuals in the target population groups to discuss the reason for the survey, the process and to have the surveyors be available to answer questions. It was not to receive quantities of surveys.

## IV. Methodology

Data collection was done through a survey tool distributed to participants in twelve (12) focus groups across the state as well as to case managers for use with homebound or isolated older adults. The focus groups occurred in locations around the state to maximize outreach to populations most in need and were limited to thirty (30) or less participants to allow for one on one interaction. The survey was divided into three main sections

1. Demographics—A series of questions to discover the basic information about the participants by focus group location. This section also allowed for questions to be raised about access to service or perceived barriers to accessing services.
2. Resource awareness—A series of questions to gauge the knowledge base of the participants as to the legal and aging network resources. Questions were also asked to see if participants were reluctant to seek assistance from a lawyer and to discover what method would best reach individuals in need of legal services.
3. Issues survey—A listing of concerns or potential problems faced by older adults. This section allowed participants to indicate if the specific concern or problem listed had occurred to them or their spouse within the past ten (10) years. Every attempt was made to not use the term “legal” as it was felt that some in the target groups would not identify with having a legal issue but might identify with having one of the listed concerns.

Each participant was given the three parts of the survey and asked to complete to the best of their ability. As questions arose or assistance was needed, the surveyors were available to respond or provide needed assistance. At a few focus groups, the surveyors actually ended up reading the survey to those who were sight impaired or non-readers. The participant would inform the surveyor of his/her response and the surveyor would complete the survey for the participant based upon the answers verbally provided. The two primary surveyors were at each focus group to serve as facilitators of the process and to be available in a more one on one environment. This allowed for information to be conveyed and answered in a consistent fashion so that the surveyor’s responses would not affect the outcome. The primary surveyors were Scott Hartsook of the Legal Hotline for Older Iowans and Deanna Clingan-Fischer of the Iowa Department on Aging.

Prior to administering this survey tool, however, a “test” focus group was set up to allow for an initial give and take dialogue between the “test” participants and the surveyors. This test group was given the draft survey and instructions and asked to complete. After completion, the surveyors asked for feedback as to what worked, what needed further explanation and what was not understandable in the survey or process. This test focus group consisted of five individuals from five different senior center locations across Des Moines. The test group consisted of three men and two women. This test focus group suggested several changes to the survey tool and these changes were incorporated into the final survey product. Survey revisions made due to this test group feedback:



1. Issues of Concern. On the initial issues of concern portion of the survey, participants were asked to state if the concern had been an issue for them or their spouse in the last five years as well as if they felt it would be a future issue for older Iowans. The future issue question asked participants to rate the likelihood of this concern as a future issue on a ranking system of 1 to 5, with 1 being not likely and 5 being very likely. Based upon the test focus group comments, the future issue and ranking system question was removed from the survey as it made the survey more cumbersome and the participants admitted that answering this future question was essentially a guess and not grounded in real knowledge. In addition, the test group suggested increasing the timeframe from five years to ten years as they felt this would capture more information from participants.

2. Issues of Concern. Each test group participant asked “what is a miller trust”. It was then explained and discussed but this confusion lead the surveyors to conclude that something more descriptive was needed. Most of the participants thought the miller trust was just a name for a regular trust and did not connect it to Medicaid. Based upon the test groups comments, a notation in the section relating to Miller trusts was made to identify a Miller trust as associated with Medicaid. This way if participants knew that Medicaid had not been an issue for them in ten years, then the Miller trust was not an issue. In addition to changing the survey, the surveyors decided to take brochures and information that existed on various issues or programs specifically listed on the survey to the future focus groups. If a participant had additional questions on a specific issue raised in the survey, a brochure or fact sheet on the topic could be given to him/her.

3. Income Question. On the initial demographics section of the survey, the income question was a fill in the blank. The question asked participants to identify household income by the month or year. Many from the test group did not complete this section and the surveyor’s asked about this. The participants stated that they were uncomfortable writing down their income and in fact some stated they did not know what it was. Based upon the test focus group comments, the income level question was changed to an income range selection that participants could check. The selections became: 0-\$10,000; \$10,001 -\$20,000; \$20,001 to \$30,000; and \$30,001 and up. This also allowed for more privacy for the participants.

4. Awareness Questions. On the initial survey tool, questions five, six, and eight requested that participants choose up to three answers. The test focus group suggested putting this in a bold font as most only selected one response and did not really see the choose up to three wording. Based upon the test focus group comments, this wording was highlighted and made more prominent.

5. General Procedure. In the test focus group, all sections of the survey were on white paper. This became confusing when a participant would ask a question as there was no obvious distinction between the sections. Based upon the test focus group comments, the surveyor’s decided to color code the various sections so if questions were asked it could easily be determined which section the participant was referencing. In addition, it was decided to number each section that went to the

participant with the same numbering system so each section would correlate to a specific participant. For example: the same participant would have number 1 of each survey section. This way the surveyor's could compare the demographics sheet with the survey answers. This also proved valuable in seeing if various areas of the state answered the questions differently and allowed the surveyors to keep all parts of the survey together.

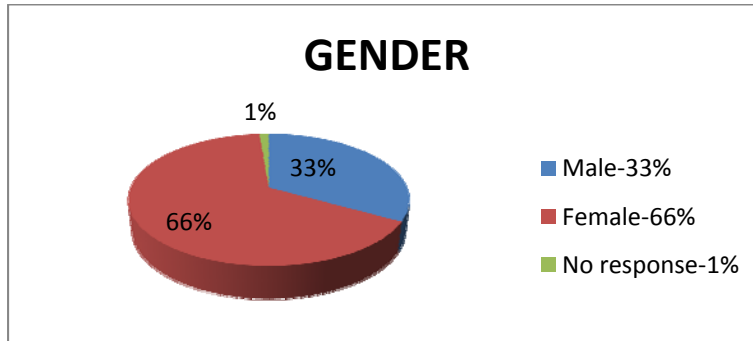
After the test focus group, changes were made to the survey and the formal focus groups were set up. The work group assisted in locating areas of the state that would reach our target population and provided a local facilitator's name to the project director. The surveyor's picked specific dates for traveling to and conducting the focus groups. The local facilitator was then contacted to see if one of those dates would work in their area. The letter of introduction and flyer announcement was then sent out to the local facilitator and it was left to the local facilitators to publicize the event and to recruit participants. (See appendix two and three)

The survey was intended to reach two groups: older Iowans and their caregivers. As a side benefit, in some areas, providers of service attended the focus group and were asked to complete the survey on behalf of the older adults he/she served. The older Iowan was asked to complete the survey for him or herself, while the caregivers were asked to complete the survey, not for themselves, but for the issues seen for the individual he/she provided care. A different color coded caregiver demographic sheet was developed which made a clear distinction between the older adult's survey and that of the caregivers.

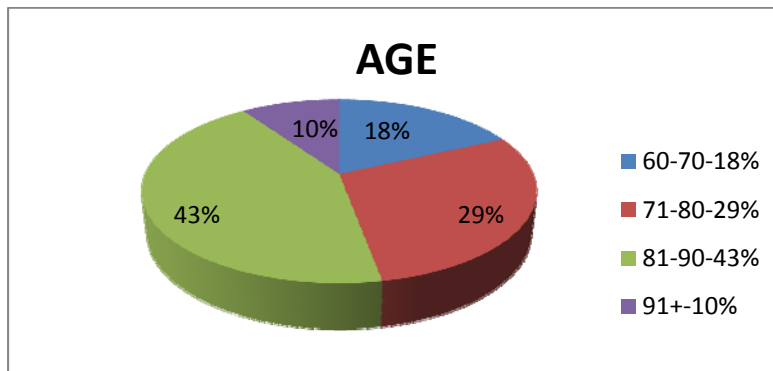
## V. Summary of Findings

### A. Demographics

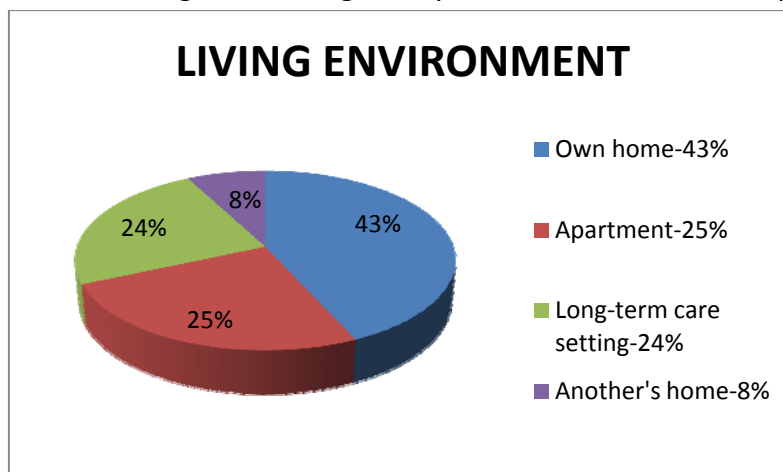
- **Gender:** 66% of respondents were female and 33% were male.



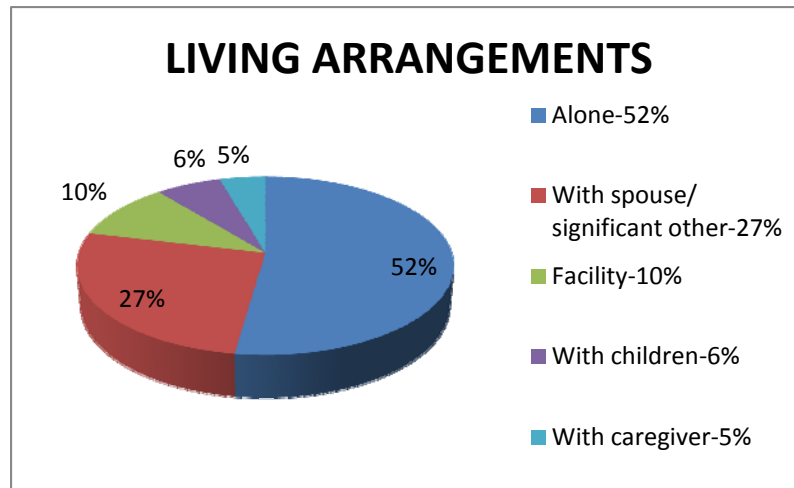
- **Age:** 43% were age 81-90; 29% were age 71-80; 18% were age 60-70; and 10% were 90 or older.



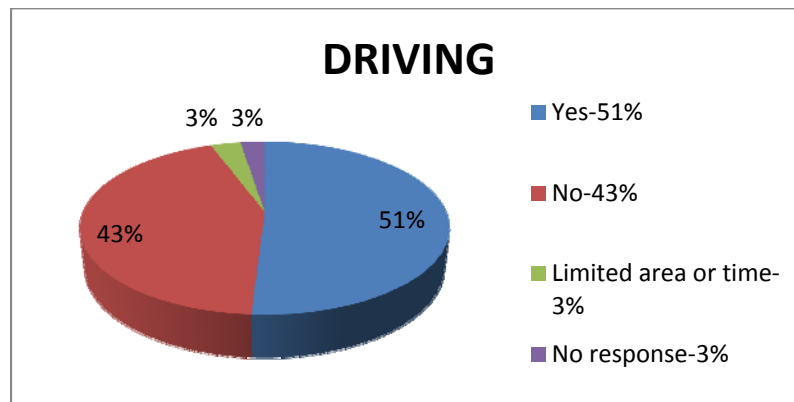
- **Residence:** 43% lived in their own home; 25% lived in an apartment; 24% lived in assisted living or a nursing facility; and 8% lived in another person's home.



- **Living arrangements:** A little over half of the respondents answered that they lived alone (52%); a total of 38% resided with someone else and 10% responded that they lived in a facility. This is interesting as in the previous question 24% responded that they lived in a long-term care setting. See comment under section VI, lessons learned.

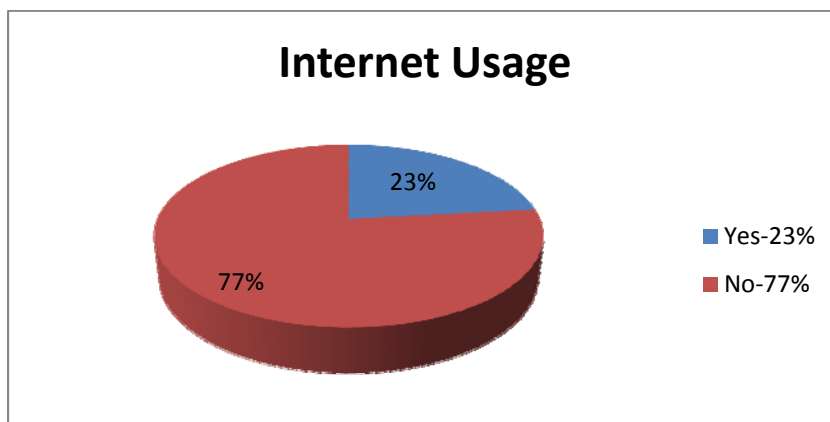


- **Language:** The majority of respondents spoke English—93%; Non-English speakers comprised 5% and those with limited English abilities—2%. Other primary language mentioned on the survey included German, French and Vietnamese.
- **Ability to drive:** 51% were able to drive; 43% were not able to drive; 3% could drive a limited area or time; and 3% did not answer the question.

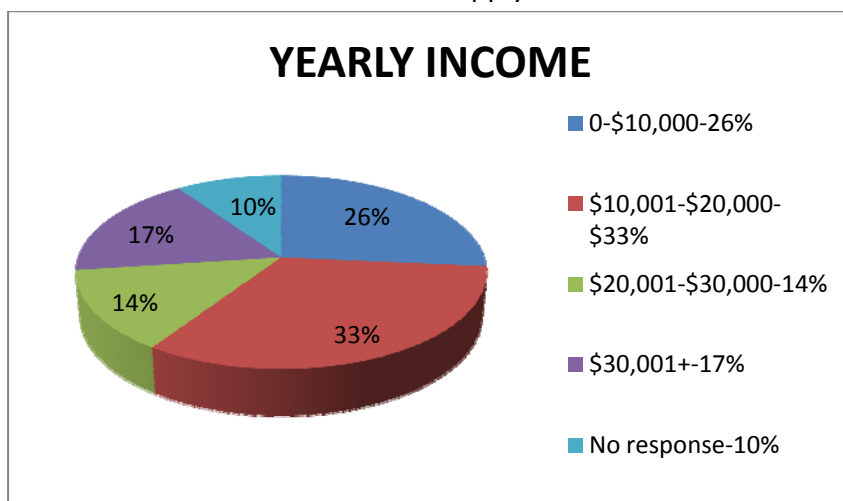


- **Race/ethnicity:** The majority of respondents were Caucasian (76%); African-American (12%); Asian (10%); Native American (3%); and other such as Hispanic, German, and French (2%)

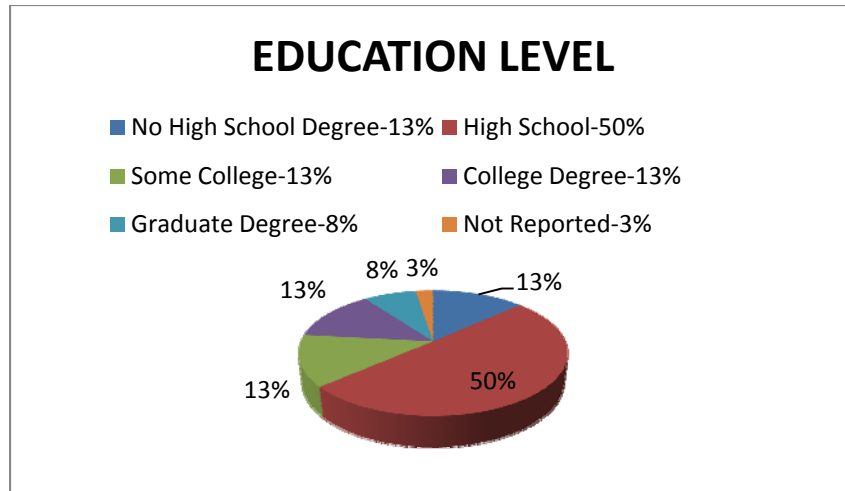
- **Geography:** 39% lived in a town or other city (defined as under 20,000 people); 32% lived in a large city (defined as 50,000 or more people); 25% lived in a small city (defined as 20,000 to 50,000 people) and 4% lived on a farm.
- **Internet use:** The overwhelming majority of respondents did not utilize the internet (77%). For those who did use the internet, access is from the home, library, work, and the senior center.



- **Income levels:** 59% of respondents had income of \$20,000 or less. 14% had income from \$20,001 to \$30,000; 17% had income of \$30,001+; and 10% stated that they did not know their income or did not supply this information on the survey.

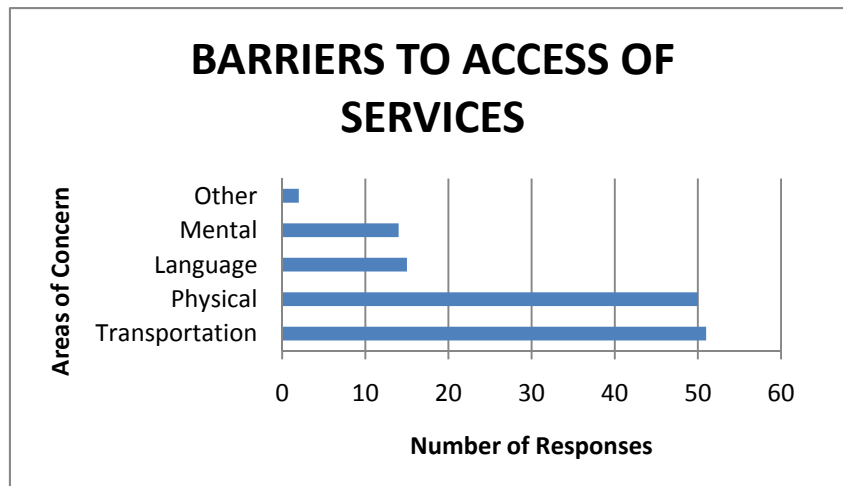


- **Education level:** 50% of the respondents had a high school degree; 13% had not received a high school diploma; 13% had some college; 13% had received a college degree; 8% received a graduate level degree; and 3% did not report.



## B. Accessing Services

- 83% of respondents had difficulty in accessing services to provide for their needs. In particular, the barriers mentioned were: lack of transportation, physical disabilities such as limited mobility, sight or hearing impairments; language, mental health, and general health issues. A little over half of the 83%, identified that they had one or more barriers.

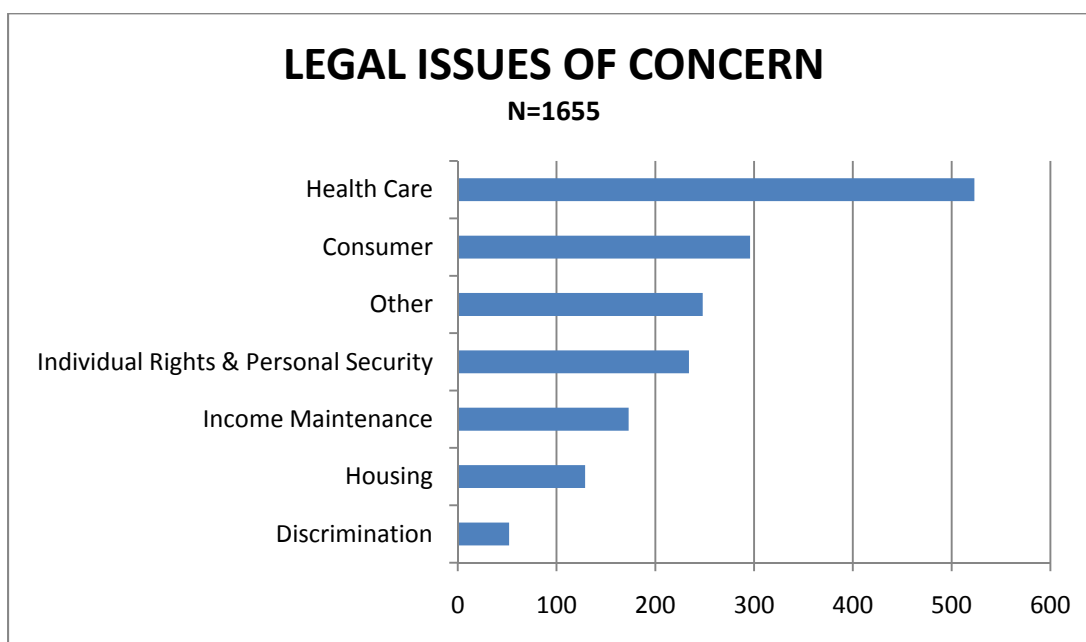


- Caregiving: Of the older adult respondents, 19% identified themselves as a caregiver. (The individuals who completed the survey as a caregiver were removed from this tabulation.) Of all caregivers, 9% had problems accessing services due to not being able to leave the person they care for alone.

### C. Legal Needs

Participants were given a listing of issues and asked to identify if the issue mentioned had happened to them or their spouse in the past ten years. The issues were broken down by the following categories: consumer, discrimination, health care, housing, income maintenance, individual rights/personal security and other.

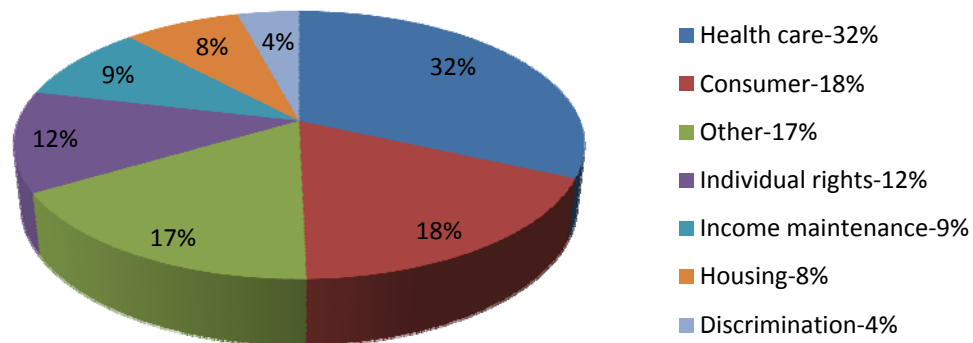
Older Iowans and their caregivers (32%) were most concerned about health care related legal issues. This includes such topics as Medicare, Medicaid, and prescription drug coverage. Consumer issues such as telemarketing, credit and non-credit card debt, and door to door sales were the next highest area of concern. (18%) The third category of concern was other. This includes such topics as estate planning, personal injury, insurance and taxes. (15%) The remaining categories are: Individual rights & personal security (14%); Income maintenance (10%); Housing (8%) and Discrimination (3%) Below is a chart that reflects the overall responses.



The survey results show that the legal concerns of the focus groups, the in-home group, the caregiver's and the service providers responses were similar, but not exactly the same.

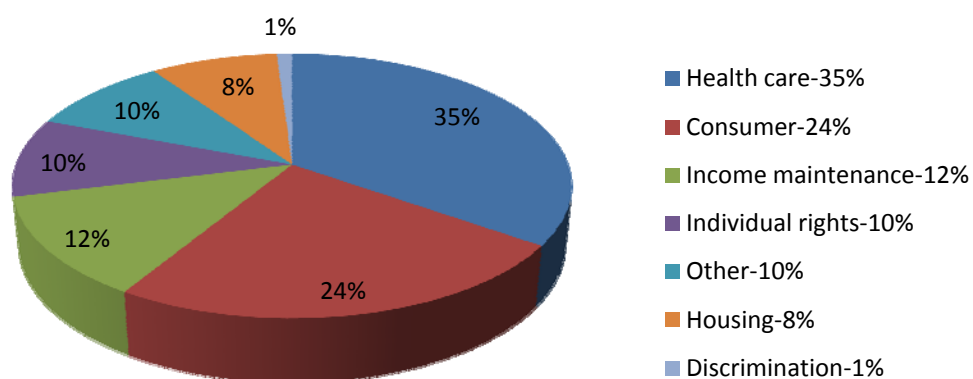
The older adult focus group participants prioritized the legal issues of concern as: 1. health care, 2. consumer, 3. other, 4. individual rights & personal security, 5. income maintenance, 6. housing, and 7. discrimination.

### Focus Groups Older Adults Legal Concerns



The in-home participants prioritized the legal issues of concern as: 1. health care, 2. consumer, 3. income maintenance, 4. individual rights & personal security, 5. other, 6. housing, and 7. discrimination.

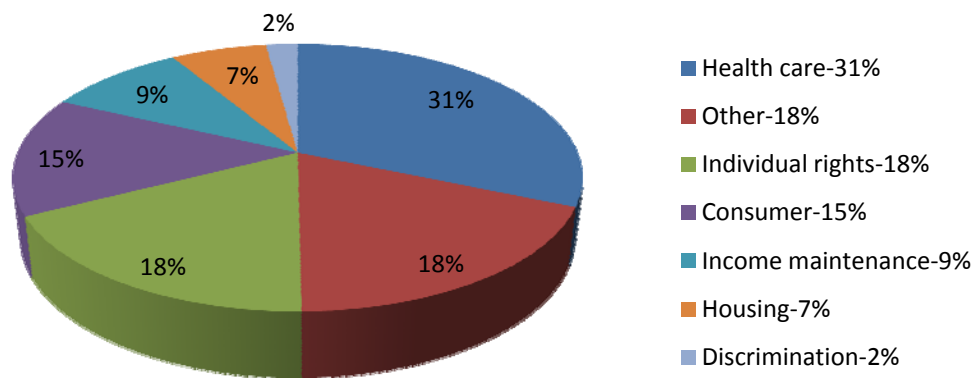
### In-Home Older Adults Legal Concerns



The caregiver participants prioritized the legal issues of concern as: 1. health care, 2. other, 3. individual rights & personal security, 4. consumer, 5. income maintenance, 6. housing, and 7. discrimination.

