



Commonwealth of Massachusetts

Executive Office of Elder Affairs

## Legal Services Capacity Assessment

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## **Assessment Goals**

The development of this document emerges from a three year grant from the Administration for Community Living (ACL) Phase II Model Approaches to Statewide Legal Assistance Systems. The grant supports projects that expand or improve the delivery of legal assistance services to elder consumers, with a focus on assisting those elders in greatest economic and social need, and increasing the quality and quantity of elder legal services. As the Executive Office of Elder Affairs (Elder Affairs) moves forward on the goals to increase efficiency and simplification of referrals among agencies and maximize effectiveness of the existing legal network, the work to assess the current legal delivery system is a vital task. In exploring the present legal services capacity, we present an environment to promote strengths and address deficiencies.

The principal product of the ACL grant is the Massachusetts (MA) Senior Legal Helpline, 800-342-5297. The Helpline is a project of the Volunteer Lawyers Project of Boston and provides free legal information and referral services to MA residents who are 60 years old or older. Following a partial release in October 2016, the Helpline became accessible to all regions in the Commonwealth by February 2017. As the grant period advances, Helpline data and continued cooperation with legal services partners will support continued assessment of the legal service delivery system in MA.

There are critical components to consider that assists Elder Affairs and our partners to measure the degree to which we provide legal services to vulnerable elders. In assessing the current delivery system, we take the opportunity to elevate what is working properly, adopt revisions to policy, practice and methods as necessary, and change direction if needed to attain the goals we set for our task. In reviewing and evaluating the current legal service delivery system, an examination of the following components is necessary:

1. Does the current legal service delivery system target vulnerable elders in the most social and economic need?
2. Are limited legal resources focused on priority legal matters that provide maximum impact for elder consumers?
3. Is the legal service delivery system, including information sharing, coordinated across the state in an effort to reduce duplication of effort?
4. Does the aging network in MA recognize that legal services are an integral part of the larger effort to provide community-based services and supports?

The development of a Legal Services Capacity Assessment (the Capacity Assessment) provides Elder Affairs, AAAs, and legal service providers the opportunity to measure and evaluate present efforts at providing quality, effective legal services to vulnerable elders. In building cooperation and strengthening alliances, we strive to direct limited resources toward priority legal issues that are targeted and focused on critical needs of elder consumers to remain in the community of their choice.



## **Organizational Overview**

Title III Programs originate within the Older Americans Act of 1965, bringing focus and coherence to the national response to the needs of elder Americans by addressing the economic and social needs of older people. Title III and Title VII of the act, as amended, authorizes funding and provides parameters for operation of programs which address the entire spectrum of elders' needs through home and community based services (HCBS). Though special emphasis is placed on elders with particular economic or social need, all Americans over age 60 may benefit from Title III and VII programs.

Funding under Title III is allocated into four major program service categories:

1. Title III-B Supportive Services provide for HCBS that fund a broad array of services enabling elders to remain in their homes for as long as possible. As the model delivery tool for HCBS, Title III-B services are person-centered in focus and designed to encourage and assist older adults to use facilities and services available to them and include but are not limited to:
  - Access services – transportation, case management, and information and assistance;
  - In-home services – personal care, chore, and homemaker assistance; and
  - Legal assistance.
2. Title III-C-1 and C-2 Nutrition Services includes the administration and coordination of twenty-eight nutrition projects throughout the state that serve more than 9.2M meals to eligible elders each year. Congregate Nutrition Services (C-1) provide meals and related nutrition services to older individuals in a variety of settings including congregate settings such as senior centers, while Home-delivered meals (C-2) provide meals and related nutrition services to older individuals who are homebound due to illness, disability, or geographic isolation.
3. Title III-D Disease Prevention and Health Promotion Programs support programs that support healthy lifestyles and promote healthy behaviors. As evidence-based disease prevention and health promotion programs reduce the need for more costly medical interventions, Title III-D funded programs are now exclusively evidenced-based toward helping older adults prevent/manage chronic disease and increase healthier lifestyles.
4. Title III-E National Family Caregiver Support Program provides support and services to caregivers who are providing care for a relative or friend over 60 years old, as well as to grandparents who themselves are 60 years old or older and caring for children up to the age of 18. The program offers information, advice, referral to, and assistance in accessing local services, one-on-one assistance, training, support groups, limited respite and other options which meet the unique needs of caregivers.

The OAA established a system whereby authorized program funds flow through State Units on Aging (SUA) (in MA, the SUA is Elder Affairs) to Area agencies on Aging (AAAs) where they are used to support HCBS and nutrition services. In MA there are 22 AAAs representing a similar number of Planning and Service Areas (PSA). PSAs are collections of communities that any given AAA serves; PSAs in the state range in size and composition from a single city (for example, Boston) to ones that serve over 30 cities and towns. (Additionally, in MA, elder consumers are provided home care services through state funded Aging Services Access Points (ASAPs); 19 of the ASAPs also serve as AAAs.) In MA, the principal services provided by



Title III and VII funding include connecting people with information about available resources and assistance accessing those resources; homemaker and personal care services; home-delivered and congregate meals; caregiver support; health promotion services; legal assistance; transportation; long-term care ombudsman advocacy; and elder abuse prevention activities.

### **Framework of Legal Assistance Services in MA**

As required under the OAA section 307 (a)(2)(C), Elder Affairs provides assurances that a minimum proportion of Title III-B Supportive Services funds received by each AAA be expended for the delivery of priority services, including legal assistance. The minimum legal assistance level established by Elder Affairs is set at nine percent, with an individual maintenance of effort required separately of each AAA. The unique nature of the MA maintenance of effort provision realizes a Title III-B legal assistance funding distribution range from nine to 27 percent across the 22 AAAs in MA. The role of legal assistance in the larger Title III services compendium is significant in MA. The minimum value of the Federal Fiscal Year (FFY) 2018 Title III-B legal assistance funding totals \$1.1M. As several AAAs surpass the minimum requirement established, FFY2017 legal assistance services realized a Title III-B expenditure level of \$1.2M, with non-Federal resources attaining a total of \$2.8M in assistance.

In providing free legal civil aid, Legal Service Providers (LSP) contract with AAAs and work with community partners to ensure equal access to justice by providing legal aid to low-income elders, who otherwise would be unable to afford such services. In 2017 LSPs delivered legal services to 4,728 elders, with housing and health care representing the top two cases closed problem areas. The remaining top five cases closed problem areas included those that addressed public benefits, family/guardian issues, and consumer concerns.

Legal services play an important role in the larger determination to provide assistance and advice in the communities where elders live. Elder Affairs recognizes that gaps exist in providing legal services. In addressing service gaps and after taking a second look at our efforts, Elder Affairs applied for and was awarded an ACL Phase II Model Approaches to Statewide Legal Assistance Systems in 2016.



## **Legal Services Capacity Assessment**

In support of the ACL Model Approaches grant, Elder Affairs accepts the charge to conduct a Capacity Assessment to evaluate the legal services system in meeting the goals set by the OAA, ACL and the SUA. Two key components of the MA legal delivery system are the Title III-B legal services provided through the AAA network and the administration of a Senior Legal Helpline (800-342-5297) hosted by the Volunteer Lawyers Project (VLP) of the Boston Bar Association. With the launch of the Senior Legal Helpline on February 1, 2017, services became accessible to all regions in MA. Callers are screened for eligibility for direct intake with legal services programs and have the option of speaking to an advocate live or leaving a message for a call back. Consumers can also walk into the VLP office or any of the sponsored court based clinics, which offer on-site advice on specific legal topics during regular hours (usually weekly) at over ten locations throughout the state.

The goal of the legal services system in MA is to focus services on elder consumers with the greatest economic need – including low-income minority elders, individuals with limited English proficiency (LEP), elders living in rural areas, and those elder consumers with greatest social need. Given limited funding resources, efforts to assess the capacity of the legal service delivery system to meet identified priority legal challenges are paramount. The OAA specifies language that Title III-B funding be allotted to address certain legal assistance case priorities including, income; health care; long-term care; nutrition; housing; utilities; protective services; defense of older persons against guardianship; abuse; neglect; and age discrimination.

A system appraisal, including the Capacity Assessment, will assist Elder Affairs, AAAs, LSPs, and our community partners to achieve three critical components of a high impact legal assistance system: targeting, priority setting and outreach.

In assembling the Capacity Assessment, our efforts are separated into four distinct segments; together they represent the current portrait of legal assistance services in MA. While the first element presents wide-ranging needs across the state, the following three sections narrow the focus toward the existing capacity of legal services in MA. Findings within each of the parts combine to present the MA capacity to provide legal services to vulnerable elders.

1. MA 2017 Statewide Needs Assessment
2. Legal Services Needs Assessment 2017
3. Legal Service Provider Capacity Survey
4. Illustrations for Examination and Decision Making
  - a. Elder Population in Massachusetts
  - b. Information & Referral Trend Data FFY2017
  - c. Adult Protective Services
  - d. Long Term Care Ombudsman Services





- e. Low Income Population Examination
- f. Limited English Proficient (LEP) Population Examination

Following the needs and capacity assessment presentations, Elder Affairs provides current strengths and findings for improvement toward fostering and achieving legal services that help to support the attainment of our goals, to:

- Target limited legal resources to elders in greatest economic and social need;
- Focus limited resources on priority legal issues of the targeted populations;
- Partner and coordinate with legal and advocacy stakeholders to maximize services; and
- Coordinate across the elder services network toward promoting legal services as a crucial element within the larger effort to provide services that address the entire spectrum of elders' needs.

### **1. MA 2017 Statewide Needs Assessment**

In preparation for the development of State and Area Plans on Aging for FFY2018 through FFY2021, a data collection approach was employed within the network for development of the MA 2017 Statewide Needs Assessment Project (the Project). The primary level is information from needs assessment events conducted by the AAAs, with data gathered by the AAAs using connections, focus groups and meetings with elder consumers, stakeholders and elder network professionals. More than 7,000 elders and stakeholders participated in 258 single-and multiple-day need assessment events conducted by the AAAs from September 2016 through December 2016.

As presented in its entirety within the MA State Plan on Aging, 2018-2021, the Project indicates the top three needs in communities across the 22 AAAs in MA of transportation, housing, and health care. Rounding out the top five needs expressed are the topics of economic security and concerns around social isolation. The data presented below presents a snapshot of elder needs.

#### **Participants**

Collectively 7,074 persons in total participated in the Single Day (3,827) and Multiple Day Events (3,247). This population sample is representative of a 50.5% increase over the preceding Needs Assessment data collection of 2012. The predominate participant type were *Consumers*, reporting 74.0% at Single Day and 85.2% at Multiple Day Events. With a large spectrum of individuals partaking, a significant *Consumer* presence intrinsically allows varying interests to be simultaneously represented and communicated.

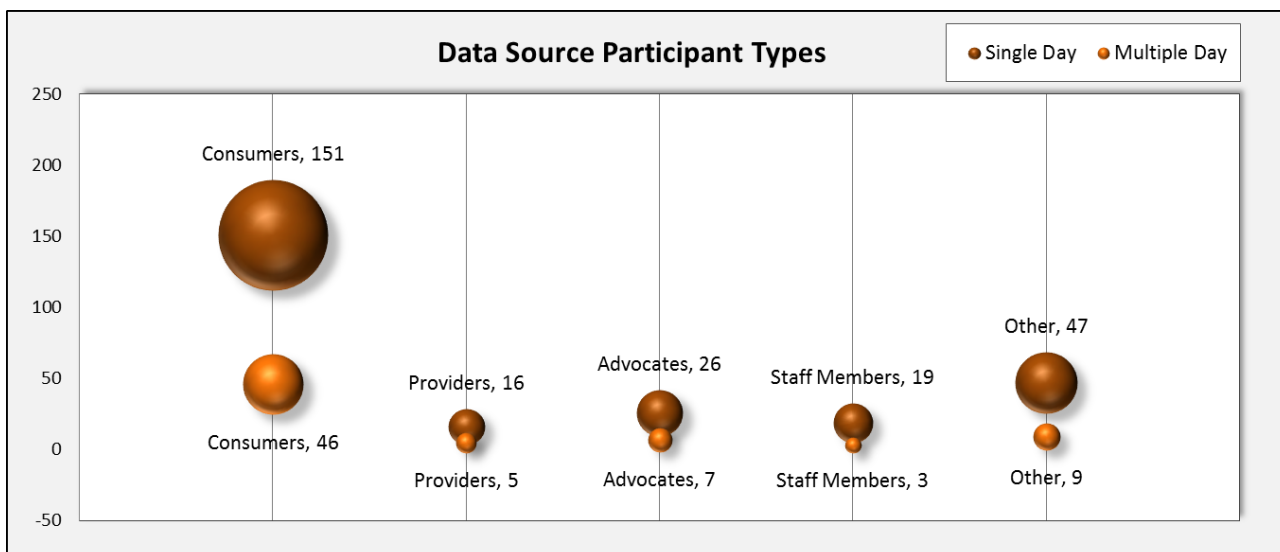
There were similar participant distributions for both Single and Multiple Day events, with comparative percentages weighed against each aggregate, as detected in Table 5. In general,



the participant classification types of *Other* and *Advocates* are the second largest representations.

