

The Legal Needs of Older Delawareans

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The Legal Needs of Older Delawareans

Executive Summary

In 2010, the State of Delaware was awarded grant funding from the US Administration on Aging *Model Approaches to Statewide Legal Services* program. The project has four primary goals:

- Conduct a legal needs assessment in order to target scarce legal resources to older Delawareans with greatest social or economic needs;
- Create and maintain a high quality senior legal hotline at Legal Helplink;
- Create and maintain a high quality statewide legal services delivery system integrated into the state's aging services network;
- Broaden the visibility and utilization of the new statewide legal services delivery system.

The University of Delaware Center for Community Research and Service was contracted by the Delaware Community Legal Aid Society, Inc. (a sub-recipient of the *Model Approaches* grant) to carry out the first phase of the project, the legal needs assessment of Delawareans aged 60 and over. This report summarizes the methodology, key findings, and recommendations generated by the legal needs assessment.

Findings from needs assessments conducted by prior *Model Approaches* grantees were analyzed to identify needs common to older citizens across states. Once identified, themes and issues were examined in light of their relevance to older Delawareans through a series of key informant interviews. Key informants were selected to represent various disciplines and sectors serving this population throughout different regions.

To supplement the information generated throughout the key informant process, two online surveys were developed: one for legal professionals and para-professionals specializing in elder law and related areas; and one for professionals and advocates working in aging and allied

services. The survey questionnaires were based upon questions asked and information obtained throughout the key informant interviews.

Finally, focus group discussions and individual interviews were conducted with elders at four senior centers throughout the state selected to represent diverse communities. Two sites were selected in New Castle County, one in an urban community and the other in a suburban area. One site was selected in Kent County, which draws residents from rural as well as more populated settings, and another center serving rural residents was selected in Sussex County.

Key Findings

- Advanced directives and POA were considered the most common legal needs for older Delawareans, followed by wills and estate planning.
- Consumer protection was considered a very common area of legal need by key informants, focus group participants, and survey respondents.
- The inability to handle routine management of finances, though in and of itself not a legal need, impacts legal issues and was rated as a prevalent need.
- Filing for or dealing with government benefits were considered somewhat common or very common needs among all groups of participants, along with issues related to disabilities.
- In addition to financial exploitation and abuse by strangers, all forms of elder abuse by known and trusted others, including family members, were considered prevalent concerns.
- Housing issues for both homeowners and renters were considered significant legal concerns among older Delawareans.
- Guardianship was perceived as a somewhat common to very common issue by most key informants, legal survey respondents, and aging services respondents.
- Legal issues regarding nursing homes and long-term care settings were identified as significant needs.

- Assistance with all types of court procedures was considered a major need for older Delawareans.
- There is a pervasive need for ongoing general education and awareness regarding a number of legal topics of consequence to older Delawareans and their family members. Consumer protection and credit information, financial literacy, and advance planning are particularly important areas wherein basic knowledge could prevent serious legal and financial complications.
- Legal professionals reported that many elders wait too long before seeking help, which compounds initial problems.
- Elder financial exploitation (perpetrated by both strangers as well as known and trusted others) is a growing concern with dire consequences.
- Grandparents raising grandchildren are a growing population facing a number of legal challenges.
- There is a perception that seniors are seeking employment and having difficulty finding work, perhaps due to age discrimination in combination with the economic downturn.
- According to the Alzheimer's Association of Delaware, there are currently 26,000 Delawareans with Alzheimer's and other types of dementia. This is a population with significant legal needs and at increased risk for elder abuse and financial exploitation.
- Several key informants indicated that identified cases of domestic violence among older couples were increasing, but suspected that many more victims remain reluctant to come forward for many reasons.
- Costs, transportation, and lack of awareness of services or knowing where to seek help were the most frequently identified barriers to accessing legal services.
- Cultural norms of the Latino and tribal communities most likely contribute to resistance of older members to seeking legal services.

Recommendations

- Ongoing public education on relevant legal issues should be delivered at places where elders gather.

- A broad spectrum of communications channels should be used to increase access to legal information.
- The voices of older Delawareans should be used to promote awareness of legal services and to develop strategies for outreach.
- Targeting outreach to family caregivers may be an effective strategy to engaging older Delawareans, particularly those who experience cultural barriers.
- Multidisciplinary approaches and collaboration with existing coalitions and volunteer organizations have great potential to enhance awareness and use of legal resources.
- Strategies should be implemented for the ongoing monitoring of legal needs of older Delawareans.

The Legal Needs of Older Delawareans

Introduction

Delaware has one of the country's fastest growing senior populations and has become an appealing retirement destination. The importance of affordable legal services for older Delawareans is paramount to their ongoing well-being and independence. For example, proactive legal steps, such as establishing a power of attorney (POA), have the potential to minimize the risk of financial exploitation, a problem escalating throughout the state as well as the country. Seeking legal assistance with a problem early on will likely avert more costly, complex, and drastic problems. Therefore it is essential for older Delawareans to have knowledge of sources of legal information and assistance, and to have access to these resources. Fear of costs or not knowing where to turn for help have been cited as significant barriers to older individuals in need of legal assistance. The need for a vital legal assistance network for older Delawareans is considerable and will become increasingly important as these trends continue.

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Methodology

Rather than distributing a statewide survey, the following strategy was conceived as the most cost effective and time efficient manner to capture the greatest amount of relevant information regarding legal needs of older Delawareans. First, findings from needs assessments conducted by prior *Model Approaches* grantees were analyzed to identify needs common to older citizens across states. Once identified, themes and issues were examined in light of their relevance to older Delawareans through a series of key informant interviews. Key informants were selected to represent various disciplines and sectors serving this population throughout different regions. This allowed researchers to gain cross-perspectives of professionals and advocates who work closely with hundreds of seniors and/or family members. Key informants were not only able to report on legal needs and barriers to services, but to observe trends and emerging issues as well. Twenty-seven guided interviews were conducted with representatives of the following fields and organizations: aging services; adult protective services (APS); the State Attorney General's office; law enforcement; victims' services; elder law; non-profit legal services; health care; geriatric care; social services; senior centers; ombudsmen; quality assurance in long-term care; guardianship; the Alzheimer's Association; public policy; the tribal community; and the Latino community.

To supplement the information generated throughout the key informant process, two online surveys were developed: one for legal professionals and para-professionals specializing in elder law and related areas; and a similar survey for professionals and advocates working in aging and allied services. The survey questionnaires were based upon questions asked and information obtained throughout the key informant interviews. Both surveys were posted via the University of Delaware Qualtrics web portal. Invitations to participate in the legal survey were distributed by email through relevant sections of the Delaware State Bar Association by their section chairs (Elder Law, Family Law, and Estates and Trusts) and the state Attorney General's Senior Protection Initiative. Invitations to the aging services survey, also based upon the key informant

interview and findings, were disseminated through the Delaware Aging Network and the Attorney General's Senior Protection Initiative. Participants were also encouraged to share the invitation with colleagues practicing in the state of Delaware. Twenty individuals participated in the legal professionals' survey and 50 participated in the aging services survey.

Finally, focus group discussions and individual interviews were conducted with elders at four senior centers throughout the state selected to represent diverse communities. Two sites were selected in New Castle County, one in an urban community and the other in a suburban area. One site was selected in Kent County, which draws residents from rural as well as more populated regions, and another center serving rural residents was selected in Sussex County. Participants were solicited by senior center directors based upon willingness to participate and their capacity to provide consent to participate. Six members participated in both the urban and suburban centers in New Castle County; eight members participated at the Kent County site; and eight members participated in the Sussex County center. Participants were asked specifically about legal issues that they, their friends, family members, and others had experienced as they grew older. They were also asked how they had accessed services or if their needs remained unmet, and what (if any) barriers they had encountered. In addition, they were asked how legal information and services could be best delivered, not only to themselves (active and "connected" community members) but to isolated and homebound elders as well. At the end of the discussion groups, participants were given a resource list for legal resources available to older residents throughout the state (see Appendices).

Data from the Delaware Community Legal Aid Society, Inc. (DE CLASI) was also analyzed to identify needs among the clients served through the agency's Elder Law Program.

Common themes and trends based upon all phases of the needs assessment were analyzed and are presented in this report, along with recommendations to enhance and expand services, increase accessibility, and promote awareness of legal topics relevant to older individuals and of available legal resources.

Literature Review

Needs assessment reports published by prior *Model Approaches* grant recipients were reviewed to identify common legal issues and themes relevant to older citizens. The themes that emerged informed the development of questions asked during the key informant phase, through the online surveys of legal and aging services professionals, and in focus groups with older individuals. Legal needs assessments of older individuals from the following states were reviewed: Florida, Georgia, Idaho, Kentucky, Maine, Ohio, and Utah. Supplemental information was obtained from aging services and/or legal services reports from Alabama, Connecticut, New Hampshire, Rhode Island, Missouri, and Nebraska.

Across states, the most commonly identified issues for which elders had sought legal help or indicated they needed legal assistance were: wills and estate planning; power of attorney (POA) and advanced directives; assistance dealing with government benefits (Medicare, Medicaid, Veteran's Benefits, etc.); health care coverage (including concerns regarding long-term care and the ability to pay for it); consumer issues (related to credit, fraud, identity theft, etc.); housing issues (as both renters and homeowners, including a wide range of problems such as mortgage issues, home repairs, landlord-tenant disputes, housing discrimination, unsafe living conditions, and affordability/availability of adequate housing in general); abuse (including financial exploitation, physical, emotional/psychological); and guardianship. Questions relating to these and other areas were incorporated in the instruments used in the Delaware needs assessment (see Appendices).

Cost was the most frequently identified barrier to seeking legal services by older individuals. Free legal assistance via telephone, low-cost or pro bono legal services, print materials with legal information, and legal handbooks or guides were considered the most helpful resources.

Key Findings

When surveyed regarding the most prevalent legal issues impacting older Delawareans, participants across all phases of this project revealed findings similar to those identified in other *Model Approaches* needs assessments. The priority areas key informants identified are discussed

in this section, along with the perceptions of the legal and aging services survey respondents and focus group participants. (Note: There is some overlap among various areas discussed.)

- Advanced directives and POA were considered the most common legal needs for older Delawareans, followed by wills and estate planning.

Key informants indicated that while many of their older clients had advanced directives in place, others did not and reported that many older individuals with few assets did not understand the importance or necessity of advance planning. Professionals and advocates pointed out that having these decisions formalized had great potential for preventing elder financial exploitation and increasing the likelihood that an elder's wishes would be honored in the event of incapacitation. These instruments may also prevent the need for guardianship or avert financial complications. Education regarding these issues, including how to revoke decisions, was also considered an important need. This finding was consistent with results of both the legal and aging services professionals; all of the legal respondents rated these needs as very common or somewhat common. Ninety-eight percent of aging services respondents rated advanced directives/POA as very common or somewhat common and 93% rated wills and estate planning as very common or somewhat common needs. More than half of all focus group participants found these to be significant needs and posed questions relating to these topics.