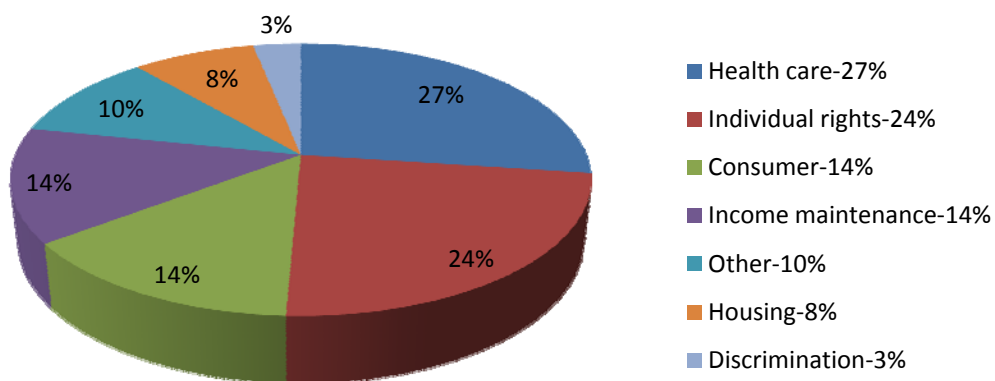


### Caregivers Legal Concerns for Older Adults



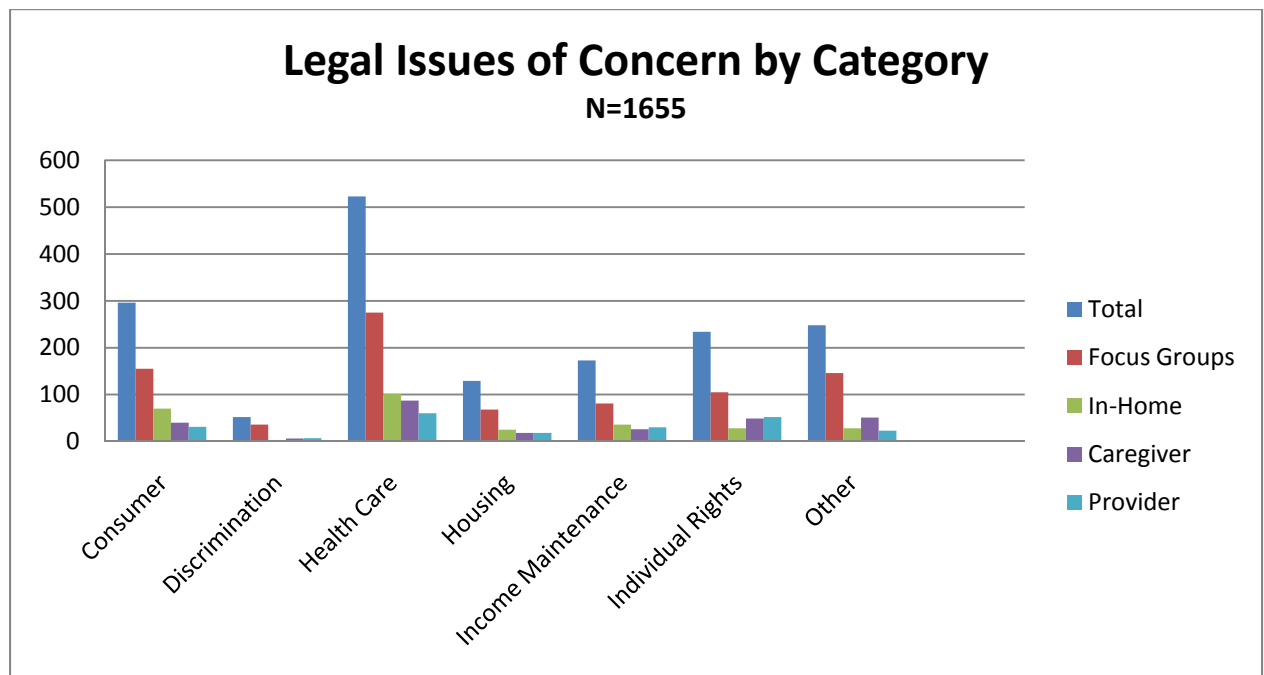
The service provider participants prioritized the legal issues of concern as: 1. health care, 2. individual rights & personal security, 3. consumer, 4. income maintenance, 5. other, 6. housing, and 7. discrimination.

### Service Providers Legal Concerns for Older Adults



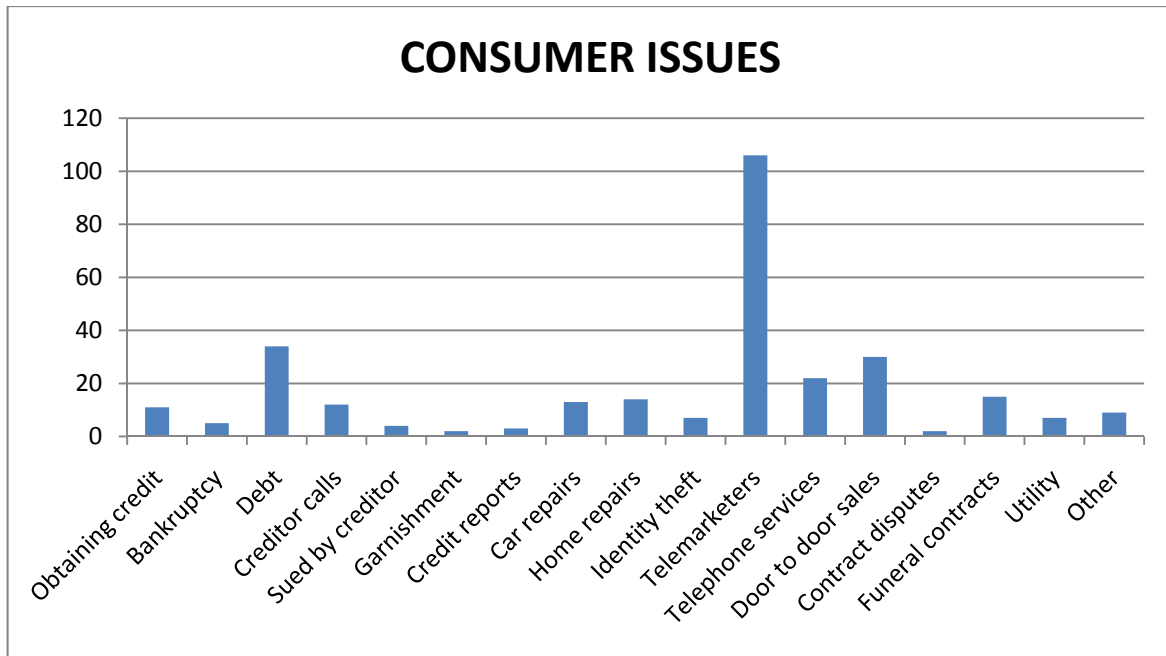
### The common factors:

1. All participants identified health care as the top legal issue of concern.
2. All participants identified discrimination as the legal issue they are least concerned about.
3. All participants identified housing as the next to last issue they are least concerned about.
4. The older adults at focus groups and the in-home group identified consumer issues as the second legal issue of concern behind health care.



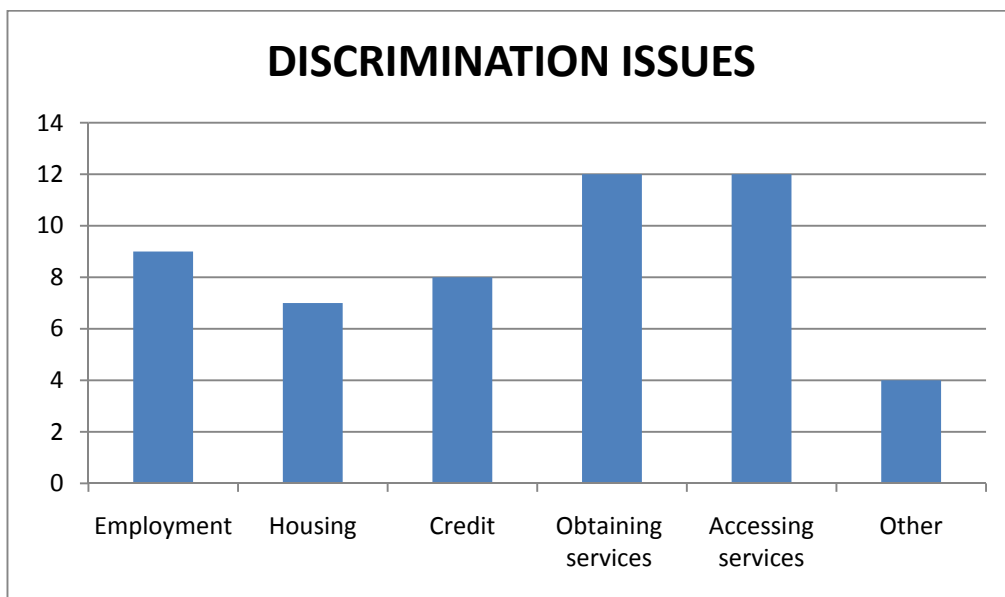
The following charts highlight the issues outlined in the survey by subject matter. These charts reflect the issues participants were concerned with in each overall category.

## **Consumer Concerns**



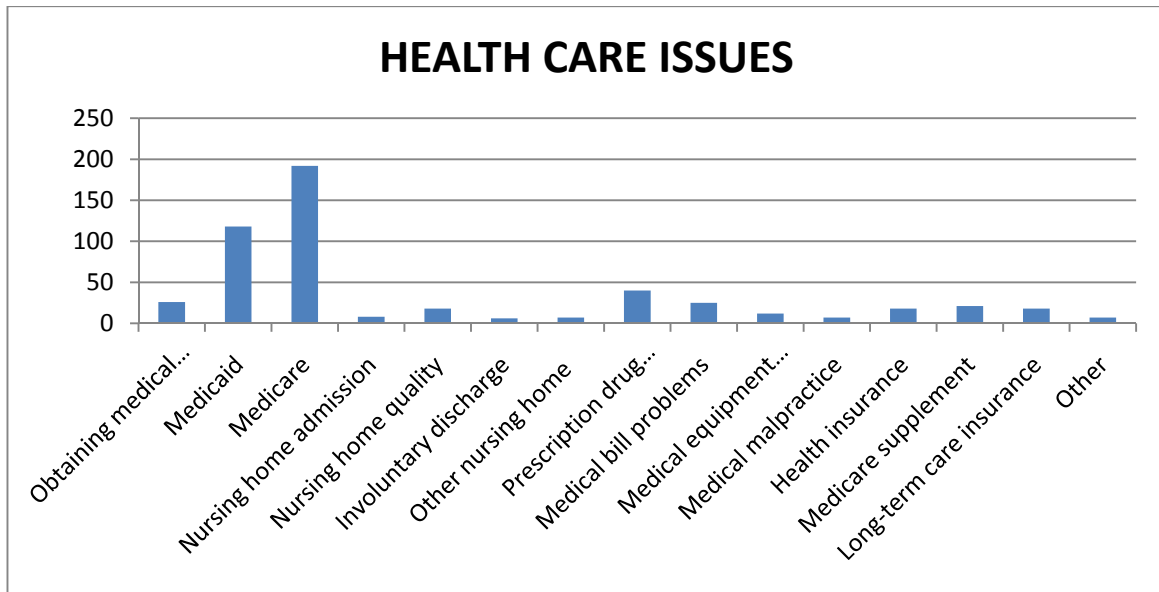
The top three legal issues of concern from all groups were: sales calls from telemarketers, paying credit card and non-credit card debts, and door to door sales.

## **Discrimination Concerns**



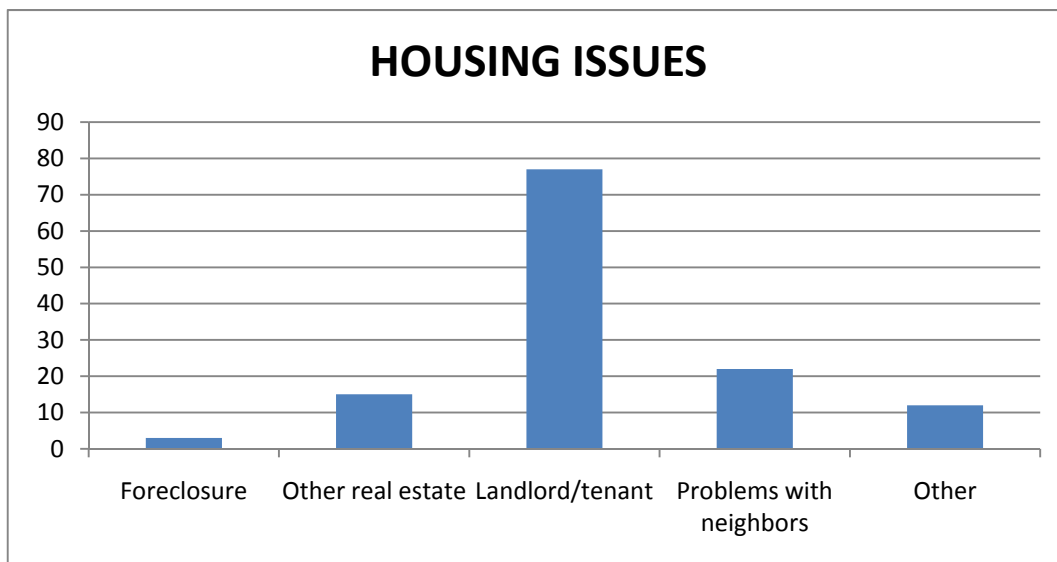
The top three legal issues of concern from all groups were: obtaining services or goods from businesses or government agencies, accessing services due to limited English, and employment.

## **Health Care Concerns**



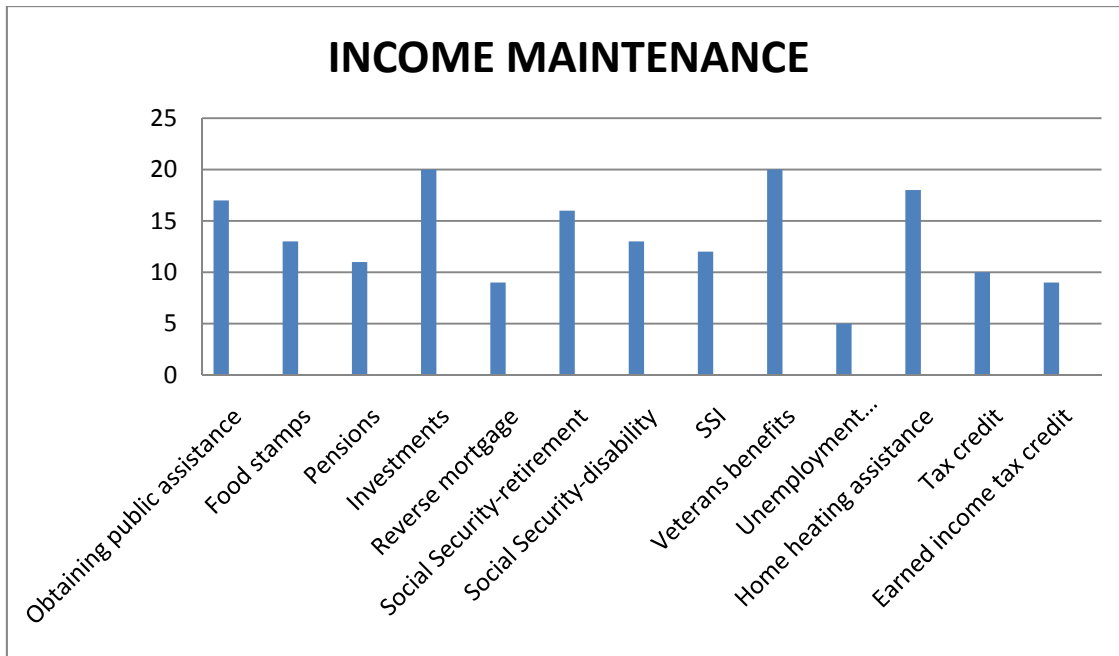
Within the Medicaid category, the top three legal issues of concern from all groups were: eligibility for payment of Medicare Premiums, eligibility for medical bills payment, and eligibility for in-home services. Within the Medicare category, the top three legal issues of concern were: finding an appropriate prescription drug plan, eligibility for Part D prescription drug benefits, and eligibility for Part B benefits.

## **Housing Concerns**



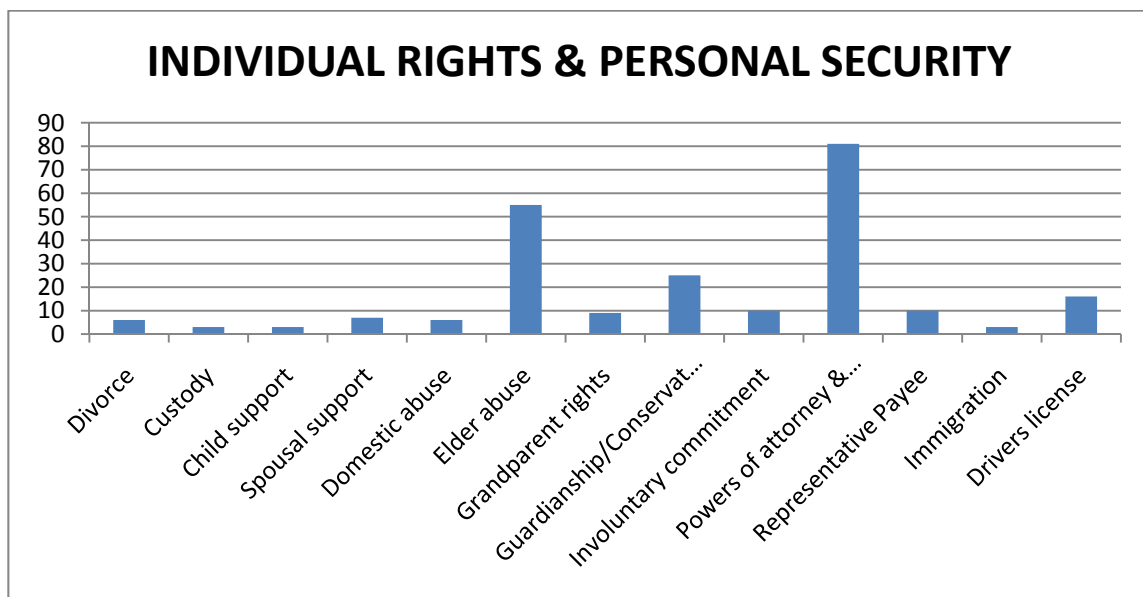
Within the category of landlord/tenant, the top three legal issues of concern from all groups were: repairs, increases in rent, and lease terms.

## Income Maintenance Concerns



The top three legal issues of concern from all groups were: veteran's benefits, investments/savings, and home heating assistance.

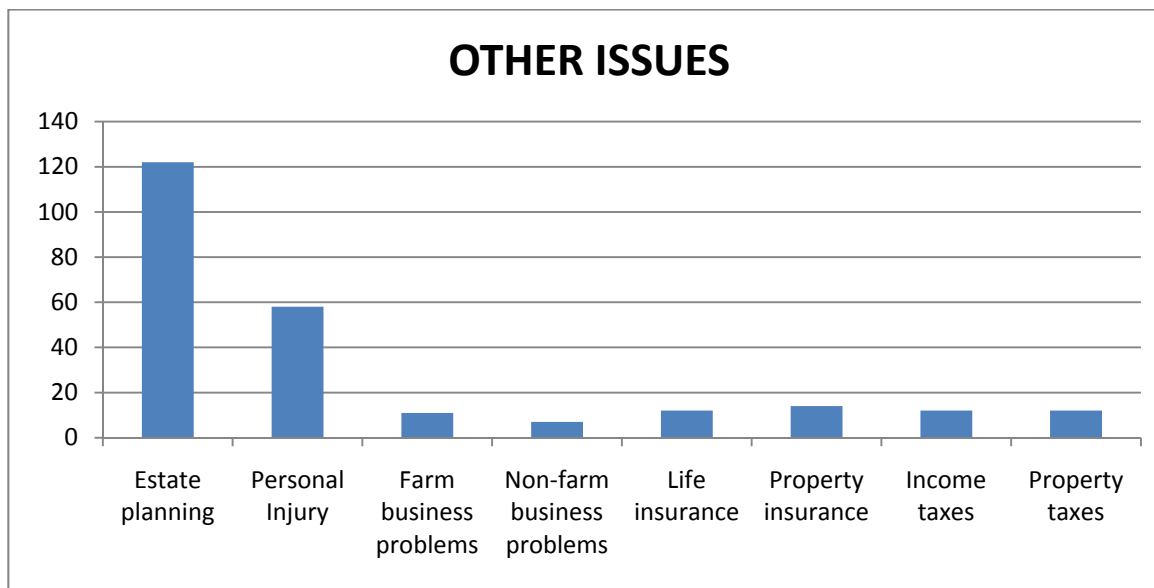
## Individual Rights & Personal Security Concerns



The top three legal issues of concern from all groups were: powers of attorney (health care & financial) and living wills, elder abuse, neglect and financial exploitation, and guardianship/conservatorship.

Within the elder abuse, neglect and financial exploitation category, the top three issues of concern from all groups were: taking of money or property, emotional abuse, and not having personal care needs met.

### **Other Legal Concerns**



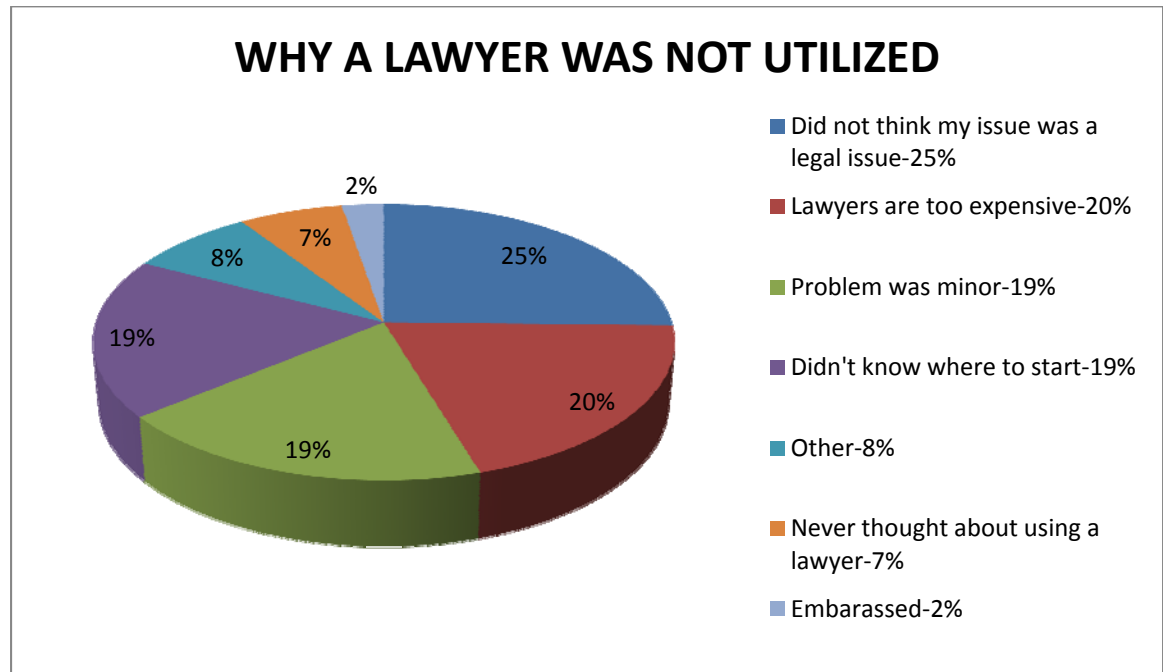
Within the category of estate planning, the top three legal issues of concern from all groups were: wills, planning for long-term care expenses, and planning to avoid probate.

Within the category of personal injury, the top legal issue of concern from all groups was: falls. See comment under section VI, lessons learned.

### **D. Awareness of Programs and Interaction with Lawyers**

- One half of respondents had used the services of a lawyer in the past ten years for issues relating to: wills, estates, trusts, taxes, divorce, to adopt grandchildren, Medicaid, Miller trust, financial exploitation, powers of attorney, sale of farm, conservatorship, review rental agreement, to buy or sell a home, and bankruptcy.
- 7% of respondents reported that they had sought, but did not receive assistance from a lawyer. The reasons: didn't qualify for free legal help, the lawyer declined to take the case, and could not afford the lawyer's fees.

- If a problem existed, most participants stated they did not seek help from a lawyer because: they did not think the concern was a legal issue, lawyers are too expensive, the problem was minor, and they did not know where to start.



- To obtain legal information on an issue, 48% of respondents would contact an attorney, 44% would call the local Area Agency on Aging, and 26% would call Iowa Legal Aid. (This totals more than 100% as respondents could choose more than one category.)
- If an attorney was needed, most would obtain a referral from family or then the Area Agency on Aging or call a lawyer known to them. If no referral or lawyer is known, most would start with Iowa Legal Aid or the Legal Hotline for Older Iowans.
- The three organizations participants were most aware of: the Area Agency on Agency (52%), Iowa Legal Aid (38%), and the Iowa Department on Aging (35%). (This totals more than 100% as respondents could choose more than one category.)
- The best method for reaching older Iowans or their caregivers was through the Area Agencies on Aging, the Iowa Department on Aging, and the local senior center.
- In response to how important is it to have low-cost or no-cost legal assistance services, 64% stated that it was very important, 23% stated it was important, 11% did not reply, and 2% stated that it was not important.

## **VI. Lessons learned**

The concept of local focus groups to reach out to older adults in the target population worked well. The focus groups allowed the surveyors to interact directly with older adults and their caregivers and to be available to provide information on the legal and program resources available to meet identified needs.

As a point of clarification, if the focus groups were to be repeated in future years, a few things might be refined. For example, on the Issues of Concern portion of the survey, the topic of “falls” under personal injury might be further defined or removed. It appeared that this was confusing to participants. The falls category was intended to explain personal injury, but many participants thought it meant—do they have problems with falls. Another concern was raised as to limiting the issue to a spouse. On the Issues of Concern portion of the survey, it asked whether the identified problem happened to you or your spouse. In future surveys, consideration should be given to including significant other, in addition to a spouse. This language was added on the demographics portion of the survey but was not translated to the Issues of Concern portion of the survey. On the Demographic portion of the survey, a possible revision would be to add clarity of what was meant by living arrangements. What the surveyors discovered is that many of the participants who resided in assisted living or a nursing facility indicated that they lived in their own home or apartment rather than in a long-term care setting. While the facility is the person’s home, the original intent was to have individuals residing in a long-term care setting to respond that they lived in a facility.

In conclusion, there were several tips or practical pointers that came out of this process. Those practical pointers are:

- Locate a facilitator in each area to assist with scheduling and to be a resource. This individual will also play an important role in bringing participants to the table.
- Ensure confidentiality to participants and site locations. Some locations were concerned that we were asking residents or tenants about problems existing in that facility, rather than the general legal needs of older Iowans. Inform such facilities that this is not the case.
- Since names are not given, identify surveys in such a manner that you can tell which focus group it came from for tabulation purposes.
- When working with a non-English or limited-English speaking group, ensure that an interpreter is available on the day of the focus group. It is helpful to share the survey tool with the interpreter before the focus group for his/her review as some English words do not translate well and this gives the interpreter some time to discuss the meaning with surveyors.



- Express to participants that their ideas and answers are a valuable part of the process and will assist in designing a statewide system to better meet their needs.
- Spread the word about the focus group through local facility or centers newsletters.
- Take pencils to each focus group.
- Bring refreshments—food and drink.
- Take brochures or other information on programs or issues raised in the survey tool that the participants may want more information on.
- Avoid dinner time and come on senior center pie day, but if you arrive too early or too late, there will be very few participants.

