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Testimony for AoA OAA Reauthorization  
February 17, 2010

**NASLH**

**National Association  
of  
Senior Legal Hotlines**

## **Proposed amendments to the Older Americans Act: 2011 reauthorization**

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### **Synopsis:**

**The following adds a new section (216) authorizing a national network of senior legal hotlines, to operate as part of statewide “integrated legal assistance delivery systems,” which are now being established in many states under the Administration on Aging’s “Model Approaches” program. The proposal adds this term to the definitions in Section 102 of the OAA; and in numerical order by section, it makes several other minor adjustments necessary to incorporate the new Section 216.**

### SEC. 102

*(The following subsection to be numbered among or after the 54 existing definitions in this section of the act)*

(XX) The term “integrated legal assistance delivery system”—

(A) means a collaborative, statewide network established to provide legal assistance, targeted at older individuals with greatest economic and social need, in the most efficient and impactful manner possible; and

(B) includes—

- (i) The Legal Assistance Developer;
- (ii) All legal assistance programs funded under this Act;
- (iii) A statewide senior legal hotline;
- (iv) Law school elder law clinics;

- (v) Programs that recruit private attorneys and other legal professionals to provide pro bono legal assistance to seniors;
- (vi) LSC-funded legal aid programs;
- (vii) Other nonprofit agencies that provide legal assistance to older individuals;
- (viii) Local, regional and statewide mechanisms that coordinate work among the direct legal assistance providers enumerated in subsections (ii) through (vii) and other service providers engaged in helping ensure elder rights, including but not limited to Area Agencies on Aging, Aging and Disability Resource Centers, Long-Term Care Ombudsman programs, pension counseling and assistance programs, benefits counseling programs, Medicare counseling programs (SHIP/HICAP), Senior
- (ix) Medicare Patrol programs, caregiver support programs and elder abuse prevention and victim assistance programs.

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SEC. 202. (a) It shall be the duty and function of the Administration to—

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24. establish and carry out senior legal hotline programs described in section 216;

*(existing subsections 24-28 to be renumbered 25-29)*

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*The following Section 216 will be added and cause the current Sec. 216 to become Sec. 217; the reference in existing Section 215(j) will be changed from 216 to 217*

### **Statewide Senior Legal Hotlines**

Sec 216.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means a nonprofit corporation dedicated to providing free legal assistance to indigent or otherwise disadvantaged groups that has—

(A) a proven record of operating an existing senior legal hotline; or

(B) the capacity to provide legal assistance to older individuals through a new statewide senior legal hotline.

(2) LOCAL SENIOR LEGAL ASSISTANCE PROVIDER.—The term “local senior legal assistance provider” means a program or group that provides legal assistance to older individuals in a geographic area within a State, receiving funds under section 321(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3030(d)(6)).

(3) STATEWIDE SENIOR LEGAL HOTLINE.—The term “statewide senior legal hotline” (known in some states as “helplines” or by other names) means a statewide program designed to provide information, counseling, assistance, advocacy and other services as appropriate in each state, by telephone and other means of communication on a broad range of legal issues, at no charge, to older individuals.

(b) AUTHORIZATION.—The Assistant Secretary shall provide grants to eligible entities to establish and implement statewide senior legal hotlines in each State to provide legal assistance on a broad range of issues by telephone and other means of communication to older individuals, and to supplement such hotlines already provided by eligible entities.

(c) ELIGIBILITY.—

(1) APPLICATION FOR GRANT.— In order to receive a grant under this section, an eligible entity shall submit to the Assistant Secretary the following:

(A) PLAN REQUIRED.— A plan to establish or continue operation of a statewide senior legal hotline that —

(i) provides for a sufficient number of appropriately trained attorneys, paralegals, other staff members, and volunteers to ensure effective delivery of information, counseling, assistance, advocacy and other services as appropriate in each state, regarding all legal matters.

(ii) collaborates closely with the state unit on aging, state legal assistance developer, area agencies on aging and local senior legal assistance providers throughout the state, to maximize coordination and cost-effective division of responsibilities in delivery of legal assistance to seniors,

(iii) strives to maximize coordination in the delivery of legal assistance with all elements of the state’s integrated legal assistance delivery system, as defined in Section 102 of this Act.

- (iv) builds effective communications with all parts of the state's aging services network, system of long-term care, Medicare, pension, housing and benefits counselors and others to provide mutual assistance and referrals.
- (v) establishes mechanisms to make referrals for representation and other assistance beyond the hotline's scope to local senior and general legal aid agencies, private attorneys and any other senior advocacy and assistance programs, individuals or entities, as appropriate.
- (vi) conducts outreach through the state's aging network and by other means to inform eligible clients about the availability of the hotline's service, targeting especially older individuals with greatest economic and social need.

