

Department of Elder Affairs Programs and Services Handbook
Appendix A: Service Descriptions and Standards

Section 2: Services

Service: Legal Assistance

PROGRAM FUNDING SOURCE(S): CCE, LSP, OAAIIB, OAAIIIEG, OAAIIIES

PROGRAM AUTHORITY:

Program Funding Specific Authority

Rulemaking Section 430.08, F.S.

· CCE Sections 430.201-207, F.S.

LSP: Specific Appropriations

OAAIIB Older Americans Act, Title III, Part 8, Section 321, (a)(6), (16)
42 U.S.C. 3030d

OAAIIIE Older Americans Act, Title III, Part E

A. DESCRIPTION: The goal of the Florida Senior Legal Assistance Program is to build a collaborative and supportive network of key stakeholders in both the aging and legal services networks to ensure accessible, high impact, high quality legal services, which are targeted particularly to older Floridians in greatest economic or social need.

B. Definitions:

1. Legal Assistance:

- a. Means legal advice and representation provided by an attorney to older individuals; and
- b. Includes to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and may include counseling or representation by a non-lawyer where permitted by law.
- c. Legal Assistance does not include group legal education.

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Appendix A: Service Descriptions and Standards

Section 2: Services

Service: Legal Assistance

2. Limited representation: See Standard 3.4, American Bar Association Standards for the Provision of Civil Legal Aid¹

C. DELIVERY STANDARDS/SPECIAL CONDITIONS:

1. Target Groups: Recognizing that OAA 111-B resources are inadequate to meet the legal needs of older persons, legal assistance must be particularly targeted to older persons in greatest economic and social need.
 - a. The OAA specifies a number of target groups, with emphasis on low-income older persons, low-income minority older persons, older persons with limited English proficiency, and those residing in rural areas.
 - b. Consideration should be given at the local level to the necessity of prioritizing additional populations for legal assistance based on community need. Establishing additional target populations should be achieved by ongoing joint planning by the AAA and legal assistance providers and reflected in governing service provider agreement.
2. Priority Issue Areas:
 - a. AAAs and legal providers shall assure that the following broad categories of legal assistance are available in each planning and services area. These include: Income; Health Care; Long-term Care; Nutrition; Housing and Utilities; Defense of Guardianship; Abuse, Neglect and Exploitation; Age Discrimination; Protective Services.

¹ The full text of the ABA Standards for the Provision of Civil Legal Aid can be found online at the following site: <http://www.abanet.org/domviol/trainings/1nterpreter/CD-Materials/civillegalaidstds2006.pdf>

Department of Elder Affairs Programs and Services Handbook
Appendix A: Service Descriptions and Standards

Section 2: Services

Service: Legal Assistance

- c. Assure that legal programs are adequately funded in accordance with federal and state requirements and that legal assistance services are available throughout the Planning and Service Area.
 - d. Engage in joint-planning and cross-training efforts with the legal assistance providers.
 - e. Ensure legal assistance providers an integral part of the AAAs advocacy efforts.
 - f. Develop and maximize the use of other resources to expand the provision of legal assistance, with emphasis on partnering with the statewide Senior Legal Helpline.
3. Providers:
- a. Providers must be licensed in accordance with Chapter 454.021, Florida Statutes.
 - b. If not a Legal Services Corporation (LSC) project grantee, coordinate services with existing LSC in the region.
 - c. Engage in joint-planning and cross-training efforts with the aging network.
 - d. Ensure high quality, cost-effective and high-impact services are delivered.
 - e. Provide the full scope of services and limited representation as appropriate in applicable Florida and Federal courts and administrative forums.
 - f. Demonstrate capacity and expertise in major priority categories or areas of law that affect the target populations.
 - g. Develop and maximize the use of other resources to expand the provision of legal assistance, with emphasis on partnering with the statewide Senior Legal Helpline.

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 Appendix A: Service Descriptions and Standards

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E. RECORD KEEPING AND REPORTING REQUIREMENTS:

1. **Unit of Service:** One hour of direct service with or on behalf of a client accumulated on a daily basis.
2. GIRTS reporting requirements are below. -|-

GIRTS REPORTING REQUIREMENTS				
PROGRAM	SERVICE	REPORTING OF SERVICES	OAA CLIENT REQUIREMENTS	MAX UNITS
CCE	LEG	MONTHLY AGGREGATE REPORTING	NO CLIENT RECORD	9999
LSP	LEG	MONTHLY AGGREGATE REPORTING	NO REQUIREMENT	9999
OA3B	LEG	MONTHLY AGGREGATE REPORTING	NO REQUIREMENT	9999
OA3EG (GRANDPAR	LEG	MONTHLY AGGREGATE REPORTING	NO REQUIREMENT	9999
OA3ES (SUPPLEMENTAL)	LEG	MONTHLY AGGREGATE REPORTING	NO REQUIREMENT	9999

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