## **VII. Appendix**

Appendix One	Checklist: How to implement the Iowa survey focus group model
Appendix Two	Focus group letter of invitation
Appendix Three	Focus group flyer announcement
Appendix Four	Thank you letter sent to the local focus group facilitator
Appendix Five	Survey demographic cover form used with older adults (Part I)
Appendix Six	Survey demographic cover form used with caregivers/providers (Part I)
Appendix Seven	Legal needs assessment survey—Issues of Concern (Part II)
Appendix Eight	Awareness questions (Part III)

**Iowa's Legal Integration Program—AoA Model Approaches Grant**

**Legal Needs Focus Groups Work Plan**

Key Task	Lead Person	Timeframe
1. Create a work group from the statewide planning group to focus on legal needs issues.		
2. Collect data that is currently available through other agencies or aging network statistics to determine if the legal needs have already been identified.		
3. Review any data available to see if it meets the need.		
4. If the data does not exist or does not meet the need, convene the work group to discuss what information should be collected relating to the legal needs of older adults. What is the survey goal(s)?		
5. Obtain copies of other states legal needs survey tools to use as a model.		
6. Review other states survey tools with the work group to determine if any changes or additions are needed to meet goal(s).		
7. Discuss with the work group how best to reach the target population. a. Rural b. Low-income minority c. Greatest economic need d. Greatest social need e. Non-English speaking f. Isolated or otherwise vulnerable		
8. Involve The Center for Social Gerontology (TCSG) to assist in this process		

9. Draft a survey tool that will meet your goal(s).		
10. Consider utilizing separate sections <ul style="list-style-type: none"> <li>a. Do you want to collect demographic information? If so, what data would be useful to meet your goal(s)? (Part I)</li> <li>b. What legal substantive issues should be asked about in the survey? Will further explanation be needed for the participant to understand what the legal terms mean? If so, consider developing a definition sheet. (Part II)</li> <li>c. Do you want to collect information on the knowledge base of participants related to the available aging network or legal services resources? (Part III)</li> <li>d. Do you want to see what barriers exist to accessing services?</li> <li>e. Do you want a separate demographics sheet for caregivers or providers that attend to distinguish these answers from the answers of older adults?</li> </ul>		
11. Once a draft survey tool is developed, share with the work group and state planning committee for feedback. Incorporate relevant feedback.		
12. Consider making each part of the survey a different color. For instance, in Iowa, part one was yellow, part two was cream and part three was green. This way the surveyors can reference each piece of the survey tool by color.		
13. Test the “draft” survey tool on a sample focus group. Idea: work with a local senior center to bring individuals together that would comprise the target population.		
14. Set a date for your test focus group and		

invite participants. Keep the test group to ten (10) persons or less.		
15. Draft standard talking points for the surveyors to state at each focus group. This allows for consistency across the groups. For example, share with the participants that all information is confidential.		
16. Determine what materials should be taken to the test focus group: <ul style="list-style-type: none"> <li>a. Survey tool—all parts</li> <li>b. Pencils</li> <li>c. Brochures on the Title III-B legal assistance program, the aging network, and fact sheets on various substantive issues if questions arise</li> <li>d. Folder labeled for the site to place all completed surveys</li> <li>e. Refreshments</li> </ul>		
17. Administer the survey		
18. After completion, invite feedback from this test focus group.		
19. Review changes suggested and implement as appropriate.		
20. Once the model has been tested and suggestions incorporated, begin to set up focus groups around the state to reach the target population.		
21. Ideas for locations of focus groups: <ul style="list-style-type: none"> <li>a. Nursing facilities</li> <li>b. Assisted living facilities</li> <li>c. Senior centers</li> <li>d. Alzheimer's support programs</li> <li>e. Area Agencies on Aging</li> <li>f. Low-income housing complex</li> <li>g. Legal service or church programs that are geared toward low-income or</li> </ul>		

<p>minority residents</p> <p>h. Utilize case managers to assist in the collection of survey data from their homebound or isolated clients</p>		
<p>22.Determine the minimum number of focus groups to host as well as the maximum number of participants that can attend a single focus group. The purpose of the focus group is to limit the number of participants for more individualized attention. For example, Iowa decided to limit the group size to no more than 30.</p>		
<p>23.Arrange for an interpreter, if the focus group will target non-English or limited English speaking participants. Share the survey tool with the interpreter prior to the focus group.</p>		
<p>24.Discuss how to handle the completion of surveys by caregivers or service providers that might attend. Should these be kept separate and distinct from the older adult surveys? For easy identification and separation, make the caregiver demographics section a different color than the older adult participants.</p>		
<p>25.Consider sending some surveys to Legal Aid clients or other aging network contacts if a goal would be to see if the focus groups with one-on-one assistance answer the questions differently than individuals who are just sent a survey.</p>		
<p>26.Utilize the state planning group partners to locate sites and local facilitators across the state that would assist to set up a focus group.</p>		
<p>27.Compile a listing of all local facilitators with contact information and site location.</p>		

<p>28. Send a cover letter to all local facilitators to share the expectation of the day and to set out roles. Ensure the local facilitator that others will actually conduct the focus group. The local facilitator will assist in finding a location and inviting participants.</p>		
<p>29. Develop a flyer that announces the focus group event with date, time and location. Ask the facilitator to share this with potential participants and to post in a prominent place to help draw participants to the event. Facilitators may also attempt to provide local media coverage to draw participants. Utilizing a press release concept will depend on the size of location and the maximum amount of participants needed.</p>		
<p>30. Determine the structure for the focus group. Develop an informal agenda.</p> <ul style="list-style-type: none"> <li>a. Introduction by surveyors stating purpose and other housekeeping items.</li> <li>b. Distribute survey and pencils</li> <li>c. Be aware of the appearance of confusion, questions or individuals who do not seem engaged. It may be that the individual cannot read due to impaired vision or is not able to read. Offer to assist in reading or completing the survey per their instruction. Some of the participants may not be able to grip a pencil to write or cannot read the question, but can understand the question sufficiently to respond. Have someone available to assist these individuals. Work with the local facilitator in advance to see if they are aware of individuals who will need help.</li> </ul>		

<p>In some cases, additional staff or state planning group partners may be needed to assist.</p> <p>d. Collect surveys—review to make sure that the majority of sections are completed and that the parts that are front to back are completed.</p> <p>e. At this point, the Iowa focus group surveyors held a question and answer period to respond to legal assistance questions from participants. This made the focus group more of a give and take event.</p> <p>f. Wrap up and extend thanks.</p>		
31. Conduct the focus group(s)—arrive early to set up and to greet participants as they arrive.		
32. The focus group surveyors should give a general overview of the purpose, goal and other relevant information. Pass out surveys.		
33. Allow participants time to complete the survey and be available to answer questions. The focus group surveyors may also need to be available to assist participants in reading and in actual completion of the survey. See 30(c).		
34. Review focus group results and utilize to ensure that the legal assistance program can address these legal needs and concerns through legal services and outreach.		
35. Send thank you notes to the local facilitators.		
36. Report findings and utilize in legal assistance program development.		
37. Share findings with facilitators & partners.		

**Appendix Two—Focus Group Letter**

**MEMO**

**October 10, 2008**

TO:

FROM: Deanna Clingan-Fischer

RE Legal Needs Focus Group

Thank you so much for your assistance in making the legal needs focus group a reality. The legal needs focus group will be conducted by the Iowa Department of Elder Affairs and the Iowa Legal Hotline for Older Iowans. The focus group will be facilitated by Deanna Clingan-Fischer, Legal Services Developer with the Iowa Department of Elder Affairs and Scott Hartsook, Managing Attorney with the Iowa Legal Hotline for Older Iowans.

The goal of the legal needs focus groups is to gauge the needs, including unmet needs of older Iowans and their caregivers, for legal assistance. We will accomplish this by working with participants to complete a survey which will guide our decision making process for creating an integrated legal assistance network. The goal is not to determine if a facility, senior center or organization is violating any law or rights. It is simply to try and understand what legal concerns older Iowans or their caregivers may have had and to get a better idea of what current or future legal issues might arise or be of concern.

All responses from the survey will be anonymous and confidential. The survey should only take a total of 20-30 minutes for completion. The facilitators will be available on site to answer questions and give further clarification, if needed. The data received from participants will be developed into a "Finding of the Need" and distributed to policy makers and the Administration on Aging, an agency within the U.S. Department of Health and Human Services. This is an opportunity for Iowa to serve as a leader in bringing these issues to the forefront as the data and processes we utilize and recommend will be used as a model for other states.

Your focus group will occur:

**November 25, 2008**

**10:30 a.m.**

**Location**

**Address**

**City**

Again, thank you so much for spreading the word and for bringing participants to the table. If you have any questions, please contact me at 515-725-3319 or [Deanna.clingan@iowa.gov](mailto:Deanna.clingan@iowa.gov).



# **YOUR OPINION MATTERS**

**Consumer, Discrimination, Medicaid, Medicare, Housing, Pensions,  
Social Security, Individual Rights, Estate Planning  
are all issues that impact many older Iowans and their caregivers**

**Help design a system to meet the legal needs of older Iowans**

**Please attend a focus group in your area so that your voice  
can be heard. The focus group for this area will occur:**

**NOVEMBER 25, 2008**

**Time---10:30 a.m.**

**LOCATION**

**ADDRESS**

**CITY**

**The entire process should not take more than 30 minutes.**

**Sponsored by the Iowa Department of Elder Affairs and the Legal  
Hotline for Older Iowans through a grant from the  
Administration on Aging**

**Appendix Four—Sample Thank you Letter**

November 20, 2008

Name  
Address  
Address

RE: Assistance with Focus Groups

Dear,

Thank you so much for your assistance in arranging the legal needs assessment focus groups in your area. I would not have been able to accomplish this effort without your support. I enjoyed meeting you and the focus group members.

The focus groups have been very enlightening and beneficial for seeking advice from older lowans and their caregivers. In addition to receiving the completed surveys from participants, it has been very beneficial to meet and talk with individuals across the state about programs, options and legal resources available. Once I have the survey information compiled in a summary, I would be happy to share the results with you.

Again, thank you so much. I appreciate your work in spreading the word about the focus group and your participation in the process.

Sincerely,

Deanna Clingan-Fischer, JD  
Legal Services Developer

**Appendix Five—Survey Cover Letter for Older adults**

LEGAL NEEDS ASSESSMENT SURVEY TOOL FOR THE  
IOWA DEPARTMENT OF ELDER AFFAIRS AND  
IOWA LEGAL AID'S LEGAL HOTLINE FOR OLDER IOWANS

LOCATION: \_\_\_\_\_

DATE: \_\_\_\_\_

SURVEYOR: \_\_\_\_\_

County of RESIDENCE: \_\_\_\_\_

1. Gender:                      mal e                                      femal e
  
2. Geography:                      Large Ci ty (50,000+)                      other ci ty or town  
    small ci ty (20,000 to 50,000)                                      farm
  
3. Age:                              60-70                              71-80                              81-90                              91+
  
4. Language:                      Engl ish speaki ng                                      Li mi ted Engl ish  
    Non-Engl ish speaki ng  
    Pri ma ry Language: \_\_\_\_\_
  
5. Race/ethni ci ty:                      Ci rcl e al l that apply  
    Caucasi an                                      Afri can-Ameri can/Bl ack  
    Asi an    Hi spani c  
    Nati ve Ameri can                                      Bosni an  
    Sudanese    Other: \_\_\_\_\_
  
6. Resi dence:                      own house                                      another' s home  
    apart ment    assi sted li vi ng  
    nursi ng faci li ty  
    other, expl ai n \_\_\_\_\_
  
7. Li ve:                              al one                              wi th spouse/si gni fi cant other  
    wi th caregi ver                                      wi th chi ldr en  
    i n a faci li ty    other:  
\_\_\_\_\_
  
8. Able to drive?                                      Yes                              No  
    Li mi ted area and/or ti me

9. Internet use? Yes No

where accessed: \_\_\_\_\_

10. Income: (include all household income)

\_\_\_\_\_ \$0 to \$10,000

\_\_\_\_\_ \$10,001 to \$20,000

\_\_\_\_\_ \$20,001 to \$30,000

\_\_\_\_\_ \$30,001 and up Income:

11. Education level: \_\_\_\_\_

12. Do you have difficulty accessing services due to

a. physical disabilities such as limited mobility,  
blindness, deafness? Yes No

b. mental disabilities? Yes No

c. language barriers? Yes No

d. transportation barriers? Yes No

e. other? (please specify)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Are you a caregiver? Yes No

- If yes, for whom do you provide care? (e.g.: spouse, adult child, grandchild) \_\_\_\_\_

- If yes, do you have trouble accessing services because
- you cannot leave the person you are caring for alone?

Yes No

LEGAL NEEDS ASSESSMENT SURVEY TOOL FOR THE  
IOWA DEPARTMENT OF ELDER AFFAIRS AND  
IOWA LEGAL AID'S LEGAL HOTLINE FOR OLDER IOWANS

LOCATI ON: \_\_\_\_\_

DATE: \_\_\_\_\_

SURVEYOR: \_\_\_\_\_

COUNTY of RESIDENCE: \_\_\_\_\_

If you are a caregiver, please fill out for the person for whom you are providing care. If you are completing for someone else, what is your relationship to that person? (e.g.: spouse, adult child, grandchild)\_\_\_\_\_

- |                    |                               |                               |       |     |
|--------------------|-------------------------------|-------------------------------|-------|-----|
| 1. Gender:         | male                          | female                        |       |     |
| 2. Geography:      | Large City (50,000+)          | other city or town            |       |     |
|                    | small city (20,000 to 50,000) | farm                          |       |     |
| 3. Age:            | 60-70                         | 71-80                         | 81-90 | 91+ |
| 4. Language:       | English speaking              | Limited English               |       |     |
|                    | Non-English speaking          |                               |       |     |
|                    | Primary language: _____       |                               |       |     |
| 5. Race/ethnicity: | Circle all that apply         |                               |       |     |
|                    | Caucasian                     | African-American/Black        |       |     |
|                    | Asian                         | Hispanic                      |       |     |
|                    | Native American               | Bosnian                       |       |     |
|                    | Sudanese                      | Other: _____                  |       |     |
| 6. Residence:      | own house                     | another's home                |       |     |
|                    | apartment                     | assisted living               |       |     |
|                    | nursing facility              |                               |       |     |
|                    | other, explain _____          |                               |       |     |
| 7. Live:           | alone                         | with spouse/significant other |       |     |
|                    | with caregiver                | with children                 |       |     |
|                    | in a facility                 | other: _____                  |       |     |

8. Able to drive?      Yes      Limited area and/or time      No

9. Internet use?      Yes      No  
where accessed: \_\_\_\_\_

10. Income: (include all household income)

\_\_\_\_\_ \$0 to \$10,000

\_\_\_\_\_ \$10,001 to \$20,000

\_\_\_\_\_ \$20,001 to \$30,000

\_\_\_\_\_ \$30,001 and up

11. Education level: \_\_\_\_\_

12. Do you have difficulty accessing services due to

a. physical disabilities such as limited mobility,  
blindness, deafness?      Yes      No

b. mental disabilities?      Yes      No

c. language barriers?      Yes      No

d. transportation barriers?      Yes      No

e. other? (please specify)

\_\_\_\_\_

**Complete for yourself:**

Do you have trouble accessing services because you cannot leave the  
person you are caring for alone?      Yes      No

## II. ISSUES OF CONCERN

People are often faced with one or more of the following problems. Please review and circle Yes or No to indicate if the problem has happened to you or your spouse in the past 10 years.

Issue in the past  
10 years?

### CONSUMER

A. Obtaining credit	Yes	No
B. Filing Bankruptcy	Yes	No
C. Paying credit card debts	Yes	No
D. Paying non-credit card debts	Yes	No
E. Repeated calls or threats from creditors	Yes	No
F. Sued by a creditor	Yes	No
G. Garnishment of bank account or wages	Yes	No
H. Inaccurate credit reports	Yes	No
I. Faulty car repairs	Yes	No
J. Faulty home repairs	Yes	No
K. Identity theft	Yes	No
L. Sales calls from Telemarketers	Yes	No
M. Telephone services	Yes	No

## II. ISSUES OF CONCERN

People are often faced with one or more of the following problems. Please review and circle Yes or No to indicate if the problem has happened to you or your spouse in the past 10 years.

Issue in the past  
10 years?

CONSUMER continued:

N. Door to door sales	Yes	No
O. Contract disputes	Yes	No
P. Funeral contract or services	Yes	No
Q. Utility shut-offs	Yes	No
R. Other consumer	Yes	No

Specify: \_\_\_\_\_



II. ISSUES OF CONCERN

People are often faced with one or more of the following problems. Please review and circle Yes or No to indicate if the problem has happened to you or your spouse in the past 10 years.

Issue in the past 10 years?

DISCRIMINATION BECAUSE OF AGE, RACE, NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION OR DISABILITY.

A. Employment	Yes	No
B. Housing	Yes	No
C. Credit	Yes	No
D. Obtaining services or goods from businesses or government agencies	Yes	No
E. Accessing services due to limited English	Yes	No
F. Other discrimination	Yes	No

Specify: \_\_\_\_\_

## 11. ISSUES OF CONCERN

People are often faced with one or more of the following problems. Please review and circle Yes or No to indicate if the problem has happened to you or your spouse in the past 10 years.

Issue in the past  
10 years?

### HEALTH CARE

A. Obtaining free medical services for low-income people	Yes	No
--	-----	----

#### B. Medicaid

1. Eligibility for medical bills (doctor, hospital)	Yes	No
2. Eligibility for in-home services	Yes	No
3. Eligibility for nursing home care	Yes	No
4. Eligibility for Medically Needy benefits	Yes	No
5. Eligibility for payment of Medicare premiums	Yes	No
6. Need a Miller Trust for Medicaid	Yes	No
7. Estate recovery of benefits paid for spouse	Yes	No

#### C. Medicare

1. Eligibility for Part A Benefits-hospital	Yes	No
2. Eligibility for Part B Benefits-doctors bills	Yes	No

## II. ISSUES OF CONCERN

People are often faced with one or more of the following problems. Please review and circle Yes or No to indicate if the problem has happened to you or your spouse in the past 10 years.

Issue in the past  
10 years?

3. Eligibility for Medicare Advantage benefits	Yes	No
4. Eligibility for Part D Prescription drug benefits	Yes	No
5. Finding an appropriate prescription drug plan	Yes	No
6. Eligibility for durable medical equipment	Yes	No
D. Nursing home admission agreements	Yes	No
E. Quality of nursing home care	Yes	No
F. Involuntary discharge from a nursing home	Yes	No
G. Other nursing home problems	Yes	No
Specify: _____		
H. Prescription drug coverage	Yes	No

## 11. ISSUES OF CONCERN

People are often faced with one or more of the following problems. Please review and circle Yes or No to indicate if the problem has happened to you or your spouse in the past 10 years.

Issue in the past  
10 years?

I. Problems with medical bills	Yes	No
J. Problems with medical equipment	Yes	No
K. Medical malpractice	Yes	No
L. Health Insurance	Yes	No
M. Medicare Supplemental insurance	Yes	No
N. Nursing home/long-term care insurance	Yes	No
O. Other health issues	Yes	No

Specify: \_\_\_\_\_

## II. ISSUES OF CONCERN

People are often faced with one or more of the following problems. Please review and circle Yes or No to indicate if the problem has happened to you or your spouse in the past 10 years.

Issue in the past  
10 years?

### HOUSING

A. Foreclosure of home mortgage

Yes No

B. Other real estate issues

Yes No

Specify: \_\_\_\_\_

C. Landlord/tenant- applies to house, apartment, mobile home or assisted living

a. Eviction from home

Yes No

b. Getting deposits returned

Yes No

c. Rent increases

Yes No

d. Repairs

Yes No

e. Lease terms

Yes No

f. Other problems with landlord  
or tenant, specify: \_\_\_\_\_

Yes No

D. Problems with neighbors

Yes No

E. Other housing issues

Yes No

Specify: \_\_\_\_\_

## 11. ISSUES OF CONCERN

People are often faced with one or more of the following problems. Please review and circle Yes or No to indicate if the problem has happened to you or your spouse in the past 10 years.

Issue in the past  
10 years?

### INCOME MAINTENANCE

A.	Obtaining public assistance to pay monthly bills	Yes	No
B.	Food stamps	Yes	No
C.	Pensions	Yes	No
D.	Investments/savings	Yes	No
E.	Reverse Mortgages	Yes	No
F.	Social Security-retirement	Yes	No
G.	Social Security-disability	Yes	No
H.	Supplemental Security Income (SSI)	Yes	No
I.	Veterans benefits	Yes	No
J.	Unemployment Compensation	Yes	No
K.	Home heating assistance	Yes	No
L.	Elderly property tax credit or suspension	Yes	No
M.	Earned income tax credit	Yes	No

## II. ISSUES OF CONCERN

People are often faced with one or more of the following problems. Please review and circle Yes or No to indicate if the problem has happened to you or your spouse in the past 10 years.

Issue in the past  
10 years?

### INDIVIDUAL RIGHTS & PERSONAL SECURITY

A. Divorce	Yes	No
B. Custody	Yes	No
C. Child support	Yes	No
D. Spousal support	Yes	No
E. Domestic abuse	Yes	No
F. Elder abuse, neglect, and financial exploitation		
1. Physical	Yes	No
2. Sexual	Yes	No
3. Emotional	Yes	No
4. Taking of money	Yes	No
5. Taking of property	Yes	No
6. Coerced changes to documents such as wills, social security checks	Yes	No
7. Not having personal care needs met	Yes	No

## 11. ISSUES OF CONCERN

People are often faced with one or more of the following problems. Please review and circle Yes or No to indicate if the problem has happened to you or your spouse in the past 10 years.

Issue in the past  
10 years?

G. Grandparents rights	Yes	No
H. Guardianship/conservatorship		
1. Serving as a guardian or conservator	Yes	No
2. Obtaining guardianship or conservatorship over another	Yes	No
3. Defending against	Yes	No
4. Guardian or conservator not acting in best interests	Yes	No
I. Involuntary commitment	Yes	No
J. Living will	Yes	No
K. Power of attorney-healthcare	Yes	No
L. Power of attorney-financial	Yes	No
M. Representative Payee	Yes	No
N. Immigration	Yes	No
O. Keeping driver's license	Yes	No



## II. ISSUES OF CONCERN

People are often faced with one or more of the following problems. Please review and circle Yes or No to indicate if the problem has happened to you or your spouse in the past 10 years.

Issue in the past  
10 years?

### OTHER ISSUES

#### A. Estate Planning

- |   |     |    |
|---|-----|----|
| 1. Income tax problems                  | Yes | No |
| 2. Planning to avoid probate            | Yes | No |
| 3. Planning for long-term care expenses | Yes | No |
| 4. Probate                              | Yes | No |
| 5. Property tax problems                | Yes | No |
| 6. Wills                                | Yes | No |
| 7. Trusts                               | Yes | No |

#### B. Personal injury

- |                   |     |    |
|-------------------|-----|----|
| 1. Car accidents  | Yes | No |
| 2. Falls          | Yes | No |
| 3. Other injuries | Yes | No |

Specify: \_\_\_\_\_

## 11. ISSUES OF CONCERN

People are often faced with one or more of the following problems. Please review and circle Yes or No to indicate if the problem has happened to you or your spouse in the past 10 years.

Issue in the past  
10 years?

C. Farm business problems	Yes	No
D. Non-farm business problems	Yes	No
E. Life insurance	Yes	No
F. Property insurance	Yes	No
G. Income taxes	Yes	No
H. Property taxes	Yes	No

Are there other issues of concern to you or for other individuals 60 and older that were not mentioned? If so, what?

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Have you had a problem in the past 10 years with any of the things discussed in this section, but did not seek help from a lawyer? Yes No

If you did not seek help, why not?

\_\_\_\_\_ Never thought about using a lawyer

\_\_\_\_\_ Did not think of my issue as a "legal issue"

\_\_\_\_\_ The problem was minor

\_\_\_\_\_ Didn't know where to start

\_\_\_\_\_ Embarrassed

\_\_\_\_\_ Lawyers are too expensive

\_\_\_\_\_ Other\_\_\_\_\_

**Appendix Eight—Survey Part III**

**III. Awareness Questions—check all that apply**

1. Have you used the services of a lawyer in the past 10 years?

Yes No

2. If yes, please describe the problem. \_\_\_\_\_  
\_\_\_\_\_

3. Have you had a problem in the past 10 years for which you sought help from a lawyer, but did not receive help?

Yes No

If yes, why didn't you receive help?

\_\_\_\_\_ Couldn't afford the lawyer's fees

\_\_\_\_\_ Couldn't find a lawyer to help with my problem

\_\_\_\_\_ Lawyer I found declined to take the case, specify:

\_\_\_\_\_ Didn't qualify for free legal help

\_\_\_\_\_ Other: (specify) \_\_\_\_\_

4. Check which of the following organizations or resources you have heard of that offer information and advice regarding legal questions and/or provide direct legal services to older Iowans.

\_\_\_\_\_ Area Agencies on Aging (specify) \_\_\_\_\_

\_\_\_\_\_ Department of Elder Affairs

\_\_\_\_\_ Legal Hotline for Older Iowans

\_\_\_\_\_ Iowa Legal Aid

\_\_\_\_\_ Drake Legal Clinic

\_\_\_\_\_ University of Iowa Legal Program

\_\_\_\_\_ Protection and Advocacy

\_\_\_\_\_ Iowa State Bar Association's lawyer referral service

\_\_\_\_\_ Volunteer Lawyers Project

\_\_\_\_\_ Legal Handbook for Older Iowans

\_\_\_\_\_ Long-term care Ombudsman Office

\_\_\_\_\_ Other: (Include region specific such as \_\_\_\_\_)

5. If you wanted legal information on an issue, what would you do?  
**Choose up to three.**

\_\_\_\_\_ Do nothing and hope the problem goes away

\_\_\_\_\_ Research the issue on the internet

\_\_\_\_\_ Review the Legal Handbook for Older Iowans

\_\_\_\_\_ Contact an attorney

\_\_\_\_\_ Contact the Legal Hotline for Older Iowans

\_\_\_\_\_ Call your local Area Agency on Aging

\_\_\_\_\_ Call Iowa Legal Aid

\_\_\_\_\_ Other \_\_\_\_\_

6. If you needed a lawyer to represent you or prepare legal documents, what would you do? **Choose up to 3.**

☐ Obtain a referral to a lawyer from  
    ☐ family or friends  
    ☐ your church  
    ☐ the senior center  
    ☐ your area agency on aging  
    ☐ Iowa State Bar Association lawyer referral service  
☐ Call a lawyer you know  
☐ Look in the phone book for a lawyer  
☐ Look on the internet for a lawyer  
☐ Attempt to access a low or no-fee lawyer  
☐ Call the Legal Hotline for Older Iowans  
☐ Call Iowa Legal Aid  
☐ Plan to represent yourself  
☐ Other: \_\_\_\_\_

7. How important do you feel it is to have low-cost or no-cost legal assistance services available for persons 60 and older who couldn't otherwise afford legal help?

☐ Very important  
☐ Important  
☐ Not important

8. What is the best method to let you or your caregiver know of available legal services? **Choose up to 3.**

☐ Area Agency on Aging  
☐ Brochures  
☐ Churches/synagogues  
☐ Department of Elder Affairs  
☐ Internet  
☐ Newspaper advertising  
☐ Other agencies, if so what agencies?  
\_\_\_\_\_  
\_\_\_\_\_

☐ Senior centers  
☐ Telephone book



# APPENDIX 4

## *Service Options Survey*





SURVEY OF LEGAL ASSISTANCE PROVIDED TO OLDER IOWANS  
APRIL, 2007

This table contains various legal issues for which you may provide legal assistance to older Iowans (age 60+). For each issue, please put an X in the appropriate column to indicate whether you or your office would, if requested, provide no service, advice, extended service or make referrals about the particular issue. If there are any limitations or qualifications on your ability to provide the services, please explain those considerations in the notes column, and provide any other information that affects the client services that you provide to older Iowans that would be useful to the other service providers in determining whether people should be referred to you for services. Although the notes column is fairly large, please feel free to expand on the notes for any of the specific services if you think it would be helpful in determining whether to make referrals to you, or to explain the services you provide. For each issue, also put an X in the column entitled “No Requests” if you have never been requested to provide service about a particular issue.

1-Drake    2-HELP    3-Heritage AAA    4-Iowa Legal Aid    5-Muscatine Legal Services    6-Iowa Protection and Advocacy (in order to receive any service from IP & A, there must be a disability of some kind.)

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
CONSUMER						
Chapter 7 bankruptcy	35	24	4	23456		4 Only one attorney in Des Moines does bankruptcies. Most are referred to private bar. 5 Refer to private bar or Univ of IA legal clinic.
Chapter 13 wage bankruptcy	235	4		456	3	5 Refer to private bar or Univ of IA legal clinic
Debt counseling		12345	14	3456		3 If a debt counseling service is available in client’s community, I make a referral.5 Refer to private bar or Univ of IA legal clinic
Negotiation of debts with creditors		1245	12345	456		3 If a consumer debt and client is lower income.5 We will assist in direct negotiation for seniors who require assistance due to language or other issues affecting ability to communicate.
Contacting creditors prior to a law suit concerning debtor being judgment proof		1245	12345	456		5 We will assist in direct negotiation for seniors who require assistance due to language or other issues affecting ability to communicate.

