



New York State Legal Services Initiative



**New York State
Legal Services Initiative**

Partnership

NY State Office for the Aging

**NY State Office of Court
Administration**

NY State Bar Association

**NY State Office for Persons With
Developmental Disabilities**

LSI is a New York State initiative.

The State Office for the Aging administers the initiative and is one of the four primary partners jointly implementing the activities under this collaborative effort.

Robert Abrams, Esq., a long-time elder law attorney, provides valuable facilitation assistance.



Expanded participation . . .

Public / Private *Think Group* —

State agencies

Networks:

aging

disabilities

health

Caregivers

Judiciary members

Legal community

Consumers

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Greater, more diverse involvement in this statewide effort is achieved through the formation of a public/private “Think Group.”

The Group comprises a variety of experts from across the State, including representatives from:

state agencies;
aging, caregiving,
and health networks;
disabilities networks
(physical, mental,
developmental, and
intellectual); advocates;
law schools; members of
the legal and Judiciary
communities, and
consumers.



Office for
the Aging

Aim:

**Increase access
to affordable legal assistance
& information for . . .**

- Older adults
- People with disabilities—all ages
- Caregivers

The aim of the Legal Services Initiative is to increase access to affordable legal assistance for three targeted population groups:

older adults,
people of all ages with disabilities, and
the informal, unpaid caregivers for these population groups.

We fully expect that the strategies and steps put forth to achieve this goal for these targeted groups will spill over to benefit all members of the community.



**New York State
Legal Services Initiative**

Activities

A variety of activities are being employed to achieve the initiative's aim and goals.

Activity-- surveys

Series of 7 statewide surveys:

- Area Agencies on Aging (AAA)
- AAAs' Legal Assistance Program Providers
- Residents— ages 18 and over
- Residents—all ages with disabilities
- Attorneys: Mental Hygiene Legal Service
- New York's practicing attorneys
- Members of New York's Judiciary

The LSI partnership conducted seven statewide surveys.

The purpose is to collect more rigorous findings-- in place of anecdotal reports-- regarding residents' experiences related to their need for, and use of, legal services, and the experiences of attorneys and members of the Judiciary when they provide legal assistance to residents ... or when they engage with residents in the court systems.

Surveys

Survey findings will include:

- Issues of most concern to residents
- Residents' use of legal assistance
- Barriers to accessing legal services
- Areas of the State where gaps in available legal services are greatest
- Attorneys' & Judges' expressed needs for training about the targeted populations
- Status of the aging network's Federally mandated Legal Assistance Program

Survey findings will be used by the initiative's Think Group as a basis for suggesting strategies, activities, and steps to advance the initiative's goals.

Activity—“Think Group”

Convene a workgroup, including:

- State agencies
- Attorneys
- Members of the Judiciary
- Representatives of:
 - Aging and health networks
 - Disabilities networks
- Consumers
- Caregivers

A Think Group of 105 knowledgeable individuals from across the State was convened. Group members came from both the public and private sectors and represented the various targeted population groups, as well as consumers, service providers, advocates, organizations, and professionals who engage with these individuals in a variety of ways.

Think Group

Think Group members will:

- Use survey findings, as well as their own experiences and expertise, to . . .

Identify & suggest strategies, activities, & steps to advance the initiative's goals

The Group used the findings from the statewide surveys and their own expertise and experiences as a basis for suggesting steps, activities, and strategies that will lead to advancing the initiative's aims and goals.

Activity—improve LAP

- Strengthen the Aging Network's
Legal Assistance Program

A priority service under the Federal
Older Americans Act

... to help adults aged 60 and over
with legal issues that affect their ability
to live independently & with dignity

With direction by the New York State *Legal Services Developer* (a statewide position established under the Older Americans Act), activities will be instituted to assist the State's network of 59 Area Agencies on Aging increase the effectiveness of LAP, promote a collaborative and holistic approach to providing services under the program, and explore ways of increasing the provision of affordable legal assistance under this program.

Activity—products & resources

Educational resources—

- Self-assessment Planning Tool
- Inventory of legal resources
- Community training & education forums
- Access-to-justice gap analysis
- Treatise for attorneys & other professionals
- Interactive consumer legal web site

For use by consumers and professionals: a number of educational products and resources are being produced under this initiative by partnership members and others.

