



“Working Harder To Make Aging Easier”

Service Standards

Title III-B Legal

The Legal Service Provider must adhere to the Northeastern Illinois Area Agency on Aging General Services Requirements in addition to service-specific requirements listed below.

I. Definitions

A. Service Definitions: (IDOA 603.18, A)

Legal services shall include arranging for and providing assistance in resolving civil legal matters, protecting legal rights, providing legal advice, community legal education and conducting research concerning legal rights and responsibilities by an attorney-at-law or a person under the supervision of an attorney.

B. Unit of Service: (IDOA 603.18, C)

1. Representation by an Attorney, a Paralegal and/or a Law Student:

One hour of time spent by one person working on a case constitutes one unit of service.

2. Legal Information and Community Education

One hour of staff time expended on behalf of a client(s) constitutes one unit of service.

The unit includes case documentation, preparation and travel time.

C. Unduplicated Count: The total number of different clients served.

D. Focal Point: A place or mobile unit in a community or neighborhood designated by the Area Agency for the collocation and coordination of service

II. Service Activities (IDOA 603.18, B)

A. Legal advice, representation, and investigation related to the resolution of civil rights

B. Assistance with administrative hearings and small claims court preparation

C. Community Legal Education Presentations including preparation of materials on subjects of information to seniors. Presentations will be made at Focal Points and other senior gathering places upon request.

III. Service-Specific Standards

A. Eligibility/Service/Population Priorities (NEIL General Service Requirements, Sections II, B & C; NEIL III-B Legal Services Standards through 7/10/13)

1. In addition to the Priorities in the NEIL General Service Requirements document, clients shall be 60 years and older who have a problem that requires assistance

from an attorney or a paralegal. Efforts will be extended to those who are homebound and those residents who are in institutions.

2. Case priorities shall be set to target basic human needs to include but not limited to health care, shelter, income maintenance and safety.
3. The Legal Services provider is required to establish service priorities that are reflective of the most pressing needs of their service area every year.

B. Inquiry/Referral/Intake/Assessment (NEIL III-B Legal Services Standards through 7/10/13)

1. Inquiry/Referral: Providers should be aware of other senior services available and refer clients to such service as appropriate. In situations involving other senior service agencies communication should be done in a timely manner.
2. Intake/Assessment: Intake procedures must be established by each service using an interview by a designated trained staff person at each office or site.
 - a. Eligibility is determined at the time of inquiry. A formal application is then made.
 - b. Documentation of service delivery shall include recording client objectives and communicating to the client the extent of representation. It is required that such "advice" be put in writing to the client and a copy retained in the client file.
 - c. Clients found to have a problem that could be addressed more appropriately by another agency should be referred to the appropriate agency.
3. Recordkeeping: A recordkeeping system will be in place which keeps count of numbers of persons served and daily units of service.

C. Access (NEIL III-B Legal Services Standards through 7/10/13)

1. Physical Access:
 - a. Ensure that all older persons in the service area have access to the service. Access to the service includes co-location visits to senior gathering places and Focal Points at least quarterly and as requested.
 - b. Agencies must maintain the capacity to provide in-home visits and visits to hospitals and long term care facilities to ensure service delivery for homebound, institutionalized, persons with disabilities and frail persons.
 - c. All facilities must meet the accessibility standards established by section 504 of the Rehabilitation Act.
 - d. Close proximity to a transportation system is highly desirable.
 - e. The Legal Services Provider is required to use appropriate methods to speak to persons with hearing impairments. For example, access to an interpreter.
 - f. All service delivery locations must have access to space that maintains the

privacy and confidentiality of clients. Hours should be generally convenient to facilitate access.

2. Program: A resource directory listing individuals and agencies who will provide interpreter services for non-English-speaking and hearing impaired persons must be readily available.

D. Coordination of Services/Community Relationships (see NEIL General Service Requirements Section II, E)

In addition to the NEIL General Service Requirements Document, Title III-B Service Providers Program staff must demonstrate a cooperative working relationship with:

1. Public Aid, Social Security Administration and the Better Business Bureau.
2. Other agencies may be approached as appropriate.

