

BACKGROUND

Long Term Care Manual Chapter 14, provides supporting procedures, processes, and resources to Area Agencies on Aging within Washington State required to provide Older American Act, Legal Service Programs.

LEGAL SERVICE PROCEDURES

Area Agencies on Aging contract with suitable legal services providers. The provider must meet the standards as set out in this chapter. The provider receives referrals from community agencies including AAAs, HCS and DDA field offices, case managers and Information and Assistance/Aging and Disability Resource Center (I&A/ADRC) providers. Appropriate referrals fit a priority area of law.

PRINCIPLES AND PROGRAM DEFINITIONS

The Legal Services Program provides access to the justice system by offering representation by a legal advocate (attorney, paralegal, or law student). The focus is on socially and economically needy older individuals who are experiencing civil legal problems. This service will often be the only way for these individuals to obtain trained legal help.

Legal problems must be within the priority areas that are established to reflect local needs. Legal Services Programs are to foster a cost-effective, high quality service that is integrated into the aging services network. Providers should develop and maximize the use of other available resources.

TARGET POPULATION

The target population is persons 60 years of age or older for OAA Title III B legal assistance.

The program should focus on those individuals with the greatest economic or social needs. Particular attention should be given to low-income, minority individuals, the rural elderly or older individuals with disabilities.

SERVICES PROVIDED

Nothing in this section or the program standards is intended to prohibit any attorney from providing any form of legal assistance to an eligible client, or to interfere with the fulfillment of any attorney's professional responsibilities to a client.

1. At a minimum, the following forms of individual legal assistance are provided:
 - a) Legal advice;
 - b) Brief legal services such as phone calls, letter writing, document review and drafting, or negotiation;
 - c) Representation at administrative hearings;
 - d) Representation in court;
 - e) Referral to other legal resources.
2. The following optional services may also be provided:
 - a) Education and training;

- b) Backup and training for the I&A/ADRC Program, Case Managers, and the Long-Term Care Ombudsman Program volunteers;
- c) Resource development designed to expand services. Resource development includes coordination with Legal Services Corporation (LSC) grantees, training private attorneys, and pro bono program development;
- d) Organizational representation of elder citizens' organizations, groups and coalitions who work on priority areas of the law and on issues and advocacy affecting low-income seniors.

PRIORITY AREAS OF LAW

Aging Network, HCS and DDA staff may refer cases to the Legal Services providers. Attorneys resolve cases based on a classification of the case or problem. Each provider may have a different system of classification, which may be based on the possible legal remedy or the local situation. What a non-attorney classifies as a housing problem may be classed by the lawyer or paralegal as a due process case.

It is important to provide the Legal Services screener with a concise, but detailed, set of facts to allow for a decision to interview for representation, or to refer the case, or to help make a referral to another, more appropriate resource.

As resources are limited, clients with problems in the locally preferred major categories must receive services before clients with problems in other categories.

1. Major Statutory Categories:

- a) Income Maintenance
- b) Health Care
- c) Long-term care
- d) Nutrition
- e) Housing
- f) Utilities
- g) Protective services;
- h) Defense of/from guardianship
- i) Abuse
- j) Neglect
- k) Age Discrimination

2. Statutory vs. Real Priorities and Abilities:

- a) Some statutory priority cases are not addressed by local legal services providers.

One example is litigation of age discrimination cases which is costly and may be fee generating. Therefore, direct legal assistance providers should help identify causes of age discrimination and, where appropriate, refer older persons to other legal channels including the Equal Employment Opportunity Commission.

- b) Similar situations exist with respect to abuse, neglect, financial exploitation and defense of guardianships.

In Washington State, the cost of an attorney to defend an alleged incompetent person

in a guardianship case is paid for by the county. Abuse, neglect and financial exploitation are either fee generating or are handled by an Assistant Attorney General or local prosecuting attorney. Often, community education and establishment of referral sources will be more appropriate than litigation.

- c) Fee generating cases are often hard to define and the legal services provider is best able to do this.

