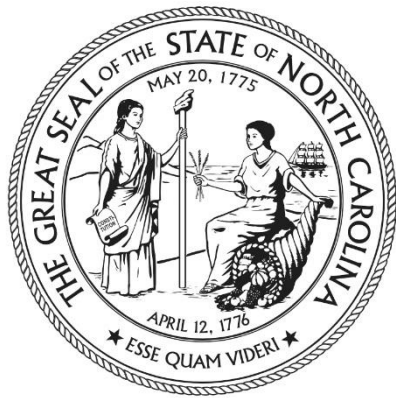


NC Department of Health and Human Services



# **Legal Services: Provisions and Prohibitions: History and Practice**

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# Historical Background



- Older Americans Act
- Federal Oversight Agencies
- Federal Funding of OAA Programs
- OAA Milestones
- Titles Relevant to Legal Services
- State Implementation and Collaboration

# Older Americans Act

- 1965 Great Society Legislation
- A Living and ever-evolving concept of independence and autonomy for older adults
- Guidepost for aging programs and service provision



President Johnson signing the OAA in 1965

# Federal Oversight Agencies

## Older Americans Act



**U.S. Department of  
Health and Human  
Services**

**Administration on  
Community Living (ACL)**

**State Units on Aging  
(DAAS)**

**Area Agencies  
on Aging (AAAs)**

**Local Providers**

**Consumers**

# **Older Americans Act Funding Stream**

# Older Americans Act Milestones

- 1965 Created Administration on Aging (AoA) signed into law July 14th
- 1969 Congress adds authority for a program of area-wide model projects to test new and varied approaches to meet the social service needs of the elderly.
- 1973 Amendments establish Area Agencies on Aging (AAAs) to develop a “comprehensive and coordinated service system” in partnership with state agencies. AAAs are given primary responsibility to coordinate and stimulate the expansion of services and serve as advocates on behalf of older adults. Multipurpose senior centers and community service employment provisions are included.
- 1975 Priority services under state agencies and AAAs are established for Title III including in-home care, transportation, legal assistance, and residential repair programs.
- 1978 Separate grants for supportive services, nutrition services, and multipurpose senior centers are consolidated into one program under the authority of state agencies and AAAs. Priority services are also consolidated and more flexibility in funding and determining state and AAA planning cycles are provided. The Long-Term Care Ombudsman program and new Title VI grants to Indian Tribal organizations for social and nutrition services are established.

# Older Americans Act Milestones

- 1981 Emphasized supportive services to help older persons remain independent in the community, also saw the expansion of ombudsman coverage extend to board and care homes
- 1984 AAAs are required to facilitate home and community-based services and case management services. Elder abuse prevention services are authorized and targeting provisions are added, requiring that services be focused on those in greatest need, including low-income and minority older adults, and priority is given to the needs of people with Alzheimer's and their families.
- **1987** Amendments restructured Title III, creating separate authorizations for in-home services, long-term care ombudsman, assistance for special needs, health education and promotion services, elder abuse prevention, and outreach activities to people eligible for other benefits. The Administration on Aging is elevated within the U.S. Department of Health and Human Services.
- **1992** Major restructuring of Title III through the creation of Title VII Vulnerable Elder Rights Protection Activities, long-term care ombudsman program, prevention of elder abuse, neglect and exploitation, elder rights and legal assistance development and benefits outreach, counseling and assistance programs. Coordination of these four programs was critical.

# Older Americans Act

## Title III: State and Community Programs

### Part B:

#### **Support Services & Senior Centers**

- Community-Based Services and In-Home Services: adult day care, chore, homemaker, personal care, residential repair, and renovation.
- Access Services: care coordination, information, assistance, transportation, **legal services**



# Older Americans Act

## Title VII: Vulnerable Elder Rights Protection Activities and Legal Services

- LTC Ombudsman Program
- Elder Abuse, Neglect, and Exploitation
- State Legal Assistance Development

# Federal Oversight Efforts



# Supportive Efforts of ACL

- **Legal Assistance for the Elderly Program**
  - Assist older adults in accessing long-term care options and protect older adults against direct challenges to their independence, choice, and financial security
- **Legal Assistance Enhancement Program(LAEP)**
  - Grants designed to serve and strengthen the effectiveness and efficiency of legal assistance programs and networks. Looks for innovative ways in which legal services can be administered. Focus is on four key areas – **supporting grandparents raising grandchildren, utilizing technology to advance elder justice, medical-legal partnerships, reaching underserved communities, and disaster recovery.**

# Supportive Efforts of ACL

- **National Center on Law and Elder Rights(NCLER)**
  - National Resource Center on legal assistance and elder rights. Provides national resource support for professionals and advocates working in legal assistance, elder rights, and associated aging service networks. They can provide case consultation, legal training, and technical assistance on issues related to OAA-prioritized legal assistance, elder rights, and capacity building.

# The State's Role in Legal Services



# Role of the State Legal Services Developer

- Develop, maintain and enhance statewide resources for the delivery of Title III-B services to older adults by assuring all federal and state requirements are met
- Collaborate with the NC State Bar, NC Attorney General's Office, NC Guardianship Association and other organizations by sharing knowledge of legal resources at all levels of service provision
- Provide technical assistance training and other supportive functions to legal professionals, the aging network, the Office of the State Long Term Care Ombudsman and regional ombudsmen

## SOURCE:

# Role of the State Legal Services Developer

- Establish the State's ability to coordinate the provision of legal services by seeking opportunities for collaboration with other state agencies, including the court system and federal entities such as the Social Security Administration, Centers for Medicare and Medicaid, and the Department of Veteran's Affairs
- Monitoring the provision of services by contracted legal services providers
- Participate in workgroups and committees focused on protections from consumer fraud and exploitation
- Responsible for the development and dissemination of information on legal issues to a wide variety of audiences

# Legal Services in Practice

## The Community