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Debt collection law suits		1245	135	346		2 Don't represent absent circumstances warranting. 5 We will assist in direct negotiation for seniors who require assistance due to language or other issues affecting ability to communicate.
Garnishment or other executions		245	2345	246		3 If only income exempt.5 We will assist in direct negotiation for seniors who require assistance due to language or other issues affecting ability to communicate.
Debt collection practices		2345	45	46		5 We will assist in direct negotiation for seniors who require assistance due to language or other issues affecting ability to communicate.
Contract disputes for plaintiff	3	1245	1	456	3	3 Very few requests
Contract disputes for defendant	3	1245	14	456	3	2 Seniors mostly. 4 Rarely.
Warranties		245		456	3	
Auto insurance		245		456	35	
Credit reporting problems		245		456	3	
Consumer credit transactions		2345	4	456		
Other loans		12345	1	3456		3 Depends on type of loan. Most requests involve loans to family members.
Motor vehicle sales		2345	4	456		
Motor vehicle repairs		2345	4	456		

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Funeral contracts		2345		456	35	3 Only advice is to purchase one for Title XIX spend downs.
Student loans		245	24	46	3	
Public utilities general		2456	24	56	3	6 Non-legal advocates will handle.
Utility shutoff - non-telephone		23456	24	56		6 Non-legal advocates will handle.
Telephone services		2456	2	6	3	6 Non-legal advocates will handle.
Unfair sales practices		1245	1	456	35	
Door-to door sales		2456		456	35	6 Non-legal advocates will handle.
Telephone/mail solicitations		23456		566	55	6 Non-legal advocates will handle.
Rent-to-own		2345	24	56	5	6 Non-legal advocates will handle.
Sweepstakes		2456		56	35	3 No requests in this area for years.
Home repairs		245	245	45		2 Seniors mostly. 3 If requires litigation, it may be help with small claims or referral to law enforcement. 5 We will assist in direct negotiation for seniors who require assistance due to language or other issues affecting ability to communicate.
Identify theft		245		456	3	3 Only 1 request over 10 years ago.

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Other consumer finance		2345	3	456		3 Depends on what it would be.
EMPLOYMENT CASES						
Employment discrimination	5	1246	16	2456	3	6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Wage claims		12456	156	2456	3	5 We will assist in direct negotiation for seniors who require assistance due to language or other issues affecting ability to communicate. 6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Employment practices	5	246	6	456	3	6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Labor law	25	46		456	3	6 Non-legal advocates will handle.
Other employment		2456	6	456	3	6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
FAMILY LAW						
Custody	3	245	245	246	3	2 Rep only where abuse. 3 Never had a request. 4 Represent only if abuse is involved.
Grandparent's rights		345	5	46		3 Not doing extended since Supreme Court decision. If grandparent is involved in CHINA case, usually has court appointed attorney.
Divorce/no assets, custody or abuse issues	3	245	5	2346		

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Divorce/with assets but no custody or abuse issues	3	245	5	2346		
Divorce with assets and abuse	3	245	245	346		
Divorce with abuse but no assets	3	245	245	346		
Guardianship of children	3	1245	1245	46	3	2 Represent in very few guardianships usually to parent of disabled child turning 18.
Name change	3	245	5	246	3	
Domestic abuse		245	2345	2346		3 If spousal, refer to court or dissolution attorney. If adult, refer to DHS or MDT for adult abuse.
Spousal support		245	345	46		3 Only 1 case that involved annual adjustment computation and letters to husband's attorney.
Child support	3	245	245	246	3	
Birth certificate		2456		46	3	6 Non-legal advocates will handle.

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Common law marriage		245	5	6	3	
Other family		245	5	46	3	
HEALTH CARE						
Medicaid eligibility - health benefits		2456	2345	46	5	6 Non-legal advocates will handle.
Medicaid eligibility - nursing home		245	2345	46	5	
Medicaid planning to preserve assets	5	24	23	456		
Medicaid estate recovery	5	24	234	456		
Miller Trust	5	24	234	456		
Income tax for Miller Trusts	25	4	3	456		

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Elderly Waiver Services	5	246	234	456		6 Non-legal advocates will handle.
Medically Needy	5	24	234	456		
QMB, SLMB, etc.	5	24	234	45		
Medicare - health benefits - Part A	5	24	234	456		
Medicare - health benefits - Part B	5	24	234	456		
Medicare - health benefits - Part C	5	24	24	456	3	
Medicare - Part D	5	24	234	456		
Medicare - Part D low-income subsidy (Extra Help)	5	24	234	3456		

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Iowa Cares	5	246	4	456	3	6 Non-legal advocates will handle.
Prescriptions - drug company patient assistance programs	5	2346		256		6 Non-legal advocates will handle.
Nursing homes - quality of care		2456	2346	4556	5	6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Nursing homes - discharge		2456	23456	46		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Nursing homes - other resident rights		2456	23456	46	5	6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Other health		23456	4	456	5	6 Non-legal advocates will handle.
Medical bills		2456	234	46		6 Non-legal advocates will handle.
<b>HOUSING</b>						
Assisted living		2456	3456	456		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Public housing - access		23456	2456	56		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.



LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Public housing quality/repairs		2456	246	56	35	6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Public housing - evictions		2456	23456	6		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Public housing - damage deposits		2456	234	456		6 Non-legal advocates will handle.
Public housing - other		23456	246	56		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Private LL/T - access		2456	26	56	35	6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Private LL/T - quality/repairs		23456	2456	46		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Private LL/T - evictions		2456	23456	46		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Private LL/T - damage deposits		2456	345	46		6 Non-legal advocates will handle.
Private LL/T - other		23456	2456	46		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Housing code and other city code violations		2456	23456	6		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Section 8 Housing - access		2456	246	56	35	6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Section 8 -Housing quality/repairs		2456	246	56	35	6 If the disability fits and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Section 8 Housing - evictions		2456	246	56	35	6 If the disability fits and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Section 8 Housing - damage deposits		2456	24	456	35	6 Non-legal advocates will handle.
Section 8 Housing - other		2456	246	56	5	6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Homeownership - loans		23456		2456	5	6 Non-legal advocates will handle.
Homeownership - reverse mortgages		2456		2456	35	6 Non-legal advocates will handle.
Homeownership - boundary disputes		23456		2346		6 Non-legal advocates will handle. 3 Explain options, refer to real estate specialist, surveyor.
Homeownership - mechanic's liens		2345	24	346		
Homeownership - other		12345	14	346		3 Answer a variety of questions, refer to attorney if need assistance.

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Transfers of real property - including deeds and title opinions	5	234		23456		3 Will answer questions but do no title work.
Real property - other issues	5	234		23456		3 Answer questions.
Farm land issues	25	4		456	3	
Mortgage foreclosure		245	234	3456		3 Depends on nature of case. If need time to resolve or if complex, will refer.
Contract forfeiture		245	234	3546		3 Depends on nature of case.
Other real estate		2456	2	56	3	6 Non-legal advocates will handle.
Mobile home parks - access		23456	2	56	5	6 Non-legal advocates will handle.
Mobile home parks - quality/repairs		2456	234	56	4	6 Non-legal advocates will handle.
Mobile home parks - evictions		2456	245	6	34	6 Non-legal advocates will handle.
Mobile home parks - damage deposits		2456	45	46	3	6 Non-legal advocates will handle.
Mobile home parks - other		2456	4	46	3	6 Non-legal advocates will handle.

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Housing Discrimination	5	246	46	2456	3	6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Other housing		2456	46	46	3	6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
<b>PUBLIC BENEFITS</b>						
Food stamps/commodities		2456	24	6	35	6 Non-legal advocates will handle.
Social Security disability/initial eligibility		2456	2345	46		6 Non-legal advocates will handle.
Social Security disability/overpayment		2456	23456	46		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Social Security retirement/initial eligibility		2456	23	46	5	6 Non-legal advocates will handle.
Social Security retirement /overpayment		2546	2346	46	5	6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Social Security Retirement/other issues		2456	34	46	5	6 Non-legal advocates will handle.
Pensions		23456	24	23456		6 Non-legal advocates will handle. 3 Depends on complexity of issue.
SSI Disability		2456	235	246		6 Non-legal advocates will handle.

<b>LEGAL ISSUES</b>	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
SSI Non-Disability		2456	2345	6		6 Non-legal advocates will handle.
Unemployment compensation		2456	245	46	3	6 Non-legal advocates will handle.
Veteran’s Benefits/retirement	5	246	24	456	35	6 Non-legal advocates will handle.
Veteran’s Benefits/disability		23456	245	346		6 Non-legal advocates will handle. 3 Refer to our V/A specialist.
Veteran’s Benefits/other issues		2346	4	346		6 Non-legal advocates will handle. 3 Refer to our V/A specialist.
Worker’s Compensation		2456		2456	35	6 Non-legal advocates will handle.
Other nutrition programs		2456	4	56	35	6 Non-legal advocates will handle.
LIHEAP/utility assistance		2456	24	56	35	6 Non-legal advocates will handle.
Property Tax Credit/Rent Reimbursement		23456	245	6		6 Non-legal advocates will handle.
Property tax suspension/abatement		23456	24	56	5	6 Non-legal advocates will handle.
Other income maintenance		23456	24	6		6 Non-legal advocates will handle.
<b>INDIVIDUAL RIGHTS</b>						

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Guardianship/conservatorship- adult involuntary - representing petitioner	3	12456	12456	46		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Guardianship/conservatorship- adult involuntary - representing ward		12456	123456	46		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Voluntary guardianship/conservatorship		12456	123456	46		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Standby guardianship/conservatorship		2456	23456	46		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Representative payee		2456	2346	456		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Commitments		23456	5	346		6 Non-legal advocates will handle. 3 Refer and explain commitment procedure to petitioner. Proposed ward has court appointed attorney.
Other mental health		23456	4	456		6 Non-legal advocates will handle.
Physically disabled rights		123456	12456	456		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Adult abuse - emotional		2456	346	456		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Adult abuse - financial		2456	236	456		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Adult abuse - physical		2456	236	456		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
Discrimination - other than employment & housing	5	2346	46	23456		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle. 3 Refer to civil rights commission - local or state.
Other individual rights	5	236	46	456		6 If the disability fits and priority and funding is available; otherwise, referrals are made. 6 Non-legal advocates will handle.
<b>WILLS, ESTATES and LIFE PLANNING</b>						
Simple wills		1245	12345	46		4 Only for low-income people who are referred to the VLP.
Wills with trusts	235	4		456		
Small estate planning to avoid probate	25	34		2456		
Large estate planning	235	4		456		
Financial Power of Attorney		245	2345	46		

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Limited powers of attorney for bill payer programs		245	3	256	45	
Healthcare Power of Attorney		245	2345	6		
Living Wills		245	2345	6		
Trusts	235	34		3456		3 Other than Miller Trusts. May explain what a trust is, then make a referral to a trust specialist if necessary.
Probate	25	34		3456		3 Explain procedures; refer where needed.
Affidavit of Surviving Spouse		45	345	246		
633.356 Affidavit to Distribute Property		345	45	246	5	
MISCELLANEOUS						
Incorporation/dissolution/business	2345			56		
Licenses (auto & other)		2345	45	246		3 How to change title under intestate affidavit.
Neighbor disputes		2345		456		3 Depends on seriousness of dispute.



LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Harassment		23456		3456		6 Non-legal advocates will handle. 3 If criminal, will refer to county attorney, police.
Auto accidents - plaintiff	3	245	5	346		5 MLS will assist in small claims actions where there is a language or other barrier which prevents a disputant from being able to effectively present his or her case.
Auto accidents - defendant	3	245	5	346		5 MLS will assist in small claims actions where there is a language or other barrier which prevents a disputant from being able to effectively present his or her case.
Other torts - plaintiff	3	245	5	346		5 MLS will assist in small claims actions where there is a language or other barrier which prevents a disputant from being able to effectively present his or her case.
Other torts - defendant	3	245	5	346		5 MLS will assist in small claims actions where there is a language or other barrier which prevents a disputant from being able to effectively present his or her case.
Small claims - representation for plaintiff		2345	5	46		5 MLS will assist in small claims actions where there is a language or other barrier which prevents a disputant from being able to effectively present his or her case. 3 Explain procedure, then refer if necessary.
Small claims - representation for defendant		2345	45	346		5 MLS will assist in small claims actions where there is a language or other barrier which prevents a disputant from being able to effectively present his or her case. 3 Explain procedure, then refer if necessary.
Defense of nuisance abatement orders		2345	345	346	5	3 Depends on nature of case.
Health insurance		245	3	456	5	
Long term care insurance		2345		456	5	3 Explain and answer questions. No complaint cases for over 10 years.
Life insurance		245		456	35	
Disability insurance		2345		456	5	3 Very few requests.

LEGAL ISSUES	No service	Advice	Extended Service	Make a referral	No Requests	Notes: Explain limitations on service, financial considerations or other information that affects the client services you provide.
Income taxes	5	234	34	23456		4 EITC and past tax controversies for low-income people.
Earned Income Credit	3	245	4	2456	3	
Property Taxes	25	4		456	3	
Other taxes	25	4		456	3	
Investments	2345			356		
Other miscellaneous - please list below						

# APPENDIX 5

*Elder Law Training Materials*



**Doors open for all seminars at 12:30 p.m. Each session starts promptly at 1:00 p.m. and ends at 3:00 p.m.**

**Health Care and Public Benefits Issues  
June 12, 2007**

- Medicaid and Other Payment Options for Nursing Home Care
- Elderly Waiver Home Care Benefits
- Programs to Help Pay Medicare Premiums and Other Health Care Expenses
- Medicare Part D Prescription Drug Plans
- Other Programs to Help Pay Expenses

**Life Planning Issues  
June 26, 2007**

- Living Wills and Health Care Powers of Attorney
- Financial Powers of Attorney
- Guardianships
- Conservatorships
- Social Security Representative Payees
- Wills and Estate Planning Tools to Avoid Probate

**Consumer Issues  
July 10, 2007**

- Nursing Home Residents' Rights
- Financial and Other Elder Abuse
- Avoiding Problems with Creditors
- Predatory Practices - Payday loans, car title loans, sub-prime loans, home repairs, door-to-door sales
- Identity Theft
- Reverse Mortgages

Iowa Legal Aid  
1111 9th Street, Suite 230  
Des Moines, IA 50314

# ELDER LAW ISSUES

## A Summer Series of FREE Seminars for Older Iowans and Their Caregivers

- **Health Care and Public Benefits  
June 12, 2007**
- **Life Planning Issues  
June 26, 2007**
- **Consumer Issues  
July 10, 2007**

Sponsored by the Iowa Department of Elder Affairs  
and Iowa Legal Aid's Legal Hotline for Older Iowans.  
Funded in part by the US Administration on Aging  
and the Lawyer Trust Account Commission.

# Do you have legal questions, but nowhere to turn for information?

These free seminars will help you:

- Learn about Medicaid and other programs that will help pay nursing home and other expenses.
- Put your legal affairs in order in case you become incapacitated or pass away.
- Avoid problems with creditors, identity thieves and others who could abuse you.

## All three seminars will take place over the Iowa Communications Network at the sites listed below:

<b>Algona</b> Iowa Lakes Community College 2111 HWY 169 N Attendance Center	<b>Des Moines</b> Des Moines University Osteopathic Medical Center 3200 Grand Room 306 in Tower	<b>Harlan</b> Community Library 718 Court St West Door – Posted Directions	<b>Spencer</b> Iowa Lakes Community College 1900 N Grand Ave. Attendance Center
<b>Burlington</b> Great River AEA 3601 W Avenue East Side – Posted Directions	<b>Dubuque</b> Dubuque Community School District 2300 Chaney Rd Marv O'Hare Room	<b>Maquoketa</b> Maquoketa High School 600 Washington Alternative HS – East End	<b>Stanton</b> Stanton High School 605 Elliott Street Directions posted
<b>Cedar Rapids</b> Kirkwood Community College 6301 Kirkwood Blvd SW Room 104 in Washington Hall	<b>Elkader</b> Central Community Junior/ Senior School 400 First St NW Room 119	<b>Mason City</b> North Iowa Community College 500 College Drive Activity Center	<b>Story City</b> Roland-Story High School 1009 Story St SE Entrance – Posted Directions
<b>Chariton</b> Chariton High School 501 N Grand Room 116	<b>Fort Dodge</b> Public Library 424 Central Avenue East Entrance – Directions Posted	<b>Orange City</b> Public Library 112 Albany Ave SE Rieckhoff Room	<b>Washington</b> National Guard Armory 501 HWY 1 S Directions Posted
<b>Creston</b> Green Valley AEA 1405 N Lincoln Turner Room	<b>Grinnell</b> Stewart Public Library 733 Broad St Room 1203	<b>Ottumwa</b> Southern Prairie AEA 2814 N Court St Directions Posted	<b>Waterloo</b> Army Aviation Support Facility 2245 West Big Rock Road Main entrance, lower operations – Directions Posted
<b>Davenport</b> Kimberly Center 1002 W Kimberly Room 119	<b>Guthrie Center</b> Public Library 400 Grand North Entrance – Room on Right	<b>Sac City</b> Public Library 1001 W Main St Directions Posted to Room	
<b>Decorah</b> N. Winneshiek Community School 3495 N Winn Road Classroom – posted directions			

Yes, I'd like to register for the following Elder Law Issues seminar(s). Please register for ALL the seminars you plan to attend on this form and mail or fax to the address at the bottom:

- ☐ Health Care and Public Benefits - June 12, 2007
- ☐ Life Planning Issues - June 26, 2007
- ☐ Consumer Issues - July 10, 2007

Name of Community where you will attend:

Name:

Organization:

Address:

City & Zip Code:

Phone:

E-mail Address:

☐ I am a person with disabilities and will need the following accommodations to take part :

There is no fee to attend these forums, however, registration is required for accommodation purposes  
TO REGISTER: Please send this form at least 10 days in advance of your session to:

Legal Hotline for Older Iowans  
Iowa Legal Aid  
1111 9th Street, Suite 230  
Des Moines, IA 50314  
Fax 515/244-5525 or email [landerson@iowalaw.org](mailto:landerson@iowalaw.org)  
If you have questions or want details, call 1-800-992-8161 or 282-8161 in Des Moines  
Visit us on the Web at [iowalegalaid.org](http://iowalegalaid.org)



# ELDER LAW ISSUES

*A Summer Series of FREE Seminars for Older Iowans and Their Caregivers at 25 Sites Around the State. All three seminars will take place over the Iowa Communications Network. Doors open for all seminars at 12:30 p.m. Each session starts promptly at 1:00 p.m. and ends at 3:00 p.m.*

## **Health Care and Public Benefits Issues - June 12, 2007**

- Medicaid and Other Payment Options for Nursing Home Care
- Elderly Waiver Home Care Benefits
- Programs to Help Pay Medicare Premiums and Other Health Care Expenses
- Medicare Part D Prescription Drug Plans
- Other Programs to Help Pay Expenses

## **Life Planning Issues - June 26, 2007**

- Living Wills and Health Care Powers of Attorney
- Financial Powers of Attorney
- Guardianships/Conservatorships
- Social Security Representative Payees
- Wills and Estate Planning Tools to Avoid Probate

## **Consumer Issues - July 10, 2007**

- Nursing Home Residents' Rights
- Financial and Other Elder Abuse
- Avoiding Problems with Creditors
- Predatory Practices - Payday loans, car title loans, sub-prime loans, home repairs, door-to-door sales
- Identity Theft
- Reverse Mortgages

*Sponsored by the Iowa Department of Elder Affairs and Iowa Legal Aid's Legal Hotline for Older Iowans. Funded in part by the US Administration on Aging and the Lawyer Trust Account Commission. For details or a registration form, call 1-800-992-8161 or 282-8161 in Des Moines or email [landerson@iowalaw.org](mailto:landerson@iowalaw.org)*



# ELDER LAW ISSUES SUMMER SEMINAR SERIES

Health Care and Public Benefits  
- June 12, 2007

Life Planning Issues  
- June 26, 2007

Consumer Issues -  
July 10, 2007

**Keep this part of the sheet for the address of the site where you will take part**

## Algona

Iowa Lakes Community College  
2111 HWY 169 N  
Attendance Center

## Dubuque

Dubuque Community School District  
2300 Chaney Rd  
Marv O'Hare Room

## Orange City

Public Library  
112 Albany Ave SE  
Rieckhoff Room

## Burlington

Great River AEA  
3601 W Avenue  
East Side - Posted Directions

## Elkader

Central Community Junior/Senior School  
400 First St NW  
Room 119

## Ottumwa

Southern Prairie AEA  
2814 N Court St  
Directions Posted

## Cedar Rapids

Kirkwood Community College  
6301 Kirkwood Blvd SW  
Room 104 in Washington Hall

## Sac City

Public Library  
1001 W Main St  
Directions Posted to Room

## Fort Dodge

Public Library  
424 Central Avenue  
East Entrance - Directions  
Posted

## Sioux City

Public Library  
529 Pierce St  
Meeting Room

## Chariton

Chariton High School  
501 N Grand  
Room 116

## Grinnell

Stewart Public Library  
733 Broad St  
Room 1203

## Spencer

Iowa Lakes Community College  
1900 N Grand Ave.  
Attendance Center

## Creston

Green Valley AEA  
1405 N Lincoln  
Turner Room

## Guthrie Center

Public Library  
400 Grand  
North Entrance - Room on  
Right

## Stanton

Stanton High School  
605 Elliott Street  
Directions posted

## Davenport

Kimberly Center  
1002 W Kimberly Room 119

## Harlan

Community Library  
718 Court St  
West Door - Posted Directions

## Story City

Roland-Story High School  
1009 Story St  
SE Entrance - Posted  
Directions

## Decorah

N. Winneshiek Community School  
3495 N Winn Road  
Classroom - posted  
directions

## Maquoketa

Maquoketa High School  
600 Washington  
Alternative HS - East End

## Washington

National Guard Armory  
501 HWY 1 S  
Directions Posted

## Des Moines

Des Moines University  
Osteopathic Medical Center  
3200 Grand  
Room 306 in Tower

## Mason City

North Iowa Community College  
500 College Drive  
Activity Center

## Waterloo

Army Aviation Support Facility  
2245 West Big Rock Road  
Main entrance, lower  
operations - Directions Posted

Yes, I'd like to register for the following Elder Law Issues seminar(s). Please check the boxes for ALL the seminars you plan to attend, and mail or fax the form to the address at the bottom:

- ☐ Health Care and Public Benefits - June 12, 2007
- ☐ Life Planning Issues - June 26, 2007
- ☐ Consumer Issues - July 10, 2007

Name of Community where you will attend:

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City & Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

- ☐ I am a person with disabilities and will need the following accommodations to take part : \_\_\_\_\_

There is no fee to attend these forums, however, registration is required for accommodation purposes

TO REGISTER: Please send this form at least 10 days in advance of your session to:

Legal Hotline for Older Iowans  
Iowa Legal Aid  
1111 9th Street, Suite 230  
Des Moines, IA 50314

Fax 515/244-5525  
or email [landerson@iowalaw.org](mailto:landerson@iowalaw.org)  
Visit us on the Web at [iowalegalaid.org](http://iowalegalaid.org)



## **FREE ELDER LAW SEMINARS SCHEDULED FOR JUNE AND JULY**

Iowa Legal Aid and the Iowa Department of Elder Affairs are sponsoring three seminars that will be broadcast over the Iowa Communications Network at 25 locations in Iowa. Each of the three seminars will begin at 1:00 p.m. and last for two hours. The seminars are free, but pre-registration is required.

The first seminar on June 12, 2007 will involve health care and public benefits issues. The seminar will provide information about Medicaid and other payment options for nursing home care, Elderly Waiver home care benefits, Medicare Part D Prescription Drug Plans, and other programs to help pay health care and other expenses.

The seminar on June 26, 2007 will inform people about life planning issues such as living wills, health care powers of attorney, financial powers of attorney, guardianships, conservatorships, wills and estate planning tools to avoid probate. At the final seminar on July 10, 2007, people will learn about nursing home residents' rights, financial and other elder abuse, avoiding problems with creditors, identify theft, reverse mortgages, and various predatory lending practices.

These seminars are funded in part with a grant from the U.S. Administration on Aging. Each of the three seminars will be broadcast over the Iowa Communications Network at the following locations:

Algona - Iowa Lakes Community College, 2111 Highway 169 North, Attendance Center  
Burlington - Great River Area Education Agency, 3601 W Avenue, East Side  
Cedar Rapids - Kirkwood Community Center, 6301 Kirkwood Blvd SW, Rm104 in Washington Hall  
Chariton - Chariton High School, 501 N. Grand, Room 116  
Creston - Green Valley Area Education Agency, 1405 North Lincoln, Turner Room  
Davenport - Kimberly Center, 1002 West Kimberly Road, Room 119  
Decorah - North Winneshiek Community School, 3495 North Winn Road, Classroom  
Des Moines - Des Moines University Osteopathic Medical Center, 3200 Grand, Rm 306 in Tower  
Dubuque - Dubuque Community School District, 2300 Chaney Road, Marv O'Hare Room  
Elkader - Central Community Jr/Sr School, 400 First St SW, Room 119  
Fort Dodge - Public Library, 424 Central Avenue, East Entrance  
Grinnell - Stewart Public Library, 733 Broad Street, Room 1203  
Guthrie Center - Public Library, 400 Grand, North Entrance, Room on Right  
Harlan - Community Library, 718 Court Street, West Door  
Maquoketa - Maquoketa High School, 600 Washington, Alternative High School, East End  
Mason City - North Iowa Community College, 500 College Drive, Activity Center  
Orange City - Public Library, 112 Albany Ave SE, Rieckhoff Room  
Ottumwa - Southern Prairie Area Education Agency, 2814 North Court Street  
Sac City - Public Library, 1001 W Main Street  
Sioux City - Public Library, 529 Pierce Street, Meeting Room  
Spencer - Iowa Lakes Community College, 1900 N. Grand Avenue, Attendance Center  
Stanton - Stanton Community High School, 605 Elliott Street  
Story City - Roland-Story High School, 1009 Story Street, SE Entrance  
Washington - National Guard Armory, 501 Hwy 1 South  
Waterloo - Waterloo Army Aviation Support Facility, 2245 West Big Rock Road

If you want to register for any of these free seminars, or if you would like more information about any of the seminars, please contact Iowa Legal Aid's Legal Hotline for Older Iowans at 1-800-992-8161.



**LEGAL HOTLINE FOR OLDER IOWANS**  
**1111 9TH STREET, SUITE 230**  
**DES MOINES, IOWA 50314-2527**  
**TOLL-FREE (800) 992-8161**



**282-8161 IN DES MOINES FAX (515) 244-5525**  
**VISIT US ON THE WEB AT IOWALEGALAID.ORG**

**TO:** Senior Centers and Meal Site Directors

**FROM:** Deanna Clingan-Fischer, Iowa Department of Elder Affairs  
Scott Hartsook, Legal Hotline for Older Iowans

**RE:** Free Elder Law Seminars in June and July

**DATE:** April 19, 2007

The Iowa Department of Elder Affairs and the Legal Hotline for Older Iowans are sponsoring three seminars this summer that will be broadcast over the Iowa Communications Network at 25 locations in Iowa. Each of the three seminars will begin at 1:00 p.m. and last for two hours. The seminars are free, but pre-registration is required. The seminars are funded in part with a grant from the U.S. Administration on Aging.

The first seminar on June 12, 2007 will involve health care and public benefits issues. The seminar will provide information about Medicaid and other payment options for nursing home care, Elderly Waiver home care benefits, Medicare Part D Prescription Drug Plans, and other programs to help pay health care and other expenses.

The seminar on June 26, 2007 will inform people about life planning issues such as living wills, health care powers of attorney, financial powers of attorney, guardianships, conservatorships, wills and estate planning tools to avoid probate. At the final seminar on July 10, 2007, people will learn about nursing home residents' rights, financial and other elder abuse, avoiding problems with creditors, identify theft, reverse mortgages, and various predatory lending practices.

