

NEW YORK STATE OFFICE FOR THE AGING

2 Empire State Plaza, Albany, NY 12223-1251

Andrew M. Cuomo, Governor

Greg Olsen, Acting Director

An Equal Opportunity Employer

PROGRAM INSTRUCTION

Number 13-PI-04

Supersedes

Expiration Date

DATE: March 5, 2013

TO: Area Agency on Aging Directors

SUBJECT: Legal Assistance Program: Research Questionnaire for Providers

ACTION REQUESTED:

- Provide to the New York State Office for the Aging (NYSOFA), by March 20, 2013, the name, e-mail address, and phone number for each provider of legal assistance;
- Inform each provider about the Legal Services Initiative, using the attached Information Sheet and Invitation from Acting Director, Greg Olsen; and,
- Instruct the provider to complete and submit the research questionnaire that NYSOFA sends to them.

RESPONSE DUE DATE: No later than March 20, 2013.

Send to: laura.beck@ofa.state.ny.us.

PURPOSE: The research questionnaire for providers is designed to enhance NYSOFA's understanding of the status of Legal Assistance Program services offered by the Area Agencies on Aging (AAAs) with Title III-B and other funding. There is important information that only the providers of legal assistance would be able to supply. Data derived from the research questionnaire for legal assistance providers, together with data derived from the AAA Directors' September, 2012, research questionnaire, will help NYSOFA identify those areas where we can help area agencies and the providers enhance the effectiveness of the program, increase access to legal services for older adults, develop best practices, and support the work of the providers of this assistance.

BACKGROUND: As previously explained in 12-PI-12, NYSOFA is aware that older adults face a variety of legal issues that affect their ability to live independently and with dignity. Therefore, NYSOFA is seeking to strengthen the local legal assistance programs in regard to their ability to meet the needs of older adults with greatest economic and/or social need residing in their service areas. In order for the Legal

Assistance Developer to provide State leadership and effective technical assistance, training, and other supportive functions to the AAAs and the providers of legal assistance, NYSOFA needs accurate, comprehensive information about the characteristics of the AAA programs as they currently exist. In particular, NYSOFA is interested in information regarding the relationship among the AAA, the legal services provider, and the aging services network. NYSOFA has collected information from the AAAs and is now seeking to collect information from the providers. NYSOFA urges any AAA that has not yet completed the AAA Directors' questionnaire issued in September, 2012, to do so now as this information is of great importance to achieving one of the major goals of the State's Legal Services Initiative, which is to better coordinate and strengthen delivery of legal assistance. For those few AAAs that have not yet submitted the AAA Directors' questionnaire, it is still available on the NYSOFA Reporting System.

The most efficient manner for NYSOFA to conduct the statewide survey of providers is by e-mailing the research questionnaires to the providers for their completion and electronic submission. Accordingly, each AAA is instructed to:

- Provide Laura Beck, the Legal Services Developer, as soon as possible and no later than March 20, 2013, with:
 - o The name, phone number, and e-mail address of each of its providers of legal assistance;
 - o The name of each provider's contact person; and,
 - o For those providers who have no email address: please provide the provider's complete mailing address and telephone number.

- Send each legal assistance provider:
 - o The attached description of the New York State Legal Services Initiative, and
 - o The attached invitation to participate in this initiative to increase access to affordable legal assistance to ensure equal access to justice.

Enclosures: (3)

- PROGRAMS AFFECTED:**
- | | | |
|--------------------------------------|--|--|
| <input type="checkbox"/> Title III-B | <input type="checkbox"/> Title III-C-1 | <input type="checkbox"/> Title III-C-2 |
| <input type="checkbox"/> Title III-D | <input type="checkbox"/> Title III-E | <input type="checkbox"/> CSE |
| <input type="checkbox"/> SNAP | <input type="checkbox"/> Energy | |
| <input type="checkbox"/> EISEP | <input type="checkbox"/> NSIP | <input type="checkbox"/> Title V |
| <input type="checkbox"/> HIICAP | <input type="checkbox"/> LTCOP | |