Table 1 – Statewide Needs Assessment – Types of Participants

Types of Participants					
Type of Participant	Single Day Event	%	Multiple Day Event	%	Total Frequency
<i>Consumers</i>	151	74.0%	46	85.2%	197
<i>Providers</i>	16	7.8%	5	9.3%	21
<i>Advocates</i>	26	12.7%	7	13.0%	33
<i>AAA Staff Members</i>	19	9.3%	3	5.6%	22
<i>Other</i>	47	23.0%	9	16.7%	56
<b>Total Events</b>	<b>204</b>		<b>54</b>		



## Vulnerable Populations

Categories indicative of vulnerable populations comprise the elements: *Race/Ethnicity*, *Linguistic Minority*, *Economic Needs*, and *Social Needs*. Table 2 presents the frequency distribution of each grouping by event type. Individuals of non-majority ethnic groups as well as persons of Hispanic or Latino heritage were present in at least a third of all events held. The presence of LEP elders, advocates, or stakeholders can be detected in 25.0% of activities. Predominate non-English languages spoken by participants are noted as Spanish, Chinese (Mandarin or Cantonese), and Portuguese.

The term “*Greatest Economic Need*” refers to needs resulting from financial incomes at or below the Federal poverty level. Elders with this type of economic need participated in 96.9% of aggregate events, in contrast with 73.0% during the previous round of Needs Assessment activities prepared in 2013. Low Income Minority Elders partook in activities at a 32.4% rate.

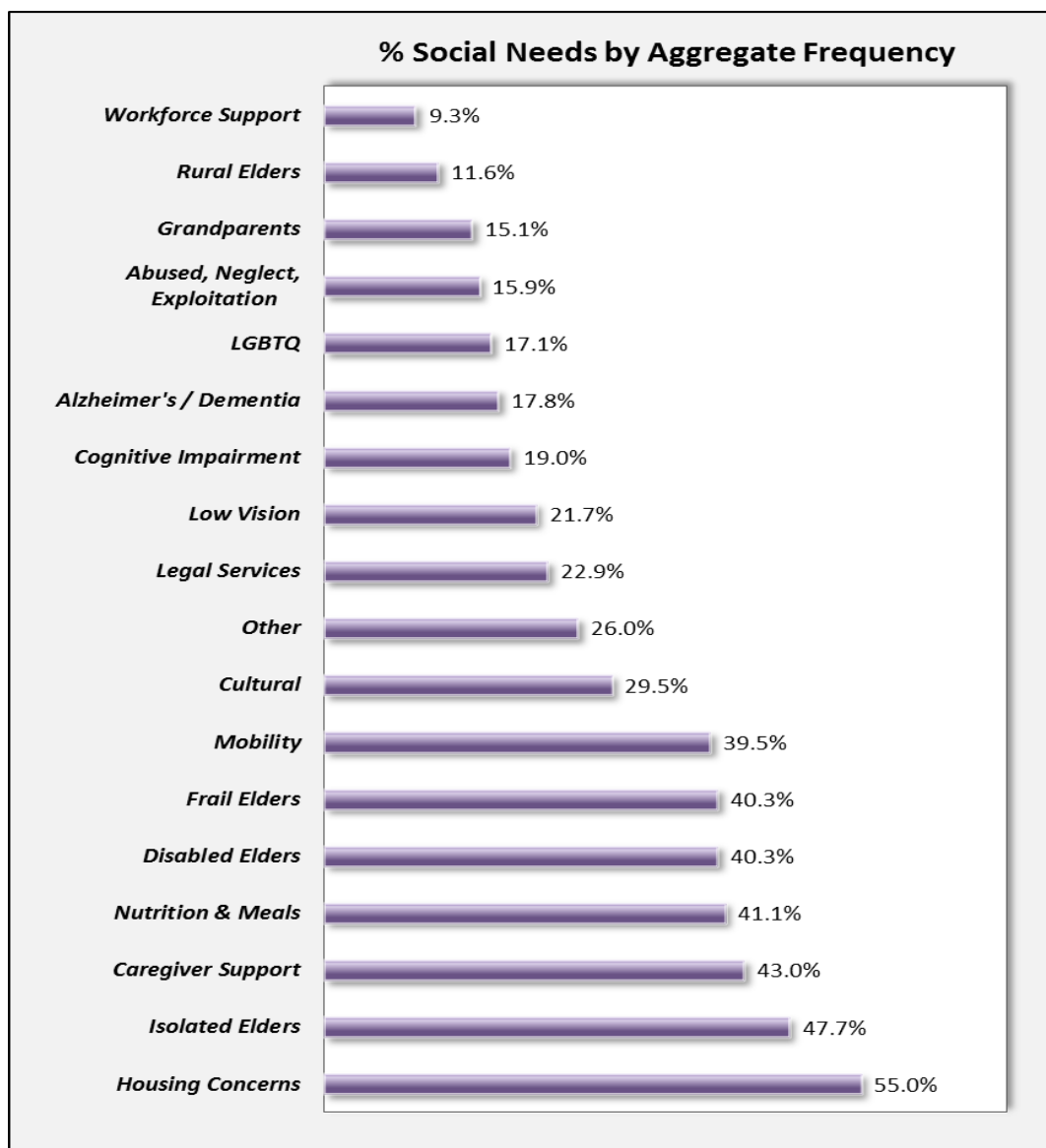


Table 2 – Statewide Needs Assessment - Vulnerable Populations Attending or Participating

Vulnerable Populations					
Population Types	Single Day Event	% Frequency	Multiple Day Event	% Frequency	Total Frequency
<b>Race &amp; Ethnic Groups</b>					
<i>White</i>	168	82.4%	48	88.9%	<b>216</b>
<i>Black or African American</i>	78	38.2%	12	22.2%	<b>90</b>
<i>American Indian or Alaskan Native</i>	8	3.9%	6	11.1%	<b>14</b>
<i>Asian</i>	43	21.1%	14	25.9%	<b>57</b>
<i>Native Hawaiian or Other Pacific Islander</i>	2	1.0%	3	5.6%	<b>5</b>
<i>Multiracial / Other</i>	46	22.5%	16	29.6%	<b>62</b>
<i>Ethnic Hispanic or Latino</i>	46	22.5%	18	33.3%	<b>64</b>
<b>Language</b>					
<i>Linguistic Minority</i>	46	22.5%	18	33.3%	<b>64</b>
<i>Chinese (Mandarin or Cantonese)</i>	15	7.4%	3	5.6%	<b>18</b>
<i>Haitian Creole</i>	4	2.0%	1	1.9%	<b>5</b>
<i>Hindi</i>	2	1.0%	1	1.9%	<b>3</b>
<i>Italian</i>	2	1.0%	1	1.9%	<b>3</b>
<i>Khmer</i>	3	1.5%	3	5.6%	<b>6</b>
<i>Portuguese</i>	9	4.4%	4	7.4%	<b>13</b>
<i>Russian</i>	5	2.5%	1	1.9%	<b>6</b>
<i>Spanish</i>	23	11.3%	13	24.1%	<b>36</b>
<i>Other</i>	8	3.9%	6	11.1%	<b>14</b>
<b>Economic Needs</b>					
<i>Low Income Total</i>	189	92.6%	61	113.0%	<b>250</b>
<i>Low Income Elder</i>	123	60.3%	37	68.5%	<b>160</b>
<i>Low Income Minority Elder</i>	66	32.4%	24	44.4%	<b>90</b>
<b>Total Events</b>	<b>204</b>		<b>54</b>		

The term “*Greatest Social Need*” refers to needs resulting from noneconomic factors inclusive of physical and mental disabilities, language barriers, and cultural, social, or geographical isolation. Figure 1 depicts the frequency rate of Social Needs contributors during Single and Multiple Day Events. Sessions typically are comprised of individuals representing differentiating Social Needs in the same groupings. Elders with *Housing Concerns* had the highest frequency (55.0%) of attendance at activities. The next highest rates were *Isolated Elders* (47.7%), *Caregiver Support* (43.0%), *Nutrition & Meals* (41.1%), and *Disabled Elders* (40.3%). The lowest observed categories of Social Needs were *Workforce Support* (9.3%), *Rural Elders* (11.6%), and *Grandparents Taking Care of Grandchildren* (15.1%).

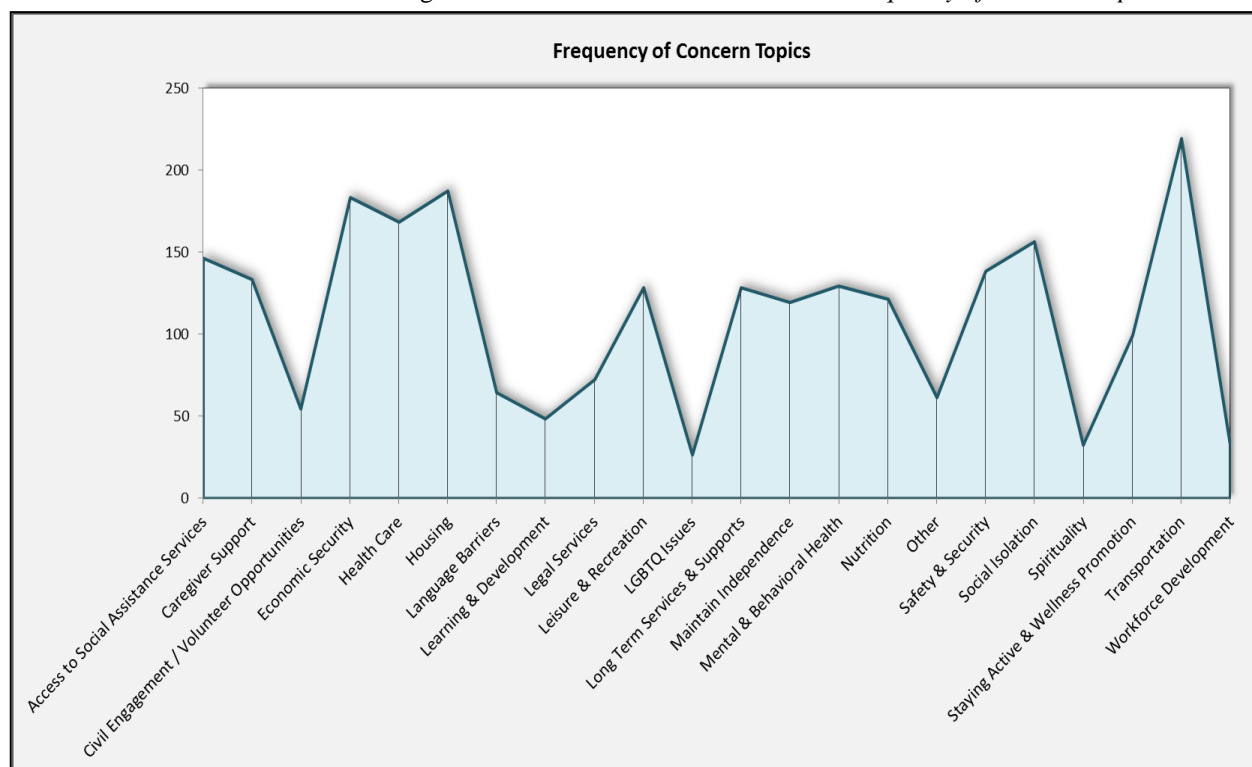
A review of Figure 1 indicates 22.9% of those attending or participating in Needs Assessment events were recorded in need of legal services under social needs.

Figure 1 – *Statewide Needs Assessment – Social Needs of Elders Attending or Participating*

### Aggregate Frequency of Concern Area Topics

For the overall frequency of Concern Topics cited, Figure 2 displays categories in alphabetical sequence from left to right. Topics are assigned numerical values determined by their unique selection in each activity event. The height of the Concern Topic visually assists to discern its frequency valuation. The most frequent areas of concern are observed as Transportation (219), Housing (187), Economic Security (183), Health Care (168), and Social Isolation (156). Topics expressed the least regularly were LGBTQ Issues (26), Spirituality (32), and Workforce Development (32).