Enclosed are some brochures about the seminars. There are not enough for everybody that comes to your senior center since we have a limited supply of the brochures. We request that you do the following to help people learn about this good, educational opportunity:

1. Tell the people who attend your senior center about the seminars.
2. Distribute the enclosed brochures to people who want to attend one or more of the seminars. The brochures have a registration form that can be mailed. People can also register by calling 1-800-992-8161.
3. If you need more brochures, contact Linda Anderson at Iowa Legal Aid at 1-800-992-8161 or [Landerson@iowalaw.org](mailto:Landerson@iowalaw.org). Another alternative is to copy the flier and registration form for the seminars at <http://www.lawhelp.org/link.cfm?1798>

Thanks for you help.

*1977 — 30 Years of Service — 2007*

# **ELDER LAW ISSUES: Health Care and Public Benefits**

**JUNE 12, 2007**

**The First in a Summer Series of FREE  
Seminars for Older Iowans and Their  
Caregivers**

Sponsored by the Iowa Department of  
Elder Affairs and Iowa Legal Aid's Legal  
Hotline for Older Iowans. Funded in part  
by the US Administration on Aging and  
the Lawyer Trust Account Commission.



This information was correct when it was printed, (June 2007). The laws may have changed. Do not assume this information is correct after the date it was printed. See a lawyer to get complete and up-to-date legal advice. If you have questions, contact the Legal Hotline for Older Iowans at 1-800-992-8161, 1111 Ninth St., Ste. 230, Des Moines, IA 50314-2527. (Also see [www.iowalegalaid.org](http://www.iowalegalaid.org) for information and answers to general questions on Iowa law.)

The Legal Hotline is a project of Iowa Legal Aid and is funded in part by a grant from the U.S. Administration on Aging. © 2007 Iowa Legal Aid. Permission to reprint this booklet is granted provided that it is reprinted in its entirety and is distributed free of charge.

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# ELDER LAW ISSUES

## June 12, 2007 - Health Care and Public Benefits Issues

1:00 - 1:40    Patty Price, Senior Health Insurance Advocate, Iowa's Senior Health Insurance Information Program.

- \* SHIIP Services
- \* Medicare Part D
- \* QMB
- \* SLMB
- \* Medically Needy

1:40 - 3:00    Scott Hartsook, Managing Attorney, Iowa Legal Aid Legal Hotline for Older Iowans.

- \* Medicaid for Long-term Care
- \* Elderly Waiver
- \* Iowa Care
- \* Elderly Property Tax Credit and Rent Reimbursement Programs
- \* LIHEAP

## June 26, 2007 - Life Planning Issues

1:00 - 2:20 Deanna Clingan-Fischer, Legal Services  
Developer, Iowa Dept. of Elder Affairs.

- \* Living Wills and Health Care Powers of Attorney
- \* Financial Powers of Attorney
- \* Guardianships
- \* Conservatorships
- \* Social Security Representative Payees

2:20 - 3:00 Scott Hartsook, Managing Attorney, Iowa  
Legal Aid Legal Hotline for Older Iowans.

- \* Wills
- \* Estate Planning Tools to Avoid Probate



## July 10, 2007 - Consumer Issues

1:00 - 1:30 Ron Wagenaar, Managing Attorney, Iowa Legal Aid North Central Iowa Regional Office in Mason City.

- \* Nursing Home Resident's Rights
- \* Financial and Other Elder Abuse

1:30 - 2:45 Nancy Thompson, Staff Attorney, Iowa Legal Aid Central Iowa Regional Office in Des Moines.

- \* Avoiding Problems with Creditors
- \* Predatory Practices - Payday Loans, Car Title Loans and Sub-Prime Loans
- \* Reverse Mortgages

2:45 - 3:00 Susan Kerr, Consumer Protection Investigator, Iowa Attorney General's Office

- \* Identity Theft
- \* Home Repairs
- \* Door-to-Door Sales

These seminars are presented by the Iowa Department of Elder Affairs and Iowa Legal Aid with funding from the U.S. Administration on Aging and the Lawyer Trust Account Commission. Iowa's Area Agencies on Aging, the Senior Health Insurance Information Program and the Iowa Attorney General's Office have provided speakers, site hosts, and other generous support for these seminars.

# Elder Law Issues Seminar: Health Care and Public Benefits

## June 12, 2007

### Education Program Feedback Survey

Thank you for attending an Iowa Department of Elder Affairs and Iowa Legal Aid Legal Hotline for Older Iowans education program funded by the Administration on Aging. We strive to provide the best services possible, and your feedback is very important as it helps us to improve our programs in order to meet your needs. Please take a couple minutes to complete the following questions about this education program. Circle the number that best describes your answer. Thank you for your time and feedback.

**Please tell us about your experience, using the following ratings:**

**1 = Poor      2 = Fair      3 = Good      4 = Very Good      5 = Excellent**

<b>Patty Price, Iowa's Senior Health Insurance Information Program</b>	Poor				Excellent
Program content	1	2	3	4	5
Presenter's knowledge of the material	1	2	3	4	5
Presenter's teaching style	1	2	3	4	5
Helpfulness of written materials	1	2	3	4	5
Degree to which this program increased your knowledge of this topic	1	2	3	4	5
Degree to which the program met your needs	1	2	3	4	5
Overall satisfaction with presentation	1	2	3	4	5
Did you learn anything new at this program?	NO		YES		
If yes, will you be able to apply what you learned to your situation?	NO		YES		

# Elder Law Issues Seminar: Health Care and Public Benefits

## June 12, 2007

### Education Program Feedback Survey

Thank you for attending an Iowa Department of Elder Affairs and Iowa Legal Aid Legal Hotline for Older Iowans education program funded by the Administration on Aging. We strive to provide the best services possible, and your feedback is very important as it helps us to improve our programs in order to meet your needs. Please take a couple minutes to complete the following questions about this education program. Circle the number that best describes your answer. Thank you for your time and feedback.

**Please tell us about your experience, using the following ratings:**

**1 = Poor      2 = Fair      3 = Good      4 = Very Good      5 = Excellent**

<b>Scott Hartsook, Iowa Legal Aid Legal Hotline for Older Iowans</b>	Poor				Excellent
Program content	1	2	3	4	5
Presenter's knowledge of the material	1	2	3	4	5
Presenter's teaching style	1	2	3	4	5
Helpfulness of written materials	1	2	3	4	5
Degree to which this program increased your knowledge of this topic	1	2	3	4	5
Degree to which the program met your needs	1	2	3	4	5
Overall satisfaction with presentation	1	2	3	4	5
Did you learn anything new at this program?	NO		YES		
If yes, will you be able to apply what you learned to your situation?	NO		YES		

Comments on the comfort of your ICN site	
Please comment on the effectiveness of using the ICN to present this type of program	
Are you likely to recommend taking part in an Elder Law seminar to others?	
How did you hear about the Elder Law seminars?	
How many Elder Law seminars do you plan to attend? (circle sessions you plan to attend)      June 12 <sup>th</sup> June 26 <sup>th</sup> July 10 <sup>th</sup>	
What day of the week and time of day are best for you to take part in seminars like this?	Your gender:   Male   Female
Your age _____	Your home zip code _____
Your race/ethnicity (circle one) White/Caucasian      Black/African American      Hispanic      Native American Asian/Pacific Islander      Other: _____	
Circle the ONE that best describes you:  I am a person 60 years of age or older  I am a healthcare or community service provider  I provide/provided care or assistance to a family member or friend 60 years of age or older <b>(Please circle the appropriate relationship.)</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">             I am the:    Spouse/Partner                            Daughter/Son                            Sister/Brother           </div> <div style="width: 45%;">             Friend              In-Law              Grandchild              Other Relative           </div> </div>	

Please write any suggestions for program improvements or future program topics on the back of this sheet. THANK YOU!



# APPENDIX 6

*Evaluation of Project and Clients*





## **Annual Measurable Outcomes for the Iowa Legal Integration Grant**

**1. 4,700 older Iowans will make informed decisions** about their legal rights **after receiving legal assistance from the senior legal helpline in 3,300 cases, a 57% increase over existing services**

- Number of calls for counsel and advice
- Survey to clients (not required by grant)—but could ask the client if they used the information given over the hotline.

**2. Over 1,300 clients will achieve successful outcomes** regarding critical issues involving health care directives, end of life planning, consumer protection, health care, housing, elder abuse and other important matters **after receiving brief services, full representation or other follow up services from the senior legal helpline or Title IIIB providers, a 55% increase over existing services**

- Number of clients served by brief services, or representation (something other than counsel and advice)
- Determine baseline to prove increase of 55%. The Baseline will be 10-1-05 to 9-30-06 and will include information from:
  - Iowa Legal Hotline
  - Title IIIB providers: Iowa Legal Aid, HELP Legal Assistance, Martha Quint and Drake Legal Clinic. (ILA/Hotline/HELP numbers for time period are: 675: Drake-361 & Martha-535
- Survey to clients to help define success—if not successful, why? Add information on survey about what are the barriers and what can be done to overcome the barriers.

3. **At least 1,500 older Iowans**, caregivers, and service providers will increase their ability to deal with legal issues involving end of life planning, consumer issues, Medicaid, and other public benefits, guardianships and conservatorships, elder abuse and residents rights through their **attendance at the first series of threes trainings that will be conducted over the Iowa Communications Network every six months**

- Number of attendees
- ICN locations—25 locations---20 at each site = 500 x 3 sessions= 1500
- Evaluation tool for participants—ask information on:
  - Venue
  - Speakers
  - Pre-test/post test—ask about session attending (T/F)
  - Have on one form-front to back
  - Determine if increased knowledge
  - Can I apply what I learned today
- Registration brochure---ask about reasonable accommodations

4. **At least 6,000 older Iowans**, caregivers, and service providers will increase their ability to deal with legal issues involving health care, Medicaid, Medicare, elder abuse, resident's rights, consumer protection, public benefits, guardianships, conservatorships, advanced planning matters and other critical matters through **obtaining information forms and self-help materials** at self-help legal offices at senior centers and meal sites.

- Count brochures (number started with-minus what is left)
- Postcards in materials—send in and advise of helpfulness of materials
- Sites-sign up days and staff (count number in attendance)
- Self-help offices at events such as GSI, GCOA, VFW's, Lion's Club, senior clinics, congregations(faith based)
- Rural/urban—use different sites
- Site manager survey attendees to see if utilized data

**5. At least 300 people will receive the legal assistance they need through referral to a volunteer lawyers project, a low fee or no-fee referral panel or the attorney referral panel.**

- Volunteer Lawyers Project (VLP) accessed through Iowa Legal Aid and 2 county bar associations (Polk and Scott)
- Iowa Legal Aid measure-already measured by case management system
- Number of cases closed if follow with volunteer lawyer program referral
- Of the 3300 in outcome #1, 300 will be going through VLP or panels

## Evaluation Questions

1. Does Iowa's legal assistance delivery system for older Iowans provide comprehensive services that address all of the legal needs of older Iowans.?
2. Are the components of the legal assistance delivery system fully integrated so that services are provided in an efficient and effective manner that avoids duplication?
3. Has the statewide legal helpline been expanded to be available to all Iowans who are 60 or older to obtain advice, brief services, legal information and referrals?
4. Has a no-fee or low-fee panel of lawyers been created who will provide legal assistance to low-income older Iowans for wills, healthcare directives, housing issues, guardianships and conservatorships and other needs not currently met by the Title III-B providers?
5. Has an improved and expanded community education program been created that will provide self-help legal offices in over 200 senior centers or other locations?
6. Is there a statewide training program for seniors, caregivers, and service providers that provides a semi-annual series of three, two-hour trainings about basic elder law issues over the Iowa Communications Network at 25 locations?
7. Are there statewide standards for legal assistance for older Iowans?
8. Has a "How To" guide and other materials been created that can be used by other states to create a fully-integrated and comprehensive state legal assistance delivery system for seniors?
9. Has a comprehensive, Public Benefits and Legal Issues Screening Checklist been developed to allow appropriate screening for public benefits and legal needs?
10. Is there a comprehensive set of legal educational and self-help materials for distribution to older Iowans?
11. Were 4,700 older Iowans able to make informed decision about their legal rights after receiving legal assistance from the senior legal hotline in 3,300 cases?
12. Did more than 1,300 older Iowans achieve successful outcomes regarding critical issues involving health care directive, end-of-life planning, consumer protection, health care, housing, elder abuse and other important matters after receiving brief services, full representation or other follow-up services from the senior legal hotline or Title III-B providers?
13. Did at least 1,500 older Iowans, caregivers, and service providers increase their ability to deal with legal issues through their attendance at the first series of three training conducted over the ICN?

14. Did at least 6,000 older Iowans, caregivers and service providers increase their ability to deal with legal issues after obtaining information , forms and self-help materials at self-help legal offices at senior centers, mealsites and other locations?

15. During the last six months of the first year of the project, did at least 300 people receive the legal assistance they needed through referral to a volunteer lawyer project, the low-fee or no-fee referral panel, or the attorney referral panel?

## IOWA LEGAL AID INTAKE SURVEY

We value your opinion! Please help us find out how well we served you by taking a few minutes to complete this survey. Your answers should be based on your **MOST RECENT** call to Iowa Legal Aid.

**\*\* Your identity and any facts related to your case will be kept confidential. However, your comments on this survey may be shared with other parties, such as Iowa Legal Aid funding sources. \*\***

Did you have any trouble getting through to us on the phone? ..... ☐ Yes ☐ No ☐ Did not use phone

If YES, please check all that apply.

- ☐ The phone was always busy
- ☐ I only reached an answering/voice mail system
- ☐ I was put on "hold" for a long time before getting to speak to a receptionist
- ☐ I was put on hold for a long time before getting to speak to an attorney
- ☐ I was "cut off"
- ☐ The recordings on the phone were hard to hear
- ☐ I did not understand how to use the phone system to get to a live person to help me
- ☐ Other (please describe): \_\_\_\_\_

### Receptionist:

Did the receptionist explain what would happen in the intake process? ..... ☐ Yes ☐ No  
Did he/she show you courtesy & respect? .. ☐ Yes ☐ No  
Comments regarding the receptionist staff: \_\_\_\_\_

### Lawyer:

Did the lawyer understand your question and/or problem? ..... ☐ Yes ☐ No  
Did he/she show you courtesy and respect? ☐ Yes ☐ No  
Did the lawyer clearly explain the advice to you? ..... ☐ Yes ☐ No  
Did the lawyer's advice help you? ..... ☐ Yes ☐ No  
Could you have used more help than the lawyer gave you? ..... ☐ Yes ☐ No

If, YES, please explain what you wanted the lawyer to do for you? \_\_\_\_\_

Overall, how would you rate the service/advice you received from Iowa Legal Aid?

☐ Excellent ☐ Very good ☐ Good ☐ Fair ☐ Poor

Will you contact Iowa Legal Aid again if you need legal help? ..... ☐ Yes ☐ No

Were the brochures or booklets you received from our office helpful? .. ☐ Yes ☐ No ☐ Did not receive

If you needed special services (interpreter, TTY, large print documents), did you get them?  
..... ☐ Yes ☐ No ☐ Not needed

Iowa Legal Aid limits the hours during which intake is conducted. Did limiting intake to these hours cause any problems for you? ..... ☐ Yes ☐ No

If YES, please describe what problems you had with these intake hours: \_\_\_\_\_

We want Iowa Legal Aid's services to be helpful and the intake process as easy as possible. Please tell us what you liked or disliked about the services and how we can improve our services. \_\_\_\_\_

### THANK YOU FOR COMPLETING THIS SURVEY!!!

Please return it in the enclosed postage paid envelope to:

Iowa Legal Aid  
1111 Ninth Street, Suite 230  
Des Moines, Iowa 50314-2527

***This box for Office use only:***

CSR # \_\_\_\_\_ Support staff name \_\_\_\_\_ Advocate name \_\_\_\_\_

Visit Iowa Legal Aid's website at:  
[www.iowalegalaid.org](http://www.iowalegalaid.org)



## IOWA LEGAL AID CLIENT SURVEY



CLIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

OFFICE: \_\_\_\_\_ CASE CODE: \_\_\_\_\_

### PLEASE ANSWER THE QUESTIONS BELOW ABOUT THE HELP YOU RECEIVED FROM IOWA LEGAL AID:

How would you rate the quality of the help you received from Iowa Legal Aid?

☐ Excellent ☐ Good ☐ Fair ☐ Unsatisfactory

Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did our staff treat you with courtesy and respect?

☐ Yes ☐ No

Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Do you feel that you understood and were kept informed about what was happening on your case?

☐ Yes ☐ No

Did the help you received from Iowa Legal Aid resolve your problem or make it better?

☐ Much Better ☐ Somewhat Better ☐ No Change

Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did the information that Iowa Legal Aid provided help you better understand the law or avoid future legal problems? ☐ Yes ☐ No

If special services were needed (interpreter, large print, etc.) were they provided?

☐ Yes ☐ No ☐ Not Needed

If you need legal help again, will you contact Iowa Legal Aid? ☐ Yes ☐ No

Can we make any changes to improve our services? ☐ Yes ☐ No

Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did you get any Iowa Legal Aid booklets or other printed materials? ☐ Yes ☐ No

If yes, which one(s)? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did you find the booklets helpful? ☐ Yes ☐ No

Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Our office has a new phone system with voice mail. Have you used the system?

☐ Yes ☐ No

If yes, did you find the system easy to understand? ☐ Yes ☐ No

Did it make it easier to communicate with our staff? ☐ Yes ☐ No

There are many ways in which clients and former clients are able to help Legal Aid by volunteering their time. Would you like details about volunteering to help Iowa Legal Aid?

☐ Yes ☐ No

*Your comments on this form may be shared with other parties, such as Iowa Legal Aid funding sources, however, we will not use your name or any facts which might identify you.*

If you need more room, use the back side. Please return this survey in the postage paid envelope provided. **THANK YOU** for sharing your comments.

## IOWA LEGAL AID INTAKE SURVEY

We value your opinion! Please help us find out how well we served you by taking a few minutes to complete this survey. Your answers should be based on your **MOST RECENT** call to Iowa Legal Aid.

**\*\* Your identity and any facts related to your case will be kept confidential. However, your comments on this survey may be shared with other parties, such as Iowa Legal Aid funding sources. \*\***

Did you have any trouble getting through to us on the phone? ..... ☐ Yes ☐ No ☐ Did not use phone

If YES, please check all that apply.

- ☐ The phone was always busy
- ☐ I only reached an answering/voice mail system
- ☐ I was put on "hold" for a long time before getting to speak to a receptionist
- ☐ I was put on hold for a long time before getting to speak to an attorney
- ☐ I was "cut off"
- ☐ The recordings on the phone were hard to hear
- ☐ I did not understand how to use the phone system to get to a live person to help me
- ☐ Other (please describe): \_\_\_\_\_

### Receptionist:

Did the receptionist explain what would happen in the intake process? ..... ☐ Yes ☐ No  
Did he/she show you courtesy & respect? .. ☐ Yes ☐ No  
Comments regarding the receptionist staff:  
\_\_\_\_\_

### Lawyer:

Did the lawyer understand your question and/or problem? ..... ☐ Yes ☐ No  
Did he/she show you courtesy and respect? ☐ Yes ☐ No  
Did the lawyer clearly explain the advice to you? ..... ☐ Yes ☐ No  
Did the lawyer's advice help you? ..... ☐ Yes ☐ No  
Could you have used more help than the lawyer gave you? ..... ☐ Yes ☐ No

If, YES, please explain what you wanted the lawyer to do for you? \_\_\_\_\_

Overall, how would you rate the service/advice you received from Iowa Legal Aid?

☐ Excellent ☐ Very good ☐ Good ☐ Fair ☐ Poor

Will you contact Iowa Legal Aid again if you need legal help? ..... ☐ Yes ☐ No

Were the brochures or booklets you received from our office helpful? .. ☐ Yes ☐ No ☐ Did not receive

If you needed special services (interpreter, TTY, large print documents), did you get them?  
..... ☐ Yes ☐ No ☐ Not needed

Iowa Legal Aid limits the hours during which intake is conducted. Did limiting intake to these hours cause any problems for you? ..... ☐ Yes ☐ No

If YES, please describe what problems you had with these intake hours? \_\_\_\_\_

We want Iowa Legal Aid's services to be helpful and the intake process as easy as possible. Please tell us what you liked or disliked about the services and how we can improve our services. \_\_\_\_\_

**THANK YOU FOR COMPLETING THIS SURVEY!!!**

Please return it in the enclosed postage paid envelope to:

Iowa Legal Aid  
1111 Ninth Street, Suite 230  
Des Moines, Iowa 50314-2527

***This box for Office use only:***

CSR # \_\_\_\_\_ Support staff name \_\_\_\_\_ Advocate name \_\_\_\_\_

Visit Iowa Legal Aid's website at:  
[www.iowalegalaid.org](http://www.iowalegalaid.org)



**IOWA PROTECTION & ADVOCACY SERVICES**  
**Client Service Evaluation Form**

*We want to know how our services were helpful to you. You can help us serve all of our clients better by answering the questions below and mailing this form back to our office in the enclosed stamped envelope. We appreciate hearing from you.*

**Services Provided for: (Client name)**

**Date Survey Mailed:**

**Advocate Name:**

**Program: (Underline One)**    **AT**    **PADD**    **PAIMI**    **PAIR**    **PABSS**    **TBI**  
**Office Use Only**

1. Why did you contact Iowa P & A? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Was Iowa P & A helpful to you?    Yes \_\_\_\_\_    No \_\_\_\_\_

3. How would you rate the overall quality of the services you received from Iowa P&A?

Excellent				Poor
5	4	3	2	1

Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. If a referral was given, please explain the quality of the services you received from the referral.  
\_\_\_\_\_  
\_\_\_\_\_

5. Do you have suggestions for improving our services? (Include any comments on what services you think it is most important for P & A to provide.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Please add any comments you have on the need for P & A services and the benefits our services provide. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Would you use Iowa Protection & Advocacy services again? (Circle one) YES NO

*Thank you for taking time to share your comments.*

Your signature (optional): \_\_\_\_\_



# APPENDIX 7

*Best Practices Meeting Invitation and Agenda*



February 26, 2009

Scott Hartsook  
Legal Hotline for Older Iowans  
1111 9<sup>th</sup> Street, Suite 230  
Des Moines, IA 50314-2527

Re: Work Group to Design Legal Services Standards  
**RSVP by March 23, 2009**

Dear Mr. Hartsook:

On behalf of the Iowa Department of Elder Affairs (IDEA), it is my pleasure to invite your participation on a **most important Work Group of the Legal Integration Grant planning advisory** -- one that will **shape the vision for the future of legal services for older Iowans**. This Work Group, made up of leaders in Iowa's legal delivery system -- AAAs, IIIB legal providers, senior legal hotline, and state legal services developer -- will consider and make recommendations for statewide standards. These standards will define what we, as a state, believe are the essential elements of a high-quality, high-impact, cost-efficient legal delivery system that effectively targets limited resources to older Iowans in greatest need.

To accomplish this important task, we need your assistance, and hope you will agree to participate in a full-day Work Group meeting. The meeting is scheduled for **Thursday, April 23, 2009** at the

**Fairfield Inn & Suites  
7225 Vista Drive  
West Des Moines, IA 50266.**

The meeting will start at **9:30 am and run through to 4:00 pm**, with lunch provided. It may be possible to meet one additional day at a later time, depending on the progress made on April 23<sup>rd</sup>.

While this will indeed be challenging, the resulting standards will provide Area Agencies on Aging, IIIB Legal Providers, the hotline and IDEA/the developer with important guidance on planning and operating effective, accessible legal services, and will address roles and responsibilities of each of the key players in the delivery system. Further, they will afford a more uniform set of expectations regarding legal assistance services, and a more coherent view of the goals of Iowa's legal assistance delivery system related to older Iowans.

We are fortunate that Penny Hommel, Co-Director of The Center for Social Gerontology (TCSG), based in Ann Arbor, Michigan, will assist us in this important effort. As some of you know, TCSG is a National Support Center in Law and Aging funded by the US

Administration on Aging, and has assisted many other states in developing standards, reporting systems, and other tools to enhance legal delivery systems.

Please let us know if you will be able to participate by completing and **returning the attached RSVP form by fax or email on or before March 23, 2009**. Further details and preparatory materials will be sent prior to the meeting.

A few rooms have been reserved at the Fairfield Inn, if you would like to stay the night before the meeting. The phone number for making reservations is 515-225-6100. When calling, please refer to confirmation numbers 87916901, 87916897, 87916905 or 87916910.

If you have questions, please feel free to call Deanna Clingan Fischer, our State Legal Services Developer at (515) 725-3319.

Sincerely yours,

John McCalley  
Director

Encl.

***RSVP -- LEGAL ASSISTANCE PROVIDER***

PLEASE RSVP BY FAX OR EMAIL **NO LATER THAN MARCH 23, 2009** TO:

Deanna Clingan Fischer  
Legal Services Developer  
Iowa Department of Elder Affairs  
510 E. 12th Street, Ste 2  
Des Moines, IA 50319  
Phone: 515-725-3319 • Fax: 515  
Email: [deanna.clingan@iowa.gov](mailto:deanna.clingan@iowa.gov)

☐ I accept your invitation to participate in the Work Group Meeting on April 23, 2009

☐ I regret that I will not be able to participate.

• • • • •

***REGISTRATION FORM***

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**MEETING TIME AND LOCATION**

The meeting will be held at Fairfield Inn & Suites, 7225 Vista Drive, West Des Moines

The Work Group will start at 9:30AM and adjourn at 4:00PM on Thursday, 4/23/09.

Lunch will be provided. Please indicate special dietary needs: \_\_\_\_\_

**WORK GROUP FOR DEVELOPMENT OF STATEWIDE STANDARDS  
SHAPING THE VISION FOR THE FUTURE OF LEGAL SERVICES FOR OLDER IOWANS  
THURSDAY, APRIL 23, 2009, 9:30 AM – 4:00 PM**

FAIRFIELD INN & SUITES WEST DES MOINES  
7225 VISTA DRIVE, WEST DES MOINES, IOWA 50266  
(515) 225-6100

*Facilitator: Penny Hommel, Co-Director, The Center for Social Gerontology, Ann Arbor, Michigan*

## **AGENDA**

- |         |  |                        |
|---------|--|------------------------|
| 9:30 AM | Welcome and Introductory Remarks   | Deanna Clingan Fischer |
|         | Overview of Goals/Purpose for the Day  | Penny Hommel           |
| 9:45    | Self Introductions -- Highlighting<br>1-2 Greatest Strengths You See in IA Legal Delivery System<br>1-2 Greatest Weaknesses<br>(with particular focus on targeting those in greatest need<br>without means testing)  |                        |
| 10:15   | Brief review of what Standards/Guidelines are/What<br>They can Achieve & Essential Elements<br><br>History of Evolution/Importance of Legal Services<br>in the Older Americans Act & Current Requirements<br>1. Legal – A Priority Service in the Act, Minimum % Funding<br>2. Definition: Advice and Representation to Older Individuals with Economic or<br>Social Needs<br>3. Ever Increasing Targeting Requirements to Serve Those in Greatest Social<br>and Economic Need, While Prohibiting Means Testing;<br>4. Legal Issues to Be Handled/to receive priority: Requirement to Give Priority to<br>Legal Assistance Re Income, Health Care, Long-term Care, Nutrition,<br>Housing, Utilities, Protective Services, Defense of Guardianship, Abuse,<br>Neglect and Age Discrimination;<br>5. Involvement with, and Support to, Other Advocacy Programs, e.g.,<br>Ombudsman; Pro Bono projects; law school clinics.<br>6. Specification in Older Americans Act that AAAs Contract With the "Best<br>Entity" for Providing Legal Assistance;<br>7. Requirements Not to Violate Attorney/Client Confidentiality;<br>8. Requirements re Contributions<br>9. Title VII Opportunities and Requirements for Advocacy to Protect Rights of<br>Vulnerable Elders:<br>-- Develop a comprehensive Elder Rights Advocacy System to address<br>issues at a systems level as well as individual case level;<br>-- Provide a Legal Assistance Developer and other personnel sufficient to<br>ensure that legal rights are secured and maintained, provision of legal<br>assistance is coordinated, there is TA, training and other support to<br>AAAs, legal providers, ombudsmen, etc.;<br>-- Provide leadership and TA to AAAs and providers to enhance and<br>monitor the quality and quantity of legal and advocacy assistance.<br>-- Promote development of resources such as <i>pro bono</i> programs. to<br>expand access; | Penny Hommel           |



- 10:45 Break
- 11:00 Brainstorm: Creating the Vision -- What are the Overall Mission/Goals for Legal Services for Older Iowans, i.e. What Should Drive the Standards?
- 11:30 Brainstorm: Targeting, Outreach, Priority Issue areas
- Who are Iowa's most needy elders/the target populations?
  - Who is currently being reached? Missed? underserved?
  - What are the most critical legal issues confronting these target groups? And are they being adequately addressed by IILB providers & Helpline?
  - How do potential clients learn about/get to Iowa's IILB Legal Providers and Helpline? Are current methods effective in reaching those in greatest need?
  - Do legal providers have adequate links to secondary referral sources to reach the most needy?
  - Do legal services brochures/publicity convey which issues are priorities for service and limitations on types of cases they handle?
  - To what extent do AAAs, Legal Providers, the Developer, and other elder rights advocates, jointly develop targeting plans, conduct outreach, etc.?
- 12:00 Noon Short Break to get lunch
- 12:15 PM Working Lunch (provided) – Continue Brainstorming
- 1:00 Are there particular issues/problems in Iowa's delivery system that should be addressed in Standards?
- 1:15 Do Roles and Responsibilities Need to be Set forth for -- IA Dept. of Elder Affairs/Legal Services Developer? Area Agencies on Aging? Providers of Legal Assistance (IILB and Helpline)?
- 1:30 Should Iowa Standards be Ideal/Aspirational, Minimum, or "Ideal but tempered with reality"?
- 1:45 Based on discussions thus far, develop an Outline/General Content of Standards for Iowa
- 2:15 Break
- 2:30 Discussion and Development of General Content of Standards to Address Specific Issue Areas of the Outline
- 3:45 Discussion of Next Steps
- Timetable for Drafting, Circulating, Receiving Comments and Finalizing
  - Process/Plan for Ensuring Implementation
  - Possible Training for all AAAs, State Staff, and Legal Providers
- 4:00 P.M. Adjournment

THANK YOU!