Other:

CONTACT PERSON:
 Laura Beck, Legal Services Developer

TELEPHONE:
 (518) 408-1103

Andrew M. Cuomo
Governor

Greg Olsen
Acting Director



Two Empire State Plaza
Albany, New York
12223-1251

www.aging.ny.gov

March 1, 2013

Dear Legal Assistance Provider:

New Initiative:

On September 12, 2012 Governor Andrew M. Cuomo announced a partnership among the State Office for the Aging, the State Office of Court Administration, and the New York State Bar Association to find new ways to better provide affordable legal services to older adults (particularly those who, due to economic or social need, would not likely be able to obtain an attorney's assistance), as well as to New Yorkers of all ages with disabilities and the caregivers of these two groups. The State Office of Persons with Developmental Disabilities has also joined as a partner for this initiative. For your information, I am enclosing a summary description of New York State's Legal Services Initiative and a copy of the press release issued by Governor Cuomo.

A major goal of this initiative is to identify the legal needs and barriers to justice faced by older adults and persons with disabilities. A second major goal is to strengthen and better coordinate the aging network's Legal Assistance Program, which is administered by local Area Agencies on Aging and through which Providers such as yourself are engaged to deliver the program's legal services. To achieve these goals, accurate data must be gathered to determine the adequacy of existing legal service programs and resources regarding access to and use of legal assistance; and several surveys are being conducted to collect this data.

Your Assistance:

The New York State Office of the Aging (NYSOFA) appreciates the work you do to help older New Yorkers experiencing problems that require legal assistance to resolve. Our office believes that you have valuable information and insights regarding the Legal Assistance Program that will enable us to strengthen this program, as well as enable us to identify steps and provide resources to support the work that you are doing in providing assistance to older adults.

In the next couple of weeks NYSOFA will send a research questionnaire to you electronically for you to complete. The results will give us a more accurate understanding of the Legal Assistance Programs from the provider perspective and will serve as a basis for the New York State Legal Assistance Developer (a position mandated by the federal Administration on Aging) to provide State leadership in offering the most effective technical assistance, training, and other supportive functions to the providers of the Legal Assistance Program.

We appreciate the value of your participation in this important initiative. If you would like further information about the Initiative or the research questionnaire we will send to you, please contact Laura Beck at (518) 408-1103, or Vera Prosper at (518) 474-4382.

Sincerely,



Greg Olsen

Enclosures



cc: Vera Prosper, Director
Legal Services Initiative

Laura Beck, Esq., Assistant Counsel
NY State Legal Assistance Developer





New York State Legal Services Initiative

Partners

NY State—

Office for the Aging

Office of Court Administration

Bar Association

Office for People
with Developmental Disabilities

With facilitation assistance
by Robert Abrams, Esq.

Description of the Initiative

Purpose of the Initiative: The intent of the statewide, collaborative *Legal Services Initiative* is to increase access to affordable legal assistance by three targeted population groups: New York's older adults, individuals of all ages with disabilities, and the caregivers of these population groups. The ultimate aim is to ensure equal access to justice by these population groups.



An element of a livable community: This *Initiative* is one aspect of the State's *Livable New York* initiative. A community's level of livability reflects the quality of life and well-being of its residents. As adequate access to sufficient and affordable legal services has a significant impact on residents' quality of life and overall community well-being, such access is a necessary element of a livable community.

Basis for the Initiative—Continuing Anecdotal Reports: Numerous anecdotal reports across the State indicate that:

- Many residents and service providers are unaware of the legal framework underlying many of the problems encountered by residents, or that this legal framework can serve as an effective foundation for resolving many of these problems; thus, many residents and service providers do not even consider legal rights when addressing a problem;
- Many older adults and individuals with disabilities enter the court systems without the benefit of legal representation;
- Many residents cannot afford the costs of legal help, and there is a growing gap in the availability of affordable legal assistance;
- Many residents do not know where or how to contact the legal help that is most appropriate to address their particular problems;
- Where legal help *is* available, many residents have limited or no access to this help;
- Many members in the legal community and in the Judiciary are not knowledgeable about the traits, conditions, and circumstances characterizing aging individuals and persons with disabilities, and are often unaware of the extent to which these elements have a significant impact on these individuals' ability to gain successful access to and use of legal help and systems; and
- There are insufficient resources in the various legal service programs established to serve the targeted population groups to meet the growing demand for help.

