

# JUSTICE IN AGING

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FIGHTING SENIOR POVERTY THROUGH LAW

## Legal Assistance Developer 102: Development and Implementation of Statewide Standards

Technical Assistance Webinar

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# Housekeeping

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems with getting on to the webinar? Send an e-mail to [trainings@justiceinaging.org](mailto:trainings@justiceinaging.org).
- Slides and a recording are available at Justice in Aging - Advocates Resources - Trainings: [justiceinaging.org/resources-for-advocates/webinars](https://justiceinaging.org/resources-for-advocates/webinars). See also the chat box for this web address.

# Welcome

Justice in Aging is producing this webinar with support from the Administration on Community Living. Justice in Aging is working with The Center for Social Gerontology to provide increased training and technical assistance for legal services development. This resource support is designed to enhance the quality, cost effectiveness, and accessibility of legal assistance and elder rights programs provided to older persons with the greatest social or economic need.

# Introduction

- **LAD 101:** LAD role ensuring limited legal resources are targeted to those in greatest need and that priority is given to their most critical life problems.
- **LAD 102:** LADs—in partnership with AAAs, legal providers, and others—can significantly strengthen all aspects of the legal delivery system through Statewide Standards.

# Overview of the Session

## Part One: (Penny Hommel)

- Introduction to Statewide Standards:
  - ✓ Standards help define delivery system
  - ✓ Importance of Standard development process
  - ✓ Value in building partnerships and shared vision

## Part Two: (Sarah Halsell)

- Implementation: Examples and learning from the Florida experience

# Part One—Introduction to Statewide Standards

Penny Hommel

## Part One—Introduction to Statewide Standards

### Key Concept:

Statewide standards originated to address gaps in legal delivery

# Statewide Standards Address Delivery Gaps

## Origins/Why Standards?

First conceived of standards in mid-1980s, as possible mechanism for addressing gaps/needs we saw across the country, For example:

- Lack of clear state or local policy on expectations for and importance of legal services
- Limited relationships between legal and aging networks
- Little guidance for AAAs issuing RFPs, selecting the “best entity”, or monitoring
- Little guidance on roles & responsibilities at all levels of delivery system: SUA/Developer, AAA, and legal providers.
- Limited targeting and priority setting—more a “buzz word” than reality (Examined in LAD 101)

# Standards Set Clear Expectations

State problems better addressed if:

- States have uniform set of expectations about legal services design, operation, delivery and funding
- Stakeholders have a shared vision of ultimate goals of IIB legal assistance.

Standards definition: set of policy guidelines which provide a framework for programmatic direction and operation of legal delivery system statewide.

# Standards Set Clear Expectations

## Role of Standards:

- Describe and define essential elements needed to provide high-quality, high- impact legal assistance.
- Ensure limited resources are focused on addressing most critical needs of those in greatest social and economic need as prescribed by OAA.
- Set out roles, responsibilities, expectations of key actors/agencies at all levels of delivery system.

# Part One—Introduction to Statewide Standards

## Key Concept:

Statewide standards help create legal services delivery system vision

## Creating A Vision for Legal Services Delivery

Standards provide a symbol of a state's commitment to legal assistance, and serve to create shared understanding of the meaning and importance of legal assistance among SUAs, AAAs and providers.

## Role in Targeting, Priority Setting and Outreach

- Importance of these three and challenges they present (e.g. targeting without means testing) should be examined in some depth in developing Standards.
- They are how you avoid “first come, first served,” and are typically they are given prominence at the start of Standards document.

*(Discussed in detail in LAD 101)*

## Part One—Introduction to Statewide Standards

### Key Concept:

Standards development is an important process and provides opportunity at state and AAA level to communicate about expectations and legal services value.

# Development and Communication

## Value at all levels: State Directors/Developers, Area Agencies, Legal Providers

- **State level**—Help create and maintain legal assistance system for elders in greatest social and economic need that is uniform across the state re quality and impact.
- **AAA level**—Help AAA staff understand what constitutes a good legal assistance program and help them prepare RFPs, review proposals, monitor and evaluate their legal programs.
- **Provider level**—Help clarify elements providers should include in their programs and make minimal expectations explicit.

# Development Process is as Important as Standards Themselves

Process can be key to whether standards are accepted and followed and whether they significantly enhance the impact a state's legal assistance service.

- TCSG recommends collaborative process involving representatives of all groups expected to administer/be governed by standards
- Process should include diverse members with different experiences and knowledge of various target populations
- Further we recommend that one person take the lead - the LAD

See recommended Eight Step Process in the Justice in Aging Issue Brief, by Penelope Hommel, "Developing Statewide Standards for Delivery of Legal Assistance under the Older Americans Act," July 2017.

## Process: Detailing Goals and Specific Issues

- First, Work Group identifies goals for standards
- Next, Work Group identifies specific issues that need to be addressed and organize them into an outline.

