



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
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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 all types of disabilities, and the caregivers of these population groups. The ultimate aim is to ensure equal access to justice by these 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 community-based 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* conducted a series of seven 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 and 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 and the State's Mental Hygiene Legal Service.

The seven surveys gathered information from (1) Directors of Area Agencies on Aging (AAA), who administer the statewide Legal Assistance Program; (2) legal service providers who are contracted by AAAs to deliver services under the Legal Assistance Program; (3) consumers aged 18 and over, for information on the need and use of legal assistance by the general population; (4) residents of all ages with all types of disabilities, (5) attorneys practicing in New York State; (6) attorneys staffing the State's Mental Hygiene Legal Service program, and (7) judges and justices in the State's Judiciary.

The seven surveys' findings are assembled into the document, *Report of Findings: Seven Statewide Surveys*, which is available on the *Legal Services Initiative* web site.

Think Group: A consultative "Think Group" was established under the *Legal Services Initiative*, which comprises 105 knowledgeable, experienced representatives from the legal profession; Judiciary; caregivers; advocates; service providers; law schools; representatives of aging, disability, and health networks; state and local government agencies; and consumers. The Think Group was convened, and members used the findings from the surveys, together with their own experiences and knowledge, to suggest strategies and steps that can advance the *Initiative's* goals.

The Think Group's suggested strategies, steps, policies, and actions are compiled into a practical resource entitled *Think Group Report—Strategies for Action: Advancing the Legal Services Initiative's Goals*.

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

- Increase consumers' and service providers' awareness of the legal underpinnings of many of the issues faced by older adults, people of all ages with all types of disabilities, and the caregivers of these populations.
- Increase access to affordable legal assistance by the three targeted populations.
- 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 diverse types of legal issues experienced by 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 availability of affordable legal assistance, including exploration of alternative methods of providing legal assistance in an affordable way.
- 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 individuals with frailties and disabilities have increased the need for legal assistance.

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

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 informal 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.

The demographic and policy trends, together with the reports of limitations and gaps in the availability of affordable legal assistance, provided the impetus for developing the *Legal Services Initiative* and creation of the Partnership established to carry out the *Initiative's* activities and tasks.

Governor's Press Release: A copy of the 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>.

New York State Persons with Disabilities			
Age	2010	2020	2030
5 and Older	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 Older	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			

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Legal Services Initiative – web site:
<http://www.aging.ny.gov/livableny/LegalServices/index.cfm>