# APPENDIX 8

*Best Practices Guide*



# IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES

2009

**Iowa Department on Aging  
510 E. 12<sup>th</sup> Street, Suite 2  
Des Moines, Iowa 50319  
515-725-3333**

**IOWA LEGAL ASSISTANCE PROGRAM  
BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

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# **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

## **I. INTRODUCTION:**

Legal problems faced by older Iowans are often more critical than those problems faced by any other segment of our population. Older Iowans in poverty are less likely to seek the assistance of an attorney. Often, it is either because they do not have cash resources to pay for services or they do not realize that they have a "legal problem."

The Older Americans Act of 1965 (hereafter, OAA) as amended, which primarily funds the Legal Assistance Program, requires that states have the capacity to improve the quality and quantity of legal programs for older individuals. These Legal Assistance Program Best Practices are meant to provide guidance to providers in the area of priority casework, coordination and collaboration to ensure cohesiveness and uniformity throughout the state's legal assistance programs. Additionally, Congress mandates that states improve the quality of their Title III-B legal programs. One proven way to ensure a quality program is to have in place best practices to define expectations for not only the legal assistance program provider, but for the state unit on aging (the Iowa Department on Aging) and the area agencies on aging as well.

These legal assistance program best practices may be amended from time to time to reflect the change in the legal needs of older Iowans as well as the mandates under the OAA, Iowa Department on Aging (hereafter, department) policy and other governing state and federal laws and regulations.

## **II. LEGAL AUTHORITY:**

The Older Americans Act (OAA) of 1965 as amended, designates legal assistance as a priority service funded under Title III-B [42 U.S.C. Section 306(a)(2)]. As such, the funding of legal assistance by each Area Agency on Aging (hereafter, AAA) is mandatory, and services shall be accessible and available throughout each of the thirteen (13) planning and service areas in Iowa. Also see Iowa Code 231.23A(5).

## **III. DEFINITIONS**

### **Adequate proportion-**

A minimum amount of Title III-B OAA funds to be expended for the delivery of legal assistance. In Iowa, the minimum adequate proportion has been set at 3%.

## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

### **Eligible Individual (client)—**

Any person who meets the federal definition for program utilized. For legal assistance, an eligible individual (client) is 60 years of age or older and in greatest economic or social need.

### **Fee-generating case—**

Any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds, or from the opposing party.

### **Greatest Economic Need—**

The need resulting from an income level at or below the poverty line.

### **Greatest Social Need—**

The need caused by noneconomic factors, which include: physical and mental disabilities; language barriers; and cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that restricts the ability of an individual to perform normal daily tasks; or threatens the capacity of the individual to live independently.

### **Legal Assistance—**

Legal advice and representation provided by an attorney to older individuals with economic or social needs; and includes to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and counseling or representation by a nonlawyer where permitted by law.

### **Means Test—**

The use of an older individual's income or resources to deny or limit that person's receipt of services.

### **Older Individual—**

An individual who is 60 years of age or older.

## **IV. MISSION AND PURPOSE**

The overall mission of the Title III-B legal assistance program is to provide quality advice, representation and referral to those Iowans, age 60 or older, with the greatest social and economic need. These best practices are designed to assist legal assistance programs in their growth and in meeting the minimum requirements for providing legal assistance to older Iowans. These best practices provide latitude to foster creativity for individual programs to achieve the



## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

maximum effect of the program for older Iowans receiving services in each AAA. Also built into these best practices is the guiding principle that the Iowa legal assistance program is not a legal program for all older persons at all times for all issues, rather it is a targeted approach to ensure that those older Iowans who are the most vulnerable and who are at risk of losing their autonomy, dignity or independence have access to critical legal assistance. To accomplish these goals, these best practices can only be successful if the providers of legal assistance, AAA personnel and state agency staff work together.

The broad purposes of the legal assistance program in Iowa are:

- To protect the autonomy, dignity and independence of vulnerable older persons.
- To focus outreach and services particularly directed toward the most socially or economically needy older persons—those least able to advocate on their own behalf—to assist them to:
  - understand their rights;
  - exercise choice;
  - benefit from services, opportunities and entitlements;
  - meet essential needs of income, shelter, health care and nutrition; and
  - maintain rights promised and protected by law.
- Assist AAA's in developing and maximizing resources, including new or additional resources, to meet the legal needs of vulnerable older persons.
- To foster cost-effective, high quality services, having maximum impact on the neediest older persons and their most critical legal needs, and which are integrated in the aging services network.
- To assist vulnerable older persons in preventing legal problems through education and outreach.
- To be accessible in each county throughout each planning and service area.

**MEANS TESTING PROHIBITION: UNDER NO CIRCUMSTANCES SHALL A PERSON 60 YEARS OF AGE OR OLDER BE DENIED LEGAL SERVICES ON THE BASIS OF HIS OR HER INCOME OR ASSETS.**

## **V. THE TARGET POPULATIONS**

Recognizing that the resources of the OAA are inadequate to meet the legal needs of all older Iowans, legal assistance programs must be targeted to particularly needy populations of older Iowans. The OAA specifies needy older persons, with particular emphasis on those who are low-income, low-income

## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

minorities, persons with limited English proficiency, and persons residing in rural areas.

The AAA's and legal assistance providers shall, in consultation with the Legal Services Developer, jointly develop plans to target legal assistance programs to the particularly needy persons described below.

Older individuals who shall receive priority for legal assistance services include:

- Rural
- Greatest economic need (poverty or low-income, with particular attention to low-income minority)
- Greatest social need (isolated, frail, homebound, illiterate/low literacy, institutionalized)
- Severe disabilities, including mental health issues
- Limited English proficiency
- Alzheimer's disease and related disorders (and the caretakers)
- At risk of institutionalization
- At risk of homelessness
- At risk of or under guardianship

Consideration may be given on the local level to the existence and availability of other resources to meet the legal needs of targeted populations. This target listing is not exhaustive, or in a mandatory priority order, but represents a range of possibilities.

### **VI. PRIORITY ISSUE AREAS**

As legal assistance services are targeted to the neediest older Iowans, identifying priority issue areas becomes paramount. Providers should use their professional judgment when considering a client's individual circumstances, the merits of each case, and the likelihood of success. Consideration can be given on the local level to the existence and availability of others resources to meet the legal needs of targeted populations.

Given the prohibitions in the OAA against means testing, one effective method to achieve targeting services to the most needy is to establish particular legal issues that need to receive priority in receiving legal assistance services in order to meet the most essential legal needs of the target population.

As specified by the OAA of 1965 as amended, AAA's and providers will give

## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

priority to legal assistance related to:

- Income
- Health care
- Long-term care
- Nutrition
- Housing and utilities
- Defense of guardianship
- Protective services
- Abuse, neglect and exploitation
- Age discrimination

The department, the AAA's and the legal assistance providers have identified the following issue areas as most critical to meeting the needs of the target populations and, therefore, shall be priority issue areas as well as the mandated issue areas described above.

### **INCOME/NUTRITION/BENEFITS**

Social Security (Title II)  
SSI (Title XVI)  
Food stamps

### **HEALTH/LONG-TERM CARE**

Medicaid  
Medicare  
Other health insurance  
Advance directives for healthcare  
End-of-life issues  
Resident/tenant rights issues

### **HOUSING/UTILITIES**

Homeownership  
Shelter  
Utility shut offs/Energy issues  
Landlord/tenant  
Fair housing issues

### **PROTECTIVE SERVICES**

Defense of guardianship  
Elder abuse, neglect and exploitation  
Power of Attorney  
Consumer issues

### **INDIVIDUAL RIGHTS**

## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

Age discrimination: credit and housing

— for employment, assistance should be limited to assisting an older person in recognizing an issue appropriate for the Equal Employment Opportunity Commission, Iowa Civil Rights Commission, and/or a private attorney to avoid fee-generating cases

Americans with Disabilities Act: services and long term care issues

— for employment, assistance should be limited to assisting an older person in recognizing an issue appropriate for the Equal Employment Opportunity Commission, Iowa Civil Rights Commission, and/or a private attorney to avoid fee-generating cases

Pursuant to the OAA regulations (45 CFR 1321.71(g)), a fee-generating case may not be accepted by a legal assistance provider unless other adequate representation is unavailable or there is an emergency requiring immediate legal action. Other adequate representation is deemed to be unavailable when: recovery of damages is not the principal object of the client; or a court appoints a provider; or an eligible client is seeking benefits under Title II of the Social Security Act.

Where a client and the legal issue are in different planning and service areas, the residence of the client controls which legal assistance provider serves the client.

### **VII. MECHANISMS FOR REACHING TARGETED GROUPS AND ADDRESSING PRIORITY ISSUES**

Targeting is a commitment to serving those older persons most in need. Priority setting follows identification of target population groups, and is simply the identification of the types of cases/problems that are of greatest significance to the target populations.

Outreach is the key to implementing the targeting and priority setting goals. Outreach in its broadest sense involves a variety of strategies. "First-come-first-served" is the result of unfocused outreach. Almost by definition, the most vulnerable older persons are the most difficult to reach and serve. Only focused outreach will achieve the goal of reaching the most vulnerable older persons. Effective focused outreach is a result of joint planning by the AAA, the legal services developer and the legal assistance provider.

## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

No program, no matter how well-suited to a community, will be successful if people do not know of its existence, if it is not easily accessible, and if people do not recognize the legal nature of their problems. At the same time, however, it is imperative that members of the legal profession be diligent in avoiding the appearance of soliciting clients.

In providing full use of the legal system, the system for the delivery of legal assistance must include each of the following:

### **1. Accessibility—**

Legal assistance services, under the Title III-B program, are to be available and accessible to the target population groups identified in these best practices and as specified in the Title III-B contract between the AAA and the legal assistance provider. These services are to be available and accessible to the target population groups throughout the specific planning and service area.

### **2. Outreach—**

- Go where the targeted populations are and develop relationships for secondary referrals from groups which serve the targeted populations. As the face of the aging population changes, revisiting plans will be crucial in order to ensure effective outreach to the most vulnerable populations. Possible secondary referral resources include:
  - Religious organizations
  - Fraternal organizations
  - Ethnic support groups
  - Department of Human Services
  - Adult protective services
  - Physicians
  - Public Housing Authority/Section 8
  - Mental health facilities
  - Literacy councils
  - Community action agencies
  - Cooperative extension service
  - Grandparent support groups
  - Rural electric co-ops
  - Postal carriers
  - Public utility workers
  - Home health care agencies
  - Non-profit services agencies
- In-service training for AAA staff and aging network groups should be provided by legal assistance programs and the legal services developer.

## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

### **3. Community Legal Education—**

Informing older persons of their legal rights in community education forums is a service that is essential for legal assistance programs to provide. Community education is a method of preventing greater legal problems by equipping older persons with knowledge that will help them avoid legal problems later. Additionally, community legal education is a method for older persons to identify that an issue is indeed a legal issue which must be addressed.

- Community legal education shall be presented to the target groups.
- Topics shall reflect the priority issues outlined above.

## **VIII. PARTNERSHIPS AND COLLABORATIONS FOR MAXIMUM IMPACT FROM LIMITED RESOURCES AND EXPANDING RESOURCES**

Limited resources are a reality and the legal assistance program cannot be all things to all people. Effort must be made to make maximum use of all potential resources. Partnerships and collaborations must be sought in order to develop alternative avenues for legal assistance.

Some potential partnerships and collaborations include:

- Iowa Protection and Advocacy
- Volunteer lawyer programs
- State and local bar associations
- County legal aid offices
- Iowa Association of Women Attorney's
- Law schools and law school clinics
- Minority bar groups
- Large law firms
- Corporate law offices
- Attorney General/County Attorneys
- Courts
- Aging and Disability Resource Centers
- Foundations
- Iowa Lawyers Trust Account (IOLTA)

## **IX. ROLES AND RESPONSIBILITIES**

## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

In keeping with the mission outlined in Section IV, the goal of these best practices is to ensure that the legal services developer and the respective AAA's, legal assistance providers and the Iowa Hotline for Older Iowans are working together to ensure the delivery of high quality services designed to address the unmet legal needs of socially or economically needy older persons throughout Iowa. To that end, set forth below are roles and responsibilities of the parties.

### **1. Legal Assistance Provider**

- Comply with the Iowa Rules of Professional Conduct.
- Provide at no cost to clients, access to attorneys with the capacity to provide advice and representation in the areas outlined in Section VI.
- All attorneys must be licensed to practice law in the State of Iowa and must carry malpractice insurance.
- All legal staff, other than licensed attorneys, operating within the Title III-B legal assistance program, must do so under the direct and regular supervision of a licensed attorney.
- Work with the legal services developer and the AAA's to develop a method for surveying client satisfaction. Such method shall respect the client's right to confidentiality.
- Assist the legal services developer and the AAA in developing and amending as necessary a monitoring instrument. Such method shall respect the client's right to confidentiality.
- At a minimum, provide effective, high quality administrative and judicial representation for eligible individuals in the priority issue areas set forth in Section VI of these best practices.
- Use Title III-B funds or other funds as contracted from the AAA to maintain or increase, to the extent practicable, the level of legal assistance furnished to eligible individuals, and not use Title III-B funds to supplant funds from other federal or non-federal sources.
- Insure clients are provided with an opportunity to voluntarily contribute to the cost of the services they receive and ensure privacy with respect to the client. Clients should be informed of the actual cost of the service and

## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

a recommended contribution amount.

- The legal service provider shall not means test for any service for which contributions are accepted or deny services to any individual who does not contribute to the cost of the service. OAA 315(b) (3). A legal assistance provider may ask about the older individual's financial circumstances as a part of the process of providing legal advice, counseling and representation or for the purpose of identifying additional resources and benefits for which the older individual may be eligible.
- Have reasonable access to the following for all appropriate staff: relevant U.S.C.A. and CFRs, local laws and regulations, state law, regulations and rules; manuals for relevant government programs, relevant support center manuals, newsletters, information and referral manuals.
- Have the capacity to provide legal assistance in the principal language spoken by clients in areas where a significant number of clients do not speak English as their principal language in accordance with the OAA.
- Provide complete quarterly reports to the AAA, while maintaining client confidentiality.
- Develop a coordination of services plan with the local Legal Services Corporation Program (Iowa Legal Aid) if the provider is not a LSC funded program as required under the OAA.
- Accept referrals from the Hotline for Older Iowans as called upon and where appropriate.
- Attempt, in cooperation with the legal services developer, to involve the private bar in legal assistance activities, including groups within the private bar furnishing services to older individuals on a pro bono or reduced fee basis.
- Develop, in cooperation with the AAA, and follow a protocol and a program policy for referral of fee generating cases pursuant to the OAA.
- Supply clients with a mechanism for filing complaints or grievances about the operation of the program.
- To the extent practical, any document preparation, execution or extended representation shall be conducted in person with the client.
- Present community legal education to the target groups.



## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

- In discussing the availability of the legal assistance program, refer to the program as “no cost to the consumer”, rather than as a “free service”.
- A provider shall not engage in prohibited political activities. (Set out in 45 CFR 1321.71(h)).

### **2. Area Agency on Aging (AAA)**

Pursuant to the OAA, each AAA will work with the legal assistance provider and the legal services developer to provide leadership relative to law and aging issues in their respective planning and service areas. Assure that the focus of legal assistance services is directed to reaching and serving the target populations and in the priority issue areas identified in these best practices.

With respect to legal assistance, each AAA shall:

- Adhere to the best practices set forth in this document.
- Select the legal assistance provider(s) best able to demonstrate the experience and capacity to meet the requirements of federal and state law and regulations as well as these best practices.
- Assure that legal programs are funded in accordance with federal and state requirements and are funded at a level adequate to implement these best practices, and that legal assistance services are available throughout the planning and service area.
- Work with legal assistance providers in their development of local program plans to ensure that the primary focus of the legal assistance provider is the direct representation of clients in legal matters identified as priority issue areas in Section VI of these best practices, and that clients are comprised largely of older individuals in the target populations identified in Section V of these best practices.
- Work with the legal services developer and legal assistance providers to develop plans and strategies for reaching and serving the target populations and to assist in conducting outreach.
- Work with the legal services developer and legal assistance providers to develop a method for surveying client satisfaction while maintaining client confidentiality.

## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

- Work with the legal services developer and legal assistance provider in maintaining a program monitoring instrument and in monitoring legal assistance providers on a regular basis while maintaining client confidentiality.
- Work with the legal services provider to ensure that legal assistance providers have a system in place to allow clients to file complaints or grievances about the operation of the legal assistance program. This policy will be shared with the legal services developer.
- Work with the legal services provider to review provider program policies and protocols for referral of fee-generating cases and conflicts of interest. This policy will be shared with the legal services developer.
- Ensure that the legal assistance provider has in place a policy and procedure for program income/contributions that complies with Section 315(b) of the OAA, including the requirement that all collected contributions are used to expand the legal assistance program services for which they were given and that they supplement (not supplant) Title III-B funds.
- Work with the legal services developer and legal assistance providers in building the partnerships and collaboration called for in Section VIII of these best practices to make maximum use of limited resources and to expand the availability of resources for legal assistance services. An important role for AAA's in this coordination is to provide information about local aging programs and services and to increase awareness about the legal needs of target groups in their area.
- Submit to the department the quarterly legal assistance report and report annually the amount of funds expended for legal assistance.
- Develop and review language about the legal assistance program to include in the area plan.
- Ensure that the legal services provider satisfies the service needs of older individuals identified in Section V of these best practices.
- Use outreach efforts to identify individuals in the target population that could benefit from the legal assistance program.
- Ensure that community legal education by the legal provider occurs to the target populations.

## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

- In discussing the availability of the legal assistance program, refer to the program as “no cost to the consumer”, rather than as a “free service”.

### **3. State Legal Services Developer**

In accordance with Title VII of the OAA, the department shall ensure through its legal services developer and other personnel --

- State leadership in securing and maintaining the legal rights of older individuals;
- State capacity for coordinating the provision of legal assistance;
- State capacity to provide technical assistance, training, and other supportive functions to AAA's, legal assistance providers, ombudsmen, and other persons, as appropriate;
- State capacity to promote financial management services to older individuals at risk of conservatorship;
- 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;
- State capacity to improve the quality and quantity of legal services provided to older individuals;

#### ***The Roles and Responsibilities of the Legal Services Developer include:***

- Develop working relationships, as necessary, with relevant state and federal agencies with respect to the legal needs of older individuals in order to better coordinate legal services available to older Iowans.
- In conjunction with the AAA's and the legal assistance providers, the legal services developer shall review the current monitoring tool and modify as necessary. The monitoring system shall be designed in such a way as to protect the confidential nature of the assistance provided to clients as well as client identities.
- Work, in cooperation with the AAA's and legal assistance providers, to ensure that Title III-B funds or other funds as contracted through the AAA are used to maintain or increase, to the extent practicable, the level of legal assistance furnished to eligible individuals, and to assure that Title III-B funds are not used to supplant funds from other federal or non-federal sources.
- Work with legal assistance providers and AAA's to arrange low or no cost legal training as needed.

## **IOWA LEGAL ASSISTANCE PROGRAM BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

- Work with AAA's and legal assistance providers to review the current reporting system and revise, if necessary.
- Supply each legal assistance provider with technical assistance and guidance as may be necessary or requested by the AAA or legal assistance provider.
- Periodically review and update these best practices, with input from the AAA's and legal assistance providers.
- In cooperation with AAA's and legal assistance providers, the legal services developer will assist in coordinating Title III-B and legal hotline resources.
- Develop guidelines for AAA's to follow in choosing and evaluating providers of legal assistance.
- Develop and review language about the legal assistance program to include in the state plan.
- Work with the legal assistance providers, Iowa State Bar Association, private attorneys, law schools, Iowa Legal Aid, and volunteer lawyer projects to increase the availability of legal services for older Iowans and to best utilize the Title III-B funding.
- Develop a sample provider contract and voluntary contribution policy/letter as a best practice example.
- In cooperation with the AAA's, periodically review the minimum adequate proportion percentage set out in administrative rule.

### **4. Hotline for Older Iowans**

- Comply with the Iowa Rules of Professional Conduct.
- All attorneys must be licensed to practice law in the State of Iowa and must carry malpractice insurance.
- All legal staff, other than licensed attorneys, operating within the Older Iowans Hotline must do so under the direct and regular supervision of a licensed attorney.

**IOWA LEGAL ASSISTANCE PROGRAM**  
**BEST PRACTICES FOR THE PROVISION OF LEGAL ASSISTANCE**

- Work closely with the legal services developer on the development of an annual priority service and outreach plan.
- Present community legal education to the target groups as appropriate.
- Work with the legal services developer to develop a method for surveying client satisfaction. Such method shall respect the client's right to confidentiality.
- Use Title III-B funds or other funds as contracted from the department or the AAA's to maintain or increase, to the extent practicable, the level of legal assistance furnished to eligible individuals, and shall not use Title III-B funds to supplant funds from other federal or non-federal sources.
- Have reasonable access to the following for all appropriate staff: relevant U.S.C.A. and CFRs, local laws and regulations, state law, regulations and rules; manuals for relevant government programs, relevant support center manuals, newsletters, information and referral manuals.
- Provide referrals to Title III-B legal assistance providers or other referral resources such as an Iowa Legal Aid office, county legal aid programs, law school clinical programs, or volunteer lawyers programs as called upon and where appropriate.
- Supply clients with a mechanism for filing complaints or grievances about the operation of the program.
- Work with the legal services developer, AAA's and legal assistance providers in the coordination of Title III-B and Legal Hotline for Older Iowans resources.
- Provide counseling and advice as well as brief legal services to callers who qualify for legal assistance under the legal assistance program.
- If accepting Title III-B funds, insure that clients are provided with an opportunity to voluntarily contribute to the cost of the services they receive and ensure privacy with respect to the client. Clients should be informed of the actual cost of the service and a recommended contribution amount.

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## **Selecting a Title III-B Legal Provider**

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**September, 2009**

**Deanna Clingan-Fischer**

**Iowa Legal Services Developer**

- I. What are the different types of providers?**
  - A. Private law firms/solo-practitioners**
  - B. Legal Services Corporation grantees**
  - C. Legal Clinic at a law school**
  - D. Attorney on staff at the Area Agency on Aging**
  - E. Legal Hotline**
  - F. Combination of any of the above**
- II. General requirements under the Older Americans Act (OAA)**
  - A. Area Agencies on Aging will enter into contracts with providers of legal assistance which can demonstrate the experience or capacity to deliver legal assistance; 307(a)(11)(A)(i)**
  - B. The program must be designed to provide legal assistance to older individual's with social or economic need and has agreed to coordinate its services with existing Legal Services Corporation projects in the planning and service area. 307(a)(11)(B)**

- C. The provider selected is the entity best able to provide the particular service. 307(a)(11)(B)**
- D. Legal assistance furnished will be in addition to any legal assistance for older individuals being furnished with funds from sources other than the Older Americans Act and that reasonable efforts will be made to maintain existing levels of legal assistance for older individuals. 307(a)(11)(D)**
- E. Priority will 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. 307(a)(11)(E)**
- F. No provider of legal assistance is required to reveal any information that is protected by the attorney-client privilege. 307(f)**
- G. Voluntary contributions shall be allowed and may be solicited if the method of solicitation is noncoercive. Such contributions shall be encouraged for individuals whose self-declared income is at or above 185% of the poverty line, at contribution levels based on the actual cost of the service. 315(b)(1)**
- H. The Area Agency on Aging shall consult with the provider and older individuals in the planning and service area to determine the best method for accepting voluntary contributions. 315(b)(2)**
- I. The area agency on aging and providers shall not means test for any service for which contributions are accepted or deny services to any individual who does not contribute to the cost of the service. 315(b)(3)**

- J. Service providers, prior to requesting Title III-B funding, shall demonstrate efforts to seek funds from other federal, state, and local sources. IAC 6.16(4)**
- III. What services are appropriate?**
  - A. Legal information – dissemination of legal resources, materials, or articles.**
  - B. Counsel and advice— provision of guidance to the client to address a legal problem.**
  - C. Brief service—action taken at or within a few days or weeks of intake on behalf of an eligible individual.**
  - D. Legal representation—the client’s legal problem requires more than counsel and advice and the provider determines it is necessary to represent the client in order to achieve a solution to a legal problem. The case is not referred to another source but is handled by the legal assistance provider.**
  - E. Legal community education—discussions or presentations by the legal assistance provider to inform and educate older individuals on the legal assistance program or on specific priority areas of law and issues.**
  - F. Outreach and targeting – targeting is a commitment to serve those most in need—economically and socially in need –by focusing on the priority cases. Outreach is reaching out to the targeted older populations to discuss and offer legal assistance services. An outreach plan assesses where the targeted groups are generally located, analyzes how best to inform them of the legal service available, how it can help them and develops techniques which are**



most likely to encourage the targeted population to seek legal assistance.