In term of special populations, tribal communities saw the establishment of advance directives as necessary particularly for making health care decisions. However, wills and estate planning was not considered to be a priority as very few elders had many assets. Key informants representing Latinos reported that while advocates believe advance directives are essential, these concepts were extremely foreign to their older clients. One key informant stated, "We are reactive, not proactive." Another participant indicated that Spanish language outreach presentations regarding these topics have not been well attended to date.

On a related note, although financial planning was considered a very common need among 88% of key informants and 92% of legal survey respondents, it was considered less so by aging services respondents and focus group participants in three of the four sites. As several key

informants in aging and social services observed, many of their clients didn't feel they had enough money to consider financial planning relevant, which was echoed by key informants representing Latino and tribal communities.

- Consumer protection was considered a very common area of legal need by key informants, focus group participants, and survey respondents.

Legal issues regarding consumer protection were considered extremely common and increasingly prevalent with significant and costly consequences. Issues include frauds, scams, identity theft, problems with home contractors and repair persons, predatory lending, credit issues, and financial exploitation. Participants indicated that individuals with dementia, those who do not speak English, and those who were isolated were at increased risk. Focus group participants at each site described problems regarding these issues they or their contacts had experienced. Several voiced that they were reluctant to hire people to help with even the simplest household and personal needs for fear of being taken advantage of; such inaction could create costly problems down the road. Ninety-three percent of legal survey respondents found these issues to very or somewhat common, while 81% of the aging services respondents found them very or somewhat common.

- The inability to handle routine management of finances, though in and of itself not a legal need, impacts legal issues and was rated as a prevalent need.

Problems related to daily money management tasks (monitoring bank accounts, paying bills, budgeting money, and other routine activities) were rated as somewhat to very common needs by 96% of key informants, all of the legal survey respondents, and 89% of the aging services respondents. These are not legal needs per se; however, the inability to perform these tasks has great potential for creating legal problems. Further, problems executing these tasks and changes in financial decision-making patterns may be early indicators of mild cognitive impairment which could expedite the need to arrange for advance directives/POA, wills and estate planning, etc. (Widera et al., 2011). Because cognitive impairment is a well-documented risk factor for elder abuse, including financial exploitation, providing elders in need with daily money

management services is also a preventative measure against this type of mistreatment. Aging services key informants indicated, however, that although there was an effective daily money management program in Delaware, elders were often unwilling to seek or accept these services. Representatives from the tribal and Latino communities noted that cultural norms of privacy and the desire to address problems within the family were barriers to asking for or accepting this type of help. Focus group participants did not identify this as a common need, which may be related to similar concerns regarding privacy and the desire to remain independent.

- Filing for or dealing with government benefits was considered somewhat or very common needs among all groups of participants.

Ninety-two percent of key informants, 93% of legal survey respondents, and 92% of aging services respondents indicated that the filing for and dealing with government benefits was a somewhat to very common legal issue for older Delawareans. Applying for Medicaid long-term care services and “spending down” to meet eligibility were noted as specific needs along with applying for disabilities benefits and waiver services (for example, the Home and Community Based Waiver). Addressing denial of claims was also prevalent. One key informant working in victims’ services noted that elders often do not know what benefits they are entitled to receive.

A key informant representing Latinos indicated that this is a significant area of need for this population: “they are not practiced at seeking benefits; they do not understand the system.” He noted an example of a client who had not received her Social Security payments for several months after her benefits payment was converted from a check to a Go Direct ATM card and she had not withdrawn the funds from the initial payment in the appropriate time frame. However, she did not report these problems to anyone until she had developed severe financial hardship.

Another key informant noted that there are unbefriended residents (no friends or family, no one with POA, and no guardian) in long-term care settings who may be eligible for Medicaid planning but no one has initiated the application process. This has ramifications for the elder, the institution, and the state.

Grandparents raising grandchildren are another group who may require assistance with applying for government benefits.

In general, focus group participants at all sites expressed anxiety regarding Social Security and health care benefits along with other economic concerns, which were heightened at the time of the discussions due to ongoing Congressional debate regarding the federal budget. (Dealing with private supplemental health insurance and long-term care insurance was perceived as a somewhat common to very common need by a high percentage of survey respondents but rated less common by key informants.)

- In addition to financial exploitation and abuse by strangers, all forms of elder abuse by known and trusted others, including family members, were considered prevalent concerns.

Eighty-two percent of key informants and 77% of aging services respondents viewed elder abuse a significant concern for older Delawareans and on the rise. However, just over half of the legal survey respondents rated this as somewhat or very common. Financial exploitation and neglect were the forms of mistreatment most frequently identified. Seniors who participated in focus groups commonly acknowledged problems that friends, family, and neighbors had experienced, and one individual reported her own experience with financial exploitation. In addition, several asked questions regarding what constituted various types of mistreatment, and what they should do if they encountered certain situations.

Several key informants indicated that domestic violence among older couples is more commonly observed than before. Older individuals with cognitive impairment constitute a significant at-risk population. Other informants noted that some grandparents raising grandchildren have been financially exploited and physically abused as a result of being caught in the conflicts between generations.

Many key informants suspect that the cases they encounter represent a minimum of the true cases existing among their clientele, a suspicion supported by research; according to the National

Center on Elder Abuse (NCEA), fewer than one in six cases of abuse are reported and a new study released by the state of New York suggests that the number of unidentified cases is much greater. (NCEA, 2010; Lachs et al, 2010). Cases in tribal and Latino communities may be even more difficult to detect due to the cultural tendency to handle problems within the family; key informants from these groups reported that elder abuse cases were extremely rare.

Technical assistance logs maintained on behalf of the NCEA by the Clearinghouse on Abuse and Neglect of the Elderly at the University of Delaware (CANE-UD) indicate that a significant number of public complaints regarding mistreatment are frequently referred to legal experts. Legal interventions related to these issues include Protections from Abuse (PFA) orders, POA, divorce and custody proceedings, prosecution, emergency placement, long-term care admissions, emergency guardianship, etc. Undue influence, which occurs when someone is systematically and intentionally manipulated into acting in the best interest of a perpetrator, poses tremendous legal challenges for older victims who appear to willingly sign over assets and rights to these predators. To further complicate matters, the very legal instruments intended to protect older individuals (advance directives, POA) can be used as tools to abuse and exploit elders. As previously mentioned, it is imperative that older individuals as well as their agents fully understand their rights and responsibilities. Finally, cases of self-neglect, the most common type of cases reported to APS, often require evaluation of decision-making capacity.

- Housing issues for both homeowners and renters were considered significant legal concerns among older Delawareans.

Three-quarters of the key informants, 85% of the legal survey respondents, and 89% of the aging services respondents rated housing issues as somewhat to very common areas of legal need. Focus group participants also identified housing issues as a major concern. Homeowners face issues such as problems with reverse mortgages, foreclosure, financial exploitation involving real estate, squatters (family members and others who moved in with older homeowners due to financial dependency and will not leave), tax disputes, and unscrupulous or fraudulent contractors or repairmen. Renters' problems included landlord tenant disputes such as unsafe living conditions and household repair needs. In general, affordable, adequate, available housing was reported as an issue for elders on fixed incomes.

Mobile home owners renting property in Kent and Sussex counties were identified as a group of elders with unique legal needs. As previously mentioned, southern Delaware has become a retirement destination and many couples relocate, purchasing mobile homes and placing them on rented lots in the beach area. Focus group participants from all sites and key informants working with older southern Delawareans reported on numerous cases where older mobile home owners could no longer afford to pay increasing lot rents and/or mortgage payments on their home, particularly after the death of a spouse. Due to the slow economy, owners forced to sell their mobile homes have frequently been unsuccessful which has resulted in bankruptcy in some cases and abandonment of the home in other cases. Some key informants speculate that rental fees have been increased in order to drive out owners of “single” mobile homes so landowners can replace them with “doublewide” units.

- Most key informants, legal survey respondents, and aging services respondents perceived guardianship as a somewhat to very common issue.

Approximately 80% of key informants, 71% of legal survey respondents, and 81% of aging services respondents indicated that legal issues regarding guardianship were of significant concern. Specific needs included: emergency guardianship in cases of elder abuse, neglect, self-neglect, and exploitation; guardianship necessitated by incapacity when POA and advance directives had not been previously established; evaluation of the need for continued guardianship when an individual’s status has changed; monitoring of guardians; the need for private guardians and the need for attorneys ad litem; additional resources for the Office of Public Guardian; and guardianship evaluation for unbefriended elders in long-term care settings. As older Delawareans are living longer, the number of residents with Alzheimer’s and other types of dementia will increase along with the greater demand for guardianship services.

In Delaware, grandparents raising grandchildren cannot obtain custody, they require guardianship. This is necessary in order to make health care decisions and communicate with health care providers, address educational needs, and obtain benefits. The process for applying

for guardianship can be daunting and confusing, and assistance navigating through the court system is needed.

- Legal issues regarding nursing homes and long-term care settings were identified as significant needs.

Ninety-one percent of key informants, 81% of legal survey respondents, and 83% of aging services providers cited legal issues regarding nursing homes and long-term care settings as somewhat to very common needs. Problems include: the application and eligibility for Medicaid long-term care benefits; coverage of specific services and medications; problems receiving benefits through private long-term care insurance; being discharged (or being threatened to be discharged) due to payment problems; quality of care issues; elder abuse, neglect, or exploitation; not having resident's rights upheld; unclear policies regarding certain aspects of care (such as how many patients on ventilators can be managed per staff per shift); and previously noted issues concerning unbefriended elders.

Additional problems regarding assisted living facilities were also noted, including increases in fees for services soon after admission, and poor monitoring of an individual's level of care needs.

Focus group participants reported a number of concerns, including the belief that the quality of care friends and relatives often experienced was inadequate and that fees for care were exorbitant. Participants expressed the fear of having to enter a nursing home along with the fear that they would not be able to afford quality long-term care. They also had a general awareness that state agencies existed to regulate facilities and to whom they could register complaints.

- Assistance with all types of court procedures was considered a major need for older Delawareans.