Figure 2 – Statewide Needs Assessment – Frequency of Concern Topics Cited



While Legal Services falls at a frequency of 72, within the mid-range of concern topics, four of the five top concerns – Housing, Economic Security, Health Care and Social Isolation – can inherently be linked to circumstances where legal assistance is requisite. In this context, elder consumers often do not connect an issue that affects their daily life as requiring the need for legal services. Focused on engaging elders and family caregivers that we serve, as well as those consumers that remain un-served, the Project findings enable the network to focus resources appropriately as well as recognizing where MA needs to make greater efforts in reaching elder consumers.

## 2. Legal Services Needs Assessment 2017

### Legal Services Needs Assessment/Survey Conception

In an effort to gain feedback from elder service providers, in May 2017 the EOEa developed a survey to explore network knowledge and assess the most acute legal needs of elder consumers – the Legal Services Needs Assessment (LSNA). The network-directed survey, directed to ASAP/AAA Case Manager (CM) Supervisors, Information and Referral (I&R) Program Directors, and Adult Protective Services (APS) Supervisors, was designed to collect information from the aging services network about client characteristics and the most urgent lifestyle issues and concerns facing consumers. The seven question survey provided respondents an opportunity to report on the issues and/or legal problems faced by their consumers. Additionally, the survey addressed barriers that prevent elder consumers from



seeking legal services, obstacles that prevent referring seniors to legal service providers, and proposed ways to assist elders so they may obtain legal services.

### Survey Respondents and Cooperation Rate

The email lists of respondents to the survey were obtained from EOEA program directors for CM and I&R programs (including EOEA I&R staff), and the APS department.

Position by Job Function	Frequency	Percent
Case Manager Supervisor	10	10.20
I&R Program Director	15	15.30
APS Supervisor	23	23.46
Other	50	51.04
Total	98	100

### Survey Questions

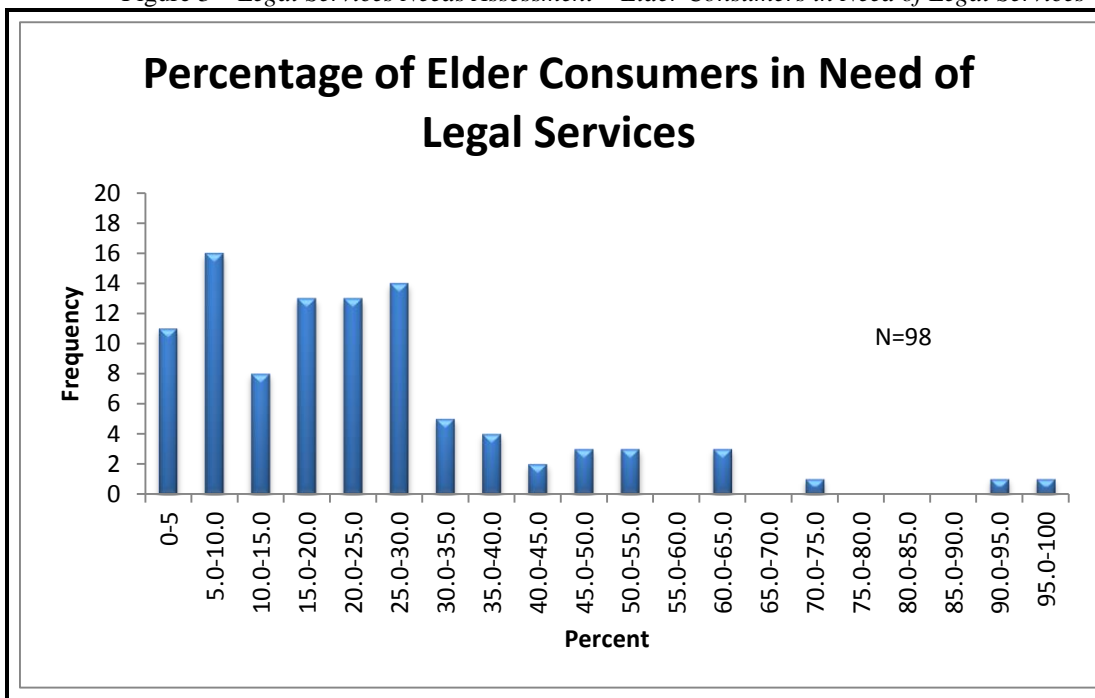
Each of the survey questions is designed to draw from network experience and identify the legal needs of low-income, frail elders who are less likely to access legal services. The Project survey design complements identified elder legal needs data available from legal services' client information sources; including, consumer background characteristics and the type of problems, and services provided. The collection of data for the LSNA survey and legal service's client information, and the use of said data, adheres to consumer confidentiality policies. In drawing on the special partnership between case manager and elder consumer, the LSNA survey responses can reveal the unique characteristics and life issues of the elder population served.

**Question One:** *In the course of your work, what percentage of elder consumers indicates a need for any type of legal services?*

The question addressed network personnel knowledge of the legal needs of elders through experience with client case management, interactions with elder consumers and caregivers, working relationships with providers and connections with other elder network experts.

The cooperation rate for this question was N=98 and the median recorded at 21%. The following chart indicates the respondent's indication for the percentage of elder consumers in need of legal services.

Figure 3 – Legal Services Needs Assessment – Elder Consumers in Need of Legal Services



**Question Two:** *The following series of services are based on eight broad categories for providing legal services to elder consumers. The eight categories are consumer law, employment/unemployment, estate and disability planning, family law, government benefits, health care, housing and individual rights. Under each category, three areas of service assistance are listed. Please indicate the level of occurrence for each using the following measurement scale: often, sometimes, seldom or never. Please indicate the level of occurrence for each (consumer law, employment/unemployment, estate and disability planning, family law, government benefits, health care, housing and individual rights) using the following measurement scale: often, sometimes, seldom or never.*

Question Two required the respondents to address eight broad categories of legal services; consumer law, employment & unemployment, estate & disability planning, family law, government benefits, health care, housing and individual rights. In order to identify the top priority services within each service category, each of the eight categories was grouped into three named sub-services and a fourth “other” option. The response to the eight categories was measured by level of occurrence as determined by the respondent; often, sometimes, seldom and never. Following are each of the eight service categories with the occurrence of the three sub-services and other. The cooperation rate for each item under Question Two is N=98, with the other category N as indicated within each of the eight services.

Under consumer law, utility cases are reported most frequently as an issue encountered by network respondents, with 82.35% indicating this item as “often” and “sometimes” occurring for elder consumers. The following table (2a) indicates the occurrence of legal services across four consumer law categories: debt collection, unfair consumer practices, utility cases and other consumer services.



Table 6A – Legal Services Needs Assessment – Category: Consumer Law

Category of Legal Services		Often	Sometimes	Seldom	Never	Total
<b>Consumer Law</b>						
<b>Debt collection issues</b>	<b>F</b>	13	48	35	2	98
	<b>%</b>	13.26	48.98	35.72	2.04	100
<b>Unfair consumer practices</b>	<b>F</b>	16	51	31	0	98
	<b>%</b>	16.32	52.05	31.63	0	100
<b>Utility cases</b>	<b>F</b>	30	52	16	0	98
	<b>%</b>	30.62	53.06	16.32	0	100
<b>Other consumer</b>	<b>F</b>	22	14	3	7	46
	<b>%</b>	47.83	30.44	6.52	15.21	100

In the category employment and unemployment, respondents were asked to rank the following related services: unemployment compensation, pensions and 401 (k) issues, employment issues and other consumer services. As indicated in table 2b, issues related to employment and unemployment was relatively minor. The majority of respondents, 90% or more, indicated that the elder consumers they encountered were seldom or never concerned about employment issues. Pensions and 401 (k) issues were the services of note under employment and unemployment; with 9.41% of respondents signifying that sometimes elder consumers are seeking legal services related to said topic. Compared to other legal services, respondents indicated that employment and unemployment concerns appear to be of less concern to elders.

Table 6B – Legal Services Needs Assessment – Category: Employment and Unemployment

Category of Legal Services		Often	Sometimes	Seldom	Never	Total
<b>Employment &amp; Unemployment</b>						
<b>Unemployment compensation</b>	<b>F</b>	0	0	42	56	98
	<b>%</b>	0	0	42.85	57.15	100
<b>Pensions and 401 (k) issues</b>	<b>F</b>	0	10	39	49	98
	<b>%</b>	0	10.20	39.80	50	100
<b>Employment issues, including medical leave and discrimination</b>	<b>F</b>	1	4	34	59	98
	<b>%</b>	1.02	4.08	34.69	60.21	100
<b>Other employment</b>	<b>F</b>	0	1	10	38	49
	<b>%</b>	0	2.05	20.40	77.55	100

The next table designates survey responses to elder consumers' interest in legal services related to estate and disability planning, with advanced directives, wills and trusts, nursing home planning and other employment related services. Based on this table, both advanced directives and nursing home planning are of significant interest to elder consumers, with both topics scoring often as a measurement of incidence above 45%. It is also significant that they scored high in sometimes too, 45% and 40% respectively. Based on the elder service providers





surveyed, the topics of advanced directives and nursing home planning are of significant concern to elder consumers.

Table 6C – *Legal Services Needs Assessment – Category: Estate and Disability Planning*

Category of Legal Services		Often	Sometimes	Seldom	Never	Total
<b>Estate and Disability Planning</b>						
<b>Advanced directives</b>	<b>F</b>	47	43	7	1	98
	<b>%</b>	47.96	43.88	7.14	1.02	100
<b>Wills and trusts</b>	<b>F</b>	31	41	24	2	98
	<b>%</b>	31.64	41.84	24.48	2.04	100
<b>Nursing home planning</b>	<b>F</b>	45	38	11	4	98
	<b>%</b>	45.92	38.78	11.22	4.08	100
<b>Other estate planning</b>	<b>F</b>	14	9	9	12	44
	<b>%</b>	31.82	20.45	20.45	27.28	100

Legal services related to family law, specifically abuse and neglect, are an issue that network services providers indicate are of importance to elder consumers, with nearly 90% of respondents classifying abuse and neglect as often and sometimes encountered during the course of their interactions with elders. Also significant, needs for guardianship (where petitioner is an elder seeking to obtain a guardianship over another adult) indicated a total response rate of nearly 63% within often and sometimes.

Table 6D – *Legal Services Needs Assessment – Category: Family Law*

Category of Legal Services		Often	Sometimes	Seldom	Never	Total
<b>Family Law</b>						
<b>Abuse and neglect</b>	<b>F</b>	57	31	9	1	98
	<b>%</b>	58.16	31.63	9.18	1.02	100
<b>Divorce, separation and spousal support</b>	<b>F</b>	2	25	58	13	98
	<b>%</b>	2.04	25.52	59.18	13.26	100
<b>Guardianship</b>	<b>F</b>	23	38	26	11	98
	<b>%</b>	23.47	38.78	26.53	11.22	100
<b>Other family</b>	<b>F</b>	3	7	9	11	30
	<b>%</b>	10.00	23.33	30.00	36.67	100

The next table shows categories of legal services related to government benefits, with more than 80% in the department of transitional assistance issues, the majority of the respondents selected often and sometimes across the three identified government benefits categories.

Table 6E – *Legal Services Needs Assessment – Category: Government Benefits*

Category of Legal Services		Often	Sometimes	Seldom	Never	Total
<b>Government Benefits</b>						
<b>Social security and SSI issues</b>	<b>F</b>	28	43	24	3	98



	%	28.58	43.88	24.48	3.06	100
<b>Veterans benefits issues</b>	F	22	55	20	1	98
	%	22.44	56.12	20.40	1.02	100
<b>Dept of transitional assistance issues</b>	F	33	50	14	1	98
	%	33.67	51.03	14.28	1.02	100
<b>Other government benefits</b>	F	8	5	5	11	29
	%	27.58	17.24	17.24	37.94	100

More than 80% of the respondents indicated that access to health care insurance was of significant importance to elder consumers. The rising cost of health care is a concern for everyone, but especially for the elder population.

Table 6F – Legal Services Needs Assessment – Category: Health Care

Category of Legal Services		Often	Sometimes	Seldom	Never	Total
<b>Health Care</b>						
<b>Access to health care</b>	F	64	22	10	2	98
	%	65.31	22.45	10.20	2.04	100
<b>Health services denial</b>	F	30	39	27	2	98
	%	30.61	39.80	27.55	2.04	100
<b>Nursing home/rest home issues</b>	F	37	42	18	1	98
	%	37.58	42.86	18.37	1.09	100
<b>Other health care</b>	F	4	4	4	12	24
	%	16.66	16.66	16.66	50.02	100

Another legal service is housing, where landlord-tenant is the biggest issue for respondents. With most of the categories scoring the highest in often and sometimes, this is one of the most important concerns elder people face.

