

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

**IOWA  
LEGAL ASSISTANCE  
PROGRAM  
BEST PRACTICES**

**2009**

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**IOWA LEGAL ASSISTANCE PROGRAM  
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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%.

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### **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

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provide latitude to foster creativity for individual programs to achieve the 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

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persons, with particular emphasis on those who are low-income, low-income 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.

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

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### **INDIVIDUAL RIGHTS**

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.

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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

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provided by legal assistance programs and the legal services developer.

### **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)

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## **IX. ROLES AND RESPONSIBILITIES**

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

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the client. Clients should be informed of the actual cost of the service and 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.

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- Present community legal education to the target groups.
- 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.

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- 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.

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- 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

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legal training as needed.

- 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.

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- 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 to 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

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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 HEREBEY 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. 98-112), 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 or judicial enforcement of this assurance. Additional assurance may be required.

The person or persons who 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

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## **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**

To locate a program near you contact:

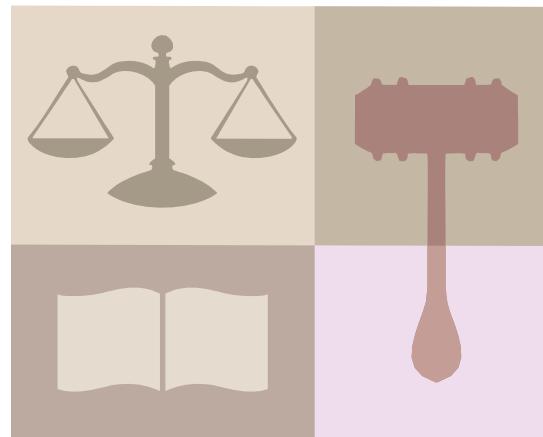
Or

**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

# Older Iowans Legal Assistance Program



## **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.

# QUARTERLY TITLE IIIB LEGAL ASSISTANCE REPORT FORM

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

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Area Agency on Aging	Provider
<hr/>	
Counties served by contract	

**1. Units of Service** (1 unit = 1 hour of service) \_\_\_\_\_

**2. Number of Estimated, Unduplicated clients served** \_\_\_\_\_

- a. Total from line 2 who are minorities \_\_\_\_\_

  - i. American Indian/Alaskan Native \_\_\_\_\_
  - ii. Asian \_\_\_\_\_
  - iii. Black/African American \_\_\_\_\_
  - iv. Native Hawaiian/Other Pacific Islander \_\_\_\_\_
  - v. Hispanic \_\_\_\_\_
  - vi. Other \_\_\_\_\_

- b. Total of line 2 with greatest economic need \_\_\_\_\_
- c. Total of line 2 with greatest social need \_\_\_\_\_
- d. Age groups for unduplicated clients
  - i. 60-74 \_\_\_\_\_
  - ii. 75 + \_\_\_\_\_

**3. Community Education Presentations**

(Unit=1 session; # served=estimated number in attendance)

- a. Unit(s) of service: \_\_\_\_\_
- b. Number of persons served: \_\_\_\_\_
- c. Topics discussed: \_\_\_\_\_
- d. Service is not funded by AAA:

**4. Types of Cases Handled--** Use the Legal Assistance Case Handled and Level of Service Form to complete this information

**5. Level of Service (Case Closing categories)--** Use the Legal Assistance Case Handled and Level of Service Form to complete this information

**6. Emerging Issues/Unmet Needs:**

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7. **Outcome Reporting (Narrative)**—To be completed two times a year, at a minimum, and when completed, please submit with the overall quarterly report forms.

## **LEGAL ASSISTANCE CASE HANDLED AND LEVEL OF SERVICE FORM**

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

# LEGAL ASSISTANCE CASE HANDLED AND LEVEL OF SERVICE FORM

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

Types of Cases Handled	Counsel and Advice	Brief Service	Referred	Insufficient Merit	Client Withdraw	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											
<b>TOTAL</b>											

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.