E. Additional Requirements (IDOA 603.18.E; NEIL III-B Legal Services Standards through 7/10/13)

In the selection of a Title III-B legal assistance provider, the Area Agency on Aging shall award funds to the applicant(s) that most fully meets the standards set forth in 45 CFR 1321.71 (c) to include the capacity to provide legal services to institutionalized older persons.

1. Use of pro bono attorneys and volunteer staff is also encouraged.
2. Legal Services Outreach must be provided at NEIL designated Focal Points upon request. Actual one-to-one consultation need not take place. An attorney or paralegal present can answer questions and encourage persons to see out the agency attorney(s) if a presented problem appears to necessitate further assistance. The purpose of this activity is to enhance case finding efforts of service. Dates and times of this service will be available and must be well publicized including signs posted in the Focal Point to advertise the service.

F. Operations/Polices/Procedures (IDOA 603.18.E; NEIL III-B Legal Services Standards through 7/10/13)

1. Staff:

All matters of legal advice and representation in a court of law must be performed by a licensed attorney or a properly licensed 711 intern*. Attorneys must be experienced and knowledgeable in the areas of law pertaining to the service priorities listed in II.G.5, and specifically as they relate to elderly and/or poor individuals. Attorneys must be generally knowledgeable in other areas of the law that the agency addresses, or that may impact on older persons.

Paralegals must not practice law. They may engage in any activities their supervising attorney considers appropriate but especially: assist clients with administrative hearings, perform client intake and assist with legal research. The paralegal must always operate under the supervision of an attorney. A minimum of two (2) years of paralegal experience and training specifically dealing with problems of the elderly is

desirable. The use of law students, including 711 interns* is permitted, subject to the constraints of the Supreme Court Ruling. Volunteer personnel may be utilized for intake and other tasks as deemed appropriate by the project staff with the approval of the Advisory Council.

Volunteers must be screened by project staff to determine their appropriateness to fill positions to which they have been assigned. A general orientation program and training plan must be provided for tasks requiring specific skills. All volunteers must be supervised by an attorney.

Attorneys must be licensed to practice law in the State of Illinois and must keep their registration updated annually. Attorneys must uphold the responsibilities delineated in the Illinois Rules of Professional Conduct, Chapter 110-A of the Illinois Revised Statutes. Northeastern Illinois Area Agency on Aging is not responsible for monitoring attorney adherence to the Rules of Professional Conduct; this is done by the Attorney Registration and Disciplinary Commission.

- * a 711 intern is a law student, in his/her third year or beyond, not yet licensed to practice law. The student is permitted to practice law under the direction of a licensed lawyer in public service situations.

All agencies are required to carry malpractice insurance for their paralegals, volunteers and support personnel. Carrying malpractice insurance for attorneys is highly desirable. In the event that the agency does not carry malpractice insurance for staff attorneys, attorneys must carry their own.

2. Fee Generating Cases:

Attorneys may continue work on cases opened while in private practice, or under court appointment, but must remit all compensation to the service provider agency. When an attorney has worked on the majority of a matter while in private practice and completes it while employed by the provider on his/her own time, the entire fee should be retained by the attorney.

Other acceptable fee generating cases include those rejected by local attorneys, emergency circumstances, appointment by the court, those initiated prior to this document and those cases being worked on as part of a co-counsel arrangement with a private attorney.

Fees may be accepted when awarded or approved by the court or pursuant to other statutory or regulatory authority.

Clients may be required to pay court costs if the court determines he/she is not a pauper.

3. Restrictions:

Legal programs are encouraged to support the efforts of Ombudsman programs, however, any legal program for which 40% of program units or more can be directly attributed to the activities of mediating nursing home resident complaints, should be

funded under the Ombudsman service category. Programs with 60% or more units attributable to legal services outreach activities are not considered legal programs.

In order to receive funds under this legal services_funding category, agencies must operate programs funded by the Legal Service Corporation Act or be an organization that can develop a legal services program that meets the needs of older individuals in social or economic need and agrees to coordinate the services with any existing Legal Services Corporation Act funded entity in its service delivery area.

All providers must meet Title III Older Americans Act requirements for the provision of Legal services.

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