Ninety-six percent of key informants, 81% of legal respondents, and 85% of aging services respondents stated that court assistance for older individuals was needed to enhance access to

legal resources. Key informants indicated that most people, including elders, often experienced anxiety when dealing with court procedures, and efforts to reduce confusion and therefore anxiety would be beneficial. On specific days, law students are on hand to assist with particular issues, however most respondents indicated that additional assistance is needed to direct individuals to appropriate centers, fill out appropriate papers, etc. More accommodating schedules for older individuals and an improved audio system were specifically mentioned.

- Issues related to disabilities were rated as somewhat to very common legal needs.

Issues relating to disabilities (filing for benefits/addressing benefits denials, financial management, financial planning, advance health care directives/POA, guardianships, etc.) were considered somewhat to very common legal needs by 84% of the key informants, 70% of legal respondents, and 82% of aging services respondents. Focus group participants generally recognized the increased likelihood of developing a disability as they aged as a threat to independence and having the potential to increase legal and financial needs. Several key informants pointed out that some of their clientele with disabilities reported they felt discriminated against in terms of housing, access to employment, and access to certain places of business.

Emerging Trends

During the course of the project, the following themes emerged:

- There is a pervasive need for ongoing general education and awareness regarding a number of legal topics of consequence to older Delawareans and their family members. Consumer protection and credit information, financial literacy, and advanced planning are particularly important areas wherein basic knowledge could prevent serious legal and financial complications.
- Legal professionals reported that many elders wait too long before seeking help, which compounds initial problems.
- Elder financial exploitation (perpetrated by both strangers as well as known and trusted others) is a growing concern with dire consequences.

- Grandparents raising grandchildren are a growing population facing a number of legal challenges.
- There is a perception that more individuals aged 60 and over are seeking employment and having difficulty finding work, perhaps due to age discrimination in combination with the economic downturn. Many key informants and focus group participants suggest that this is likely to become a greater issue over time.
- According to the Alzheimer's Association of Delaware, there are currently 26,000 Delawareans with and other types of dementia and increasing life expectancy ensures that this number will grow over time. This is a population with significant legal needs and at increased risk for elder abuse and financial exploitation.
- Several key informants indicated that identified cases of domestic violence among older couples were increasing, but suspected that many more victims remained reluctant to come forward.

Barriers to Accessing Legal Assistance

Several barriers to accessing legal services for older Delawareans were identified throughout the course of the assessment:

- Costs, transportation, and lack of awareness of services or knowing where to seek help were the most frequently identified barriers to accessing legal services.

Key informants identified lack of transportation, costs, lack of awareness of needs (or elders' beliefs that they could handle problems themselves), and a lack of availability of appropriate services (for example, insufficient low cost or nonprofit services) as significant barriers. In general, legal services respondents reported fewer perceived barriers but believed that not knowing where to turn was the primary obstacle, followed by affordability of services. Aging services professionals reported the widest range of barriers, including affordability of services, not knowing where to turn for assistance, and lack of transportation as the top three problems; however, more than 60% also identified cognitive and physical impairments as barriers to accessing services and more than half reported mental health issues created obstacles as well.

Focus group participants reported high costs as the single greatest barrier to seeking legal assistance, followed by transportation issues, which was extremely problematic in the southern counties. (Participants also pointed out that lack of transportation limited many other areas of their lives.) Seniors interviewed also indicated that they and their peers often felt overwhelmed when a legal issue developed, and frequently turned to family and friends for suggestions on where to seek help. Others asked senior center staff for guidance. Many noted that having a telephone service where they could ask legal questions (or even discuss whether or not something was a legal matter) would be of great benefit. Most were surprised to learn that there was a legal resource guidebook available. A few expressed frustration and confusion regarding what agencies and departments dealt with specific issues (a comment also made by several key informants.)

- Cultural norms of the Latino and tribal communities most likely contribute to resistance to seeking legal services by older members.

Although many Spanish language outreach materials and translation services are available, key informants representing Latino communities indicate there is a cultural tendency, particularly among older individuals, to handle problems privately and within the family. Other service providers noted that it has been difficult to engage Latinos in senior center activities and other services. Elders who do not speak English may be too intimidated to seek information. Similar tendencies were noted among seniors in tribal communities but perhaps more intensely reinforced by a general underlying mistrust of government services. Key informants suggested that the key to reducing these barriers may be to target outreach to younger family members and to recruit members of these communities as sentinels and advocates in these efforts.

- Elders who have been victimized by intimate partners, family members, friends, and trusted others may be reluctant to come forward for many reasons.

As previously discussed, elder abuse is a significantly underreported problem. Elders may be unable to communicate, or unwilling to seek help due to shame, embarrassment, fear, or a desire

to protect their loved one. They may also be afraid that revealing abuse will lead to a loss of independence or having to leave their home (and perhaps enter a nursing home). (NCEA, 2010.)

Cases Addressed through the Elder Law Program

From 2008 through 2010, the Delaware Community Legal Aid Society, Inc. (DE CLASI) Elder Law Program (ELP) handled 2,175 cases throughout the state. The program serves clients aged 60 and over and does not require a poverty test. Program areas address the following issues: POA and advance health care directives; consumer matters where income or shelter are seriously threatened and/or involve fraud or economic exploitation (such as debt, home repairs related to the structure of a primary/only residence, and nursing home contract problems); fraud or economic abuse, particularly by family or friends; physical abuse (obtaining Protection From Abuse/PFA); certain types of deed changes; public benefit problems, such as food stamp issues; Social Security overpayments; problems related to Medicare and Medicaid; guardianship (where the elderly client does not feel he or she should have a guardianship); certain types of housing issues. In addition, depending upon their circumstances, elders may be referred to other DE CLASI programs, such as the Fair Housing Initiative Program, the Disabilities Law Program, or the Poverty Law Program.

During the past three years on average, 72% of ELP cases were from New Castle County; 12% from Kent County; and 17% percent from Sussex County. Clients from all three counties were predominantly female (70% to 78% of the total clientele). During that same time frame between 52% and 58% of the clients served were Caucasian; between 36% and 41% were African American; between 1.6% and 2.6% were Hispanic. Less than 1% was Asian American; less than 1% were Native American. Approximately three-quarters of the clientele were aged 60 to 79.

Cases addressed by the program reflect many of the same legal priorities identified in the needs assessment. However, the program does not handle simple wills or estate planning. Health related legal issues were the most common problems addressed, predominantly the establishment of advance health care directives and POA, and resolution of Medicare and Medicaid issues. (DE CLASI paralegals visit senior centers throughout the state on a rotating basis to provide

assistance with POA.) In New Castle County, health issues comprised 54% of cases in 2008, 50% of cases in 2009, and 49% in 2010. In Kent County the prevalence of these cases fluctuated, accounting for 47% cases in 2008, 55% in 2009, and 32% in 2010. Health related issues accounted for a higher percentage of cases in Sussex County: 59% in 2008, 57% in 2009, and rose to 64% in 2010.

Issues relating to consumer protection were the second most common service need statewide, increasing from 17% of all cases in 2008 to 22% in 2010. Of note, rates of consumer issues were higher in Kent County than the other counties; fluctuating from 30% in 2008 to 23% in 2009, and back up to 31% in 2010.

Throughout the state, the third most common problems related to housing issues, at approximately 15% in 2008 and 16% in 2009 and 2010. Despite anecdotal evidence from key informants and focus group participants that housing issues were prevalent in Sussex County, very few cases from that region were addressed by the ELP (18 total during three years).

Family issues relating to domestic violence accounted for between 3% and 4% statewide over the three-year period. They were more prevalent among all cases addressed in Kent (ranging between 6% and 10%) and Sussex (ranging between 9% and 18%) than in New Castle (ranging between .20 to 1%). However, fewer cases were addressed in New Castle County due to the availability of services in northern Delaware (provided predominantly by the Delaware Volunteer Legal Services/DVLS) to address legal issues related to domestic violence

Additional Legal Resources and Perceived Gaps

DE CLASI, the Delaware Volunteer Legal Services (DVLS), and the Legal Services Corporation of Delaware, Inc. (LSCD) collaborate to provide affordable legal services for qualifying residents including older Delawareans.

DVLS serves as the pro bono arm of the Delaware State Bar Association and provides civil legal assistance to clients meeting eligibility. Issues addressed include PFAs, custody, support, housing, consumer law, government benefits, wills, guardianships, and personal injury defense. DVLS also operates the Legal Help Link which is a central intake system staffed by students

from the Widener University School of Law who coordinate the intake process for the three legal services agencies. Certain services (such as those relating to domestic violence) are provided only in New Castle County, while others are available to residents throughout the state.

LSCD provides statewide free legal services to eligible low income Delawareans in matters relating to private landlord/tenant and consumer disputes, as well as bankruptcy, unemployment compensation, disability claims, and non-Family Court matters for victims of domestic violence.

Almost all key informants indicated that they routinely referred older Delawareans to these three legal service agencies. However, they noted several gaps in services. The most common issue raised was that many people who do not meet the poverty test for low income services are often unable to afford private legal assistance for civil matters, especially those that may not be quickly resolved. They also cited waiting lists for services that may be free or affordable. Several voiced confusion over what services were provided by which agencies, which was further complicated when some services were only offered at certain times based on resource availability. In general, key informants as well as focus group participants from Kent and Sussex Counties expressed the need for more services in southern Delaware along with better transportation options to increase access to existing services.

Collectively, key informants, legal survey respondents, and aging services respondents reported that they referred elders to a variety of additional resources for help with legal and related issues, including: APS; law enforcement; various departments within the State Attorney General's office; court systems; the Aging and Disabilities Resource Center; victims' services; the YWCA mortgage program; health care services; mental health services; Delaware Community Reinvestment Action Council (DCRAC, for fair housing issues); the insurance commissioner; the Long-Term Care Ombudsman; licensing and inspection departments; etc. It is interesting to note that some key informants were not aware of services that other key informants routinely referred to and vice versa, which suggests that even among allied professionals awareness of available resources is not consistent.

Implementing a formal system for tracking calls for legal assistance that cannot be met by the legal services agencies would provide additional information on service gaps.

Recommendations

Many suggestions to enhance and better coordinate existing services were presented by participants during all phases of the needs assessment. The most promising recommendations regarding the best strategies and “vehicles” for reaching elders and responding to their needs for legal information and assistance are presented for consideration:

- Ongoing public education on relevant legal issues should be delivered at places where elders gather.

The most frequently noted recommendation was for continued public outreach to older individuals and family caregivers regarding relevant legal concerns: POA; advance health directives; wills; credit and consumer protection; and scams, frauds and financial exploitation. Information on all types of mortgages, leases, and contracts involving housing, assisted living facilities, and rights for nursing home residents were also considered particularly important. Legal services providers stressed that it is especially important to encourage elders and their representatives to seek assistance early when encountering potential problems; therefore, familiarity with the kinds of legal issues that may arise is essential.