These products and resources are meant to assist in achieving the initiative's aims and goals.



Aims & Goals of the Initiative

- **Raise awareness of legal rights among:**
 - Consumers
 - Service providers
- **Increase:**
 - **Among members of the legal and Judicial communities:**
Understanding of . . .
 - The aging process**
 - Living with disabilities**
 - Caregiving tasks and issues**

The various activities being carried out are intended to reach the aims and goals of the Legal Services Initiative . . . with an ultimate intent of:

- Achieving more just outcomes when addressing problems encountered by residents;
- Ensuring equal access to justice by all residents.

Aims & Goals of the Initiative

- **Increase:**
 - Access to affordable legal services, including greater provision of *pro bono* legal help
 - Availability of legal assistance, including increasing the number of attorneys serving the targeted populations
- **Strengthen and better coordinate:**
 - The aging network's Federally mandated Legal Assistance Program, which is administered by each of the State's 59 Area Agencies on Aging

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Sustainable Communities
for **all ages**



**New York State
Legal Services Initiative**

Quality of Life & Well-Being

Livable Community

The *Legal Services Initiative* is one aspect of New York State's *Livable New York* initiative.

A community's level of livability reflects the quality of life of its residents and the community's overall well-being.

Adequate access to sufficient and affordable legal assistance has a significant impact on quality of life and well-being; thus, such access is a necessary element of a livable community.



**New York State
Legal Services Initiative**

*What brought the partners
together
for this initiative ?*

**A convergence of
factors ... trends ... interests**



**New York State
Legal Services Initiative**

Impetus for the initiative –

- **Trends: demographic / social / policy**
- **Anecdotal comments from the field**
- **Strong support from various networks, including:**
 - **New York's Judiciary**
 - **The Legal community**
 - **Aging network**
 - **Disabilities community**

A number of elements underlie the partners' mutual interest in joining forces at this time to establish the *Legal Services Initiative*.



**Office for
the Aging**



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 - **Disabilities community**

One important element is the impact of several significant demographic, social, and policy trends that are changing the profile of our communities, which, in turn, is increasing the need for better access to affordable legal services.

2010

19.6 M people

Some demographic & social trends

Elderly:

19% of population

3rd largest # in the nation:

3.7 M people

Disability:

20% of population:

4 M people

Ethnic / Racial Groups:

40% of population:

7.8 M people

Informal, Unpaid Caregivers:

3 M individuals

New York has 3.7 million persons aged 60 and over. By 2015, in 19 of New York's 60 counties, older adults will make up 25% or more of the county's population.

One in five New Yorkers has one or more of the disabilities measured by the Census Bureau.

The 2010 Census showed that New York's White Non-Hispanic population declined by 4%. All minorities make up 40% of the State's population.

Almost 3 million individuals in the State are providing unpaid care for an elderly or disabled family member or friend.



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2010

19.6 M people

Some social & policy trends

Health & Long-Term Care Policies:

Avoid institutional settings

Promote:

In-home care

Community-based services

Person-directed care/services

Housing / Households:

Conventional housing models

Non-traditional households

Everyone: residential integration

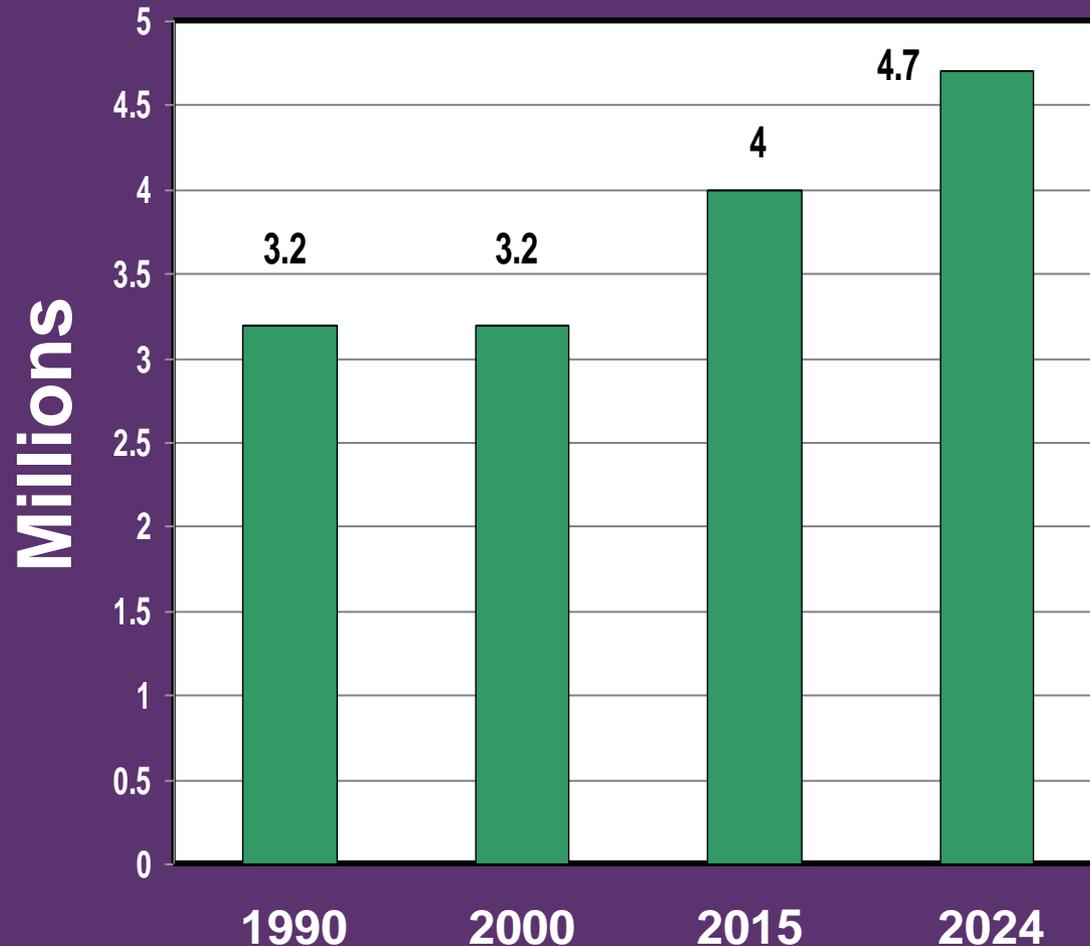
The shift in our public policies support the ability of everyone—regardless of age, ability, or functional status—to continue living in their communities, in the housing of their choice, and integrated within residential settings.

The traditional nuclear family (mother, father, children) account for fewer than 1/3 of all households in the U.S.



Aging

New York State Aged 60 and Over



Source: Robert Scardamalia, NYS Data Center

The aging of the baby boomers, together with increasing longevity among ALL population groups, is swelling the State's older population.

All baby boomers will be age 60 and over in 2024. At that time, New York's older adults will number close to 5 million. The fastest growing segment are those aged 85 and over—those most vulnerable to frailty and impairment.

Over 80% of the older population are living in their own homes & apartments.