**IV. What should the Area Agency on Aging require of the legal provider in the agreement?**

**A. Outline specific objectives for how the provider intends to satisfy the service needs of low-income minority individuals, older individuals with limited English proficiency, older individuals at risk for institutional placement, and older individuals residing in rural areas of the planning and service area.**

**306(a)(4)(A)(i)(I)(aa) & (bb) & (ii); 306(a)(4)(B)**

**B. Propose methods to achieve the specific objectives outlined in IV (A) above. 306(a)(4)(A)(i)(II)**

**C. Request assurances that services will be provided in accordance with the need for such services, to the maximum extent feasible.**

**306(a)(4)(A)(ii)(II)**

**D. Request outreach efforts to identify older individuals eligible for assistance under the act with special emphasis on**

- 1. Individuals residing in rural areas**
- 2. Individuals with greatest economic need**
- 3. Individuals with greatest social need**
- 4. Individuals with severe disabilities**
- 5. Individuals with Alzheimer's disease and related disorders**
- 6. Individuals at risk of institutional placement**

**306(a)(4)(B)**

**These outreach efforts shall also inform the older individuals listed above and their caretakers of the availability of legal assistance.**

**307(a)(4)(B)(ii)**

- E. Request assurances that the legal provider is subject to specific restrictions and regulations promulgated under the Legal Services Corporation Act and coordinate its services with the existing Legal Services Corporation projects. 307(a)(11)(A)(ii)**
- F. Outline what attempts will be made to involve the private bar in legal assistance activities, including pro bono and reduced fee basis. 307(a)(11)(A)(iii)**
- G. Provide each recipient with an opportunity to voluntarily contribute to the cost of the service. Establish appropriate procedures to safeguard and account for all contributions and protect the privacy of each recipient's contribution or lack of contribution. 315(b)(4)**
- H. Use all collected contributions to expand the service for which the contributions were given and to supplement (not supplant) funds received under the OAA. 315(b)(4)(E)**
- I. Clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary. 315(b)(4)(B)**
- J. Outline what efforts will be undertaken to obtain the views of older Iowans regarding the services provided. 315(c)(1) & IAC 6.16(3)**
- K. Incorporate into contract an assurance that funds be used in compliance with federal guidelines. IAC 6.16(5)**
- L. Outline a grievance procedure that eligible individuals can follow for complaints with the legal assistance program. IAC 2.9(1)**
- M. Outline any cash or in-kind match that will be attributed by the provider to the legal assistance program. IAC 5.9(4)**

- N. Provide statistical and other information in a timely fashion to meet planning, coordination, evaluation and reporting requirements. CFR 1321.65**
- O. Assure that all services are coordinated with other appropriate services in the community and that these services do not constitute an unnecessary duplication of services provided by other sources. CFR 1321.65**
- V. The Area Agency on Aging shall award funds to the legal assistance provider that most fully meets the following standards:**  
**45 CFR 1321.71 & IAC 7.10**

  - A. Has staff with expertise in specific areas of law affecting older persons in economic or social need,**
  - B. Demonstrates the capacity to provide effective administrative and judicial representation in the areas of law affecting elders with economic or social needs,**
  - C. Demonstrates the capacity to provide support to other advocacy efforts, for example, the long term care ombudsman program and the elder abuse initiative program.**
  - D. Demonstrates the capacity to deliver legal assistance to institutionalized, isolated and homebound elders effectively.**
  - E. Demonstrates the capacity to provide legal assistance in the principal language spoken by clients in areas where a significant number of clients do not speak English as their principal language.**

- F. Coordinates the provision of legal assistance with private bar attorneys and legal services corporation state grantees,**
- G. A provider shall not require an older individual to disclose information about income or resources as a condition for providing legal assistance. The provider may ask about an older individual's financial circumstances only as a part of the process of providing legal advice or counseling and representation or for the purpose of identifying additional resources and benefits for which the person may be eligible. IAC 7.10(2) & (3)**
- H. Complies with all federal and state laws, regulations and rules which govern ethical and professional conduct and the practice of law. IAC 7.10(5)**
- I. Engages in other legal activities to the extent that there is no conflict of interest or other interference with their professional responsibilities under the OAA. (CFR)**
- J. No provider shall use funds received under the OAA to provide legal assistance in a fee generating case unless other adequate representation is unavailable or there is an emergency requiring immediate legal action. All providers shall establish procedures for the referral of fee generating cases. (CFR)**
- K. While engaged in legal assistance activities supported under the OAA, no attorney shall engage in any political activity or lobbying. (CFR)**
- L. While carrying out legal assistance activities and while using resources provided under the OAA, no provider or employee(s) shall participate in any public demonstration, except as permitted by law in connection with the employee's own employment situation or engage or encourage others to engage in illegal activity. (CFR)**

**VI. Legal Provider as the Best Entity to provide services**

**In determining that the prospective entity is the best able to meet the needs of older Iowans, consider the following-- How do you know that the prospective provider has:**

- A. The experience to do the job.**
- B. Adequate staff to serve the needs in the planning and service area.**
- C. Staff with the ability and sensitivity to work with older individuals.**
- D. The ability to balance the needs of older Iowans under the Title III-B contract with the priorities of their primary business. Would the work needed under the Title III-B contract complement or conflict with their primary business.**
- E. A primary focus on legal issues that impact older individuals and can serve their priority needs.**
- F. The ability to bring to your network expertise that other prospective providers do not possess in the same degree.**
- G. Knowledge/awareness of the aging network.**

**LEGAL ASSISTANCE CONTRACT**

FY \_\_\_\_\_

This contract by and between \_\_\_\_\_ Agency on Aging, located at \_\_\_\_\_ (hereinafter referred to as "AAA") and \_\_\_\_\_, located at \_\_\_\_\_ (hereinafter referred to as "Contractor").

**I. GENERAL TERMS****A. Provision of Service:**

- a. Legal Assistance—provision of legal advice, counseling and representation by an attorney or other person acting under the supervision of an attorney.
  - Number of units: (hour) \_\_\_\_\_
- b. Legal Education—provision of education on issues of concern to older individuals.
  - Number of units: (contact) \_\_\_\_\_

B. **Eligible individual/client:** a person 60 years of age or older and in greatest economic or social need.

C. **Service area:** planning and service area counties.

D. **Contract amount:** The maximum dollar amount payable under this contract is \$\_\_\_\_\_ based on \$\_\_\_\_\_ per unit, subject to actual expenses and availability. The contractor agrees to provide matching funds of \_\_\_\_\_ in local cash or in-kind services. No more than \_\_\_\_\_% can be used for administration.

E. **Term:** This contract runs from \_\_\_\_\_ through \_\_\_\_\_.

The AAA and Contractor therefore enter into the following:

**II. SCOPE OF SERVICE**

- A. This contract provides for a legal assistance program (and includes legal education services).
- B. Services will be delivered in the following designated counties:

\_\_\_\_\_  
\_\_\_\_\_

- C. The contractor will give priority to legal assistance related to income, health care, long term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect and age discrimination.
- D. The contractor will give priority for legal assistance services to those older individuals who are: rural, in greatest economic or social need, severely disabled, limited in English proficiency, suffering from Alzheimer's disease or related disorders, at risk of institutionalization, at risk of homelessness or at risk of or under guardianship.

### **III. CONTRACTOR DUTIES**

- A. Comply with all applicable federal and state laws and regulations governing the legal assistance program.
- B. Provide legal assistance/legal education to eligible individuals in the service area. Legal assistance furnished will be in addition to any legal assistance for older individuals being furnished with funds from sources other than the OAA and reasonable efforts will be made to maintain existing levels of legal assistance to older individuals.
- C. Provide targeting and outreach to identify older individuals eligible for assistance under this contract with special emphasis on: individuals residing in rural areas, individuals with greatest economic need, individuals with the greatest social need, individuals with severe disabilities, individuals with Alzheimer's disease and related disorders and individuals at risk of institutional placement. This outreach will not only identify but will inform these older individuals and their caretakers of the availability of legal assistance under this contract.
- D. Provide to the AAA specific objectives for how the contractor intends to meet outreach requirements and service need of low-income minority individuals, older individuals with limited English proficiency, older individuals at risk for institutional placement, and those older individuals in rural areas of the planning and service area.
- E. Cooperate with the AAA in its efforts toward developing a comprehensive and coordinated system of services for older individuals, by participating in joint planning efforts and other activities mutually agreed upon to meet this goal.
- F. Contractor agrees to acknowledge the AAA as the funding source for programs that are partially or fully supported by Title IIIB and other local dollars. Whenever promoting the program, written and/or verbal acknowledgement of the funding source needs to occur.
- G. Provide qualified personnel and supervision. The contractor will certify that neither the contractor nor its principals is presently disbarred, suspended or declared ineligible or voluntarily excluded from providing legal advice and counsel.

- H. Develop a written procedure for addressing fee generating cases and provide to the AAA.
- I. Develop and post a written procedure for handling a complaint or grievance related to the legal assistance program and provide to the AAA.
- J. Develop a written procedure for the acceptance of contributions (program income). Consult with the AAA and older individuals in the planning and service area to determine the best method for accepting voluntary contributions. Provide the written procedure to the AAA.
- K. Provide each eligible individual with a voluntary opportunity to contribute to the cost of the service; protect the privacy of each eligible individual with respect to his/her contribution; establish appropriate procedures to safeguard and account for all contributions. Use all contributions received to supplement, not supplant, the legal assistance services available during the period of this contract. Make each client aware that voluntary contributions are welcome and provide information which includes a suggested contribution and the actual cost of a unit of service.
- L. Means testing shall not be used for providing services under this contract. Services shall not be denied to older individuals who do not contribute to the cost of the service.
- M. Coordinate with the AAA and other appropriate services in the community to ensure that the services under this contract do not constitute an unnecessary duplication of services provided by other sources and accept operational suggestions designed to help program effectiveness.
- N. Provide matching funds: either cash or in-kind in the amount of \_\_\_\_\_ (dollar amount or units of service). Federal funds cannot be used to match federal funds.
- O. Obtain and keep in force a worker's compensation policy, commercial general liability insurance with a minimum limit of \_\_\_\_\_ as well as a professional liability insurance policy with the following coverage/provisions:  
\_\_\_\_\_  
\_\_\_\_\_.  
Provide certification of insurance to the AAA.
- P. Comply with Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Educational Amendments of 1972, as amended, and the Age Discrimination Act of 1974, as amended.
- Q. Provide assurances that the contractor is subject to specific restrictions and regulations under the Legal Services Corporation Act and that contractor coordinates its services with the existing Legal Services Corporation projects.



- R. Work with the private bar, including pro-bono and reduced fee basis programs, to increase the availability of legal assistance to eligible individuals.
- S. Maintain books, records, documents, and other evidence of expenditures under this contract in accordance with generally accepted accounting procedures and practices. Records of all services provided under this contract shall be kept for a minimum of \_\_\_\_\_ years.
- T. Provide federal, state and other qualified persons by the AAA with access, for the purpose of the audit and inspection, to only those business records maintained pursuant to this contract. The contractor shall promptly provide the AAA with a copy of any audit conducted. The cost of such audit is not an allowable cost under this contract.
- U. Abide by the terms and conditions of this contract and not assign or subcontract for the provision of services under this contract without prior approval of the AAA. The contractor will designate a project manager.
- V. Develop a method for surveying client satisfaction without breaching confidentiality. At least \_\_\_\_% of all unduplicated clients served must be surveyed and results made available to the AAA.
- W. Submit reports to the AAA by the \_\_\_\_\_ day of the month following the end of each three month period of the contract. Contractor may request payment on a quarterly basis. Reports required:
  - 1. Quarterly Legal Assistance Reports
  - 2. Expenditure reports /Billing requests.
- X. Contractor shall indemnify the AAA, its officers, agents and employees, for any damages, liabilities, or expenses, including reasonable attorney's fees, incurred by the AAA as a result of the contractor's acts or omissions while performing pursuant to this contract.
- Y. Contractor shall provide all insurance, equipment, supplies, and materials necessary to the performance of the contract.
- Z. The contractor, employee of the contractor or staff attorney shall not engage in the following prohibited political activities:
  - 1. Contribute or make available Older Americans Act funds, personnel or equipment to any political party or association or toe the campaign of any candidate for public or party office.
  - 2. Identify in an intentional manner, the identity of the Title III program with any partisan or nonpartisan political activity or with the campaign of any candidate.
  - 3. While engaged in legal assistance activities supported under this contract, no attorney shall engage in any political activity.

4. Lobby by using the funds under this contract, including but not limited to any activities intended to influence any decision or activity by any non-judicial federal, state, or local individual or body.
5. While carrying out legal assistance activities and while using resources under this contract, the contractor and its employees shall not: participate in public demonstrations, picketing, boycotting, or strike, except as permitted by law in connection with the employee's own employment situation; encourage direct or coerce others to engage in such activities; or at any time engage in or encourage others to engage in any illegal activity or any intentional identification of programs funded under the Older American Act or recipient with any political activity.

#### **IV. AAA DUTIES**

- A. Reimburse the contractor for services provided under this contract according to the approved summary and operation budget which are attached and a part of this contract.
- B. The AAA will make payment to the contractor on a reimbursement basis within \_\_\_\_ days of receiving a request for reimbursement or billing from the contractor. The reimbursement each quarter is limited to 25% of the total contract.
- C. Provide the contractor with forms for reporting units of service and expenditures for services provided under this contract.
- D. Provide technical assistance to the contractor on federal, state, and AAA requirements pursuant to the services under this contract.
- E. Provide to the contractor copies of written monitoring reports and on-site assessment reports pursuant to services under this contract.
- F. The AAA shall not require the contractor to reveal any information that is protected by attorney client privilege.
- G. AAA shall indemnify and hold harmless contractor for claims arising by reason of any act or omission of the AAA under this contract.

#### **V. TERMINATION OR SUSPENSION**

- A. This contract is contingent upon the availability of funds. In the event funds for this service are not available to the AAA, the AAA may terminate the contract by written notice of \_\_\_\_ working days and no further services or payment for services shall be rendered.

- B. If either the contractor or the AAA abandons, non-performs, or before completing, discontinues services; or if the commencement or timely completion of the service by either party is rendered improbably, infeasible or illegal, the other party may, by written notice of \_\_\_\_\_ days, terminate or suspend any or all of this obligation under this contract until such time as the events or conditions resulting in such suspension has ceased or been corrected.
- C. Either party may terminate this contract by providing \_\_\_\_\_ day's written notice of the termination to the other party.

IN WITNESS THEREOF, the AAA and Contractor, by and through their authorized officers, have duly executed this contract.

#### **NON-COLLUSION AND ACCEPTANCE**

**The undersigned attests that he/she is the contracting party, or a representative, agent, member, or officer thereof, that he/she has not, nor has any other member, representative, agent, or officer of the firm, company, corporation, or partnership represented him/her, directly or indirectly, to the best of his/her knowledge, entered into or offered to enter into any combination, collusion, or agreement to receive or pay; and that he/she has not received or paid , any sum of money or other consideration for the execution of this contract other than that which appears upon the face of the contract.**

FOR THE AREA AGENCY ON AGING

FOR THE CONTRACTOR

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME AND TITLE

\_\_\_\_\_  
NAME AND TITLE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

### ASSURANCE OF COMPLIANCE

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED, SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED, AND THE AGE DISCRIMINATION ACT OF 1975, AS AMENDED.

The Contractor provides this assurance in consideration of and for the purpose of obtaining federal grants, loans, contracts, property, discounts or other federal financial assistance from the Department of Health and Human Services.

THE CONTRACTOR HEREBY AGREES THAT IT WILL COMPLY WITH:

1. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), as amended, and all requirements imposed by or pursuant to the regulation of the Department of Health and Human Services (45 C.F.R. Part 80), to the end that, in accordance with Title VI of that Act and the regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the contractor receives federal financial assistance from the Department.
2. Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended, and all requirements imposed by or pursuant to the regulation of the Department of Health and Human Services (45 C.F.R. Part 84) to the end that, in accordance with Section 504 of the Act and the regulation, no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the contractor received federal financial assistance from the Department.
3. Title IX of the Educational Amendments of 1972 (Pub. L. 92-318), as amended, and all requirements imposed by or pursuant to the regulation of the Department of Health and Human Services (45 C.F.R. Part 86) to the end that, in accordance with the Title IX and the regulation, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the contractor receives federal financial assistance from the Department.
4. The Age Discrimination Act of 1975 (Pub. L. 94-135), as amended, and all requirements imposed by or pursuant to the regulation of the Department of Health and Human Services (45 C.F.R. Part 91), to the end that, in accordance with the Act and the regulation, no person in the United States shall, on the basis of age, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity for which the contractor receives federal financial assistance from the Department.

The contractor agrees that compliance with this assurance constitutes a condition of continued receipt of federal financial assistance, and that it is binding upon the contractor for the period during which such assistance is provided. If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to the contractor by the Department, this assurance shall obligate the contractor, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the contractor for the period during which it retains ownership or possession of judicial enforcement of this assurance. Additional assurance may be required.

The person or persons whose signature(s) appear(s) below is/are authorized to sign this assurance, and commit the contractor to the above provisions.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Title of Authorized Official

\_\_\_\_\_  
Name of Contractor

\_\_\_\_\_  
Street

\_\_\_\_\_  
City, State, Zip Code

---

## Frequently Asked Questions on the Older Iowans Legal Assistance Program

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**Thank you for contacting the Older Iowans Legal Assistance Program.  
The program receives funding under Title-IIB of the Older Americans Act  
and additional support from local contributions**

***Question:* Is there a fee for this service?**

***Answer:*** There is no fee to the client for this service. This legal assistance program is funded by the Older Americans Act, Iowa Department on Aging and the local Area Agency on Aging. A voluntary contribution to the program to expand the services available is possible and appreciated. Donations help provide more legal assistance to other older Iowan's in need.

***Question:* How much should I contribute?**

***Answer:*** The actual cost of a unit of service is \$\_\_\_\_\_. A recommended voluntary contribution is \$\_\_\_\_\_. However, we appreciate any contribution that is comfortable to you. If you choose to donate, please make checks payable to the\_\_\_\_\_, Address, City, IA, and Zip

***Question:* What does the service cost the Area Agency on Aging?**

***Answer:*** The Area Agency on Aging funds a specific amount of attorney hours at the cost of \$\_\_\_\_\_ an hour. Once these funds have been used, the service is unavailable until additional funding is received.

**Contributions are appreciated and help to ensure the continuation of the program. Contributions are voluntary and confidential and future assistance will not be denied because a contribution is not given.**

**THANK YOU****Possible Add on:**

There is no fee for the legal assistance in preparing the (power of attorney, etc), but if you are able to make a donation to \_\_\_\_\_, we certainly appreciate it. Suggested donations for the power of attorney are \$25.00 but donations of any amount are welcome. The actual cost for the service is \$\_\_\_\_\_.

This service is provided through \_\_\_\_\_ Area Agency on Aging Legal Services program. There are no fees charged for this service but we do accept donations to

\_\_\_\_\_ for the legal assistance program. Your donation helps to provide legal services to other older individuals in this area. If you choose to donate, please make checks payable to \_\_\_\_\_ and mail to the following address:

Legal Assistance Program

Street address

City, State, Zip

# Older Iowans Legal Assistance Program

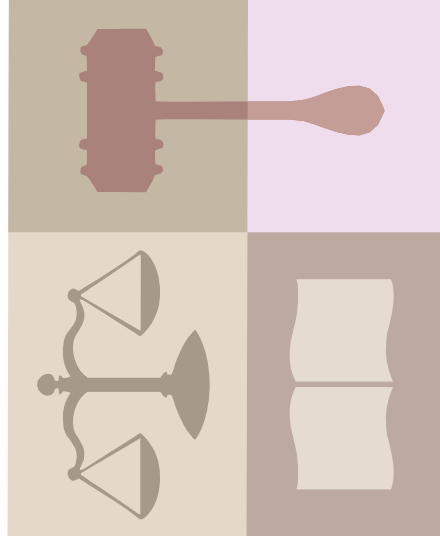
To locate a program near you contact:

Or

The Legal Hotline for Older Iowans  
800-992-8161 or 515-282-8161

Iowa Department on Aging  
Jessie Parker Building  
510 East 12<sup>th</sup> St., Ste. 2  
Des Moines, Iowa 50319  
Phone: 515-725-3333  
800-532-3213  
Website: [www.aging.iowa.gov](http://www.aging.iowa.gov)

September 2009



## **WHAT IS THE OLDER IOWANS LEGAL ASSISTANCE PROGRAM?**

The program provides legal assistance to persons 60 years of age or older in many civil (non-criminal) matters on issues of concern to older persons. A full range of legal assistance services are available, ranging from counsel and advice, brief service and representation in a case.

The program is offered through Iowa's Area Agencies on Aging and funded, in part, by the Older Americans Act to ensure legal rights of older individuals are secured and maintained. This program is also designed to assist older individuals in understanding their rights and exercising choices.

This is a confidential service.

## **WHO IS ELIGIBLE FOR THIS PROGRAM?**

- An individual 60 years of age or older with a type of legal problem handled by the program;
- A resident of Iowa;
- Priority is given to persons in greatest economic or social need.

## **WHAT LEGAL ASSISTANCE IS AVAILABLE?**

The types of legal assistance provided vary across the state but may include: abuse concerns, Medicaid, eligibility for long term care, Medicare, tenant issues, resident's rights, Social Security, property tax credits, powers of attorney, living wills, guardianship, consumer problems, and simple wills.

## **IS THERE A FEE FOR THIS PROGRAM?**

There is no charge for the legal assistance services provided to the older individual, however, contributions are accepted. The client is required to pay for any actual costs incurred such as court costs.

A voluntary program contribution to expand the services available is possible and appreciated. Donations help provide more legal assistance to older Iowan's in need.





## LEGAL ASSISTANCE STANDARDIZED REPORTING FORM INSTRUCTIONS

*(FORMS ARE TO BE COMPLETED BY THE AAA LEGAL SERVICES PROVIDER)*

The goal in using a legal assistance report form is to develop a system that shows the types of legal problems older individuals are having, the population being served, the kinds of services being provided, the manner in which problems are being resolved and identify areas which are in need of policy change. Through this report, Iowa will obtain the information necessary to develop a strong and effective legal assistance network for older Iowans.

1. **Units of Service** -- Provision of one hour of legal advice, counseling and representation by an attorney or other person acting under the supervision of an attorney.
2. **Estimated Unduplicated Clients** -- Provide the number of individuals who received assistance from the legal assistance provider once a case is opened. This category is for number of individuals' served, not the number of cases per person. Please also provide data on minority status, age and whether the client is in greatest economic or social need. (See the Older Americans Act definitions below.)

**Greatest Economic Need** -- means the need resulting from an income level at or below the poverty level.

**Greatest Social Need** -- means that need caused by non-economic factors which include physical and mental disabilities, language barriers, and cultural, social or geographical isolation caused by racial or ethnic status, that either: (i) restricts the ability of the individual to perform normal daily tasks; or (ii) threatens the capacity of the individual to live independently.

3. **Community Education Presentations** -- If the legal services provider receives funding to provide this service, please have the provider identify the number of presentations given, topics discussed and the estimated number of persons in attendance. Handouts from the presentation can be attached to this report. One contact equates to one presentation. Number of persons served equates to the estimated number of persons in attendance.
4. **Types of Cases Handled** -- Please identify the types of cases handled by the following legal problem codes.

### Consumer/Finance

- |    |  |
|----|--|
| 01 | Bankruptcy/Debtor Relief   |
| 02 | Collection Practices (includes repossession, garnishment)                        |
| 03 | Contracts/Warranties   |
| 04 | Credit Access (includes credit card issues)                                      |
| 05 | Predatory Lending (includes mortgages, payday loans, and car title loans)        |
| 06 | Loans/Installment Purchases  |
| 07 | Public Utilities   |
| 08 | Unfair & Deceptive Sale Practices (includes home repair and telemarketing scams) |
| 09 | Other Consumer Finance   |

### Employment

- |    |  |
|----|--|
| 21 | Job Discrimination or Age Discrimination                   |
| 22 | Wage Claims  |
| 24 | Taxes (includes property, income and property tax credits) |
| 29 | Other Employment Issues                                    |

### Family

- |    |                                   |
|----|-----------------------------------|
| 31 | Custody/Visitation (Grandparents) |
| 32 | Divorce/Separation/Annulment      |
| 33 | Guardianship/Conservatorship      |
| 34 | Name Change                       |

**Family Continued**

- 37 Spouse Abuse/Elder Abuse & Exploitation
- 38 Support
- 39 Other Family

**Health**

- 51 Medicaid, such as Spousal Impoverishment issues and Miller Trust
- 52 Medicare
- 54 Home and Community Based Care (includes waiver denial, caregiver issues)
- 55 Private Health Insurance
- 56 Long-term Care Facilities (includes Assisted Living or Nursing Facility concerns, discharges, admission contracts, quality of care, access and transfer issues)
- 59 Other Health

**Housing**

- 61 Federally Subsidized Housing Rights (includes Evictions, Rent Disputes)
- 62 Home Ownership/Real Property (includes Property Taxes)
- 63 Landlord/Tenant (other than Public Housing)
- 64 Other Public Housing
- 67 Foreclosure
- 69 Other Housing

**Income Maintenance**

- 72 Social Security
- 73 Food Stamps/Commodities
- 75 SSI
- 76 Unemployment
- 77 Veterans Benefits
- 78 State & Local Income Maintenance (includes General Relief)
- 79 Other Income Maintenance

**Individual Rights**

- 81 Immigration/Naturalization
- 82 Mental Health
- 84 Disability Rights
- 85 Civil Rights (includes Age Discrimination)
- 89 Other Individual Rights

**Miscellaneous**

- 92 Indian/Tribal Law
- 93 License (Auto or other)
- 95 Wills/Estates
- 96 Powers of Attorney/Advance Directives (includes general/financial Powers of Attorney, Durable Power of Attorney for Healthcare and Living Wills)
- 99 Other Miscellaneous

5. **Level of Service (Case Closing Category)** -- Use where a Case File has been opened.
- a. **Counsel and Advice** -- A case closed as the result of the provision of advice to the client to address a legal problem, e.g., the review of relevant information and counseling of the client on action(s) to take to address a legal problem. This differs from representation. **Representation**-if the client's problem requires more than advice and counsel and the legal assistance provider determines it is necessary to represent the person in order to achieve a solution to a legal problem. The case is not referred to another source but taken on by the legal assistance provider.
  - b. **Brief Services (other than Counsel and Advice)** -- A case closed as a result of an action taken at or within a few days or weeks of intake on behalf of an eligible client, e.g., the preparing of a short letter, the making of a telephone call, or the preparation of a routine legal document such as a simple will.
  - c. **Referred after Legal Assessment** -- A case closed in the course of providing assistance because the client is referred outside the program (e.g., to a social service agency, aging network or insurance counseling or tax assistance program) because information in the case indicates that the program should not handle the case, or that the client would be better served by a referral outside the program.
  - d. **Insufficient Merit to Proceed** -- A case closed after an applicant has been accepted as a client because new facts or circumstances arise or become apparent leading to the conclusion that there is an insufficient basis, in law or fact, to pursue the case.
  - e. **Client Withdrew or Did Not Return** -- A case closed because the client failed to return to the program during the course of representation and could not be contacted. This category also includes case closures where the client decides not to proceed with the case, e.g., a client in an eviction case decides to move out instead of proceeding with legal action.
  - f. **Negotiated Settlement without Litigation** -- A case closed through negotiation prior to the initiation of court or administrative action.
  - g. **Negotiated Settlement with Litigation** -- A case closed through negotiation during a court or administrative action, e.g., the resolution of a dispute after an action has been filed.
  - h. **Administrative Agency Decision** -- A case closed as a result of an action taken by an administrative agency or body, e.g., a welfare department or ALJ decision.
  - i. **Court Decision** -- A case closed as a result of an action by a court.
  - j. **Other** -- A closed case that does not fit any of the preceding case closure categories. Cases in which there is no opposing party but in which services provided are too extensive to fit into the brief service category, such as the preparation of a complex contract or complex durable power of attorney for health care may be closed in this category. Cases which fit two or more categories may not be closed in this category, but should be closed in the category which best reflect the level of service provided.
6. **Emerging Issues/Unmet Needs** -- Use this space to describe any activities, issues of concern, unmet needs identified, impact work, etc that is not listed anywhere else on the report form.

7. **Outcome Reporting (Narrative)** -- Please use this space to give a short summary of at least two cases the legal services provider has worked on during the report period. Cases reported can be either examples of typical cases taken or cases that have a special significance. This space can also be used to give updates on cases reported on previously.