Table 6G – Legal Services Needs Assessment – Category: Housing

Category of Legal Services		Often	Sometimes	Seldom	Never	Total
<b>Housing</b>						
<b>Landlord-tenant issues</b>	F	72	26	0	0	98
	%	73.47	26.53	0	0	100
<b>Access to public/subsidized housing</b>	F	59	29	10	0	98
	%	60.20	29.60	10.20	0	100
<b>Home ownership issues</b>	F	29	50	16	3	98
	%	29.59	51.03	16.32	3.06	100
<b>Other housing issues</b>	F	4	4	5	12	25
	%	16.00	16.00	20.00	48.00	100

The following table demonstrates that individual rights are of less concern to elder consumers compared to other service categories. Immigration issues are the most significant with 29% of

the respondents indicating elders are sometimes concerned with this category. The complete view of Individual Rites responses are shown below.

Table 6H – *Legal Services Needs Assessment – Category: Individual Rights*

Category of Legal Services		Often	Sometimes	Seldom	Never	Total
<b>Individual Rights</b>						
<b>Discrimination</b>	F	1	14	53	30	98
	%	1.02	14.28	54.08	30.62	100
<b>Fighting a proposed guardianship</b>	F	3	23	53	19	98
	%	3.06	23.47	54.09	19.38	100
<b>Immigration status</b>	F	5	29	43	21	98
	%	5.11	29.59	43.88	21.42	100
<b>Other individual rights</b>	F	0	1	4	16	21
	%	0	4.76	19.05	76.19	100

Reflecting on Question Two and in taking a comprehensive view of 24 possible responses (setting aside the “other” categories), the total responses can be presented in three broad groupings.

- 1<sup>st</sup> Estate & disability planning, health care and housing
- 2<sup>nd</sup> Consumer law, family law and government benefits
- 3<sup>rd</sup> Employment & Unemployment and individual rights

Network professionals identified legal services related to housing as the most frequent need of elder consumers. Data from AAAs and LSPs reveal legal services around housing as the largest percentage of cases closed across MA.

**Question Three:** *Based on your experience, indicate the top five barriers that prevent elder consumers from seeking legal services.*

With sixteen categories provided, including other, and a cooperation rate of N=98 respondents, the most frequent response communicated that prevents elders from seeking legal services is financial expense, with nearly 88% of respondents indicating this as the top barrier. According to the survey, the top five barriers to legal services – with the response frequency and corresponding percentage include:

Table 7 – *Legal Services Needs Assessment – Consumer Barriers to Seeking Legal Advice*

Barriers to Seeking Legal Advice	Response Total	Response Percentage
<b>1. Financial expense</b>	86	87.75%
<b>2. Cognitive issues</b>	62	63.26%
<b>3. Mental health issues</b>	61	62.24%
<b>4. Lack of awareness (that legal services exist)</b>	51	52.04%
<b>5. Lack of awareness (that problem was legal)</b>	36	36.73%



It is not surprising that network professionals identified financial expense as the top barrier to elders seeking legal services; given the frequent perception that legal services are costly. Cognitive and mental health issues follow financial expense as the second and third barriers to seeking legal assistance. Completing the top five barriers are the lack of awareness – both that legal services exist and that the problem is legal.

Other barriers – indicated by response total and percentage – are mobility/physical issues (32 or 32.65%), transportation (29 or 29.59%), language/communication (28 or 28.57%), frailty (22 or 22.44%) and perception of ineligibility (18 or 18.36%).

**Question Four:** *What three areas of legal services are the easiest to refer?*

This question allowed for open ended answers from survey recipients in order to attain what network case workers perceive as the legal services easiest to refer. While the responses were diverse, the top three are as follow:

1. Housing, including evictions and landlord/tenant issues
2. Estate Planning
3. Benefits, including health, public and veteran benefits.

Other issues represented under question four included health insurance, guardianship, social security issues and foreclosure.

**Question Five:** *What three areas of legal services are the most difficult to refer?*

Question five was also an open ended question were the top three responses presented:

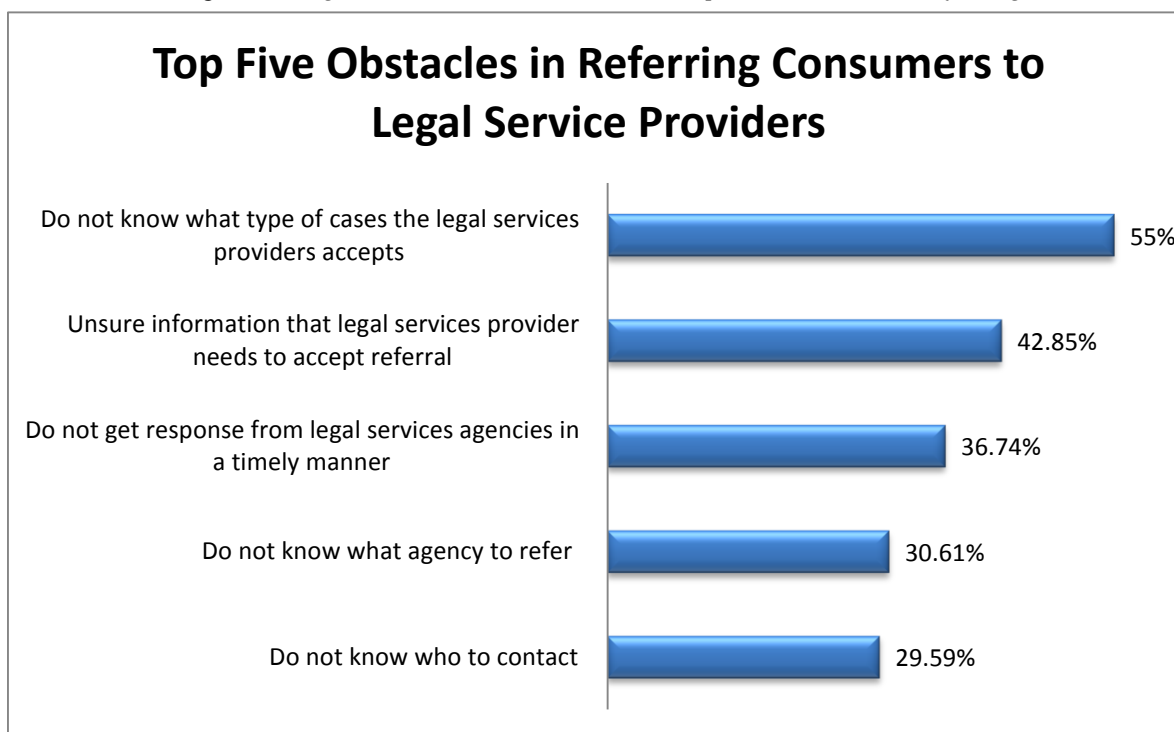
1. Guardianship
2. Housing, including eviction
3. Immigration issues and scams

Other areas most difficult to refer include bankruptcy, fraud, divorce and foreclosure.

**Question Six:** *Indicate the top five obstacles encountered in referring consumers to legal service providers.*

With a cooperation rate of N=98 respondents, the top five obstacles that survey recipients listed as obstacles in referring elder consumers to legal service providers follows:

Figure 4 – Legal Services Needs Assessment – Top Five Obstacles to Referring Consumers



Other obstacles to referral included:

- No language capacity available – 27.55%
- Legal services provider would not discuss legal matter with caseworker – 26.53%
- Intake process is complicated – 25.51%
- Phones continuously busy – 13.26%
- There is no mechanism for leaving message – 6.12%

**Question Seven:** *Based on your experience, indicate the four methods that would be most helpful in offering legal information/assistance services to elders?*

Respondents indicated low cost or free attorneys as the number one method of help in offering legal information and assistance to elders. With a cooperation rate of N=98, the following graphic shows the top five methods marked most helpful in offering legal information and assistance to elders:

Figure 5 – Legal Services Needs Assessment – Top Five Helpful Methods in Offering Legal Assistance



Other methods recorded as most helpful in offering legal services – presented as percentage and response rates, include:

- Law school student assistance – 23.46% (23)
- Legal services handbook – 18.36% (18)
- Website with legal information – 16.32% (16)
- Seminars/legal education-elder consumers – 12.24% (12)
- Development of pro se materials/self-help materials – 10.20% (10)
- Seminars/legal education –network providers – 7.14% (7)
- Other (home visiting attorneys, more legal resources in rural areas) – 4.08% (4)
- Newspaper notices, television programs targeting legal services, seminars on wills and estates – 2.04% (2)

### 3. Legal Service Provider (LSP) Capacity Survey

A second capacity survey was directed to LSPs in an effort to obtain information from Title III-B legal services network about low income, frail elder consumers and the capacity to focus limited resources on the most critical needs of elders in the targeted population. In presenting and interpreting the LSP Capacity Survey, the expectation is to assess the capacity of the existing legal services system, develop a plan to highlight positive outcomes as well as address deficiencies, and employ best practices and targeting approaches in promoting quality elder legal services in MA. The survey was sent to contacts at each of the LSPs in MA and. Based on the working knowledge of serving elder consumers, the client characteristics of consumers served and the life issues facing clients, survey completers were asked to reference the most recent Federal Fiscal Year in response to questions.

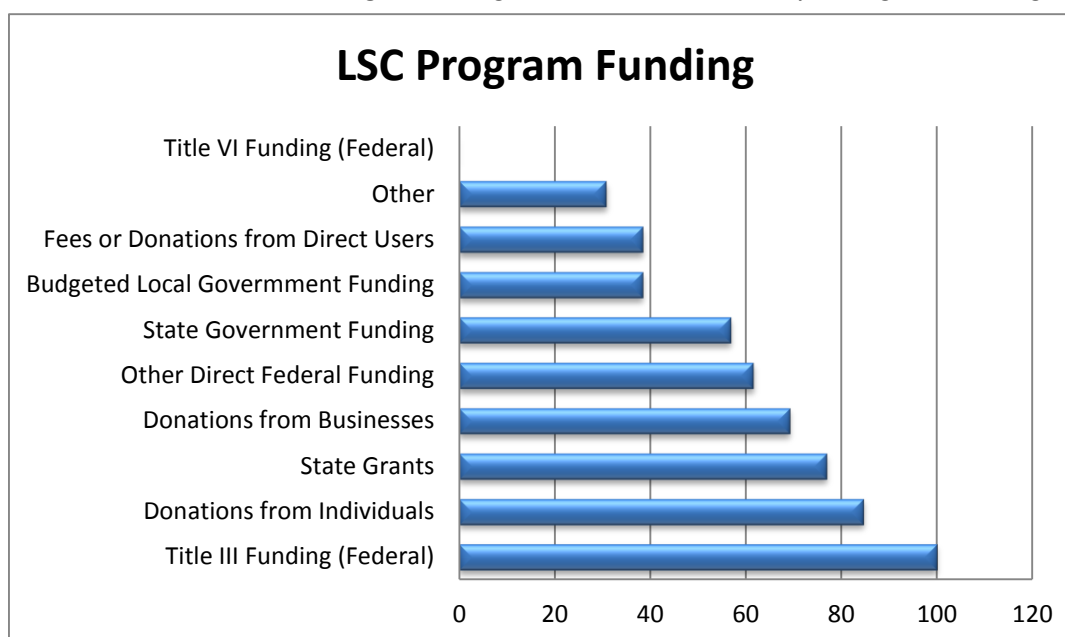
The first three questions were organizational in nature and are not included in the following presentation. Unless otherwise indicated, the cooperation rate of N=13 is represented for each of the questions solicited.

**Question Four:** *Does your organization have an established mechanism for formal staff evaluations?*

The response rate was 100%.