Participants agreed that it was vital to deliver information through places where seniors gathered. Senior centers and faith-based communities were recognized as the most beneficial sites to hold presentations, one-to-one “drop-in” sessions, and to disseminate information. Community and cultural centers were also identified as places for elders and their families to participate in outreach events and pick up print materials on these topics. Efforts to recruit active support from leaders of senior centers, faith-based organizations, and cultural and community centers in rolling out legal information and advertising legal services, such as the pending legal hotline, will be critical to the success of the *Model Approaches* project.

- A broad spectrum of communications channels should be used to increase access to legal information.

It is important to realize that for the purposes of this project, “older” Delawareans are identified as aged 60 and over. Older residents may be in their 60’s, 70’s, 80’s, or even 90’s and up. Therefore, participants suggested it is helpful to use multiple communications strategies to provide older individuals with legal information and guidance.

Telephone support to provide free answers to simple legal questions and get referrals to appropriate resources was considered highly valuable, particularly for elders who are isolated or homebound.

Doctors’ and dentists’ offices, rehabilitation centers, hospitals, and other health care settings were thought to be extremely valuable places to distribute print materials, particularly because these are places that even isolated seniors are more likely to visit. Providing information at local libraries, hair salons and barber shops, grocery stores, pharmacies, McDonald’s, and other local businesses were also considered promising ideas.

Although many key informants did not think internet communication would be effective for this population, several suggested that for some older individuals the internet is a tremendous resource. This was confirmed by many of the focus group participants who indicated that they enjoyed using the internet. Many baby boomers are already computer savvy and more and more seniors are becoming frequent internet users. While many elders prefer to have print materials on hand, information should also be available online for those who prefer to use this inexpensive technology. It is logical to assume that as future generations of technologically savvy Delawareans age, higher percentages of seniors will seek information on legal and other issues online. Furthermore, internet technology is an effective means for reaching the younger family members who may be providing care or assistance to older Delawareans.

Additional suggestions included regularly distributing a newspaper insert advertising legal services agencies and resources, and developing a legal resource “pocket guide” for practitioners

of various disciplines to keep on hand. Distributing print materials through Meals on Wheels was considered another potential means to reach more isolated seniors. Several key informants reported they used *The Legal Handbook for Older Delawareans* but thought that it should be more widely distributed and/or advertised.

Mailing print materials to the home and public service announcements on local radio were also considered effective ways to reach homebound elders. Television was considered expensive but an effective means of reaching older adults. Members of one focus group said that public access cable TV was a good way to reach elders, and specifically mentioned *The Congo Hour*, a show that airs on Sunday, as a forum for discussing legal issues.

- The voices of older Delawareans should be used to promote awareness of legal services and to develop strategies for outreach.

Focus group participants had a wealth of suggestions regarding the best ways to reach older individuals, including those who were homebound or did not attend senior centers or other community gatherings. At all sites, participants noted that older individuals tended to listen to the advice of their peers. One suggestion was to conduct “round table” discussions on legal issues such as consumer protection or the need for POA – informal, peer-led conversations to share tips and suggestions. Several key informants also talked about the effectiveness of one-to-one sharing of information by seniors with other seniors and the positive impact that senior volunteers had through participation in initiatives such as the Senior Medicare Patrol (SMP) and the Daily Money Management programs. Representatives from the Latino and tribal communities also indicated that “success” stories of elders who benefited from legal services would encourage others to seek assistance. A core of older individuals could provide ongoing consultation to the *Model Approaches* steering committee regarding best methods of outreach and service provision.

- Targeting outreach to family caregivers may be an effective strategy to engaging older Delawareans, particularly those who experience cultural barriers.

Because family caregivers and other concerned relatives often act as liaisons for older individuals in obtaining information and services, targeting this population in outreach regarding areas of legal needs may be a valuable investment. In addition to connecting elders with needed information, this would also serve to lay the groundwork for proactive approaches to the legal needs of caregivers as they age. Key informants also suggested that reaching Latino and family caregivers could be effective in reducing cultural barriers that foster resistance to seeking legal help.

- Multidisciplinary approaches and collaboration with existing coalitions and volunteer organizations have great potential to enhance awareness and use of legal resources.

A theme that emerged throughout the course of this assessment is that legal needs do not have distinct boundaries from aging, social, health care, economic, and other needs that older individuals experience. Collaboration among legal, aging, health, social, and other service networks would enhance coordination and access to legal services and information for this population. Multidisciplinary efforts are the hallmark of promising practices in the field of elder abuse awareness and prevention. This model could be adapted for use in strengthening and rolling out legal education for consumers of all ages. Health care professionals were considered ideal partners for collaboration by most key informants. For example, Delaware is currently participating in the *Elder Investment Fraud and Financial Exploitation Prevention Program*, a collaboration among state securities regulators, medical professionals, and APS that trains physicians to identify early signs of mild cognitive impairment and indicators of financial abuse and to report suspected mistreatment. Similarly, the *Model Approaches* steering committee could work in conjunction with the Attorney General's Senior Protection Initiative, the SMP program, and other existing programs and multidisciplinary networks to monitor the needs of older Delawareans and disseminate information about new and existing resources. Key informants also suggested that soliciting interns and volunteers from geriatric, social work, paralegal, and other educational programs would provide additional resources.

- Strategies should be implemented for the ongoing monitoring of legal needs of older Delawareans.

This needs assessment provides a basis for developing resources responsive to legal issues prevalent at the present time. However, the legal needs of older Delawareans are likely to shift in response to changing demographics and economic, social, and political conditions. It is important to implement a strategy for the ongoing monitoring of the legal needs of older individuals in order to respond effectively if and when legal needs change. In addition to tracking service utilization of the legal services agencies, it is also important to track requests for assistance that cannot be addressed in order to more accurately gauge gaps in service. Outcomes assessment of services provided along with follow-up of referrals made to other agencies would also be valuable.

Prepared for the Delaware Community Legal Aid Society, Inc.

by the Center for Community Research and Service

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Appendix A: Key Informant Protocol Questions

General Demographics and Professional Background

Discipline:

Current Position:

Approximately how much of your work involves direct contact with older Delawareans (age 60 and over)?

Approximately how much of your work involves supervision or coordination of services to older Delawareans?

In general, how long have you worked with or coordinated/supervised services to older Delawareans? What is the scope of your work with/ or the supervision or coordination of services to older Delawareans?

General Impressions of Legal Needs of Elders

In the course of your work, do you observe that elders have needs regarding the following legal areas? If yes, please rate as: rare, somewhat common, or very common. (There may be overlap across categories.)

- Wills/estate planning
- Financial planning
- Financial management (for example, daily money management, assistance with bill paying, etc.)
- Advance directives/POA
- Guardianships
- Consumer protection (may involve: bill collectors, credit issues, scams/frauds/identify theft or other consumer issues)
- Filing for/dealing with government benefits (Medicare, Medicaid, Social Security, etc.)
- Dealing with health insurance
- Dealing with other insurance
- Nursing home issues
- Home care
- Real estate/ housing issues
- Divorce/custody
- Orders of Protection
- Criminal matters – (may involve: scams/frauds/identity theft; financial exploitation, or other criminal issues)
- Abuse/ neglect – by known/trusted other (may involve: physical abuse/neglect, self-neglect, psychological, financial, sexual, abandonment)
- Discrimination
- Employment / retirement
- Disability
- Assistance with court procedures (any type)
- Other – please specify

Based on your experience, what do you think are the top most frequently identified legal needs of older Delawareans?

Have you identified any legal needs unique to any underserved populations, such as older Delawareans with disabilities, non-English speaking elders, or elders from other cultural backgrounds?

Do you regularly encounter any legal need that may not be among the most commonly identified but has significant consequences for older Delawareans?

General Knowledge Regarding Available Services and Referring Practices

What legal resources in Delaware are you aware of that are available for seniors (please name all that you can recall.)

What legal resources in Delaware do you and/or your colleagues usually refer seniors to?

If you formally track whether older Delawareans follow-up with these resources what feedback do you have regarding these services? What anecdotal feedback do you have regarding these resources?

Barriers to Service Delivery and Perceived Gaps

What obstacles limit your clients from accessing or benefiting from legal resources?

Do you think lack of transportation prevents older Delawareans from accessing services?

What gaps exist in addressing legal needs of older Delawareans?

Do you see any duplication of or unnecessary services?

Do you think seniors are aware of existing legal resources before you refer them? Do you think most practitioners dealing with older Delawareans are aware of such services? If not, why not?

Recommendations

What do you think are the best “vehicles” for delivering legal resources to seniors (such as telephone, mail, internet, television, print media, other).

What recommendations do you have for expanding or strengthening existing legal services for older Delawareans?

Do you have any specific recommendations to enhance legal services to older Delawareans within underserved populations?

Do you think there are any preventative strategies or approaches that should be considered or implemented to benefit older Delawareans regarding their legal needs?

Additional Thoughts

Are there any final thoughts you would like to add regarding the legal needs of older Delawareans that we didn't cover in our discussion?

Appendix B: Legal Needs Assessment of Older Delawareans: Survey of Aging Services Professionals and Advocates Working with Older Delawareans

Consent

The Purpose and Background

The University of Delaware's Center for Community Research and Service is conducting a legal needs assessment of older Delawareans in conjunction with the State's Model Approaches to Statewide Legal Services for Seniors project. This survey, which will take between 10 and 15 minutes to complete, is designed to solicit input regarding the legal issues you, as an Aging Services professional or advocate in the state, observe older Delawareans experiencing.

Information collected through this survey will be used to identify key themes regarding the legal needs of Delaware seniors. This will assist us in planning subsequent phases of the legal needs project (including focus group discussions with seniors themselves) and in developing recommendations for creating and delivering appropriate legal services. Individual responses will remain confidential. Results will be reported in the aggregate.

Contact

If you have any questions or concerns regarding this project, please contact:

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302-831-7010 or smnai@udel.edu

For questions or concerns regarding the rights of individuals who agree to participate in research, please contact:

Chair, Human Subjects Review Board
University of Delaware
302-831-2137

Consent

Participation in this survey is voluntary. You may discontinue participation at any time or decline to answer any question on the survey. Answers that have been provided before participation is discontinued will be included in the project's results.

By clicking *Agree* below, you confirm that you have read the above information about this survey, that you understand the purpose of the survey, and that you provide consent to participate.

Q1

- Agree

Q2

In the course of your work with older Delawareans, how often do you observe or address legal issues impacting Older Delawareans?