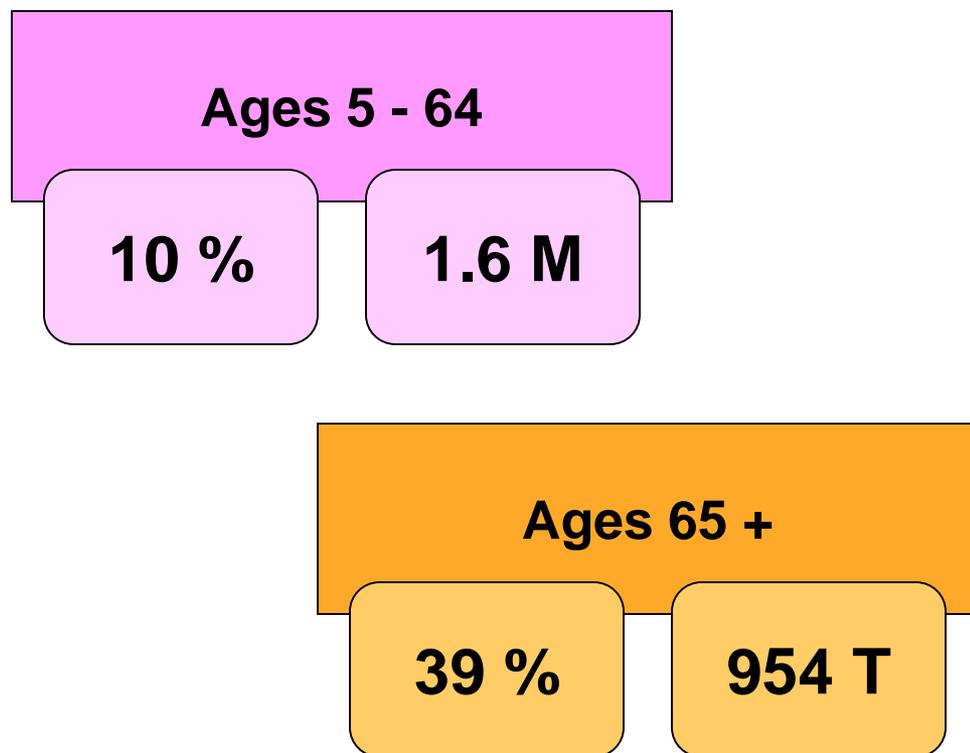
Office for
the Aging

Disabilities

N. Y. -- 2000

One or More Disabilities

Per Cent of Age Group & Number of Persons



People with disabilities (mental, developmental, intellectual, emotional, physical, sensory, social) account for 4 million of New York's residents.

The potential for incurring a frailty or disability is much greater among older adults (39%) than among younger-aged individuals (10%). However, the actual *number* of people with one or more disability is much higher among the younger-aged population.

Most of these individuals are living in conventional housing in our communities.

Caregivers

3 million caregivers in NY State . . . including:

Employed
Not working
Retired
Going to school

Spouses
Brothers and sisters
Grandparents
Neighbors & friends
Elderly people
Teenagers
Children

As the number of older adults and the number of people with disabilities increase, the number of caregivers will increase in tandem with that trend.

Caregivers experience many legal issues associated with their caregiving responsibilities, including: guardianship, custody, housing and zoning, health care proxy, powers of attorney, school decisions, harassment, financial, medical decisions, and many more.

And, in most cases, a caregiver is the person who (formally, or informally without official designation) handles or coordinates the legal issues experienced by the person he/she is caring for.

Households & Families

**Non-traditional Households—
all are increasing . . . including:**

Grandparents raising grandchildren

**Elderly parents caring for adult child with
developmental disabilities**

Couple—no children

Single mom & single dad with children

Single-person households – living alone

Same-sex couples

Multi-generation households

Unrelated individuals sharing a home

Along with the impact of demographic and public policy changes, social trends are also having a significant effect on the profile of our communities.

One major social trend is the increase in the number and types of non-traditional households making up our communities.

In particular, the number of single-person households is increasing significantly because of several growing trends, including “never-married,” divorce, and widowhood.

Public Policies

- **Contain growth in the public cost of health & long-term care**
- **Federal Olmstead Decision**

Support “aging-in-place”: keep “everyone” at home in their *own homes & apartments*

Emphasize in-home and community-based care & programs . . . and promote person-directed care / services

Least restrictive living environment

Conventional housing options

Integrated into residential settings

For everyone, regardless of age, health, ability, or functional status—public policies continue to move in the direction of:

- Providing supportive assistance, health, & long-term care through in-home and community-based programs, services, and care.
- Keeping people out of costly institutions.
- Integrating people, alternative housing models, and provision of care into residential settings.

The impact of demographic, social, & policy trends . . .



Including many more:

Older adults . . . & *frail* older persons

Individuals and families with different types of disabilities

Individuals living alone

Individuals / families with special needs living in conventional housing

Greater diversity-- cultures and races

Varieties of community norms & preferences

As these trends continue to evolve and increase, our neighborhood profiles will change, and our traditional perception of “who is living in our communities” will also have to change.

Change requires us to:

- Understand the differing needs of those who need help;
 - Reconsider how we define community issues;
 - Expand our ideas & choices when considering solutions.

*The ripple effect of
of the impact . . .*

Legal issues experienced

Need for legal assistance

Growing

These trends ... and others ... have resulted in older adults, people of all ages with disabilities, and the growing numbers of caregivers of both these population groups encountering more issues that have a legal basis for their solutions.