IDENTIFYING & REFERRING PEOPLE WITH LEGAL NEEDS

Some types of cases are easy to identify. Persons who are denied services need advice on how to proceed in filing or asking for a fair hearing. They may need substantive representation at the hearing. Evictions and utility shut-off cases require hearings, and may lead to negotiations with housing authorities or law suits.

Other cases are not so easy. Some people may want to apply for long-term care, but do not want to have a lien on their house. Someone may need help with the legality of caring for a grandchild or in dealing with the managed care provider.

The current best practice is to “over-refer” because of the changes in the legal services system.

Feedback from the provider as to appropriateness of the referral will allow refinement of the process over time. For certain types of cases there will be other resources in the local community. This process of referral and feedback may be set up as a formal system, or the referral source will ask for this

feedback as referrals are made. The attorney can disclose that a referral is appropriate or that a different referral would be more appropriate, but the substance of the case often cannot be discussed.

- Example: If your community has a strong elder law section of the bar or a strong estate planning group then questions pertaining to gifts and asset planning can and should be referred to them. However, there may be a benefit to having groups such as the Northwest Justice Project (NJP) make these referrals. The community may receive pro bono services for certain clients or the attorney may be better able to classify the case. Most attorneys are willing to answer questions about how they do referrals and what they need from a referral source.

Ongoing regular informal communication between the AAA and the legal services provider must occur to ensure awareness of the legal needs of the targeted population in the community and to ensure that the local priorities reflect local legal needs.

Making Referrals

Which agency should I make referrals to?

1. Legal Services in Washington State
 - a) **Northwest Justice Project (NJP)**
NJP has received the federal Legal Services Corporation (LSC) contract. As an LSC, NJP is the highest tiered provider of legal services meeting the federal guidelines and

standards required to be recognized as Washington State’s LSC. NJP provides intake services and screening statewide.

By making referrals to the local NJP the client will either be helped by their staff or sent on to the appropriate office. This may be pro bono work; or regarding a fee generating case, to an attorney who will do the case without a retainer fee. This will allow efficient sorting of cases and easier access to services.

Northwest Justice Project will be able to classify the problem, do some initial interviewing, and place the case with the most appropriate provider.

Project CLEAR (Coordinated Legal Education, Advice and Referral)

Outside King County

All Ages	Call 1-888-201-1014
For Seniors (age 60 and over)	Call CLEAR*Sr statewide 1-888-387-7111

Inside King County

All Ages	Call 2-1-1
People facing foreclosure	Call 1-800-606-4819

b) **Columbia Legal Services**

Columbia Legal Services deals with all non-federal funding sources. In 2019 they changed their strategic focus away from older adults and OAA priorities. In 2020, they will no longer be a contracted legal service provider.

2. Most AAAs contract with Northwest Justice Project. Some AAAs still contract with providers other than Northwest Justice Project in their local areas.

How do I make a Legal Services referral?

1. Develop a concise statement of facts which you know or have been communicated by the client.
2. Call the local NJP office. Make an effort to do this while the client is present or have the client make the call. You may also give the information to the legal representative of the client.
3. Follow up by contacting the client or legal representative.

INTAKE/CASE HANDLING STANDARDS

Each legal assistance provider has to have procedures for the following:

1. Non-Acceptance of Cases: A procedure that determines the circumstances and criteria under which cases are not accepted. There must also be a means of communicating this non-acceptance to the client.

2. Case Acceptance: Providers must have a uniform written case acceptance process. This process includes consideration of the following criteria:
 - a) Age
 - b) Type of legal problem
 - c) Priority of legal problem
 - d) Minority or limited English-speaking status
 - e) Fee generating possibilities
 - f) Extent of legal expertise required
 - g) Impact on present caseloads
 - h) Urgency of problem
 - i) Available alternatives

3. The provider should have criteria for emergency case acceptance.
 - a) **Retainers:** Every client whose case is accepted for representation, signs and receives a copy of a retainer agreement which may be supplemented by a letter.

 - b) **Grievance Procedure:** A grievance procedure must exist for individuals who believe they have been improperly denied service or who are dissatisfied with the legal assistance provided. The procedure is set up to attempt to resolve grievances at the lowest possible level.