- Frequently
- Occasionally
- Rarely
- Never

Q3

Based on your experience, how common are the following legal needs among older Delawareans:

	Very Common	Somewhat Common	Rare
Wills/Estates Planning			
Financial Planning (retirement, etc.)			
Financial Management (such as daily money management, assistance w/ bill paying, etc.)			
Advance Directives/Durable Power of Attorney			
Guardianships			
Consumer Protection (may involve: bill collectors, credit issues, scams/frauds/identity theft, or other consumer issues)			
Filing for/Dealing with Government Benefits (Medicare, Medicaid, Social Security, etc.)			
Dealing with Health Insurance			
Dealing with Other Insurance			
Nursing Home Issues/Home Care			
Real Estate/Housing Issues			
Divorce/Custody			
“Grandparenting” Issues			
Family Disputes (re: caregiving or other responsibilities)			
Protection From Abuse orders			
Criminal Matters (may involve: scams/frauds/identity theft; financial exploitation; or other criminal issues)			
Abuse/Neglect by known and trusted other (may involve: physical abuse/neglect, psychological, financial, sexual abuse, and/or abandonment)			
Discrimination			
Employment/Retirement			
Disability			
Assistance with Court			

Procedures (any type)			
Other (please specify)			

Q4

In cases involving consumer protection, how common are the following specific issues: *(question triggered by positive response to consumer protection issues)*

	Very Common	Somewhat Common	Rare
Bill Collection			
Credit Card Issues			
Bankruptcy			
Telemarketer Problems			
Contractor Issues (Home Repairs, etc.)			

Q5

In cases involving Government benefits, how common are problems in the following specific areas: *(triggered by positive response to government benefits issues)*

	Very Common	Somewhat Common	Rare
Social Security			
Medicare/Medicare Part D			
Medicaid			
Veteran's Benefits			
Other (please specify)			

Q6

How common are the following problems involving Medicare benefits? *(triggered by positive response to Medicare benefits issues)*

	Very Common	Somewhat Common	Rare
Eligibility			
Benefit Reduction			
Benefit Termination			
Payment Disputes			
Other (please specify)			

Q7

How common are the following problems involving Medicaid benefits? *(triggered by positive response to Medicaid benefits issues)*

	Very Common	Somewhat Common	Rare
Eligibility			
Benefit Reduction			
Benefit Termination			
Payment Disputes			
Other (please specify)			

Q8

How common are the following problems concerning Real Estate and Housing issues specific to renters? *(triggered by positive response to real estate/housing issues)*

	Very Common	Somewhat Common	Rare
Landlord Disputes (rent, eviction, etc.)			
Utilities lacking (heat, hot water, electricity, etc.)			
Repair Problems			
Pest Control			
Other (please specify)			

Q9

How common are the following problems in cases concerning Real Estate issues specific to homeowners? *(triggered by positive response to real estate/housing issues)*

	Very Common	Somewhat Common	Rare
Foreclosure			
Issues related to Reverse Mortgages			
Financial Exploitation involving Real Estate			
Tax Disputes			
Contractor Issues			
Other (please specify)			

Q10

How often do you encounter the need for emergency housing? *(triggered by positive response to real estate/housing issues)*

- Often
- Sometimes
- Rarely
- Never

Q11

How common are the following types of cases concerning Abuse/Neglect? *(triggered by positive response to abuse/neglect issues)*

	Very Common	Somewhat Common	Rare
Financial Abuse			
Undue Influence			
Neglect			
Self-Neglect			
Emotional/Psychological Abuse			
Physical Abuse			
Sexual Abuse			
More than one type			
Other			

Q12

Do you ever refer to the following resources or agencies in cases of suspected Abuse/Neglect (Check all that apply): *(triggered by positive response to abuse/neglect issues)*

- Adult Protective Services
- Law Enforcement
- Medicaid Fraud Control Unit
- Health Care Professionals
- Mental Health/Counseling Services
- Court System
- Other (Please specify)

Q13

What are the barriers you perceive restricting older Delawareans who need legal assistance? (Check all that apply)

- Unable to afford legal assistance
- Do not know where to find legal assistance/ availability of legal assistance
- Believe they can handle a problem without the use of a lawyer
- Transportation or other physical barriers
- Physical Disabilities (hearing impairments, etc.)
- Cognitive Impairment
- Mental Health Issues
- Language barrier
- Other (Please specify)

Q14

What do you consider the best “vehicles” for making seniors aware of legal resources? (Check all that apply)

- Television
- Newspaper
- Mail
- Internet
- Senior Centers
- Faith-based Communities
- Other (Please specify)

Q15

Are you aware of specific populations of older Delawareans whose legal needs are underserved?

- Yes
- No

Q16

Which of the following populations of older Delawareans do you consider to be underserved regarding their legal needs? (Check all that apply)

- African Americans
- Hispanics
- Native Americans
- Persons with physical disabilities
- Persons with mental disabilities
- Veterans
- Elders with low income
- Other (Specify)

Q17

Is there an untapped resource within the legal community to assist older Delawareans with their legal needs? Please explain.

Q18

How long have you worked with older Delawareans in the state of Delaware?

- 5 years or less
- 6-10 years
- 11-20 years
- More than 20 years

Q19

What is your area(s) of experience in working with older Delawareans? (Check all that apply)

- Aging services professional
- Adult Protective Services
- Social services
- Ombudsman
- Long term care provider
- Home health care provider
- Health care
- Advocate
- Other (Please specify)

Q20

What percent of your work with older Delawareans and/or their families takes place in:

County	Less than 25%	26-50%	51-75%	More than 75%
Kent				
New Castle				
Sussex				

Thank you for your participation!

Appendix C: Legal Needs Assessment of Older Delawareans: Survey of Legal Professionals and Para-Professionals Working with Older Delawareans

The Purpose and Background

The University of Delaware's Center for Community Research and Service is conducting a legal needs assessment of older Delawareans in conjunction with the State's Model Approaches to Statewide Legal Services for Seniors project. This survey, which will take between 10 and 15 minutes to complete, is designed to solicit input regarding the legal issues you, as an Aging Services professional or advocate in the state, observe older Delawareans experiencing.

Information collected through this survey will be used to identify key themes regarding the legal needs of Delaware seniors. This will assist us in planning subsequent phases of the legal needs project (including focus group discussions with seniors themselves) and in developing recommendations for creating and delivering appropriate legal services. Individual responses will remain confidential. Results will be reported in the aggregate.

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Consent

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By clicking *Agree* below, you confirm that you have read the above information about this survey, that you understand the purpose of the survey, and that you provide consent to participate.

Q1

- Agree

Q2

Based on your experience, how common are the following legal needs among older Delawareans:

	Very Common	Somewhat Common	Rare
Wills/Estates Planning			
Financial Planning (retirement, etc.)			
Financial Management (such as daily money management, assistance w/ bill paying, etc.)			
Advance Directives/Durable Power of Attorney			
Guardianships			
Consumer Protection (may involve: bill collectors, credit issues, scams/frauds/identity theft, or other consumer issues)			
Filing for/Dealing with Government Benefits (Medicare, Medicaid, Social Security, etc.)			
Dealing with Health Insurance			
Dealing with Other Insurance			
Nursing Home Issues/Home Care			
Real Estate/Housing Issues			
Divorce/Custody			
Protection From Abuse orders			
Criminal Matters (may involve: scams/frauds/identity theft; financial exploitation; or other criminal issues)			
Abuse/Neglect by known and trusted other (may involve: physical abuse/neglect, psychological, financial, sexual abuse, and/or abandonment)			
Discrimination			
Employment/Retirement			
Disability			
Assistance with Court Procedures (any type)			
Other (please specify)			

Q3

In cases involving consumer protection, how common are the following specific issues: *(question triggered by positive response to consumer protection issues)*

	Very Common	Somewhat Common	Rare
Bill Collection			
Credit Card Issues			
Bankruptcy			
Telemarketer Problems			
Contractor Issues (Home Repairs, etc.)			

Q4

In cases involving Government benefits, how common are problems in the following specific areas: *(triggered by positive response to government benefits issues)*

	Very Common	Somewhat Common	Rare
Social Security			
Medicare/Medicare Part D			
Medicaid			
Veteran's Benefits			
Other (please specify)			

Q5

How common are the following problems involving Medicare benefits? *(triggered by positive response to Medicare benefits issues)*

	Very Common	Somewhat Common	Rare
Eligibility			
Benefit Reduction			
Benefit Termination			
Payment Disputes			
Other (please specify)			

Q6

How common are the following problems involving Medicaid benefits? *(triggered by positive response to Medicaid benefits issues)*

	Very Common	Somewhat Common	Rare
Eligibility			
Benefit Reduction			
Benefit Termination			
Payment Disputes			
Other (please specify)			

Q7

How common are the following problems concerning Real Estate and Housing issues specific to renters? *(triggered by positive response to real estate/housing issues)*

	Very Common	Somewhat Common	Rare
Landlord Disputes (rent, eviction, etc.)			

Utilities lacking (heat, hot water, electricity, etc.)			
Repair Problems			
Pest Control			
Other (please specify)			

Q8

How common are the following problems in cases concerning Real Estate issues specific to homeowners? *(triggered by positive response to real estate/housing issues)*

	Very Common	Somewhat Common	Rare
Foreclosure			
Issues related to Reverse Mortgages			
Financial Exploitation involving Real Estate			
Tax Disputes			
Other (please specify)			

Q9

How often do you encounter the need for emergency housing or placement of older Delawareans? *(triggered by positive response to real estate/housing issues)*

- Often
- Sometimes
- Rarely
- Never

Q10

How common are the following types of cases concerning Abuse/Neglect? *(triggered by positive response to abuse/neglect issues)*

	Very Common	Somewhat Common	Rare
Financial Abuse			
Undue Influence			
Neglect			
Self-Neglect			
Emotional/Psychological Abuse			
Physical Abuse			
Sexual Abuse			
More than one type			
Other			

Q11

Do you ever refer to the following resources or agencies in cases of suspected Abuse/Neglect (Check all that apply): *(triggered by positive response to abuse/neglect issues)*

- Adult Protective Services
- Law Enforcement
- Medicaid Fraud Control Unit

- Health Care Professionals
- Court System
- Other (Please specify)

Q12

What are the barriers you perceive restricting older Delawareans who need legal assistance? (Check all that apply)

- Unable to afford legal assistance
- Do not know where to find legal assistance/ availability of legal assistance
- Believe they can handle a problem without the use of a lawyer
- Transportation or other physical barriers
- Physical Disabilities (hearing impairments, etc.)
- Language barrier
- Other (Please specify)

Q13

What do you consider the best “vehicles” for making seniors aware of legal resources? (Check all that apply)

- Television
- Newspaper
- Mail
- Internet
- Senior Centers
- Faith-based Communities
- Other (Please specify)

Q14

Are you aware of specific populations of older Delawareans whose legal needs are underserved?