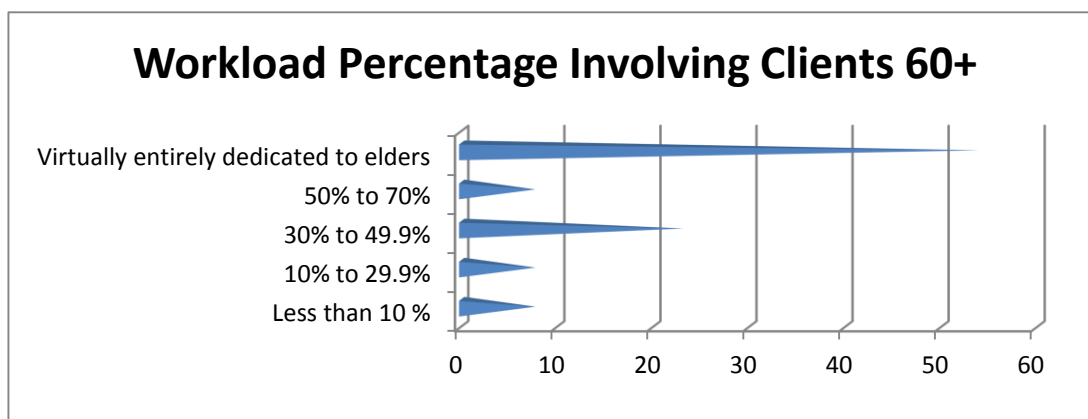
**Question Five:** *What type(s) of funding does your program receive, either for specific services or generally? (Check all that apply.)*

Figure 6 – Legal Service Provider Survey – Program Funding



**Question Six:** *Typically, what percentage of your personal workload involves clients 60 or older?*

Figure 7 – Legal Service Provider Survey – Workload Involving Clients 60+





**Question Seven:** *How long have you been practicing law in elder issues?*

Figure 8 – Legal Service Provider Survey – Years Practicing Law in Elder Issues

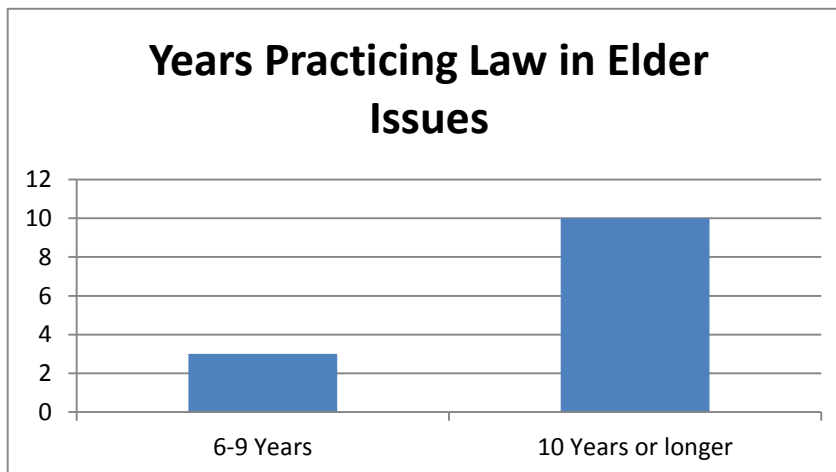
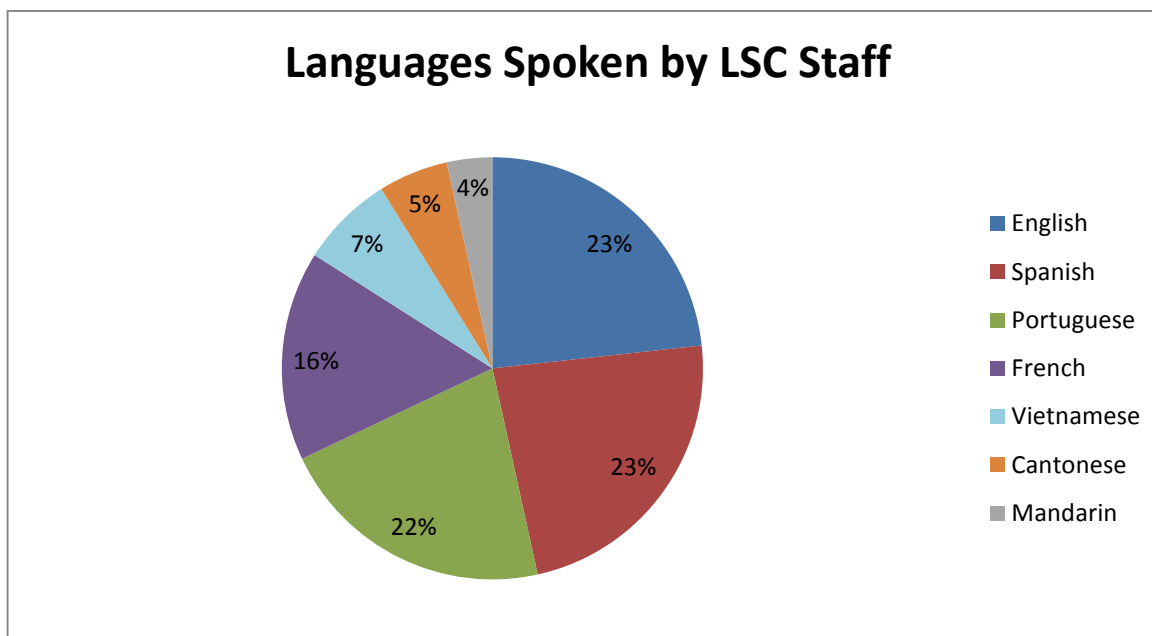
**Question Eight:** *Please indicate the language(s) spoken by staff of the organization:*

Figure 9 – Legal Service Provider Survey – Languages Spoken by LSP Staff

**Question Nine:** *Does the organization focus on elder consumers as an identifiable demographic for service provision – as distinct from other populations?*

Yes, 100% response rate.

**Question Ten:** *Does the organization have an established mechanism for training staff on issues affecting elders?*

Yes = 10 responses (76.92%)

No = 3 responses (23.08%)



**Question Eleven:** *Please list matters for which intake at the organization will be completed. Indicate the top five matters by level of occurrence; with 1 indicating the highest frequency and 5 indicating the least frequent.*

1. Housing
2. Benefits (government, health, public)
3. Healthcare/Medicare
4. Family Law
5. Education/Nursing Home Issues

**Question Twelve:** *Please list matters for which intake at the organization will not be completed.*

1. Criminal Matters
2. Estate Planning
3. Medical Malpractice/Personal Injury
4. Assistance with Applications
5. Disputes with Neighbors

**Question Thirteen:** *Does the organization have a mechanism in place to assist clients to transition to other levels of service under the Older Americans Act?*

Yes, 100% response rate.

**Question Fourteen:** *Please list the top five referral sources the organization provides to elders (not including Executive Office of Elder Affairs programs).*

1. Elder Protective Services
2. Aging Services Access Point (ASAP)
3. Local Council on Aging (COA)
4. Tenancy Preservation Project
5. Elder Housing

**Question Fifteen:** *Are there any emerging groups in your area that your agency is underprepared to serve?*

Yes = 7.7%, with a response rate of one that incorporated the following groups: undocumented immigrants with immigration-related legal problems; tenants facing eviction from private, unsubsidized housing; and elders with consumer-related legal problems.

No = 92.3% with a response rate of 12.

*Are there any existing linguistic groups in your area that your agency is underprepared to serve?*



Yes = 15.4%, included a response to provide greater effort to translate for Haitian Creole elders and to explore an in-person or telephone-based language translation service for all non-English languages other than Spanish.

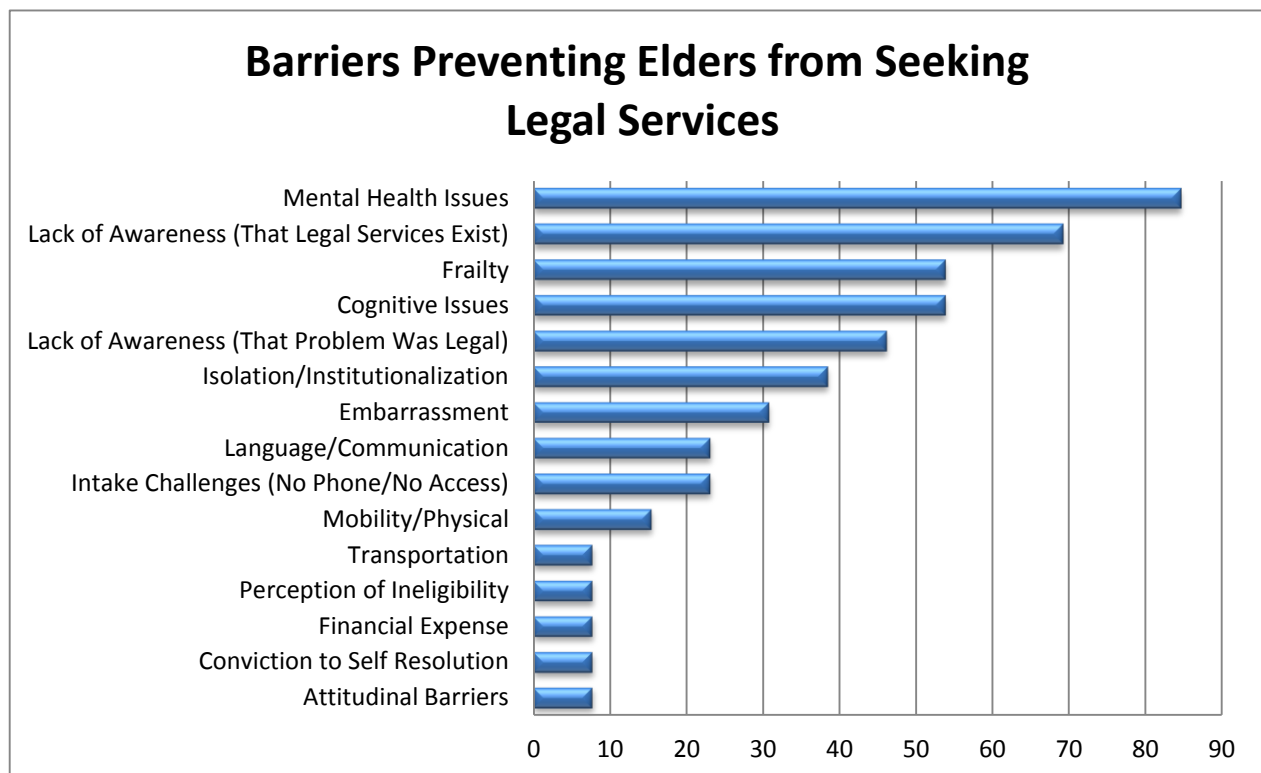
No = 84.6%

**Question Sixteen:** *Does the organization conduct preventive community education geared to elder consumers and their caregivers?*

Yes, 100% response rate.

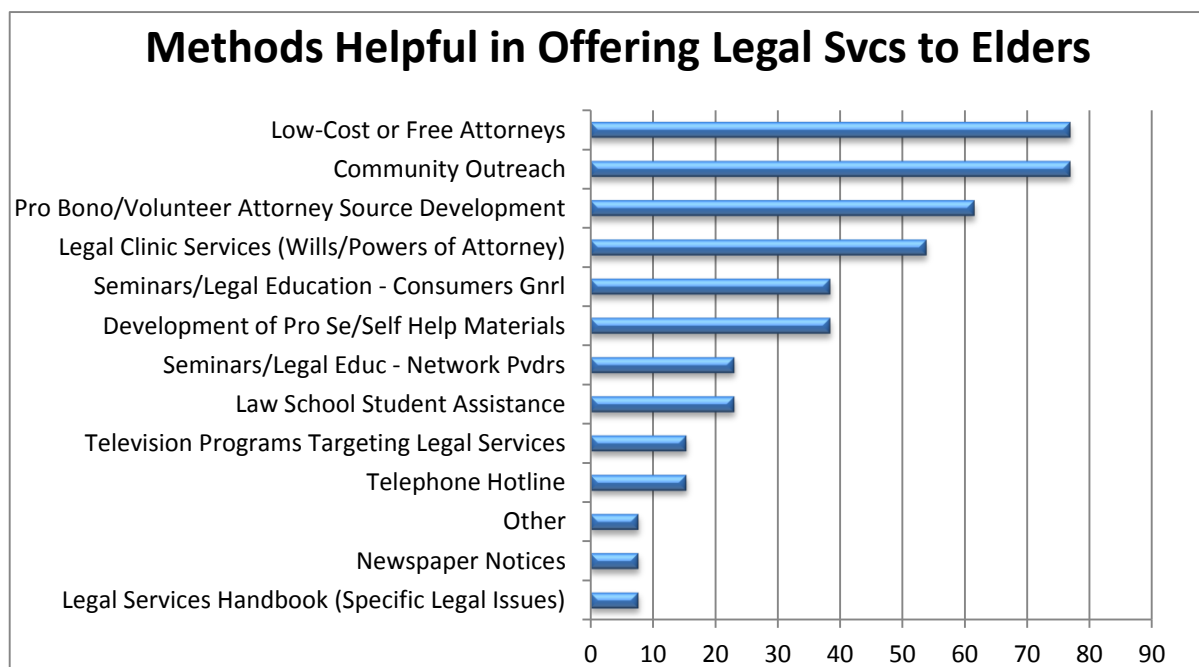
**Question Seventeen:** *Based on your experience, indicate the five barriers that prevent elder consumers from seeking legal services.*

