



**DISABILITY LAW**  
**COLORADO™**

Protecting the rights of Coloradans of all ages since 1976

# The Legal Assistance Provider Program

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LEGAL ASSISTANCE DEVELOPER FOR ELDERS

# Older Americans Act of 1965

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- Congresses primary vehicle for providing services and funds to assist and meet the basic needs of older adults.
- Programs Include:
  - Meals-on-wheels
  - In-home services
  - Transportation
  - Elder abuse prevention
  - Long-term care ombudsman
  - Caregivers support
  - **Establishes Title IIIB Legal Assistance Providers and Legal Assistance Developer.**

# Overview of Aging Network & Legal Services

U.S. Administration on Aging

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graph TD; A[U.S. Administration on Aging] --> B[Regional Offices of the Admin on Aging]; B --> C[State Unit on Aging + Legal Assistance Developer + State LTCO]; C --> D[Area Agencies on Aging]; D --> E[Legal Assistance Providers (LAP)];
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Regional Offices of the Admin on Aging

State Unit on Aging + Legal Assistance Developer + State LTCO

Area Agencies on Aging

Legal Assistance Providers (LAP)

# Colorado Legal Assistance Program Mission

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The mission of the Colorado Legal Assistance Program is to:

- Protect and assist the older adult with services necessary for meeting essential needs, including, food, shelter and medical care;
- Protect the older adult's right to autonomy in decision-making;
- Advocate on behalf of older adults who have been subjected to abuse, exploitation, or discrimination;
- Assist older adults in understanding or exercising their legal rights;
- Target Populations that will not be effectively served by other legal assistance programs;
- Assure a statewide base of accessible, quality legal assistance services to provided for the most frail and vulnerable older adults;
- Assist older adults or family members, through referral to appropriate legal and non-legal resources; and,
- Enhance systems advocacy with the Area Agencies on Aging, the State Unit on Aging, the Adult Protective Services Unit, the Colorado Long-Term Care Ombudsman Program, and other members of the aging network.

(SUA Policy and Procedure Manual, Section VII).

# Legal Assistance Provider Requirements

## 45 C.F.R. 1321.71(c)

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- Expertise in the areas of law affecting older persons in social and/or economic need.
- “Demonstrate capacity” to provide administrative and judicial representation.
- Capacity to support other advocacy efforts.
- Capacity to provide legal services to isolated, institutionalized or homebound older adults.
- Capacity to provide legal assistance in the principal language spoken by clients “in areas where a significant number of clients do not speak English.

# Colorado AAA Obligations

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- Fund and Contract with a licensed attorney to be the Legal Assistance Provider.
- Ensure data is collected and provide data reports to the state.
- Monitor Provider to Ensure:
  - Compliance with federal and state requirements.
  - That services are available throughout the region.
  - Priorities are identified in the area plan.
  - LAP are focuses on serving those in the greatest social and economic need.

# Title IIIB Legal Assistance

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- Older Americans Act specifies priority areas for services and target populations
- Priority Areas
  - Income
  - Health
  - Long Term Care
  - Housing
  - Abuse, neglect, exploitation
  - Defense of guardianship
- Target Populations
  - **Greatest economic need** (with particular attention given to low-income minority individuals);
  - **Greatest social need** (with particular attention to low-income minority individuals and older individuals residing in rural areas);
  - Older adults individuals with severe disabilities or dementia
  - Limited English-speaking ability

# Legal Assistance Provider Restrictions

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- **Means testing is prohibited.**
  - A LAP may not require a potential client to disclose income or resources as a condition of representation. 45 C.F.R. § 1321.71(d).
- LAP may not use OAA funds to provide representation in a fee generating case. Unless... . 45 C.F.R. § 1321.71(g).
- Prohibited Political Activities 45 C.F.R. § 1321.71(h).
- Scope of Services
  - Limitations on petitions for guardianship.
  - Limitation on simple will preparation.



# Title IIIB Legal Assistance

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## Common Legal Problems:

- Medicaid
- Medicare
- Other government benefits – SSI/SSDI, veteran benefits, nutrition program.
- Protection from unnecessary guardianships
- Elder Abuse – physical or financial abuse
- Consumer Fraud
- Landlord/tenant
- Domestic abuse
- Wills and estate planning

# Documentation

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- Data reporting.
- Proof of Insurance.
- Case Priorities.
- Grievance Procedure.
- Any literature provided to clients.

# Legal Assistance Developer Responsibilities

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- Provide technical assistance, training and legal resources to Legal Assistance Providers.
- Trainings and technical assistance to a range of individuals included adult protective service workers, AAA staff, nursing home staff, and community.
- Evaluate Legal Assistance Providers to assure OAA obligations are being met.

# LAD Responsibilities

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- Track and testify on legislation affecting Older Adults.
- Support pro bono and legal education activities.
- Tracking changes at the federal level, particularly Medicaid and Medicare.
- Coordinate with the State Long-term Care Ombudsman.

Questions???  
&  
Thank You!

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