- Yes
- No

Q16

Which of the following populations of older Delawareans do you consider to be underserved regarding their legal needs? (Check all that apply)

- African Americans
- Hispanics
- Native Americans
- Persons with physical disabilities
- Persons with mental disabilities
- Veterans
- Elders with low income
- Other (Specify)

Q16

Do you think there is an untapped resource within the legal community to assist older Delawareans with their legal needs? Please explain.

Q17

How long have you practiced law in the state of Delaware?

- 5 years or less
- 6-10 years
- 11-20 years
- More than 20 years

Q18

Please check the areas in which you consider yourself most experienced (Check all that apply)

- Alternative Dispute Resolution
- Elder Law
- Estates and Trusts
- Family Law
- Government and Consumer Law
- Health Law
- Multicultural Lawyers and Judges
- Real and Personal Property
- Social Security Disability
- Women and the Law
- Other (Please specify)

Q19

What percent of your work with older Delawareans and/or their families takes place in:

County	Less than 25%	26-50%	51-75%	More than 75%
Kent				
New Castle				
Sussex				

Thank you for your participation!

Appendix D: Legal Needs Assessment of Older Delawareans: Focus Group Protocol

Introduction:

Good morning (or afternoon).

Thank you for taking the time to meet with us. My name is Sharon Merriman-Nai and this is Mary Kuna. We are with the University of Delaware Center for Community Research and Service. We are talking to you and others throughout the state to gather information for a legal needs assessment of older Delawareans. This is part of Delaware’s Model Approaches to Statewide Legal Services for Seniors project, which is intended to enhance legal assistance to older Delawareans.

We want to ask your opinions about the legal needs that some of you or your friends and family may be encountering, and how these needs are being met. We also want to talk about what legal needs are not being met, or how legal services for older Delawareans may be improved. We hope that you will speak freely with us. We will report on the themes and common issues that you and others raise during these discussions when we make our recommendations; however, your individual, personal responses will remain confidential.

Our discussion will last about an hour to an hour and fifteen minutes. By continuing to join us during this discussion, you are providing your consent to participate, which is voluntary. You are free to answer any or all of the questions, but if for any reason at any point you would like to leave, you are welcome to do so. We greatly appreciate any and all comments you make during this focus group.

Do you have any questions before we get started? We are passing out our contact information in case you have any concerns or questions after this meeting, or think of anything else you would like to share. Thank you for your help with this project.

Discussion Guide:

1. It is clear that legal needs change throughout our lives and as we get older, these needs vary for a number of reasons. Would anyone like to share some reasons why you or other older individuals you know may have needed legal advice within the past several years? (Wait for responses. If not mentioned, fill in with the following prompts re: potential areas of need:
 - wills
 - power of attorney
 - financial planning
 - assistance with benefits (MC, M/Caid, VA, etc.)
 - retirement/employment needs
 - assistance with housing (either as a homeowner, renter, or other)
 - family disputes (may include divorce or custody issues)
 - grandparenting issues
 - consumer protection
 - criminal matters, including abuse, neglect, or exploitation

2. When these issues came up, did you seek the advice of an attorney or legal service provider? Where did you go to find out about what legal assistance was available? (Depending upon response, may prompt with the following options: had engaged the attorney before; recommended by family or friend; found in the phone book; saw an ad; recommended by aging, social services, or other professional).
 - a. For those who did seek legal assistance: Did you find the help you needed? Why or why not? Was it helpful?
 - b. If you didn't seek legal assistance, what were the reasons you didn't? Did you ever resolve the issue that you were experiencing?
 - c. Other than a private attorney, do you know about any programs or resources that offer legal assistance and information to older Delawareans? Have you ever attempted to use them? Was this helpful?

3. What kinds of legal information or services do you think would be most helpful to older Delawareans?
4. How do you think legal services to older Delawareans could be improved? (Depending upon responses, may prompt with questions about location of service, access to service, fees, language barriers, etc.)
5. About what issues do you think older Delawareans need more legal information?
6. How would you prefer to learn about legal issues and services that may be important to you? (Depending upon responses, may prompt with phone book; newspaper; mail; internet/email; presentations at senior centers, faith-based centers, community centers; at doctor's office; at supermarket; etc.)
7. The people in this group come to (community center, senior center, etc.) but there are many older Delawareans who are not as active, and may not get out of the home often. What do you think is the most effective way to "deliver" information on legal issues (such as the need to establish a power of attorney, or where to report consumer fraud, etc.) to older Delawareans? (May prompt with phone book; newspaper; mail; internet/email; television; radio; etc.)
8. If available, would you take advantage of a "drop-in" session or clinic, with legal professionals on hand to help with certain kinds of legal issues, at places like libraries, senior centers, super markets, places of worship, etc.?
9. Overall, from your experiences with legal assistance as you have grown older, are there any services that you would like more readily available? What would you like to see improved?
10. Is there anything else about what we discussed today that you would like to share?

Thank you so much for your time. Please feel free to contact us at any time with additional questions or comments.

Appendix E: Resource List of Available Delaware Legal Services and Agencies and Contact Information for Legal Needs Assessment Research

Current Legal Resources Available as of June 2011

Thank you for participating and sharing your opinion in this focus group. The list provided contains the contact information for Legal Resources within the State of Delaware.

If you have any questions about this report or focus group, please feel free to contact:

Sharon Merriman-Nai, Principal Investigator
University of Delaware Center for Community Research and Service
302-831-7010 or smnai@udel.edu

Or

Chair, Human Subjects Review Board
University of Delaware
302-831-2137

LEGAL RESOURCES AVAILABLE

Delaware Bar Association
Lawyer Referral Service
(302) 478-8850 or (800) 773-0606

Legal Helplink
302-478-8850

Community Legal Aid Society, Inc.

- New Castle: 302-575-0660 or 1-800-292-7980
- Kent: 302-674-8500 or 1-800-537-8383
- Sussex: 302-856-0038 or 1-800-462-7070

DE Department of Justice *Victims Services Statewide*

1-800-870-1790

New Castle: 302-577-8500

Senior Advocate Program

- New Castle:
302-577-8500
- Kent/Sussex:
302-739-4211

Consumer Protection Unit

- New Castle:
302-577-8600
- Kent/Sussex:
1-800-220-5424

Medicaid Fraud Control Unit

New Castle: 302-577-8938

Patient Abuse Unit

- New Castle:
302-577-8303
- Kent: 302-739-4211
- Sussex: 302-853-5353

DE State Police Statewide:
1-800-VICTIM

Legal Services Corporation
New Castle: 302-575-0408
Kent/Sussex: 302-734-8820

Victims Advocacy Program
New Castle: 302-577-2200,
extension 3098

Delaware Volunteer Legal
Services, Inc.
302-478-8850 / 800-773-
0606

Elder Law/Disabilities Law
Programs

- Wilmington/New Castle
County : 302-575-0666
- Kent County:
302-674-8500
- Sussex County:
302-856-0038

RESOURCE GUIDES

2010/2011 Guide to Services
for Older Delawareans and
Persons with Disabilities

To view a copy, go to:

[http://dhss.delaware.gov/dsa
apd/aging_and_disabilities_g
uide_announcement_1.html](http://dhss.delaware.gov/dsa
apd/aging_and_disabilities_g
uide_announcement_1.html)

or call the Delaware Aging
and Disability Resource
Center (ADRC)

Phone: 1-800-223-9074 to
have a copy mailed.

Resource Guide for Older
Delawareans:

[dvcc.delaware.gov/ELDERR
ESOURCEGUIDE.pdf](http://dvcc.delaware.gov/ELDERR
ESOURCEGUIDE.pdf)

Appendix F: Participants' Rating of Legal Needs of Older Delawareans and Barriers to Legal Services