# Typical Standards Outline—1

- I. Legal Authority
- II. Program Purpose
- III. Standards for Targeting Scarce Resources—Target Populations
- IV. Standards for Establishing Priority Issue Areas
- V. Techniques for Reaching Targeted Groups and Addressing Priority Issues
- VI. Roles and Responsibilities of Legal Assistance Providers
  - A. Staffing requirements
  - B. General provider requirements
  - C. Coordination requirements
  - D. Ethical standards for providers

# Typical Outline of Standards Content—2

## VII. Roles and Responsibilities of Area Agencies on Aging

- A. General Area Agency Requirements—e.g., provide leadership for legal providers on all aging issues, including planning, advocacy, coordination of services, etc.
- B. Specific Area Agency Requirements—e.g., confer with legal providers on development of annual AAA Elder Rights Plan; select legal provider best able to meet requirements of federal and state law and the standards; etc.
- C. Coordination, Training and Support Responsibilities

## VIII. Roles and Responsibilities of State Office on Aging

- A. General Requirements—e.g., develop annual Elder Rights Plan, and meet other requirements of Title VII
- B. State Training Responsibilities—e.g., assure that training is available to providers in areas of law relevant to the priority areas
- C. Other Responsibilities—e.g., work with area agencies to develop model Request for Proposals for provision of legal assistance

## IX. Standards to Guide Handling Cases Involving Abuse, Neglect, and Exploitation

# More on Standards Content

- ABA Principles of a State System for the Delivery of Civil Legal Aid:
  - [https://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls\\_sclaid\\_atj\\_tencivilprinciples.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_atj_tencivilprinciples.authcheckdam.pdf).
- Florida Department of Elder Affairs, Services Descriptions:
  - [http://elderaffairs.state.fl.us/doea/pubs/pubs/sops2017/2017\\_SOPS\\_B.pdf](http://elderaffairs.state.fl.us/doea/pubs/pubs/sops2017/2017_SOPS_B.pdf).

# Part Two—Standards Implementation

Sarah Halsell

# Standards Implementation—The Devil is in the Details

- Florida's legal assistance delivery system is facing major funding challenges
- More than ever, programs are having to allocate resources strategically... a.k.a targeting!
- AAAs need to understand the capacity of their IIRB-legal programs, as well as other legal service providers in the PSA
- Legal providers need to understand aging resources
- Challenges can be met head on by coordinated partners engaged in collaborative initiatives

# *Suggestion:* Develop an Action Plan

- **Articulate Goals related to:**
  - AAA Planning Process
  - Legal Provider's planning Process
  - Opportunities for constructive, collaborative discussions with Key Stakeholders
  - Collaborative stakeholder approaches
  - Cross-training initiatives
  - Opportunities for collaborative outreach

# *Potential* Goals Related to Area Planning Process

- AAA explains state and area planning process to legal providers; discuss how legal providers can be involved in that process.
- Discuss how Legal Providers can be involved in AAA community needs assessments to make sure that the assessment is truly gauging community need around elder rights issues.

Action plan should include tasks for each goal

# *Potential* Goals Related to Legal Provider's Planning Process

- Legal Provider explains priority setting and case acceptance process; discuss how AAA / Lead Agencies can be involved in work on setting priorities.
- Discuss program capacity to serve in priority issue areas.
- Discuss how AAA can support the legal provider's needs assessments.

# *Potential* Goals Related to Constructive, Collaborative Discussions with Key Stakeholders

Knowing your service delivery system—who can do what? Do you have the ‘right’ providers?

Develop targeting plan to collaboratively reach those most in need (see [Legal Assistance Developer 101 Webinar](#))

# *Potential* Goals Related to Collaborative Stakeholder Approaches

- Discuss opportunities for informal collaboration throughout the year (Are there regular provider meetings? Are legal providers active participants?)
- Discuss need for formal collaborations, such as multi-disciplinary approaches to addressing elder rights issues (i.e., guardianship, elder abuse, housing)

# *Potential* Goals Related to Cross-Training

- Discuss training needs to improve referrals both ways.
- Identify opportunities for AAA to train legal providers on ADRC resources in order to improve referrals.
- Identify opportunities for legal providers to train AAA staff, Elder Helpline and other front-line staff on legal issue spotting and about the availability of legal resources in the community.

# *Potential* Goals Related to Collaborative Outreach

- Determine outreach goals in targeting plan.
- Determine what materials the AAA can distribute through regularly scheduled outreach.
- Discuss ways AAA can support legal providers' community education efforts.

# Anticipated Outputs of Joint Planning

- **Document:**
  - A collaborative process for determining:
    - Targeted groups for legal services, and name those targeted groups.
    - Priority legal issues, and name those priority legal issues.
  - A collaborative process for reaching targeted groups with priority legal issues
  - Cross-training initiatives
  - Multi-disciplinary efforts around elder rights advocacy

# Anticipated Outcome of Joint Planning:

More effectively serving targeted groups  
in priority issue areas.

# Additional Resources

- The Center for Social Gerontology
  - [www.tcsg.org](http://www.tcsg.org)
- Issue Brief: “[Developing Statewide Standards for Delivery of Legal Assistance Under the Older Americans Act](#)”
- Technical Assistance
  - Assistance is available for LADs, legal services attorneys and other professionals seeking more information to help older adults. Contact NCLER at [NCLER@justiceinaging.org](mailto:NCLER@justiceinaging.org).