However,
Not just MORE issues
... but more COMPLEX —

housing & accessibility

retirement issues

employment, finances, & debt

long-term care & health

family relationships

marriage & custody

exploitation, abuse, & discrimination

public benefits

crime and safety ... *and more*

As residents live longer and longer . . . independently in their own homes and apartments . . . with frailties and disabilities, and as caregivers continue to provide increasingly intense levels of help and care, the legal-based issues they all can face grow increasingly complex, with a greater likelihood of needing affordable avenues for professional assistance.



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Impetus for the initiative –

- **Trends: demographic / social / policy**
- **Anecdotal comments from the field**
- **Strong support from various networks, including:**
 - **New York's Judiciary**
 - **The Legal community**
 - **Aging network**
 - **Disabilities community**

Various networks and communities recognize the impact of demographic, social, and policy change on residents' need for more . . . and more complex . . . legal assistance; they recognize how this need is growing and the current gap in available, affordable legal assistance for these residents.

The force of this recognition has focused increasing attention on “equal access to justice” for diverse population groups, creating a strong incentive to establish this initiative.

Anecdotal reports:

We continue to hear that . . .

For:

Older adults

People with disabilities

Caregivers

There is a lack of –

AVAILABLE legal assistance

AFFORDABLE legal assistance

ACCESS ... when assistance *is* available

Anecdotal reports:

We continue to hear that . . .

Residents:

- **Lack awareness of their legal rights**
- **For many issues—
do not know that a “legal” basis underlies
many problems ... & can be a resource**
- **Are not aware of attorneys’ pro bono work ... or
agencies providing free / low-cost legal aid**

Anecdotal reports:

We continue to hear that . . .

Residents:

- **Do not understand court system procedures & protocols**
- **Lack legal representation when they enter the court systems**

Anecdotal reports:

We continue to hear that . . .

Existing community agencies and programs providing legal assistance

Lack sufficient resources to meet the growing need

The Federal Administration on Aging's Legal Assistance Program

Can be made much more efficient, consistent, and effective

Anecdotal reports:

We continue to hear that . . .

**Many older adults,
people with disabilities,
& caregivers**

who come into the court systems . . .

- **Have language & communication problems**
- **Have vision ... hearing ... mobility impairments**
- **Have cognitive losses**
- **Have financial issues**

These are significant barriers that reduce these individuals' ability to successfully access & negotiate the legal services systems and the Judiciary systems, as well as their ability to achieve satisfactory or appropriate outcomes.



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A third major factor driving the establishment of this initiative is the strong expressed support by diverse networks and advocacy groups that perceive the initiative's potential for creating significant improvements in systems and policies and for achieving mutually valuable benefits and goals for the State's citizens.

Strong support is expressed for . . .

Improving the Judiciary systems through training and education for Judiciary members who . . .

- **Are often not knowledgeable about traits & conditions of caregiving, aging, or living with disabilities**
- **Are often unaware of the impact of these traits & conditions on:**
 - **Clients' ability to access the court systems**
 - **Communication among judges, attorneys, and clients in court proceedings**
 - **Clients' understanding of court events, actions, and protocols**
- **Have less successful interactions with caregivers or with aging, frail, or disabled clients**
- **Experience less appropriate outcomes for these clients & their caregivers**

Strong support is expressed for . . .

Improving communication and interactions between members of the legal community and clients . . . and improving outcomes of these interactions for attorneys and paralegals who . . .

- **Are often not knowledgeable about the traits & conditions of caregiving, aging, or living with disabilities**
- **Often lack awareness of the issues older adults, people with disabilities, and caregivers often encounter . . . beyond traditional “elder law” or “accessibility” issues**

Strong support is expressed for . . .

Utilizing the Legal Services Initiative as an opportunity to advance the role of the legal community in enhancing residents' well-being and quality of life . . . by:

- **Involving more attorneys and paralegals in the initiative's activities and strategies that are developed to achieve the initiative's goals**
- **Increasing the amount of *pro bono* work provided by members of the legal community**
- **Reviewing & assessing the Bar Association's future plans**

**The work of the Partnership ...
and of the Think Group
offers an opportunity to:**

Achieve more just outcomes

Ensure equal access to justice

The ultimate aim of the Legal Services Initiative is to achieve more just outcomes and equal access to justice for older adults, individuals of all ages with disabilities, and caregivers.

The benefits of achieving these aims for these population groups will spill over to benefit all residents and the wider community.



**New York State
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**Office for
the Aging**