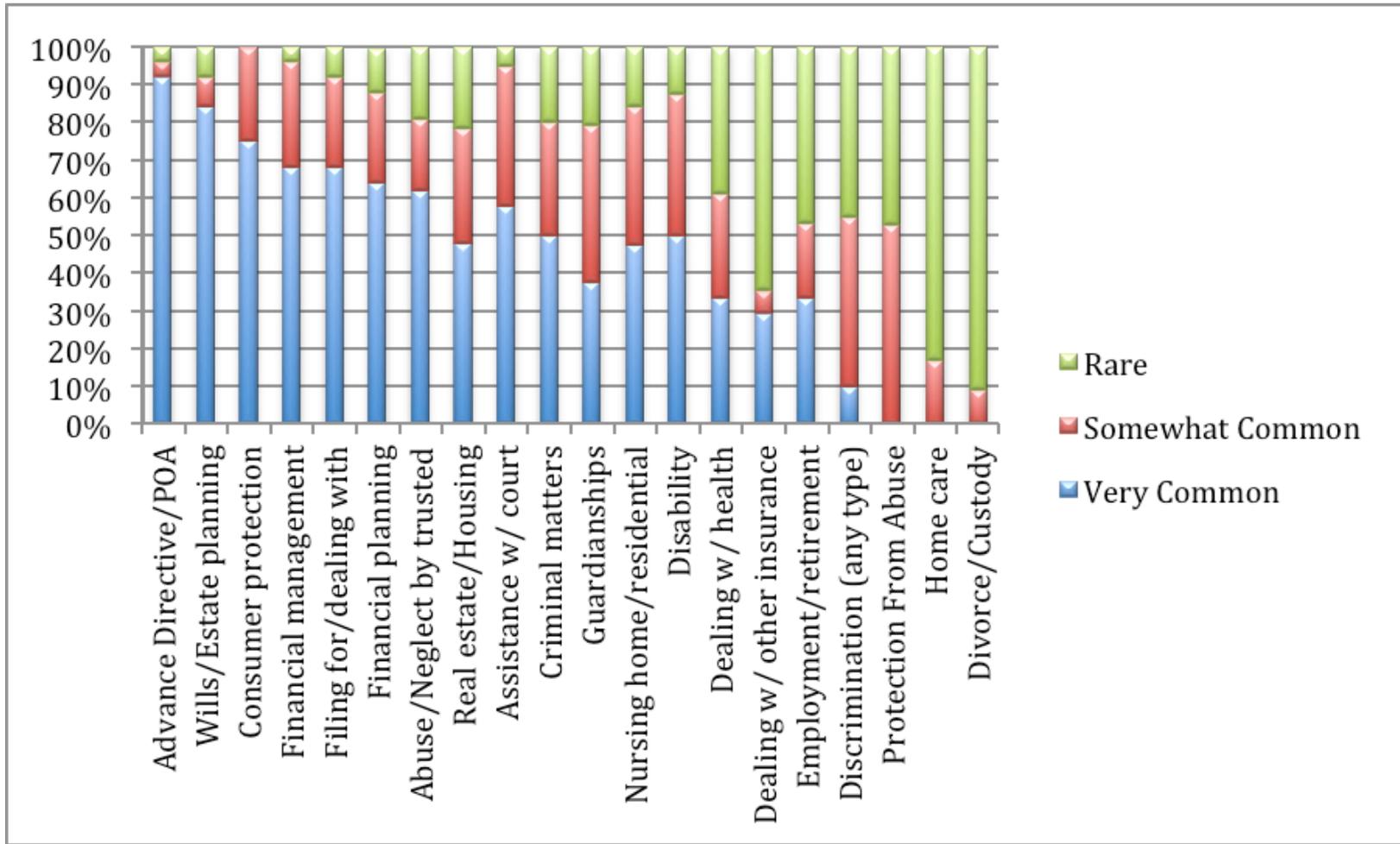


Figure 1 Key Informant Ranking of Legal Needs - n=28

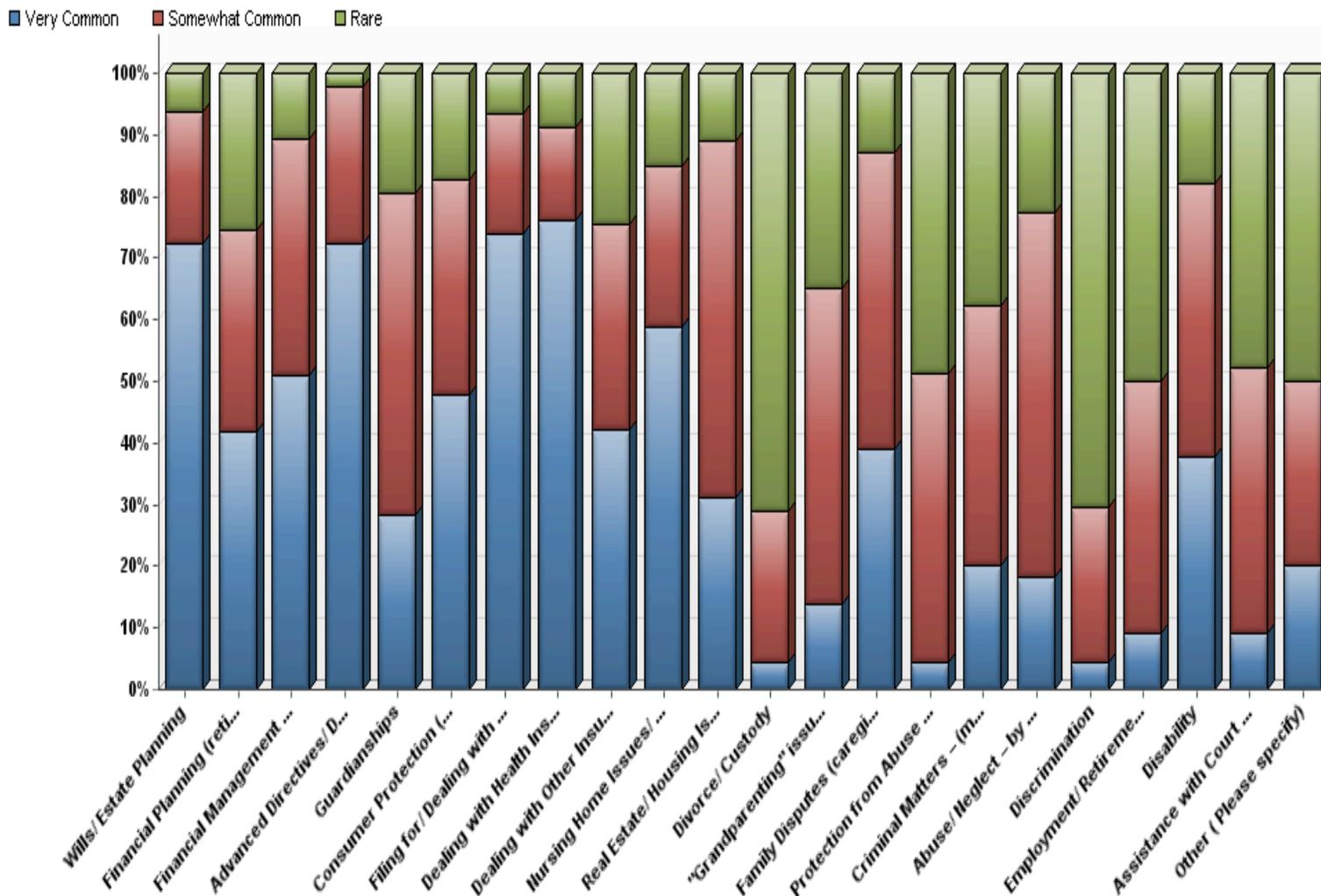


Figure 2 Aging Services Professionals and Advocates Ranking of Legal Needs - n=50