Research to Explore and Quantify Anecdotal Reports: To address the current lack of sufficient hard data, the *Initiative* will conduct a series of five statewide surveys to collect more rigorous findings regarding such elements as the use of

legal help by residents, barriers to accessing legal help, issues of most concern to residents, types of problems encountered by them, differences in use and availability of legal assistance in different geographic areas of the State, and the current status of the aging network's federally mandated Legal Assistance Program.

The five surveys are gathering information from (1) Directors of Area Agencies on Aging (AAA), (2) legal service providers contracted by AAAs, (3) consumers aged 18 and over—through a telephone survey of the general population and a statewide series of small-group-based surveys of specific population groups, (4) attorneys practicing in New York State, and (5) members of the State's Judiciary.

Think Group: A "Think Group" will be convened under the *Legal Services Initiative*, which will comprise knowledgeable representatives from the legal field, the Judiciary, caregivers, aging network, disability networks, health network, and consumers. Group members will use the findings from the surveys, together with their own experiences and knowledge, to develop a set of strategies and steps that will be carried out to achieve the *Initiative's* goals.

Goals of the Initiative: The goals of the *Legal Services Initiative* are to:

- Increase access to affordable legal services by the three targeted population groups;
- Increase attorneys' and Judiciary members' awareness of the traits, characteristics, and circumstances of the individuals in these groups, as well as their understanding of how these elements can have a significant impact on these individuals' ability to successfully benefit from interactions with the legal and Judicial communities;
- Increase attorneys' and the Judiciary members' awareness of the types of legal issues affecting the targeted populations on a day-to-day basis;
- Increase the number of attorneys who will include the needs of these individuals in their practices;
- Expand the legal field's provision of *pro bono* services as a means of increasing access to affordable legal assistance; and
- Strengthen and better coordinate the aging network's Legal Assistance Program.

Impact of Evolving Trends: Both demographic growth and a shift in how we care for frail and impaired individuals have increased the need for legal assistance.

Demographics: Individuals with disabilities (mental, emotional, physical, and sensory) account for 4 million of New York's residents; there are currently almost 4 million adults aged 60 and over in the State; and informal, unpaid caregivers for these individuals number over 3 million. Projections indicate that all three of these population groups will increase over the next decades.

New York State Persons with Disabilities			
Age	2010	2020	2030
5 and Over	3.8 M	4.1 M	4.4 M
NY State Office for the Aging (Steve Sconfienza, Chief Statistician), based on U. S. Census Bureau data			

New York State Older Adult Population			
Age	2010	2020	2030
60 and Over	3.7 M	4.5 M	5.3 M
NY State Office for the Aging (Steve Sconfienza, Chief Statistician), based on U. S. Census Bureau data			

Public Policies: All population groups are living longer and longer lives, and increasing numbers of people are living alone at all stages in their lives. Our health and long-term care policies have shifted away from institutional care to providing services and care in residents' own homes—regardless of age, ability, health, or functional status—thereby allowing residents to continue living most or all of their lives in their own neighborhoods and in conventional homes and apartments. These trends have resulted in older adults, people of all ages with disabilities, and the growing numbers of caregivers encountering more issues ... and more *types* of issues ... that have a legal basis for their solutions. In addition, the issues faced by these populations are becoming much more complex ... more often requiring specialized knowledge and professional help for resolution.

Governor's Press Release: A copy of the September 12, 2012, press release by Governor Andrew Cuomo announcing the *Legal Services Initiative* and the partnership can be viewed at:

<http://www.aging.ny.gov/LivableNY/LegalServices/PressRelease.pdf>.