This section should also include outcome reporting and other information on how any client benefited or improved his or her situation as a result of the legal assistance, either monetarily or through prevention. Examples of outcomes persons may receive through Title IIIB legal assistance are: Home, Economic Stability, Health Care, Family and/or Autonomy.

**Home** -- Maintained or improved the stability and quality of housing for client

**Economic Stability** -- Maintained or increased the income of the client or provided access to public benefits to the client.

**Health Care** -- Ensured that client received the care to which they are entitled.

**Family** -- Assisted client in maintaining chosen family relationships. Assisted victims of Elder Abuse in achieving safety.

**Autonomy** -- Assisted client to maintain independence, their rights and control of their life and/or finances.

In regard to outcome reporting, information provided can apply to any and all clients served. Information provided relating to outcomes is not limited to just the client summaries given in the narrative.

The narrative only needs to be completed two times a year, (January and July each year), but may be used each quarter to share successes or concerns over policy areas. Please do not use client's real names. For consistency sake, use the client's first name and first letter of their last name.

# LEGAL ASSISTANCE CASE HANDLED AND LEVEL OF SERVICE FORM

Reporting Period: \_\_\_\_\_

Types of Cases Handled	Counsel and Advice	Brief Service	Referred	Insufficient Merit	Client Withdrew	Settled without Litigation	Settled with Litigation	Administrative Decision	Court Decision	Other	Total
Consumer Finance											
01 Bankruptcy											
02 Collection											
03 Contracts											
04 Credit											
05 Pred. Lending											
06 Loans											
07 Utilities											
08 Unfair sales											
09 Other											
Employment											
21 Discrimination											
22 Wage Claims											
24 Taxes											
29 Other											
Family											
31 Visitation											
32 Divorce											
33 Guardianship											
34 Name Change											
37 Abuse											
38 Support											
39 Other											
Health											
51 Medicaid											
52 Medicare											
54 Home Care											
55 Private Insurance											
56 LTC Facilities											
59 Other											

## LEGAL ASSISTANCE CASE HANDLED AND LEVEL OF SERVICE FORM

Reporting Period: \_\_\_\_\_

Types of Cases Handled	Counsel and Advice	Brief Service	Referred	Insufficient Merit	Client Withdrew	Settled without Litigation	Settled with Litigation	Administrative Decision	Court Decision	Other	Total
Housing											
61 Rights											
62 Homeowners											
63 Landlord/Tenant											
64 Public Housing											
67 Foreclosure											
69 Other											
Income Maintenance											
72 Social Security											
73 Food stamps											
75 SSI											
76 Unemployment											
77 Veterans Benefits											
78 State & Local											
79 Other											
Individual Rights											
81 Immigration											
82 Mental Health											
84 Disability											
85 Civil Rights											
89 Other											
Miscellaneous											
92 Indian/Tribal											
93 License											
95 Wills/Estates											
96 POA											
99 Other											
TOTAL											

See form instructions for a more in depth discussion of types of cases handled and the legal problem codes as well as level of service.

# APPENDIX 9

## *Public Benefits and Legal Issues Screening Checklist*





# Iowa Legal Aid - Hotline for Older Iowans Desk Aid - February 22, 2010

<u>MEDICARE</u>	<u>Amounts</u>	<u>DATE of Next Change</u>	<u>MEDICAID</u>	<u>Income</u> 1 mo/yr	<u>Assets</u> 1 2	<u>Date of Next Change</u>
· Part B Premium	\$96.40/mo (unless hi income)	1/1/11	· SSI Related *	\$694/8328	1031/12372 2,000 3,000	1/1/11 (> blind)
· Part A Deductible	\$1100 per Benefit Period	1/1/11	· QMB (100% FPL)*	\$923/11070	1234/14810 8,100 12,910	3/1/11
· Part B Deductible	\$155/yr	1/1/11	· SLMB (120% FPL)*	\$1103/13236	1477/17724 “ ”	3/1/11
<u>Food Stamps</u> <b>60+ or Disabled</b>	<b>1 2 Assets</b>		· ESLMB (135% FPL)*	\$1238/14860	1659/19910 “ ”	3/1/11
Net Income	\$903 1,215 3000	10/1/10	· MEPD (19-65)	Less than 250% FPL	12,000 13000	2/1/11
			· IowaCare	Less than 200% FPL	No Limit	2/1/11
<u>LIHEAP</u>	<u>Gross Income</u> 1 2		· Medically Needy	\$483	483 \$10,000	??
	\$16,285 \$21,855	10/1/10	· Nurs Hm/Eld Wvr	<u>Amounts and Ranges</u>		
<u>Tax Cr/Rent Re</u>	< \$20,427	1/1/11	· MMMNA	\$2,739/mo		1/1/11
<u>SS Retire</u>	<u>Exempt Post-Retire Earn</u>		· Spouse Res Allow	\$109,560		1/1/11
· < full age	\$14,160 (1 for 2 reduct)	1/1/11	· Miller Trust	\$2,022 - \$4,422 (higher for “specialized care”)		1/1/11-7/1/11
· year of full age	\$37,680 (1 for 3 reduct)	1/1/11	<u>IRS Filing</u>	<b>1 2</b> (Married & File Jt)		
· > full age	all earnings exempt	NA	· Under 65	\$9,350 \$18,700 (both under 65)		1/11 (> if blind)
			· Over 65	\$10,750 \$20,900 (both over 65)		“ (> if blind)
<b>Medicare Part D “Extra Help”</b>	<u>Income</u> <u>Countable Assets</u>		<u>IRS - 2009 EITC</u>	# Children <u>Single</u> <u>Married &amp; File Jt</u>		
Individual (150% FPL)	\$16,245 \$12,510	3/1/11	Age 25 to 65	0 \$13,440 \$18,440		1/11
Couple (150% FPL)	\$21,855 \$25,010			1 \$35,463 \$40,463		
			<b>SSDI - Sub Gain Empl</b>	\$1000/mo (\$1,640/mo if blind)		1/11

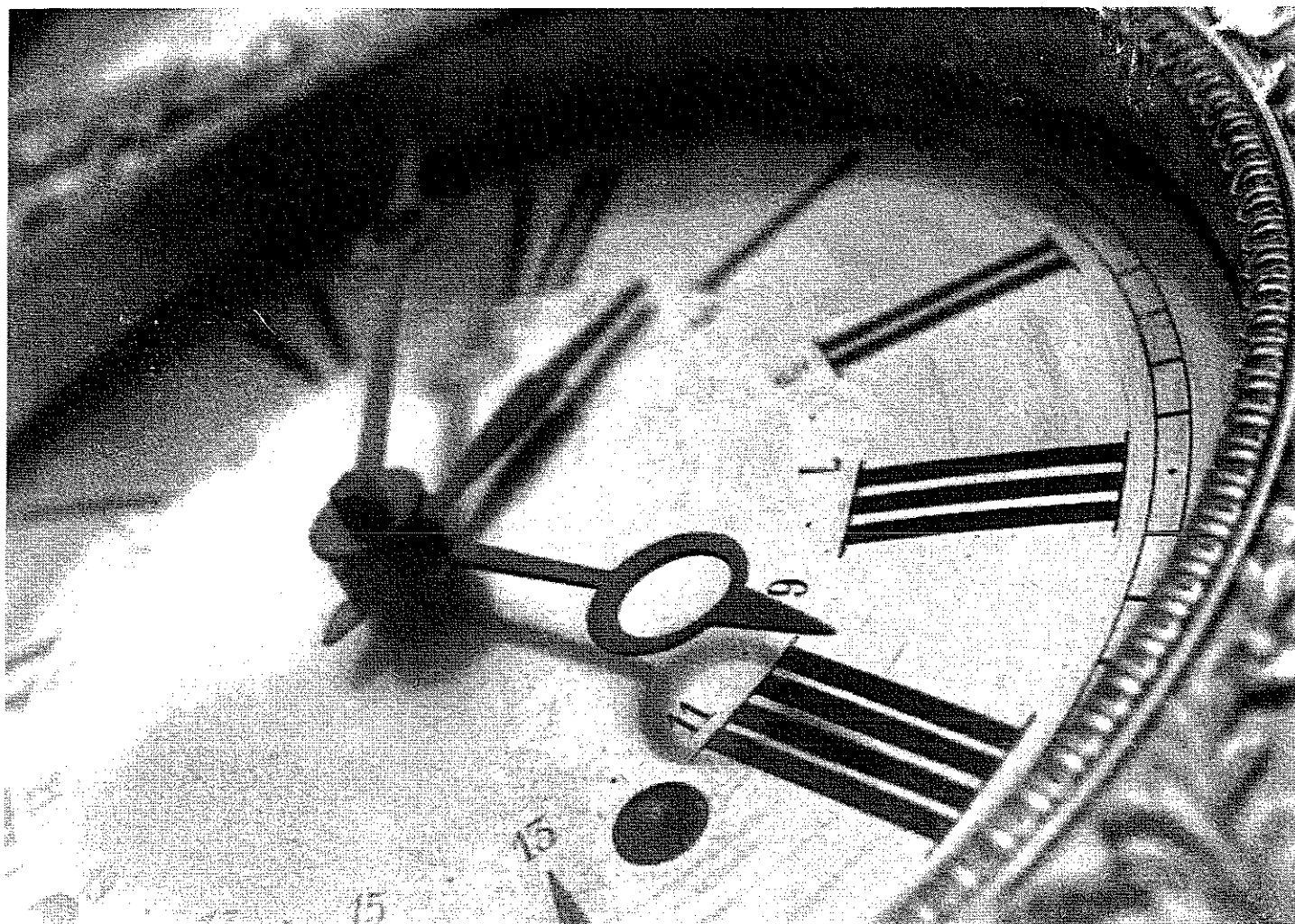
\*Includes \$20 income disregard; Monthly numbers rounded to nearest whole dollar.



# APPENDIX 10

*Volunteer Lawyers Sample Training Agenda*





# INEVITABLE EVENTS: ELDERLAW ISSUES FOR THE IOWA LAWYER

**February 8, 2008**

A Continuing Legal Education Seminar on the Iowa Communications Network Sponsored by Iowa's Volunteer Lawyers Projects with sites in Burlington, Cedar Falls, Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Iowa City, Marshalltown, Mason City, Ottumwa and Sioux City.



## **AGENDA**

- 8:30 - 9:20**      **Substitute Decision Making**  
*Deanna Clingan-Fischer, Attorney at Law;*  
*Iowa Department of Elder Affairs*
- 9:20 - 10:20**      **Medicaid for Long-term Care and other Public Benefit Programs**  
*Scott Hartsook, Managing Attorney;*  
*Iowa Legal Aid*
- 10:20 - 10:30**      **Break**
- 10:30 - 11:30**      **Estate Planning Strategies to Avoid Probate**  
*Harvey Harrison, Attorney at Law;*  
*Harrison & Dietz-Kilen, Des Moines*
- 11:30 - 12:15**      **Nursing Home Resident Rights and Elder Abuse Issues**  
*Jeanne Yordi & Linda Hildreth;*  
*Iowa Department of Elder Affairs*
- 12:15 - 1:00**      **Special Needs Trusts**  
*Greg Kenyon, Attorney at Law;*  
*Bradshaw, Fowler, Proctor & Fairgrave, P.C., Des Moines*

Approved for 4.25 hours Sate Continuing Legal Education (Activity Number 48591) and application submitted for

# APPENDIX 11

*State Appropriation Language*





thereof as is necessary, to be used for the purpose designated:

For the development and implementation of a comprehensive senior living program, including case management and including program administration and costs associated with implementation:

..... \$ 8,486,698

1. a. Of the funds appropriated in this section, \$1,010,000 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver.

b. The department of human services shall review projections for state funding expenditures for reimbursement of case management services under the medical assistance elderly waiver on a quarterly basis and shall determine if an adjustment to the medical assistance reimbursement rates are necessary to provide reimbursement within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program. Any temporary enhanced federal financial participation that may become available for the medical assistance program during the fiscal year shall not be used in projecting the medical assistance elderly waiver case management budget. The department of human services shall revise such reimbursement rates as necessary to maintain expenditures for medical assistance elderly waiver case management services within the state funding amounts budgeted under the appropriations made for the fiscal year for the medical assistance program.

2. Notwithstanding section 249H.7, the department on aging shall distribute funds appropriated in this section in a manner that will supplement and maximize federal funds under the federal Older Americans Act and shall not use the amount distributed for any administrative purposes of either the department on aging or the area agencies on aging.

3. Of the funds appropriated in this section, \$60,000 shall be used to provide dementia-specific education to direct care workers and other providers of long-term care to enhance existing or scheduled efforts through the Iowa caregivers association, the Alzheimer's association, and other organizations identified as appropriate by the department.

4. Of the funds appropriated in this section, \$51,000 shall be used to provide funding for the legal hotline for older Iowans.



# APPENDIX 12

*Proposed Exception Guidelines*



The Proposed Exception Guidelines in the right-hand column were approved by the Iowa Legal Aid Board of Directors on May 5, 2007, to be effective July 1, 2007.

Household Size	Current Maximum Annual Income Guidelines	Current Board Approved Exception Guidelines	Proposed Board Approved Exception Guidelines Where One of the Household Members is 60 or Over
1	\$12,250	\$17,150	\$20,420
2	\$16,500	\$23,100	\$27,380
3	\$20,750	\$24,900	\$27,380
4	\$25,000	\$30,000	\$30,000
5	\$29,250	\$35,100	\$35,100
6	\$33,500	\$40,200	\$40,200
7	\$37,750	\$45,300	\$45,300
8	\$37,750	\$50,400	\$50,400
Each Add'l	\$4,250	\$5,100	\$5,100



# APPENDIX 13

*Self-help Office Memorandum*





DATE

Senior Centers

Re: Self-Help Legal Offices

Dear \_\_\_\_\_ :

In 2007, you received a memo from Barb McClintock of the Iowa Association of Senior Centers to inform you that the Iowa Department of Elder Affairs and Iowa Legal Aid wanted to establish self-help legal offices at senior centers and mealsites throughout the state. The purpose of the offices was to expand the availability of materials about legal issues to older Iowans. You responded to the memo to indicate that your senior center or mealsite was interested in participating in the project.

As it turned out, the cost of establishing the self-help legal offices far exceeded the budget that had been allocated to the project. Therefore, we will not be establishing self-help legal offices at any location in the state.

Although we are not going to establish self-help legal offices, we have revised the project and will instead be distributing legal information to senior centers, mealsites, and other organizations by e-mail. Enclosed is information about our new e-mail project. We hope that you will participate in the e-mail project since we believe that the revised project will be a more effective and efficient method of providing legal information to older Iowans.

Please call me if you have any questions about this matter.

Sincerely,

Scott Hartsook  
Managing Attorney

SH:la  
enclosures

**To:**

**From:** Scott Hartsook

**Re:** Elder Law E-mail Project

**Date:**

Iowa Legal Aid is working with the Iowa Department of Elder Affairs and the Iowa Association of Senior Centers to substantially expand the availability of information about legal issues to older Iowans. The project is designed to distribute information about legal issues of interest to older Iowans by sending periodic e-mails to senior centers, mealsites and other organizations that provide services to older Iowans. These organizations can then read the e-mails to the people that use their facilities, or otherwise distribute the information. We hope to send at least one e-mail every two weeks beginning in February.

The e-mails will provide brief information about legal issues such as end-of-life planning matters, consumer rights, Medicaid and other healthcare-related issues, public benefits, elder abuse and other legal issues to ensure that people know about current legal issues that may affect them.

If you want to participate in this project, please send an e-mail to me at [shartsook@iowalaw.org](mailto:shartsook@iowalaw.org). With the information in the form below. Although this project is designed to eliminate most costs by distributing information by e-mail, if your organization does not have an e-mail, then we will send copies of the emails to you by regular mail. If you do not have e-mail, please complete the short form below and return it to me in the enclosed envelope.

Please contact me if you have any questions about this exciting new project.

---

We are interested in participating in this new project that will distribute legal information by e-mail to the senior centers, mealsites, and other organizations.

---

Name of contact person

---

Telephone

---

Organization

---

Fax number

---

Address

---

E-mail address

---

City, State, Zip code

---

Fax number

## MEMORANDUM

**TO:** Senior Center and Meal Site Directors

**FROM:** Barb McClintock, Iowa Association of Senior Centers

**RE:** Free legal information

**DATE:** March 30, 2007

The Iowa Association of Senior Centers is working with the Iowa Department of Elder Affairs and Iowa Legal Aid to substantially expand the availability of materials about legal issues. Legal information and self-help forms will be made available at self-help legal offices at many senior centers and mealsites throughout the state so that the materials will be readily available to older Iowans. The self-help legal offices will allow older Iowans to have access to materials when they need them, and not just when someone decides to make a presentation about a specific issue.

The information will be provided to senior centers and meal sites at no cost under a grant that the Department of Elder Affairs has received from the Administration on Aging. Iowa Legal Aid will provide participating sites with information, forms and self-help materials about public benefits, health care directives, Medicaid, Medicare, wills, guardianships, elder abuse, consumer fraud, identity theft, and other issues that affect older Iowans.

Although “self-help legal offices” sounds like something that could take up a lot of space in a senior center, this project is really designed to place one or more brochure racks in senior centers to display the legal information. Each brochure rack will hold at least 20 different items. Your only obligations are to help people find the information they need, and to contact Iowa Legal Aid when replacement brochures are needed. You may also need to participate in a short evaluation survey about the project.

The Iowa Association of Senior Centers believes that this is a great project which will provide useful legal information to older Iowans. We encourage you to apply to become one of the sites where a self-help legal office will be established. If you are interested in participating, please contact Scott Hartsook of Iowa Legal Aid at 800-992-8161, or [shartsook@iowalaw.org](mailto:shartsook@iowalaw.org). Alternatively, you can complete the short form below and return it to Iowa Legal Aid in the enclosed envelope.

We are interested in participating in the project to establish self-help legal offices in senior centers and mealsites. Please send us an application form to participate in the project.

---

Name of contact person

---

Organization

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Address

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City, State, Zip Code

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Telephone #



# APPENDIX 14

*Legal Mail Sample*



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**From:** shartsook@iowalaw.org  
**Sent:** Thursday, April 08, 2010 3:58 PM  
**To:** Legal Mail from the Legal Hotline for Older Iowans  
**Subject:** [Legal Mail from the Legal Hotline for Older Iowans] Legal Mail for April 8 - Elderly and Disabled Tax Credit and Rent Reimbursement Programs

LEGAL MAIL - DEADLINE FOR THE ELDERLY AND DISABLED PROPERTY TAX CREDIT AND RENT REIMBURSEMENT PROGRAMS IS JUNE 1, 2010

If you were at least 65 or disabled by December 31, 2009, you may be able to receive:

- \* Up to a \$1,000 credit against the property taxes on your home;
- \* Reimbursement of up to \$1,000 of the rent you paid in 2009 for your apartment or mobile home lot rent: or
- \* Reduced taxes on you mobile, manufactured or modular home.

To be eligible for these benefits, your total household income in 2009 must have been less than \$20,427. Household income includes Social Security, wages, pensions, interest and rent subsidies. The amount of the benefits you may receive depends on the level of your income. In some cases, these benefits are available to residents of nursing homes. The rent reimbursement program only applies to apartments or homes in buildings on which property taxes are paid. If you live in an apartment or home owned by a not-for-profit corporation or a government, you may not be eligible for this program

Applications for the rent reimbursement program must be filed with the Iowa Department of Revenue. Application forms can be obtained from the Department by calling 800-367-3388 or 515-281-3114, or at <[www.state.ia.us/tax](http://www.state.ia.us/tax)>. Application for the tax credit programs must be filed with your county treasurer. All applications must be filed by June 1, 2009.

This Legal Mail is provided by Iowa Legal Aid's Legal Hotline for Older Iowans and the Iowa Department of Elder Affairs, and is funded in part by the U.S. Administration on Aging and Iowa's Lawyer Trust Account Commission. For more free information or legal advice about these programs, or other non-criminal legal issues, call the Legal Hotline for Older Iowans at 1-800-992-8161.

4-08-2010

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Scott Hartsook  
Legal Hotline for Older Iowans  
Iowa Legal Aid  
1111 Ninth Street, Ste. 230  
Des Moines, IA 50314  
800-992-8161  
515-282-8161  
[shartsook@iowalaw.org](mailto:shartsook@iowalaw.org)

To be added to (or removed from) this list, contact [shartsook@iowalaw.org](mailto:shartsook@iowalaw.org)

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**From:** Legal Mail from the Legal Hotline for Older Iowans Moderator [Hotline.legalmail-moderator@mail.lawhelp.org]  
**Sent:** Friday, April 17, 2009 12:17 PM  
**To:** Clingan-Fischer, Deanna [IDA]  
**Subject:** Welcome to the LEGAL MAIL mailing list

Welcome to the new Elder Law E-mail project being started by Iowa Legal Aid's Legal Hotline for Older Iowans and the Iowa Department of Elder Affairs. We will be sending you e-mails almost every week through this listserv. The e-mails, which we are calling Legal Mails, will contain information of interest to persons 60 or over. You may wish to read them to the participants at your site, use them in a newsletter, post them on bulletin boards, or distribute them in some other manner.

You may wish to add [Hotline.legalmail@mail.lawhelp.org](mailto:Hotline.legalmail@mail.lawhelp.org) to your address book so spam filters will not block mailings from Legal Mail.



# APPENDIX 15

*Monthly Legal Articles Sample*



# LEGAL FACTS

from Iowa Legal Aid's Legal Hotline for Older Iowans

1-800-992-8161  LSC Visit us on the Web at [iowalegalaid.org](http://iowalegalaid.org)



## ARE YOUR LEGAL AFFAIRS IN ORDER?

There are a number of reasons why Iowans, and especially elderly Iowans, should periodically review their legal affairs. First, elderly Iowans are at higher risk of becoming frail or infirm. Second, advance planning can reduce the burdens on family and loved ones. Third, it can save time and expense. Lastly, it can increase the amount of money or property you can use or pass on. The issues can be complex and confusing. Some of the more important legal planning issues involve Powers of Attorney, Living Wills, Estate Planning and Medicaid Planning.

**Powers of Attorney - Financial and Health Care.** Financial and health care powers of attorney are two useful, low-cost tools for handling your affairs if you become disabled.

- **Financial Power of Attorney.** A financial power of attorney lets you name someone to handle your finances if you need or want help. Many people have their power of attorney take effect when their doctor says they can't make their own decisions, but you can also have it take effect immediately or at a set point in time. Most people want their financial power of attorney to be "durable". This means it will last even if you become completely disabled. It is also very important to name someone you trust. This is because no one typically checks on the person you appoint. Even though you can cancel a power of attorney at any time, you may not know something is wrong until too late. Another option is to ask a court to appoint a conservator to oversee your finances. A conservator appointed by a court must file reports with the court and must ask for permission to do major things like sell your home. Without a financial power of attorney or a voluntary conservatorship, your family or friends might have to hire an attorney and ask a court to appoint a conservator to take care of your finances. This involves time and expense that most people want to avoid.

- **Health Care Power of Attorney.** A health care power of attorney lets you name someone to make health care decisions for you if you can't make them yourself. For example, if you are unconscious from an accident or illness, the person you name can make treatment decisions for you. Without a health care power of attorney, your doctor will usually consult with your family about health care decisions. If you do not have family or they cannot be reached, a guardianship might be needed. As with a conservatorship, a guardianship requires the time and expense of hiring an attorney and going to court.

**Living Wills.** A living will is a written document in which you say whether health care providers should withdraw life-sustaining procedures if you are in a terminal condition. For example, you may be in terminal condition if you had a serious accident or stroke, were being kept alive by some kind of mechanical device and had no realistic hope of recovery. If you have a living will, you are effectively deciding whether or not the device should be turned off. Without a living will, family members would usually decide. This can be a problem if your wishes would not be the same as your family or if family members disagree.

**Estate Planning.** Under Iowa law, you can decide who receives your property by executing a valid will. If you don't have a will, your property will be distributed to your heirs. If you are married, this means your spouse will generally receive all of your property. (There is an exception to this rule if you have children from other marriages.) If you have no spouse, then your property will go to your children. If you have no spouse or children, then your property would go to other relatives.

An important issue is whether your estate must be probated. Estates must generally be probated to transfer property that is held solely in your name. For example, if your home is in your name alone, your estate would have to be probated to transfer the property. Probating an estate can be costly and time-consuming. There are a number of ways to avoid probate. For example, you can make your spouse or other party a joint tenant with right of survivorship on the deed to your home. You can name beneficiaries for your brokerage, IRA accounts and life insurance policies. For bank accounts, you can establish joint or payable-on-death accounts. A trust is another option. Most options have advantages and disadvantages. You may want to consult an attorney before taking any action.

**Medicaid Planning for Nursing Home Care.** Unless you have enough income, savings or insurance to be able to pay for nursing home care for an indefinite period of time, you may want to consider Medicaid Planning. One important issue is how

to become eligible for Medicaid to pay for nursing home care if you have serious health problems. If you are single, you must have less than \$2,000 in assets to be eligible. If you are married, your spouse may be able to keep a large amount of your combined income and assets and still qualify for Medicaid.

A second important issue is whether you can give away assets and still qualify for Medicaid for nursing home care. If you give assets away within certain time periods before applying for Medicaid, you may not be eligible when you need it. In addition, the state may try to recover the assets you gave away. Depending on your age, your specific finances, the state of your health and other factors, you may still be able to safely make gifts. The rules for Medicaid Planning are complex. For help with Medicaid Planning issues you should contact an attorney with expertise in this area. You can also contact the Legal Hotline for Older Iowans.

This information is provided by the **Legal Hotline for Older Iowans 1-800-992-8161**. The Hotline is a project of Iowa Legal Aid that is partially funded by the U.S. Administration on Aging. The Hotline is a free, confidential service for all Iowans 60 or older with questions on non-criminal legal matters.

This information was correct when it was printed, (March 2007). The laws may have changed. Do not assume this information is correct after the date it was printed. See a lawyer to get complete and up-to-date legal advice. **If you have questions, contact the Legal Hotline for Older Iowans at 1-800-992-8161**, 1111 Ninth St., Ste. 230, Des Moines, IA 50314-2527. (Also see [www.iowalegalaid.org](http://www.iowalegalaid.org) for information and answers to general questions on Iowa law.) . The Legal Hotline is a project of **Iowa Legal Aid** and is funded in part by a grant from the U.S. Administration on Aging. © 2007 Iowa Legal Aid. Permission to reprint this article is granted provided that it is reprinted in its entirety and is distributed free of charge.



# APPENDIX 16

*Agenda for Discussion with Other States*





**AGENDA**  
**January 28, 2009**  
**10:00 am**  
**Conference call**  
**Iowa Model Approaches Grant partners and**  
**The Missouri Developer and Legal Providers**

- I. Introductions**
- II. Brief overview of the system in Missouri**
- III. Brief overview of the system in Iowa--Deanna**
- IV. Purpose of the Model Approaches grant and Iowa's implementation--Deanna**
  - a. Goals of Iowa project**
  - b. Anticipated outcomes**
- V. How this process can assist Missouri?**
  - a. Getting started---Scott**
    - 1. Planning group and committees--Scott**
    - 2. Determining the current system --Scott**
      - i. Who are the providers of service-Title IIIB and others**
      - ii. Survey to providers---to determine referrals**
      - iii. Expand guidelines for persons 60+**
      - iv. Trainings to YLP lawyers**
    - 3. Determining the need of older adults--Deanna**
      - a. Focus groups**
      - b. Case Managers to reach isolated/homebound**
    - 4. Education to older consumers/caregivers--Deanna**
      - a. Iowa Communications Network**
      - b. Self-help offices**
    - 4. Standards/work with other states in the Midwest—offer assistance if this model is of interest**
- VI. Questions? If no comments:**
  - a. Discuss intake process without hotline (unified intake) and**
  - b. Funding opportunities**