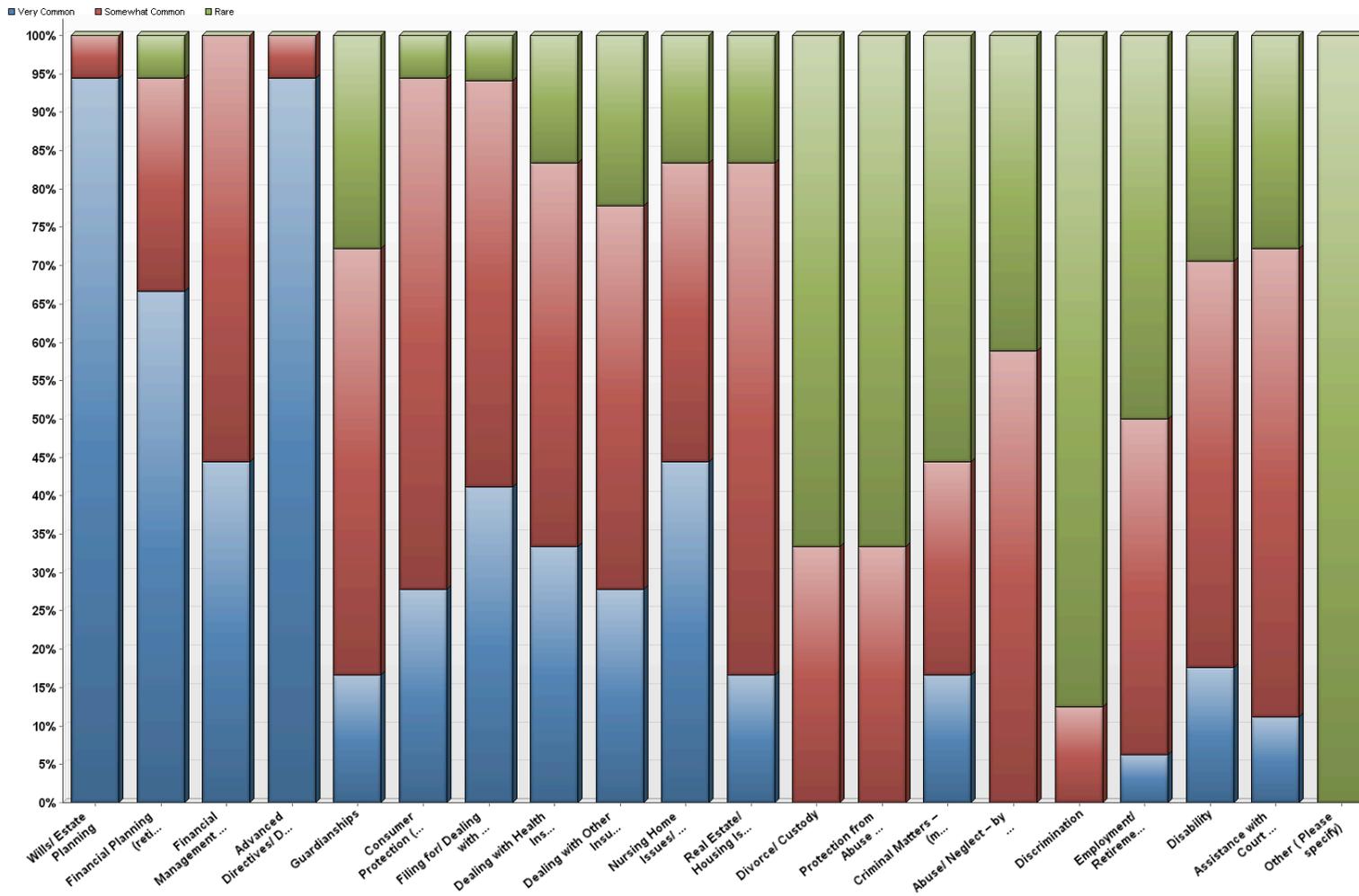


Figure 3 Legal Professionals Ranking of Legal Needs - n=20

Barriers to Accessing Legal Services

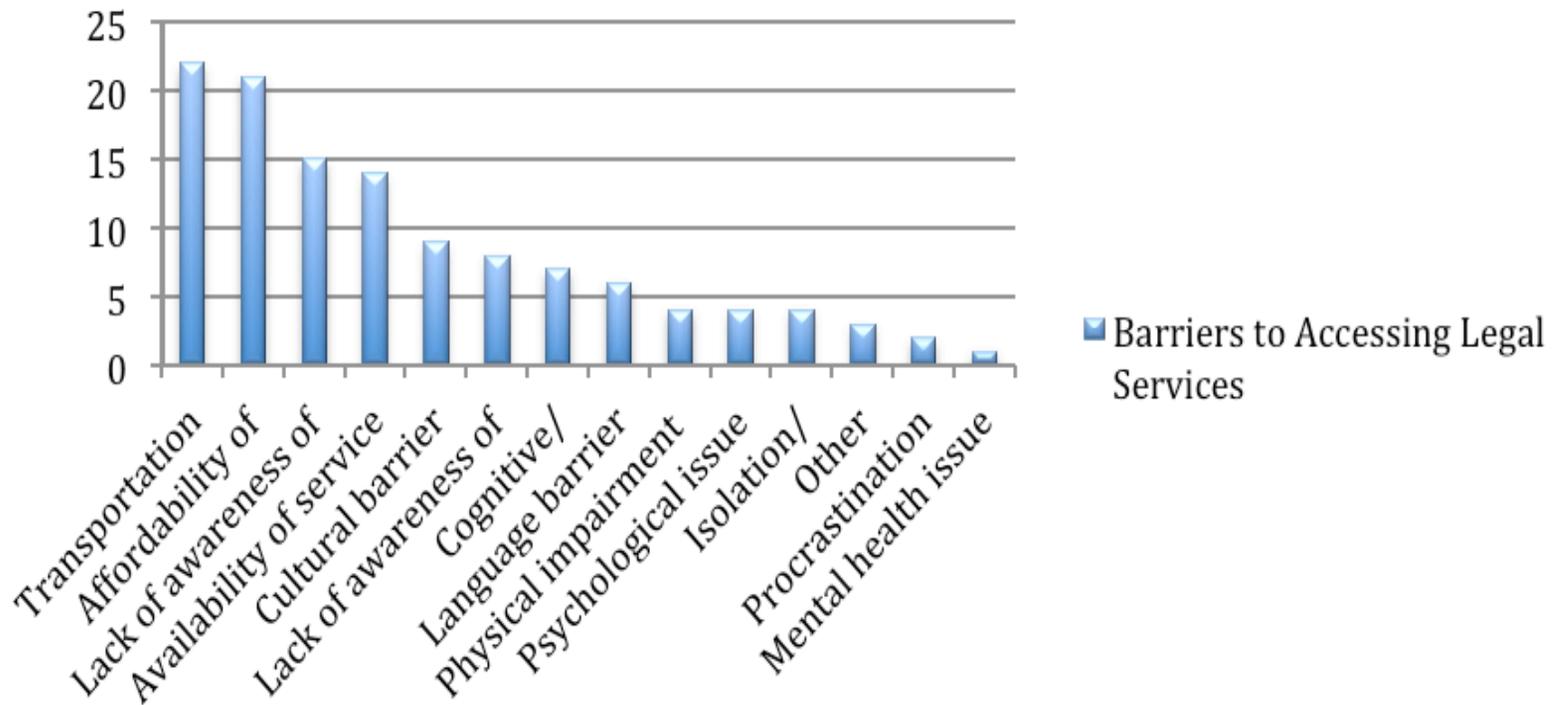


Figure 4 Key Informants - n=28

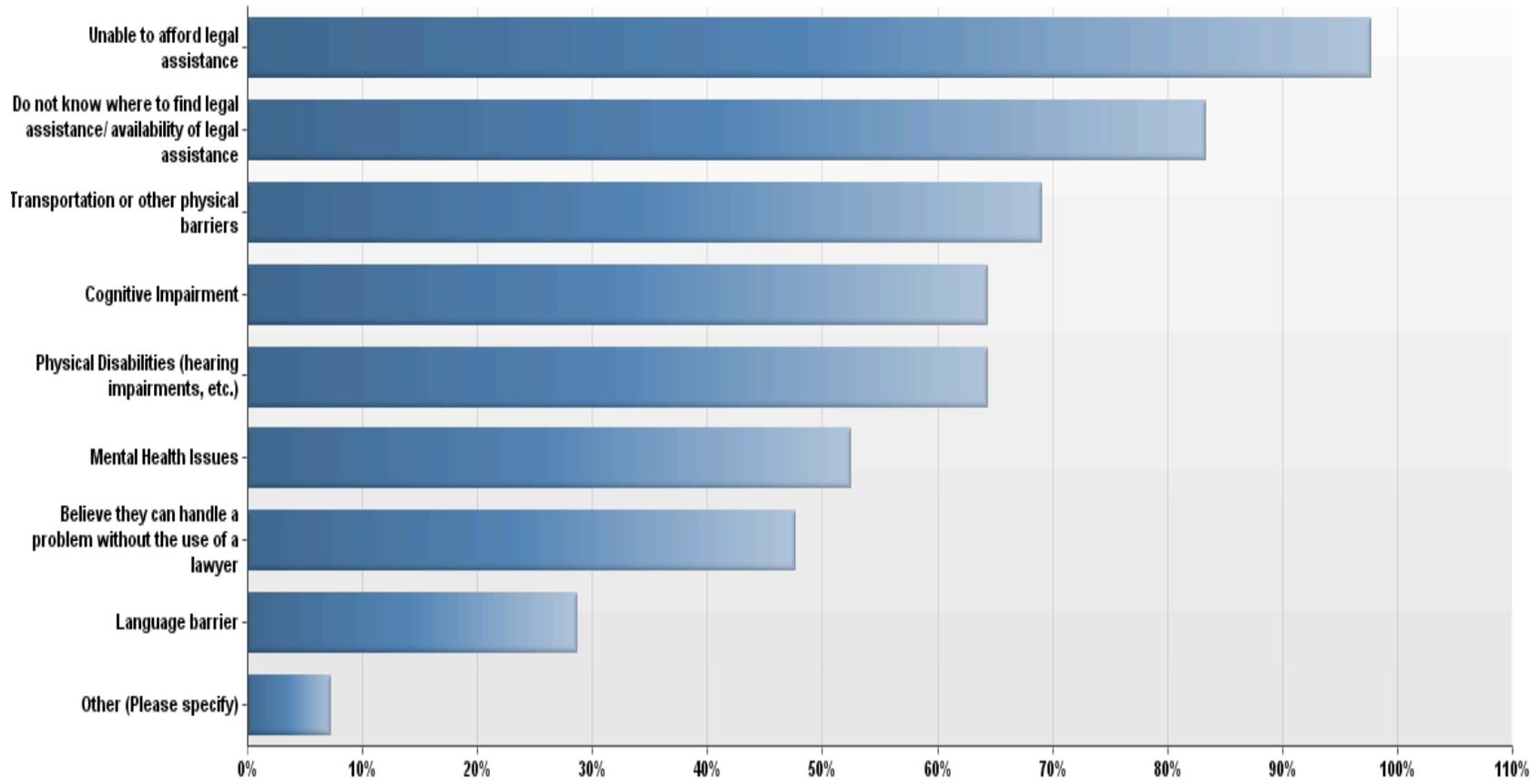


Figure 5 Barriers Observed by Aging Services Professionals and Advocates - n=50

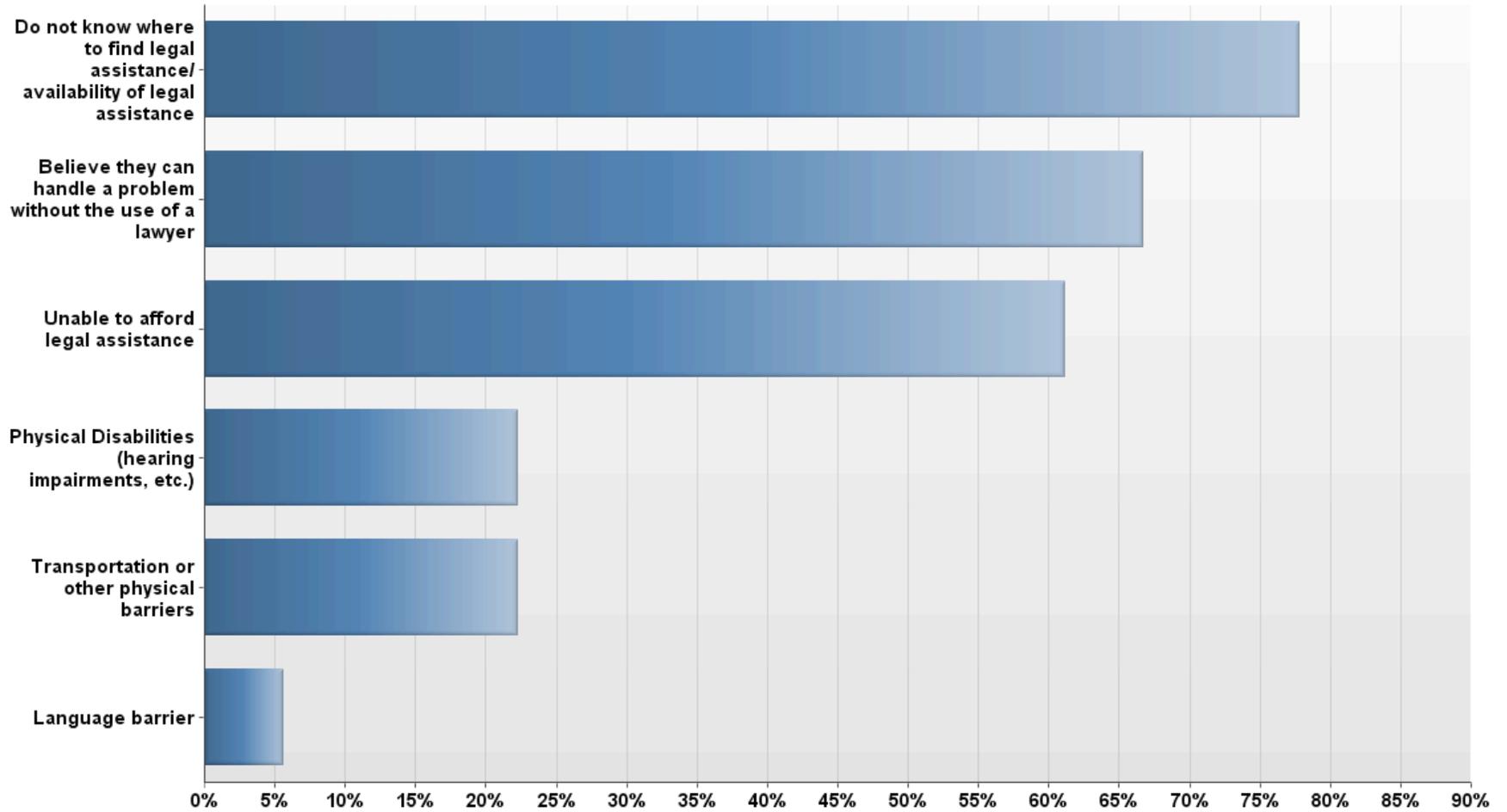


Figure 6 Barriers Observed by Legal Professionals - n=20

The Community Legal Aid Society, Inc.

[Community Legal Aid Society, Inc.](#) (CLASI) is a private, nonprofit law firm dedicated to equal justice for all. CLASI provides civil legal services to members of the community who have low incomes, disabilities, or who are age 60 and over. CLASI services help clients to become safe and self-sufficient.

New Castle County

Community Service Building
100 West 10th Street, Suite 801
Wilmington, DE 19801
302-575-0660
302-575-0696 (TTY/TDD)
302-575-0666 Elder Law Program
302-575-0690 Disabilities Program

Kent County

840 Walker Road
Dover, DE 19904
302-674-8500 (TTY/TDD Also)
302-674-3684 Elder Law Program
302-674-8503 Disabilities Program
www.delclasi.org

The Center for Community Research and Service at the University of Delaware

The mission of the [Center for Community Research and Service](#) at the University of Delaware is to provide usable knowledge education, training, and services that increase the ability of government, nonprofit agencies, philanthropic organizations, and citizens to enhance the quality of their communities.

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