(B) **MATCHING REQUIREMENT.**— An assurance that the eligible entity is able to provide, from non-federal funds, an amount equal to not less than 25 percent of the cost of establishing and implementing a statewide senior legal hotline. An eligible entity may use in-kind contributions to meet the matching requirement under this subparagraph.

(C) **OTHER INFORMATION REQUIRED.**— Any other information the Assistant Secretary may require, including an assurance that staff members and volunteers have no conflict of interest in providing the services described in the plan submitted under subparagraph (A).

(2) **DETERMINATION OF ELIGIBILITY.**—In selecting grant recipients under this Act, the Assistant Secretary shall consider the following:

(A) **EVALUATION OF PLAN.**—The extent to which the plan submitted by the applicant meets the requirements of paragraph (c)(1)(A).

(B) **OTHER CONSIDERATIONS.**—

(i) **POPULATION NEED.**—The needs of the population the applicant seeks to serve and its understanding of those needs;

(ii) **PROGRAM LITERACY.**—A familiarity with the history of senior legal hotlines and published literature on best practices in the operation of such hotlines;

(iii) **INSTITUTIONAL KNOWLEDGE.**— Knowledge an applicant new to operating legal assistance hotlines has gained from operating other successful hotlines or similar programs.

(d) **ALLOCATION OF FUNDS.**—

(1) The Assistant Secretary shall allocate, from the amount appropriated under this Act, to each grant recipient in each State—

(A) an amount not less than \$100,000 per grant recipient in any fiscal year;

(B) for states in which the population of older individuals exceeds 2 million, not less than 5 cents per eligible resident, calculated using the most recent census data available;

(2) If the amount appropriated under this Act is insufficient to provide grants to all eligible applicants at the minimum amounts defined in paragraph (1), the Assistant Secretary shall provide grants to those eligible applicants it finds to be the most qualified.

(3) If the amount appropriated under this Act exceeds what is needed to provide grants to all eligible applicants at the minimum amounts defined in paragraph (1), the Assistant Secretary shall increase the grant amounts on a pro rata basis up to 10 cents per eligible resident for states in which the population of older individuals exceeds 1 million.

(4) No more than 5 percent of the amount appropriated for a fiscal year for this section may be used by the Assistant Secretary for administrative expenses, except that such amount shall not exceed \$200,000 in any fiscal year.

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Authorizations Of Appropriations  
(formerly Sec. 216)

SEC 217.

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(d) **STATEWIDE SENIOR LEGAL HOTLINES.**—There are authorized to be appropriated to carry out section 216, such sums as may be necessary for fiscal years 2012, 2013, 2014, 2015, and 2016.

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SEC. 306 Each Area Agency on Aging designated under section 305(a)(2)(A) shall, in order to be approved by the State agency, prepare and develop an area plan for a planning and service area for a two-, three-, or four-year period determined by the State agency, with such annual adjustments as may be necessary. Each such plan shall be based upon a uniform format for area plans within the State prepared in accordance with section 307(a)(1). Each such plan shall—

...

(2) provide assurances that an adequate proportion, as required under section 307(a)(2), of the amount allotted for part B to the planning and service area will be expended for the delivery of each of the following categories of services—

...

(C) legal assistance provided as part of an integrated legal assistance delivery system.

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SEC. 307 (a)(11) The plan shall provide that with respect to legal assistance—

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(C) the State agency, with the leadership of its Legal Assistance Developer, shall promote and maintain an integrated legal assistance delivery system to furnish legal assistance to older individuals within the state, targeting those with greatest economic need and those with greatest social need. This shall include promoting the use of low cost service delivery systems such as senior legal hotlines, law school clinics and pro bono programs. The Legal Assistance Developer shall guide the establishment of case priorities and targeting efforts to ensure that the integrated legal assistance delivery system is maximizing the efficiencies and impact of the available resources. The State shall also provide technical assistance and training for the integrated legal assistance delivery system to enhance the furnishing of legal assistance to older individuals, especially to those with greatest economic need and those with greatest social need.

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*The National Association of Senior Legal Hotlines (NASLH) unites advocates from statewide senior legal hotlines, facilitating the sharing of relevant information to strengthen the role of statewide hotlines in protecting the legal rights of seniors and increasing legal resources available to older Americans.*

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# Background for legislation to establish a national program of Senior Legal Hotlines