RESOURCES

Rules and Policies

Older American's Act	Section 306 OAA, at 42 USC 3026 Older Americans Act Title III, Part B, Legal Assistance
Legal Assistance	45 CFR 1321.71

Federal

Administration for Community Living (ACL)

- [Cultural Competency Resources](#)
- [Toolkit for Serving Diverse Communities](#)

Elder Abuse

- [National Center on Elder Abuse](#)
- [USC - Center on Elder Mistreatment Toolkit](#)

Elder Law

- [National Center on Law & Elder Rights](#)
- [Justice in Aging](#)

LGBTQ

- [LGBT Aging Center](#)
National Senior Hotline 1-888-234-7243 or Help@LGBThotline.org
- [Inclusive Questions Guide 2016](#)

State

Seniors

- [Legal Voice](#)
 - [Handbook for Washington Seniors, Legal Rights & Resources](#) (English) 2016
 - [Manual de la tercera edad en el estado de Washington](#) (Spanish) 2016
- [Washington Law Help Seniors 60+](#)

Guardianship

- [11.88 RCW Guardianship](#)
- [Alternatives to Guardianship](#)
- [Family & Volunteer Guardian's Handbook](#) How to be an Effective Guardian (2010)

- [The Fundamentals of Guardianship](#) The National Guardianship Association (NGA) NWJP 10-2012
- [Guardian ad Litem Handbook](#) 2015 edition
- [Kinship Legal Support Resources and Information](#)
- [Legal Voice](#)
 - [Options for Grandparents and Other Nonparental Caregivers](#) (English) 2017
 - [Opciones para los abuelos y otros cuidadores que no son los progenitores](#) (Spanish) 2018

General

- [Latino/a Bar Association](#)
 - [Law Clinics](#) (Español) on topics including Immigration, Family, Consumer & Finance (includes Creditor/Debtor issues), Landlord-Tenant Issues, Criminal, Personal Injury, and Employment
- [Moderate Means Program \(MMP\)](#)

A state-wide, reduced-fee (lo-bono) lawyer referral service formed through a partnership with the Washington State Bar Association (WSBA) and the three law schools in Washington. MMP offers referrals in the areas of family, housing, and consumer law for those with household incomes between 200% and 400% of the federal poverty level.
- [Northwest Justice Project \(NJP\)](#)

Legal Services Corporation grantee for Washington State

 - **Senior Legal Hotline (CLEAR*Sr)** 1-888-387-7111
 - [Domestic Violence](#)
 - [Native American Unit](#)
 - [Community Outreach Materials](#) (available in English, Arabic, Korean, Russian, Somali, Spanish, and Vietnamese)
 - [Get Help](#) (English), [Chinese](#), [Korean](#), [Russian](#), [Somali](#), [Spanish](#), [Tagalog](#), [Vietnamese](#)
- [Washington Law Help](#)
 - Resources in [Multiple Language](#)

Ombudsman

- [Washington State Long-Term Care Ombudsman Program](#)

Acronyms

AAA	Area Agencies on Aging
ADRC	Aging and Disability Resource Center
AL TSA	Aging and Long-Term Support Administration
DDA	Developmental Disabilities Administration
HCS	Home and Community Services
I&A	Information and Assistance
LSC	Legal Services Corporation
NJP	Northwest Justice Project
OAA	Older Americans Act

REVISION HISTORY

DATE	MADE BY	CHANGE(S)	MB #
2/7/2020	Caroline Wood	1. Columbia Legal Services in King County is no longer contracted to serve OAA clients in 2020	HXX-XXX
10/23/17	Caroline Wood	<ol style="list-style-type: none"> 1. General formatting updates for easier reading 2. Created clear Section Summary with integrated hyperlinks/bookmarks 3. Removed obsolete reference links to training tools 4. Added extensive Resource options for Legal Services to support aging services network, Older American Act priorities, target marketing, and language support options 5. Added new DSHS Legal Assistance Developer contact information while deleting obsolete contact information 6. Core content and structure remains unchanged 	H17-078

APPENDIX

APPENDIX A: Northwest Justice Project – Washington State Office Location

SEATTLE - MAIN OFFICE (King)

