

APPENDIX G

PROGRAM REQUIREMENTS LEGAL SERVICES

1. Need and Purpose

The purpose of legal services for the elderly under this Agreement is to:

- A. Assure the further expansion and availability of legal services to seniors in Bucks County;
- B. To provide counseling, representation and training on legal problems confronting the elderly;
- C. To disseminate information on issues;
- D. To assist the BCAAA in its advocacy program on behalf of the elderly;
- E. To assist, where possible, with law reform, legislation, or changes in administrative regulations on issues of primary concerns to the elderly;
- F. To utilize the resources of the local bar associations and state law schools or legal services to the elderly;
- G. To coordinate the cooperative participation of other area legal service resources; and
- H. To otherwise assist the elderly in ensuring benefits and rights to which they are entitled.

Services under this Agreement will be provided to Bucks County residents age 60+ and will be in addition to services available to older adults who are funded by other sources. Services shall be in conformance with Pennsylvania Department of Aging Program Directive [#85-18-1](#) ("AAA Program of Legal Services to the Elderly"). It is anticipated that 30% of the elderly clients served will be at or below poverty level and/or eligible for some type of public welfare benefits.

2. General Requirements

- A. In accordance with the Older Americans Act, the following are the priorities for providing legal assistance; cases involving income, health, long term care, nutrition, housing and utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination.
- B. The Provider will be responsible for all reports needed by BCAAA.
- C. The Provider will be responsible for all administrative costs associated with the work described.
- D. The Provider must perform directly all components of the work specified below.
- E. All work described below, must be provided by an attorney licensed by the State of Pennsylvania.

- F. The Provider will give every consideration to having at least one senior citizen consumer representative on its Governing Board.

3. Legal Services Requirements

A. Direct Legal Services

- 1) Provision of information, advice, counseling, and representation to older adults to insure that they receive benefits and services for which they are entitled with emphasis on maintaining their independence and well being in the community and the well being of those living in personal care home and nursing facilities.
- 2) All requests for legal services will be evaluated and appropriate information, advice, counseling and/or representation will be provided. In the event of a waiting list, BCAAA is to be notified and the clients shall be placed on a waiting list for services according to the priority setting method established by BCAAA.(See Exhibit 1)
- 3) The Provider will provide representation of Protective Services clients referred by BCAAA, who do not have their own attorney, when BCAAA has petitioned the Courts for emergency involuntary intervention.
 - a. The provider will be notified by BCAAA Protective Service worker prior to the filing of the petition. Notification will contain sufficient information regarding the risk to the older adult as well as the proposed remedy to enable the Provider to decide on the need for representation at the emergency hearing. Notification will also include a copy of the petition, any affidavits, as well as the time, date and place of the presentation of the petition.
 - b. In the event that circumstances necessitate an oral petition, a written [petition will be served on the older adult and the Provider within 24 hours, or the next business day following the 24 hour period, of the entry of the emergency order.
 - c. If there is a conflict due to past contact with BCAAA regarding the same client, a Pro Bono attorney, through the Bucks County Bar Association, will be contact by the Court through the Provider.
- 4) Direct legal services shall be done in civil non-fee generating cases. Referrals will come from BCAAA, legal outreach, community agencies, older adults and their families.
- 5) Income generating cases will be referred to attorneys from the private bar or the Pro Bono program of the Bucks County Bar Association.

- 6) In any case, the Provider may not charge fees nor benefit directly or indirectly from services provider to the elderly clients service under this Agreement.
- 7) If there is a conflict, or the appearance of a conflict in the Attorney's representation of a client against BCAA, the client will be so advised and may be represented if they waive any objection. In the event that the client does not waiver the objection, the Provider will refer the client to the Bucks County Bar Association's Lawyer Referral Service for assistance.
- 8) Individual legal counseling may be done in any institutional or community setting.

B. Advocacy

The Provider, under the direction of BCAA, will assist senior citizens to keep abreast of current legislative developments affecting older adults through the following activities:

- 1) Survey literature to find new Federal, State and Local legislation which will impact on older adults and to determine the status of pending legislation.
- 2) The provider will provide a written column for BCAA quarterly newsletter concerning current issues/ legislation or interest to older adults.

C. Training and Outreach

- 1) BCAA will furnish the Provider literature pertaining to elder abuse, neglect, exploitation, and abandonment. The Provider is encouraged to give out the Elder Abuse Hotline phone number (1-800-243-3767) and may also make referral to BCAA for persons who may be in need of protective services intervention and/or information. The Provider may also receive in-service training from BCAA. The training will explain the older adult protective services program and how it may help certain individuals in Pennsylvania.
- 2) The Provider will assist BCAA in training APPRISE volunteers and provide advice to volunteers on an ongoing basis as needed.
- 3) The Provider will assist BCAA in training Ombudsman volunteers and provide advice on an ongoing basis as needed.
- 4) The Provider, when asked by BCAA will be a speaker to older persons and groups or appear at special events.
- 5) The provider will continue to outreach to District Justices and provide them with updated information on BCAA and senior legal services provided under this Agreement.
- 6) The provider will work with the Bucks County Bar Association to develop a list of pro-bono attorneys who will assist the elderly.

D. Research and Consultation

The Provider will:

- 1) Conduct the necessary research to advise the BCAAA director of any relevant information which will have any impact on benefits, programs and services for BCAAA clients.
- 2) Meet with the BCAAA Director as requested.
- 3) Cooperate with BCAAA in developing training tools for care managers and the general public in the areas of living wills, guardianship, durable power of attorney and health care.

4. **Monitoring**

- A. The BCAAA Deputy Director of Administration is responsible for ongoing monitoring of Legal Services Agreement. This will include on-site visits and analysis of reports, client surveys and other related materials and an on-site evaluation to be conducted by the BCAAA or its designee at a mutually agreed upon time. A representative from the Pennsylvania Department of Aging may accompany BCAAA staff on this visit.

A letter will be sent, in advance, to the Provider explaining the purpose of the visit and the topics to be discussed. A follow-up letter will be sent to the Provider describing the findings and any corrective action which may be necessary.