- 1) **Legal hotlines (helplines) for seniors have a proven track record of highly effective and efficient service** to address legal needs and resolve legal questions and problems before they escalate into costly disputes that can clog courts and tax public resources. They have yielded impressive outcomes at a low cost for older Americans, their communities and the country as a whole. In 2008, senior hotlines in 21 states and D.C. (those contributing data for the national annual report – a few others did not report) handled than 120,208 phone calls and 63,556 cases, serving 53,729 households and generally meeting or exceeding targets in reaching low-income, minority and older seniors. And with adequate funding nationwide, the potential is much higher. The average cost for providing the free service was extremely economical (about \$97 per case), with a rise from recent years most likely reflecting the increasing complexity of recession-related calls for help regarding abuse, foreclosure, eviction health care access and other urgent matters.
- 2) **This outstanding productivity has been achieved with high levels of client satisfaction.** In a recent survey, 88 percent of respondents found the advice they received from their legal hotlines helpful, and 84 percent said they would call the hotline again on another matter. Moreover, a hotline is the legal service seniors want most. In a 2004 legal needs study conducted by the Utah Department of Aging, 69 percent of older respondents listed a legal hotline as the most needed service – and that in a state where none existed at the time. Similar results have been found more recently in other states where hotlines did operate.
- 3) **Legal hotlines have helped to make legal assistance more readily available to seniors.** They are an important vehicle to reach those older Americans who are reluctant to contact attorneys and those for whom access by phone or Internet from home is the best or even only option. Coordinating services synergistically with local senior legal assistance providers (where they exist), hotlines also complement other Older Americans Act-funded services such as health insurance counseling, pension counseling and long-term care ombudsman programs in a mutually beneficial manner. Moreover, they provide an excellent medium for screening seniors for a variety of public benefits programs.
- 4) **Legal hotline attorneys, including hundreds of volunteers mobilized from the ranks of retirees, provide a wide range of valuable services,** including document review, legal forms preparation, drafting simple contracts, engaging in mediation, negotiation and other forms of advocacy to resolve client problems. When seniors need more help than a hotline can provide, the hotline staff help make sure they get it from an appropriate source.
- 5) **The legal hotline model provides a powerful ally to seniors in preventing fraud and abuse.** Seniors can call a hotline for guidance before they enter into a

transaction they may later regret. The hotline provides an additional avenue where seniors can report abuse directed toward themselves or someone else and discuss courses of action with an attorney. Most recently, the foreclosure/predatory lending crisis is hitting older Americans particularly hard at the same time that they are increasingly being urged to consider reverse mortgages as a means to meet potential needs for long-term care. Senior hotlines deliver on-time legal advice to seniors facing the decision of whether to enter into a reverse mortgage, and timely intervention when possible on behalf of those having to deal with threats of foreclosure or its aftermath.

- 6) **The Medicare prescription drug program has presented seniors with new questions**, many of which require knowledge of Medicare laws and appeal rights. At the same time, major changes in Medicaid and in the fast-evolving health care system generally present huge challenges. Seniors in states with hotlines have easy access to expertise and assistance. Seniors in states without hotlines need this access as well.
- 7) **Collaboration is a watchword for senior legal hotlines.** In many states, hotlines have stepped forward to lead or complement the work of state units on aging to create training opportunities, publicize best practices and promote greater coordination among local providers and others. Nationally, meanwhile, senior legal hotlines have taken the initiative to communicate among themselves toward sharing experiences and best practices – in newsletters and e-mail discussion groups and at national conferences, where the more experienced programs provide mentoring and encouragement for those just getting started.
- 8) **The statewide legal hotlines program has been extraordinarily effective by any standard**, providing legal information, advice and additional assistance to help seniors avoid and resolve legal problems. The need for legal services for older Americans will grow substantially in the years ahead, as our population continues to age and live longer.
- 9) **Amid all these successes, however, the lack of stable funding has left many statewide senior legal hotlines struggling to stay afloat**, far from reaching their potential in providing service – and in too many instances, having to cease operations. The federal funding stream that previously supported approximately 12 hotlines at a time has been redirected to improve statewide coordination of legal assistance for seniors – a worthy goal, but one that will be much more achievable if stable hotlines exist as crucial anchors for such efforts.
- 10) **For a tiny fraction of a penny per day per senior, Congress can provide access to justice for older Americans** – a place to turn especially for those on fixed incomes who are being squeezed by rising costs for transportation, food, utilities and health care. A nationwide legal hotline (helpline) program, adequately funded for every state, is absolutely essential to assure that this cost-efficient, productive, desired, and successful program is readily available to older Americans throughout the country.



Appropriation needed for senior legal hotlines.

There needs to be a restoration of direct funding for a national program of statewide Senior Legal Hotlines/Helplines. There should be \$5,000,000 in new funds for this activity, to sustain the existence of this crucial service for older Americans in the 26 states (plus D.C. and Puerto Rico) where such hotlines currently operate despite the lack of direct, core federal funding; and to enable their creation in five to 10 additional states. Statewide Senior Legal Hotlines/Helplines are the lynchpin of the integrated, statewide legal services delivery systems that the Administration on Aging seeks to develop, involving local legal aid providers and state legal assistance developers, among others. The hotlines provide free legal advice, information, referrals, advocacy and a variety of additional services cost-effectively to Americans over 60, enabling more seniors to maintain healthy, independent lives, free from the threats of poverty, exploitation or abuse.

Submitted by Bruce P. Bower  
03-30-10