401 Second Avenue S, Suite 407
Seattle, WA 98104
206-464-1519
1-888-201-1012
Fax: 206-624-7501
Client Intake - call 211

ABERDEEN (Grays Harbor & Pacific)

218 N. Broadway, Suite 1
Aberdeen, WA 98520
360-533-2282
1-866-402-5293 toll free
1-888-201-1014 (CLEAR - Client Intake)
Fax: 360-533-2932

BREMERTON - Satellite Office

216 6th Street
Bremerton, WA 98337
360-377-6378
Fax: 360-377-6385

EVERETT OFFICE (Snohomish)

2731 Wetmore Avenue, Suite 410
Everett, WA 98201
425-252-8515
1-888-201-1017
1-888-201-1014 (CLEAR - Client Intake)
Fax: 425-252-5945

LONGVIEW (Cowlitz & Wahkiakum)

1338 Commerce Avenue, Suite 210
Longview, WA 98632
360-425-1537
1-866-402-7971
1-888-201-1014 (CLEAR - Client Intake)
Fax: 360-578-0241

BELLINGHAM (Whatcom, Skagit, San Juan, Island)

1814 Cornwall Avenue
Bellingham, WA 98225
360-734-8680
1-800-562-8836
1-888-201-1014 (CLEAR - Client Intake)
Fax: 360-734-0121

COLVILLE - Satellite Office

132 West 1st Avenue
Colville, WA 99114
509-684-7652
1-800-303-7050
Fax: 509-684-4541

KENT - Satellite Office

124 4th Avenue S, Suite 240
Kent, WA 98032
253-480-6125
1-855-682-0795
Fax: 253-852-6050

OLYMPIA (Thurston, Mason, Lewis)

711 Capitol Way S., Suite 704
Olympia, WA 98501
360-753-3610
1-888- 212-0380
1-888-201-1014 (CLEAR - Client Intake)
Fax: 360-753-0174

OMAK - Satellite Office

28 N. Main Street [alley entrance]
P.O. Box 3569
Omak, WA 98841
509-422-2345
Fax: 509-422-2866

SPOKANE (Spokane, Whitman, Lincoln, Ferry, Pend Orielle, & Stevens)

1702 W. Broadway
Spokane, WA 99201
509-324-9128
1-888-201-1019
1-888-201-1014 (CLEAR - Client Intake)
Fax: 509-324-0065

TRI CITIES (Benton, Franklin, Walla Walla, Columbia, Garfield, & Asotin)

1313 N. Young Street, Suite D
Kennewick, WA 99336
509-547-2760
1-800-310-6076
Fax: 509-547-1612

WALLA WALLA - Satellite Office

38 E. Main, Suite 207
Walla Walla, WA 99362
509-525-9760
1-800-289-0581
1-888-201-1014 (CLEAR - Client Intake)
Fax: 509-525-9895

YAKIMA (Yakima & Kittitas)

311 N. 4th Street, Suite 201
Yakima, WA 98901
509-574-4234
1-888-201-1018
1-888-201-1014 (CLEAR - Client Intake)
Fax: 509-574-4238

PORT ANGELES (Clallam & Jefferson)

1020 Caroline Street
Pt. Angeles, WA 98362
360-452-9137
1-866-402-4452
1-888-201-1014 (CLEAR - Client Intake)
Fax: 360-452-4053

TACOMA (Pierce & Kitsap)

715 Tacoma Avenue South
Tacoma, WA 98402
253-272-7879
1-888-201-1015
1-888-201-1014 (CLEAR - Client Intake)
Fax: 253-272-8226

VANCOUVER (Clark, Klickitat, & Skamania)

500 W. 8th, Suite 275
Vancouver, WA 98660
360-693-6130
1-888-201-1020
1-888-201-1014 (CLEAR - Client Intake)
Fax: 360-693-6352

WENATCHEE (Chelan, Douglas, Okanogan, Grant, & Adams)

300 Okanogan Avenue, Suite 3A
Wenatchee, WA 98801
509-664-5101
1-888-201-1021
1-888-201-1014 (CLEAR - Client Intake)
Fax: 509-665-6557

APPENDIX B. Map of Civil Aid Legal Providers

CIVIL LEGAL AID PROVIDERS

