

3500		Legal Services Assistance Program (LSA)		
3501		Overview		
3501	3501.1	This section provides an outline for the Division of Aging and Adult Services operational principles and procedures for the Legal Services Assistance Program. This policy section is subject to change as additional information and/or regulations are received from the U.S. Department of Health and Human Services, AoA.		
	3501.2	The Legal Services Assistance Program is the focal point for elder rights including such issues as guardianship, age discrimination, pension and health benefits, insurance, consumer protection, surrogate decision-making, protective services, public benefits and dispute resolution. The Legal Services Assistance Program delivers legal services assistance to older individuals.		
	3501.3	The Legal Services Assistance Program goals and priorities are as follows:		
		A	To serve persons most economically and socially in need	
		B	To meet the civil legal needs of older individuals in the area	
		C	To demonstrate the ability to provide support to other advocacy efforts, for example, the LTC Ombudsman Program	
D		To provide outreach to serve the institutionalized and homebound		
E	To have the capacity to serve clients in their own language			

3500		Legal Services Assistance Program (LSA)	
3502		Authority and Statutory Requirement	
3502	3502.1	The Legal Assistance Program is authorized and governed by the following statutes and regulations:	
		A	Older Americans Act of 1965, as Amended in 2006, P.L. 109-365, §102, §306, §307. http://www.aoa.gov/AoARoot/AoA_Programs/OAA/oa_full.asp http://www.socialsecurity.gov/OP_Home/ssact/title16a/1600.htm
		B	Code of Federal Regulations, Title 45 Public Welfare, C.F.R. §1321.67, §1321.69 and §1321.71
	3502.2	The AAA must ensure that service providers comply with the following:	
A	A fingerprint based criminal background check shall be completed at time of hire, or as a result of reassignment after hire, on employees and volunteers who have direct contact with vulnerable individuals including those who are mentally disabled, frail, or have a chronic disease that puts them at risk for abuse (see A.R.S. § 46-141). See also the Arizona Department of Economic Security Special Terms and Conditions - Professional Services / Optional Auto / Children-Vulnerable Adult / Bonding AAA, section 5		

3500	Legal Services Assistance Program (LSA)			
3503	Operational Procedures			
3503	3503.1	The Division of Aging and Adult Services, through its contracts with the AAA shall provide the Legal Services Assistance Program.		
	3503.2	The AAA must ensure that Title III funds as approved in the State Plan allotted for Part B to the Planning and Service Area shall be expended for the delivery of legal services assistance.		
	3503.3	The AAA shall ensure that the entity with whom they have contracted delivers legal services assistance that most fully meet the following standards:		
		A	Have staff with expertise in the specific areas of law effecting older individuals, such as but not limited to:	
			1	Economic and social need including public benefits
			2	Estate planning
			3	Wills and trusts
			4	Guardianship/conservator-ship
			5	Health law including quality of care, living will, medical and general durable power of attorney
			6	Pensions
			7	Remedies for abuse, neglect and exploitation
			8	Consumer
			9	Landlord/tenant
	10		Probate	
11	Age discrimination in employment			
B	Demonstrate the capacity to provide effective administrative and judicial representation in the areas of law affecting older individuals with economic and social needs.			
C	Demonstrate the capacity to deliver legal services assistance to institutionalized, isolated and homebound, older individuals.			
D	Demonstrate the capacity to provide legal services assistance in the principal language used by the client in the area, or to acquire certified interpreters in order to eliminate communication barriers. This includes sign language and oral interpreters for deaf and hard-of-hearing elderly, as required by the Americans with Disabilities Act.			
E	Demonstrate the capacity to provide services without requesting evidence of income or means test for services			
F	Demonstrate the capacity to provide the client with the opportunity to contribute voluntarily to the cost of services.			
G	Provide services within the entire planning and service area or at least a county within the planning and service area.			

3500	Legal Services Assistance Program (LSA)	
3503	Operational Procedures (continued)	
3503 (CONTINUED)	3503.4	The AAA, or entity that such agency has contracted with, must comply with the following requirements:
		A Establish priorities to serve persons age sixty or over who are frail, homebound by reason of illness, incapacity, disability, or are otherwise isolated, as established in the Area Plan on Aging
		B Establish guidelines to prevent conflict of interest by other interference in professional responsibilities by attorneys providing services under the provisions of the Older Americans Act
		C Establish guidelines stating that no fee generating case is accepted
		D Establish procedures prohibiting any attorney while engaged in legal assistance funded by the Older Americans Act from engaging in any political activity
		E Establish procedures that ensure that no Older Americans Act funds will be used for lobbying activities, including but not limited to, influencing any decision or activity by a non-judicial Federal, State or Local individual or body
		F Establish a system to permit older persons the opportunity to contribute voluntarily to the cost of service, to protect the privacy of older persons with regard to their contribution and to account for and use the contributions to expand the delivery of legal services
		G Establish and use case priorities for services to include areas of concern for older persons such as abuse, neglect and exploitation, quality of health care, or residential care, long term care, home and community based care, access to services and public benefits, guardian/conservator, Social Security, SSI, Medicare, Medicaid, landlord/tenant and client referrals to the LTC Ombudsman Program or Adult Protective Services
		H Establish procedures to ensure that when the provider has contracts to provide legal assistance funded by funds other than the Older Americans Act that efforts be maintained to continue to meet service obligations to an individual sixty years of age or older under other funding sources
		I Serve clients whose primary language is not English as described in section 3503.3.D
		J Provide outreach to serve homebound or institutionalized persons
		K Accept case referrals from the LTC Ombudsman and APS for legal assistance
		L Maintain professional liability insurance coverage to cover errors and omissions by staff and management. The State will be named as a co-beneficiary on the policy
		M Establish an efficient intake system that is responsive to the needs of older individuals
		N Establish and enforce standards for staff training, performance and review to ensure that quality legal assistance is provided within the Canons of Ethics of the Bar Association
		O Establish a client grievance system that shall be either posted or given to the client
		P Make appropriate referrals to service providers in the service area to ensure the provision of coordinated services
		Q Provide sufficient documentation for program evaluation that does not violate client confidentiality or attorney client privilege
		R Provide that offices are accessible for persons with mobility handicaps and that guidelines are followed regarding physical and program access under the Americans with Disabilities Act
		3503.5

3500	Legal Services Assistance Program (LSA)	
3504	Operational Procedures for Reporting	
3504	3504.1	The AAA shall collect data and maintain records relating to the Legal Service Assistance Program as defined in the Division of Aging and Adult Services Policy Section 1600.