Figure 10 – Legal Service Provider Survey – Barriers Preventing Elder from Seeking Services



**Question Eighteen:** *Based on your experience, indicate the five methods that would be most helpful in offering legal information/assistance services to elders.*

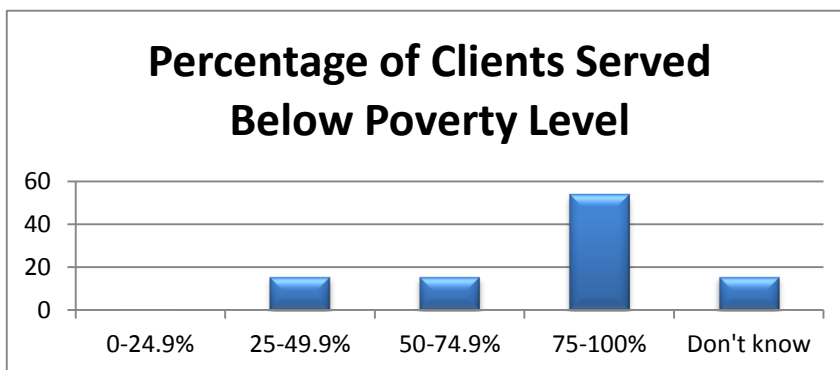
Figure 11 – Legal Service Provider Survey – Methods Helpful in Offering Services to Elders



**Question Nineteen:** *The Older Americans Act (OAA) targets services to elder consumers with greatest economic need – defined in the OAA as an income level at or below the [federal] poverty level (\$11,511).*

**A.** *What percentage of clients served is below the poverty level?*

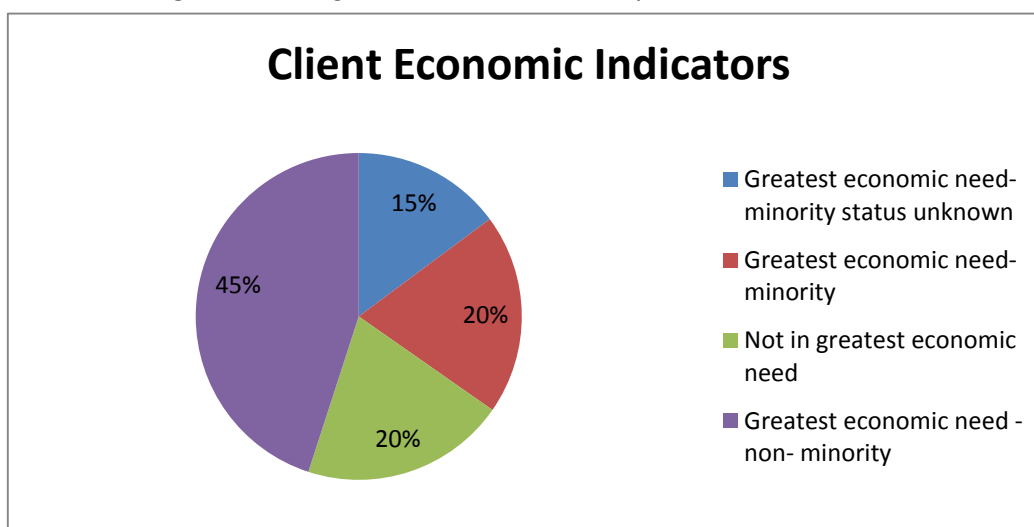
Figure 12A – Legal Service Provider Survey – Clients Served Below Poverty Level



**B.** *On a scale of 100% and in association with clients provided legal services during FFY2016, please assign a percentage to each of the four economic indicators:*

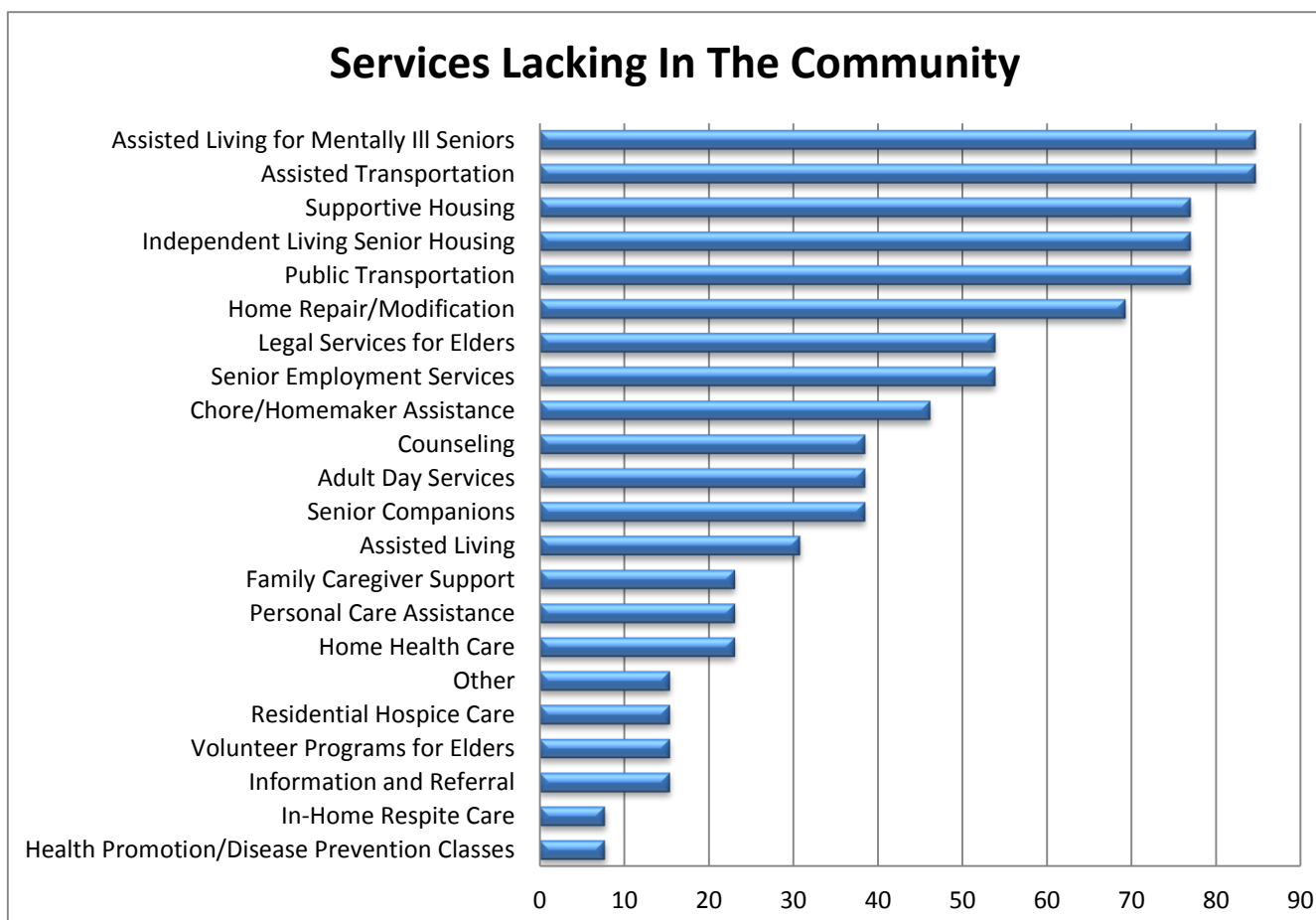


Figure 12B – Legal Service Provider Survey – Client Economic Indicators



**Question Twenty:** *Based on your experience, which services for elders are lacking (either missing or inadequate to meet the needs) in the community (ies) your program serves? (Check all that apply.)*

Figure 13 – Legal Service Provider Survey – Services Lacking in the Community

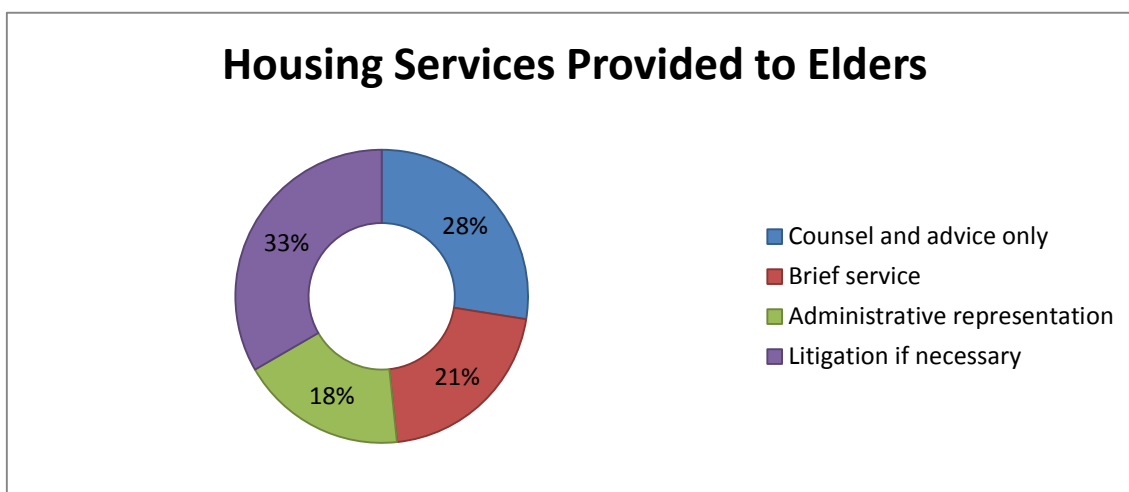


The twenty-first through twenty-fifth questions of the LSP Capacity Survey addressed FFY2016 experience for particular services typically associated with legal services including, Housing, Disability Rights, Health Care, Income and Benefits, and Elder Abuse. The design of the question was two parts; establish whether the service was provided to elder consumers and to what degree services were provided. In using a scale of 100%, the measurement for each service category provided included the following case determinations:

- Counsel and advice only
- Brief service
- Administrative representation
- Litigation if necessary

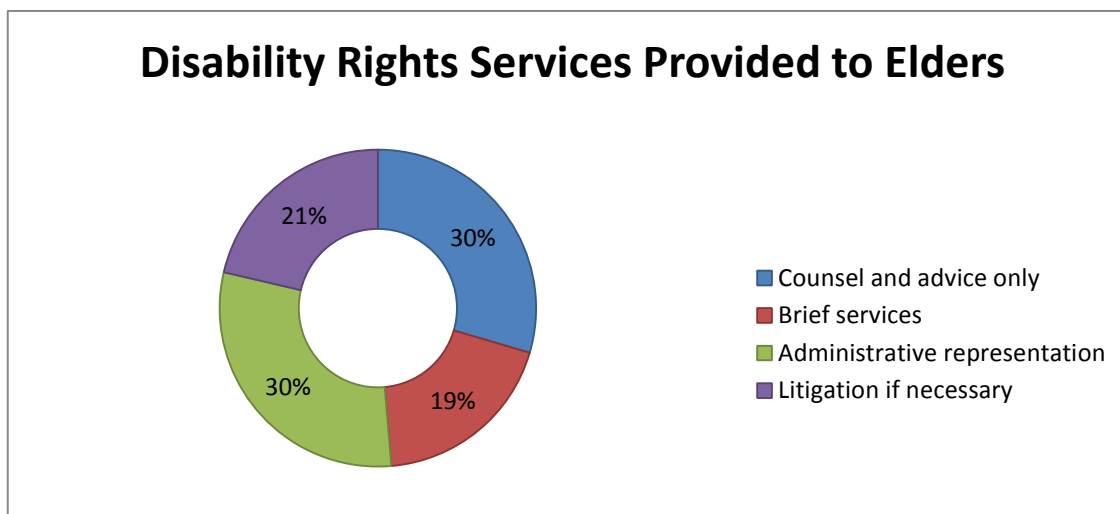
***Question Twenty-One: Using a scale of 100%, please indicate the proportion of housing services provided to elder clients (based on 12 respondents):***