For more information, contact
Vera Prosper, PhD, Coordinator
Legal Services Initiative
New York State Office for the Aging
vera.prosper@ofa.state.ny.us



STATE OF NEW YORK | EXECUTIVE CHAMBER

ANDREW M. CUOMO | GOVERNOR

For Immediate Release: September 12, 2012

GOVERNOR CUOMO ANNOUNCES STATEWIDE PARTNERSHIP TO IMPROVE ACCESS TO LEGAL SERVICES FOR VULNERABLE NEW YORKERS

Governor Andrew M. Cuomo today announced a partnership between the State Office for the Aging, the State Office of Court Administration and the New York State Bar Association to find new ways to better provide affordable legal services to senior citizens and New Yorkers with disabilities.

"Access to affordable legal services is of utmost importance, particularly for senior citizens and residents with disabilities," Governor Cuomo said. "This partnership builds on efforts the state has already taken to ensure that New Yorkers with disabilities are treated fairly and have proper access to the same avenues of justice that are available to others."

The collaborative effort will identify the legal needs and barriers to justice faced by older adults and individuals with disabilities. The partners involved in the effort will develop a strategic plan to more effectively use existing resources, including attorney *pro bono* programs, to target areas of greatest need.

For older New Yorkers and individuals with disabilities, access to affordable legal services can be a critical factor in their ability to continue to live in their homes and communities of choice. Financial, health care, and family problems can also pose complicated legal issues. To determine the adequacy of existing programs, the partnership will assess legal needs and identify legal assistance programs and resources. It will survey legal services providers, attorneys, judges, the general public, and county-based agencies on aging that administer the State Office for the Aging's Legal Assistance Program.

It also will develop an inventory of legal resources and perform an access-to-justice gap analysis. A "Think Group"-composed of attorneys, judges, health care professionals, experts on aging and disabilities, and others-will devise a blueprint for enhancing access to affordable legal services by the targeted populations and their caregivers.

The partnership is expected to yield a variety of educational programs and tools, including an interactive website, a series of community forums to raise awareness about the legal issues often

faced by the targeted populations, an elder preparedness self-assessment tool, an elder law treatise for attorneys and other professionals, and strategies for increasing the availability of free and low-cost legal services. The partnership was facilitated by Robert Abrams, Esq., a long-time practitioner and advocate in the field of elder law.

Greg Olsen, Acting Director of the New York State Office for the Aging said, "We are thrilled to be part of this exciting partnership. The New York State Office for the Aging administers a Legal Assistance Program for older adults who, due to economic or social need, would not likely be able to obtain the assistance of an attorney, impeding access to justice. These citizens have a right to receive the help they need in seeking justice related to issues around housing, health and long-term care, financial exploitation, physical and mental abuse, guardianship, employment, discrimination, caregiving, and many more."

New York State Chief Administrative Judge A. Gail Prudenti said, "Ensuring meaningful access to justice for all New Yorkers is fundamental to the court system's constitutional mandate and a priority for Chief Judge Jonathan Lippman. The legal services needs of the elderly, those with disabilities, and other vulnerable populations continue to grow as we grapple with the persistent effects of the economic downturn. I am delighted that the Office of Court Administration, the New York State court system's administrative arm, has been given the opportunity to be a part of this collaborative, multifaceted undertaking that seeks solutions, compatible with today's fiscal realities, to enhance legal access for members of these populations and their caregivers. Having access to adequate, affordable civil legal services is so crucial in achieving just outcomes, often making the difference between having shelter and becoming homeless, and securing or losing access to health care and other basic needs. I look forward to the progress that this unique partnership will bring to this critical area."

Seymour W. James, Jr., President of the New York State Bar Association, said, "The ability to access legal advice can make an enormous difference in the well-being of older adults and individuals with disabilities. Our members help address these needs by volunteering countless hours of *pro bono* services each year. The New York State Bar Association is pleased to join efforts to determine how best to meet the legal needs of these vulnerable populations."