



Lets Talk Legal Assistance

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Let's Get Started

- We'll look at what the Older Americans Act says about some key aspects of legal assistance
 - What it is
 - Who is to be served
 - What kinds of legal cases
- Not law school!
 - We'll tell stories to illustrate and deepen the meaning of the Act's vision for legal assistance

What is Legal Assistance?

SEC. 102. For the purposes of this Act—

(33) The term “legal assistance”—

(A) means legal advice and representation provided by an attorney to older individuals with economic or social needs; and

(B) includes—

(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and (ii) counseling or representation by a non-lawyer where permitted by law.

Target Populations

SEC. 102. For the purposes of this Act—

(40) The term “older individual” means an individual who is 60 years of age or older.

(23) The term “greatest economic need” means the need resulting from an income level at or below the poverty line.

(43) The term “poverty line” means the official poverty line (as defined by the Office of Management and Budget, and adjusted by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

(24) The term “greatest social need” means the need caused by noneconomic factors, which include—

(A) physical and mental disabilities;

(B) language barriers; and

(C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that—

(i) restricts the ability of an individual to perform normal daily tasks; or

(ii) threatens the capacity of the individual to live independently.

Priority Legal Issues

SEC. 307 (a)(11)(E) the plan contains assurances that area agencies on aging 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.

What should Legal Providers be Able to do?

§1321.71 (c) - ...The legal assistance provider(s) shall:

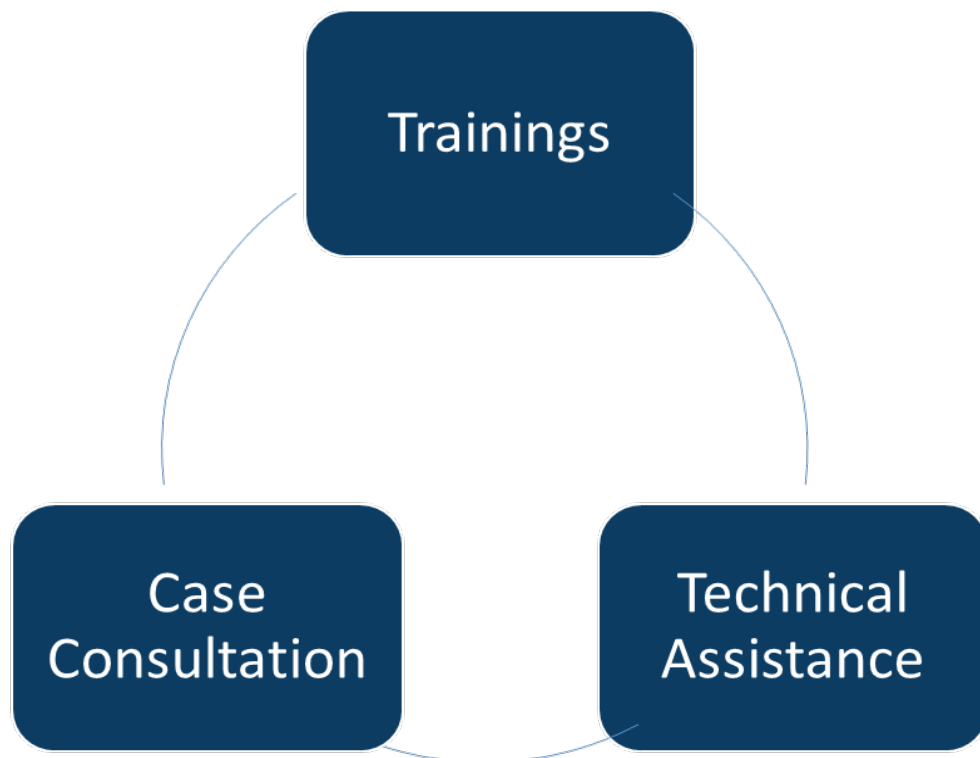
- (1) Have staff with expertise in specific areas of law affecting older persons in economic or social need, for example, public benefits, institutionalization and alternatives to institutionalization;
- (2) Demonstrate the capacity to provide effective administrative and judicial representation in the areas of law affecting older persons with economic or social need;
- (3) Demonstrate the capacity to provide support to other advocacy efforts, for example, the long-term care ombudsman program;
- (4) Demonstrate the capacity to provide legal services to institutionalized, isolated, and homebound older individuals effectively; and
- (5) Demonstrate 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

Where Does Title VI Fit In?

Section 611(a) - The Congress finds that the older individuals who are Indians of the United States—

- (1) are a rapidly increasing population;
- (2) suffer from high unemployment;
- (3) live in poverty at a rate estimated to be as high as 61 percent;
- (4) have a life expectancy between 3 and 4 years less than the general population;
- (5) lack sufficient nursing homes, other long-term care facilities, and other health care facilities;
- (6) lack sufficient Indian area agencies on aging;
- (7) frequently live in substandard and over-crowded housing;
- (8) receive less than adequate health care;
- (9) are served under this title at a rate of less than 19 percent of the total national population of older individuals who
 - are Indians living on Indian reservations; and
 - (10) are served under title III at a rate of less than 1 percent of the total participants under that title

National Center for Law and Elder Rights



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