Figure 14 – Legal Service Provider Survey – Housing Services Provided to Elders



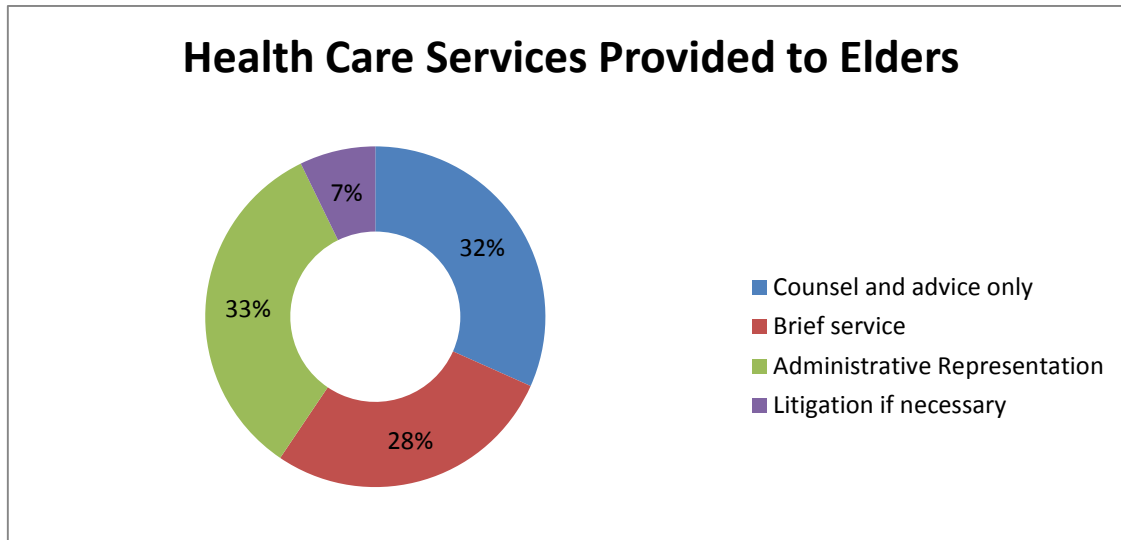
***Question Twenty-Two: Using a scale of 100%, please indicate the proportion of disability rights services provided to elder clients (based on 11 respondents):***

Figure 15 – Legal Service Provider Survey – Disability Rights Services Provided to Elders



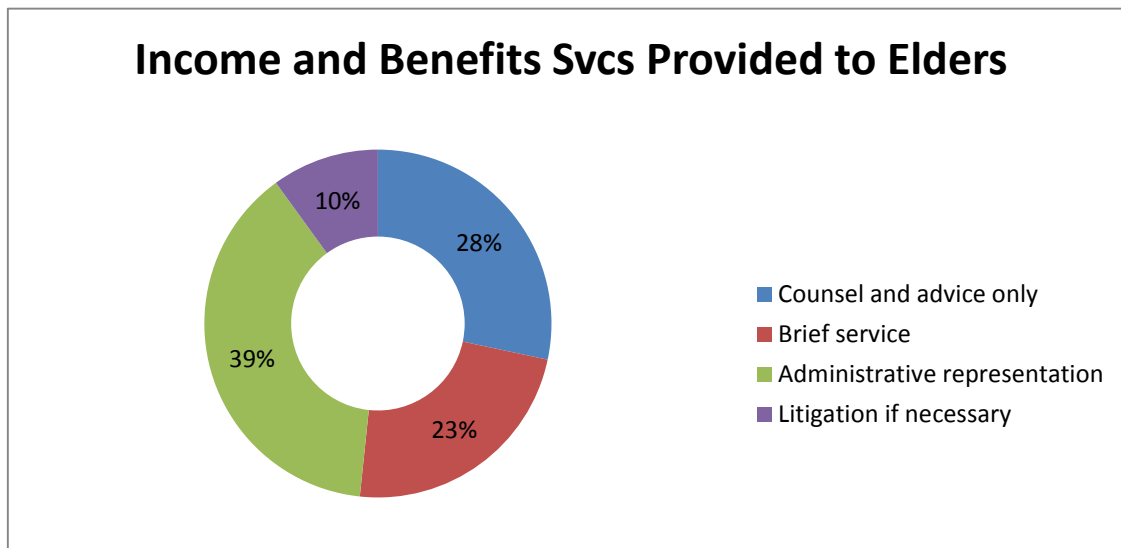
***Question Twenty-Three:*** Using a scale of 100%, please indicate the proportion of health care services provided to elder clients (based on 9 respondents):

Figure 16 – Legal Service Provider Survey – Health Care Services Provided to Elders



***Question Twenty-Four:*** Using a scale of 100%, please indicate the proportion of income and benefits services provided to elder clients (based on 12 respondents):

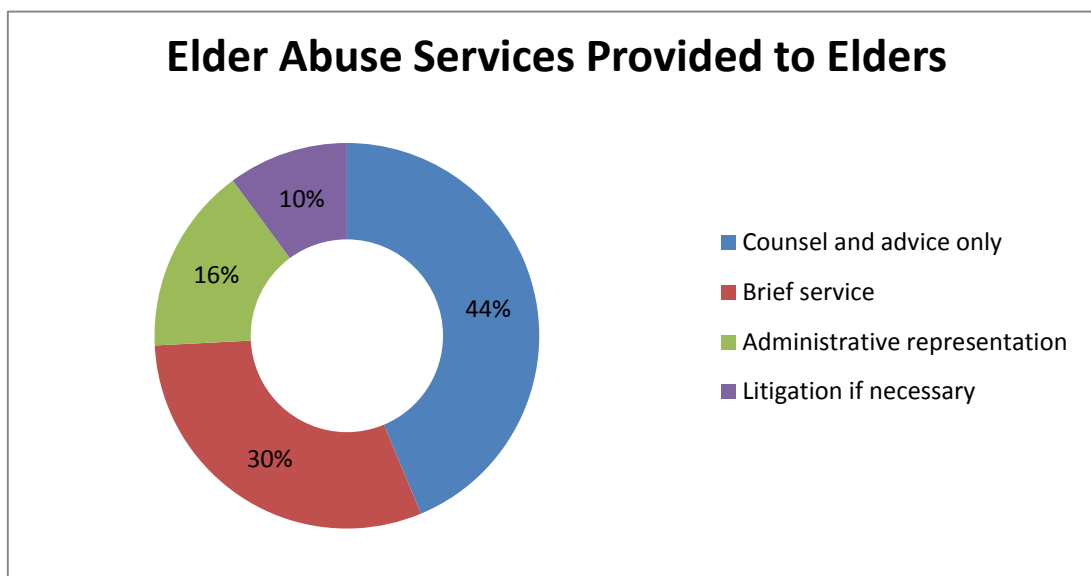
Figure 17 – Legal Service Provider Survey – Income and Benefits Services Provided to Elders



***Question Twenty-Five:*** Using a scale of 100%, please indicate the proportion of elder abuse services provided to elder clients (based on 10 respondents):

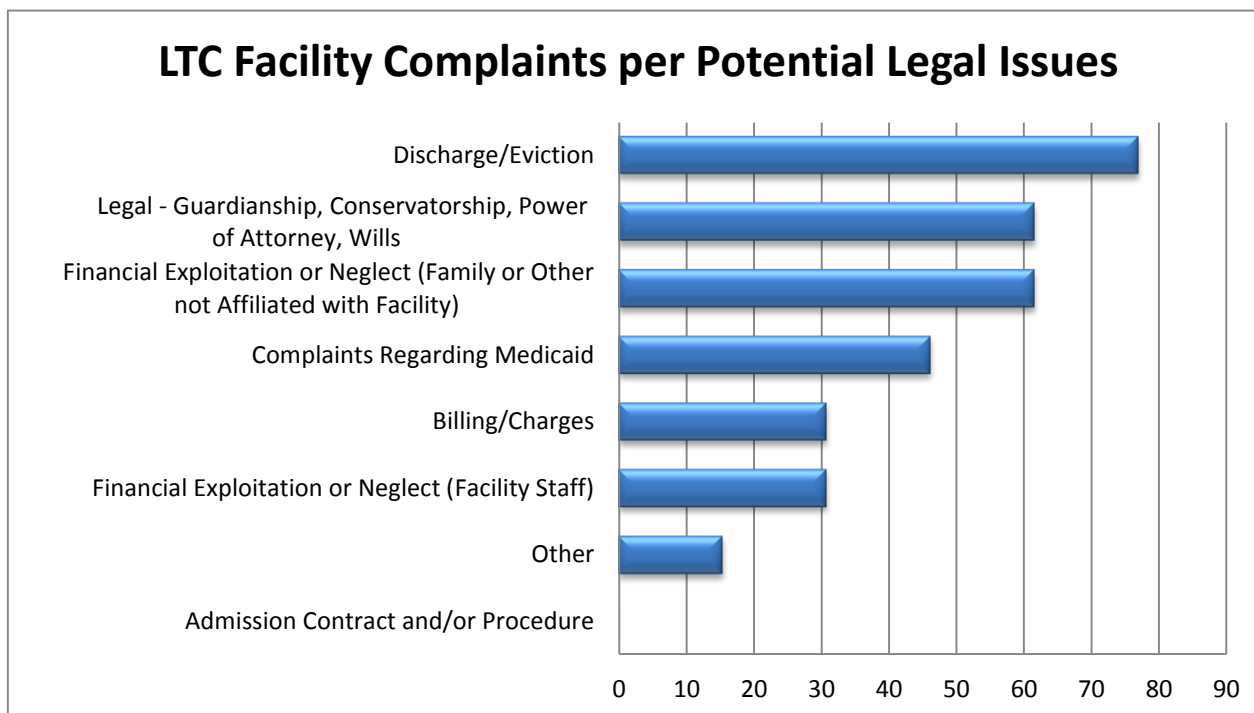


Figure 18 – Legal Service Provider Survey – Elder Abuse Services Provided to Elders



***Question Twenty-Six:*** In connection with elder consumers in Long Term Care facilities, select the top three complaints related to potential legal issues.

Figure 19 – Legal Service Provider Survey – LTC Facility Complaints per Potential Legal Issues



***Question Twenty-Seven:*** Are there any emerging legal services topics that your agency is underprepared to serve?

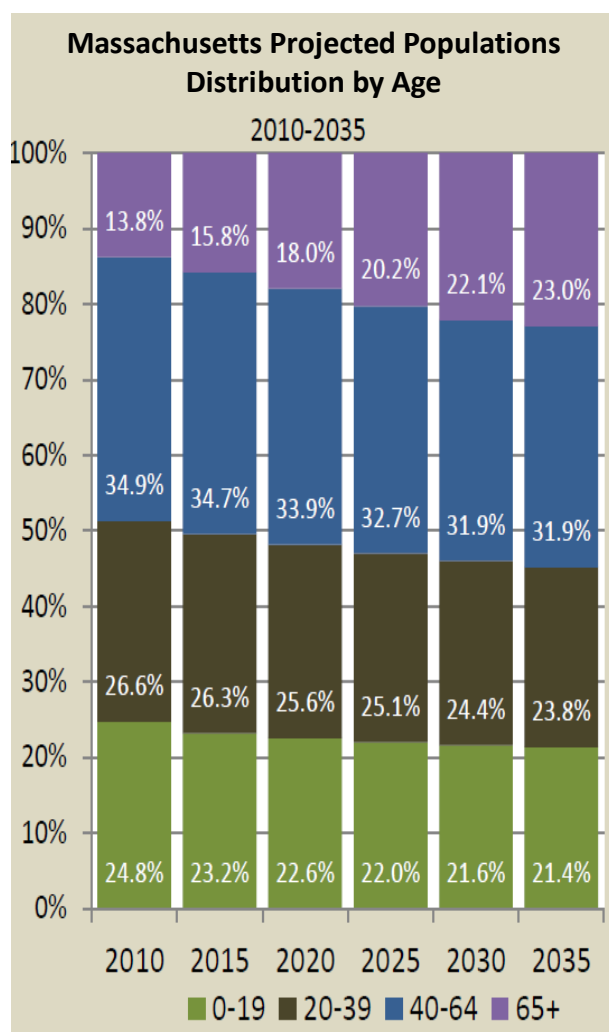
With a response rate of 8 “No” and 5 “Yes”, the following indicates the topics presented.

- Lack of resources to address critical legal needs
- Lack of attorneys to identify and respond to emerging issues
- Immigration legal problems and foreclosure prevention
- Need for community based mental health care
- Consumer issues including reverse mortgages

#### 4. Illustrations for Assessment and Decision Making

In an effort to highlight current efforts, expose a broader approach, and evaluate current operations and their impact on legal services, the following information presents a review of network conditions and partnerships related to the MA legal service capacity. The additional illustrations support an effort to evaluate a legal services capacity that encompasses the SUA, AAA and the LSP networks. An initial review of elder statistics in MA is followed by a more focused assessment of I&R services, current legal service connections to the Adult Protective Service and LTC Ombudsman programs, and finally an examination of elder network consumers targeted for legal services – Low Income and Limited English Proficient (LEP) populations.

