Title III-B: Access Services – Legal Assistance Service Definitions

Applicable Rules and Regulations

Section 4017 of the Indiana Division on Aging Operations Manual defines service as:

Service Description

The legal assistance program provides individuals who are at least 60 years of age with help in dealing with legal issues and problems. The goal of the program is to assist older adults with understanding and maintaining their rights; to assist older adults in exercising their choices; to help older adults benefit from available services; and to resolve disputes. The program also promotes the need for lifetime planning through the understanding and the use of advance directives.

Allowable Activities

1. **Core Services:**
   Legal assistance must cover issues related to:
   - Income
   - Health care
   - Long-term care
   - Nutrition
   - Housing
   - Utilities
   - Protective services
   - Guardianship defense
   - Abuse and neglect
   - Age discrimination
2. **Additional Activities May Include:**
   - Contacting government agencies for information or clarification.
   - Informing clients of relevant legal or policy changes.
   - Advising clients on communications with officials (no lobbying or lobbying training allowed).
   - Engaging with the AAA and providing administrative representation in cases affecting legal rights.
   - Communicating with elected officials solely to report a client's legal issue.
   - Responding to official requests for testimony or legal advice (requires prior AAA approval).
   - Inquiring about a client's finances to provide legal services or connect them to additional benefits.
3. **Provider Requirements:**
   Providers receiving funds must:
   - Have expertise in laws impacting older adults (e.g., public benefits, institutionalization).
   - Demonstrate capacity for effective legal representation and support of advocacy programs.
   - Serve institutionalized, isolated, and homebound individuals.
   - Offer services in the primary language spoken in areas with limited English proficiency.

Non-Allowable Activities

1. **Prohibited Actions Include:**
   - Requiring disclosure of income/resources as a condition for service.
   - Handling fee-generating cases unless no alternative exists or in emergencies (must have referral procedures).
   - Using OAA funds for lobbying or to influence non-judicial decisions.

- Engaging in political activities during Title III-funded work.
- Using OAA funds, staff, or equipment for political contributions or campaigns.
- Associating Title III programs with any political or campaign activity.

2. **Prohibited Conduct During Service:**
   Providers and staff may not:
   - Join or organize public protests, boycotts, or strikes unrelated to their own employment rights.
   - Direct or coerce others into such actions.
   - Engage in or promote any political activity using OAA resources or while representing the program.

Unit of Service
1 hour of allowable services = 1 unit of service.

Service Authorization
No CoAction service authorization is required for services provided by contracted legal service providers for TIIIB legal services. Legal Service providers must ensure eligibility requirements are met.

Documentation Requirements
Legal Service activities must be submitted to CoAction by the 5th of each month following the end of the service month. Although the services are billed per hour, the provider must provide a count of the number of individuals served.

Funding Source
Funding sources include Title III Funds, Older Hoosier Funds, and local funds.