##### a. Elder Population in Massachusetts



Older adults are the fastest growing segment of the population, both in MA and nationally. The Commonwealth's 65 and older population is projected to increase from 15.8% in 2015 to 23% in 2035, according to the 2015 Massachusetts Healthy Aging Data Report. The older population in MA is also becoming increasingly diverse in terms of race, ethnicity, and language. The development and management of community-based programs and services is crucial to the MA commitment that elders and persons with disabilities have access to the resources they need to live well and thrive in every community.

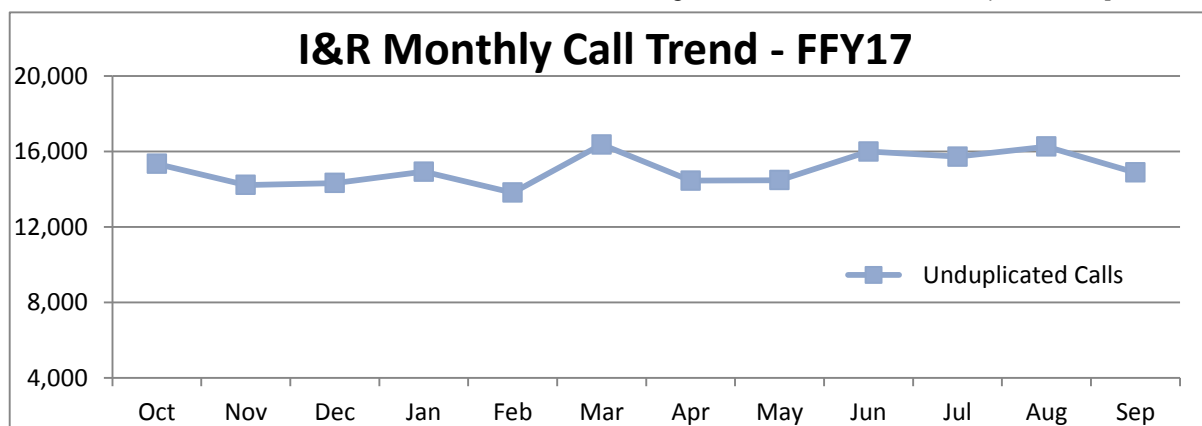
Recognizing the projected elder population growth is apparent, similarly the significant likelihood that elders in need of legal services – especially those targeted as defined by the OAA – exists in tandem with the population increase. An examination of the current legal services capacity is paramount in promoting and expanding elder justice programs and

services to a growing elder population. Elder Affairs and the AAA network offers an environment for promoting elder issues, fostering valuable service programs and facilitating community efforts that support the rights of elder consumers.

b. Information & Referral Data Review

Information and Referral (I&R) Summary Trend Data provides a snapshot that identifies various I&R service data including, caller types, referral source, call topics by service, and volume trends. As the initial “step in the door”, I&R statistics provide an invaluable resource for determining needs and supports decision making. The following figure indicates statewide monthly I&R call volume for the twelve months ending September 2017.

Figure 20 – FFY17 I&R Monthly Trend Report

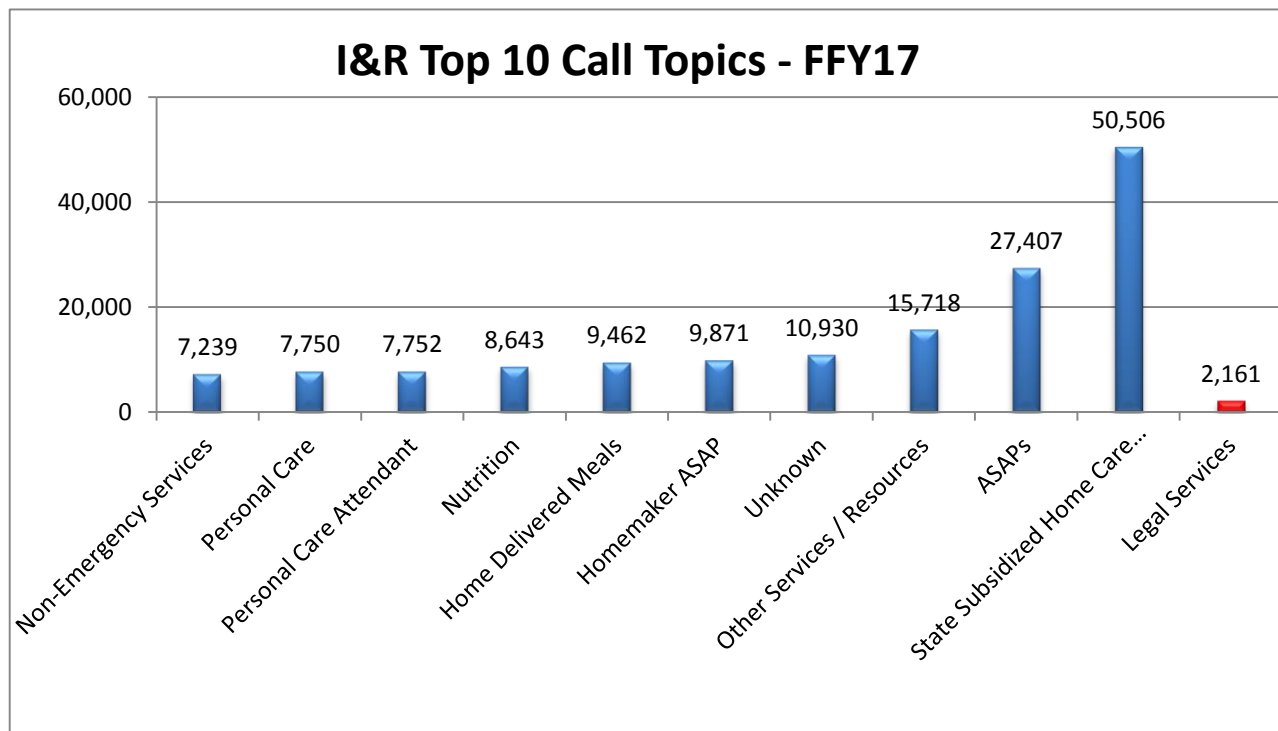


While state data indicates connections with elders and their caregivers, determining the share that legal services plays in that larger effort is more challenging. I&R data is instructive as we assess the capacity to provide legal services to elder consumers. While legal services play a vital role across all HCBS, the current function of the I&R data system is primarily coupled to provide information provided under the state’s home care programs. Existing data retrieval associated with legal service inquiries and referrals are confined. As state funding does not play a significant role in the delivery of OAA legal assistance services, the I&R data system is relatively limited in yielding related data elements. Currently the identifiable call topics connected to Legal Services includes, Consumer Complaints, General Legal Issues, Landlord/Tenant Issues, Legal Aid/Referral/Consultation, and Wills.

Given limited time to classify inbound calls, approximately 68% of all I&R calls related to legal issues are categorized as Legal Aid/Referral/Consultation. Further call classification will need to take place to better identify legal topics at the time of call/contact initiation. Due diligence by the LAD with collaboration from the AAAs and LSPs to help refine the system, develop and enhance current data, and expand data links (i.e., better define services connected to legal assistance) can provide opportunities to recognize how the statewide I&R structure can help direct the network to identify, assess and expand legal services capacity.

To present a more detailed illustration of where legal services falls within the larger I&R data picture, a review of the top ten call topics for FFY2017, with legal services presented separately, indicates the following:

Figure 21 – FFY17 I&R Top Ten Call Topics and Legal Services



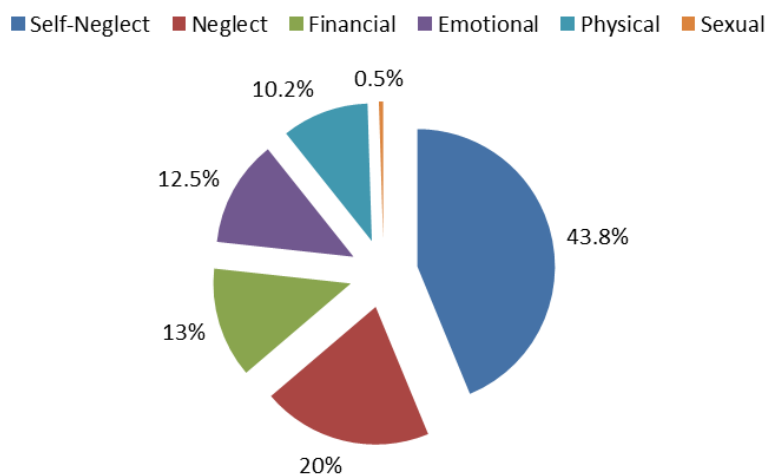
### c. Adult Protective Services

The Elder Affairs Adult Protective Services (APS) program responds to reports of abuse and neglect of people age 60 and older who are living in the community. The program investigates allegations of neglect, physical, sexual and emotional abuse, as well as financial exploitation of older residents. The APS program also provides conservator and guardianship services to a limited number of older individuals who require assistance in managing their financial and/or personal affairs and who are at risk of further abuse without a guardian. Additionally, the money management program helps older adults who need assistance managing their finances.

The APS program is made up of 20 community-based agencies covering every city and town in MA. Under a major modernization effort, in 2017 Elder Affairs created a Central Intake Unit that operates a call center with a single phone number available to receive reports 24-hours a day, 365 days a year. Additionally, in 2017 the APS program launched for the first time online reporting of abuse allegations. Future efforts include strengthening workforce training and support. In FY19, Elder Affairs will provide training to the entire protective services workforce using a new, comprehensive training curriculum and provide supervisors advanced training on the use of a cutting edge decisional capacity screening tool.

The following figure identifies SFY2017 confirmed abuse and neglect allegations.

Figure 22 – *Category Breakdown for Confirmed Abuse and Neglect Allegations (SFY 2017)*



Current data from LSP providers indicates that Protective Services as a portion of all legal service cases closed across the Commonwealth accounts for less than 1.0% of all cases. The largest case closed category reported by LSPs is Housing, at 41.3%; the next closest is Income Maintenance at 13.0%. While the APS program is well served by collaborations with the legal service network, current data proving connectively is restricted due in part to the robust state program.

A comprehensive assessment of elder abuse prevention in MA acknowledges an assembly of state, local and private players that at the center includes an alliance to protect vulnerable elders. While the current connection between the LAD and the APS program is limited, the APS, AAA and LSP networks connect effectively through information sharing, cross trainings, case consultations and referrals, and promoting public and private partnerships with state and local resources. MA expects the number of elder abuse reports to rise during the next few years as the elderly population continues to grow and the public becomes increasingly aware of the importance of protecting vulnerable adults. The increased caseload growth will certainly realize an amplified role for the AAA and LSP partners, as well as the LAD.

#### d. Long Term Care Ombudsman Services

The promotion of elder rights for residents living in long term care facilities is an important goal of Elder Affairs and the AAA network. Long Term Care (LTC) Ombudsmen offer a way for residents and their loved ones to voice their complaints and have their concerns addressed so that residents can live their lives with dignity and respect. The Office of the State Ombudsman, through the AAA network that serve as designated host agencies, provides Title III and VII funding to 22 local program areas to protect the rights of vulnerable elders and work to improve the quality of life and care of residents.

The LTC Ombudsman works closely with the LSP network at both the state and local levels. State Ombudsman Staff meet, at least annually, with LSP representatives and other advocates to share advice and guidance regarding cases and concerns of long term care residents,



including assisting each other in identifying legal concerns and possible solutions. Topics of discussion include information sharing, resident right issues, new legislation and initiatives, and performance methods beneficial to each group's expertise. Local ombudsman programs and LSP agencies meet regularly to review and share information and provide support. Cross training initiatives are used to increase the skills and base of knowledge of long term care issues under both programs.

The Director of the LTC Ombudsman program and the LAD have signed a Memorandum of Understanding (MOU) that delineates the services each can provide and when and how programs will work together on individual and network advocacy issues. The MOU implements the common interest in improving the quality of care, life and environments of residents of the Commonwealth's long term care facilities. LSP agencies and local ombudsman programs regularly work in concert to resolve issues and represent the interests of residents.

While the alliance between the LTC Ombudsman and LSP programs is comprehensive, there are several key residents' rights categories where their cooperation is paramount, including instances of abuse, gross neglect and exploitation. The largest category of complaints at LTC facilities are eviction and transfer/discharge issues, and as this group of complaints is increasingly complex, building and enhancing partnerships between the LTC Ombudsman programs and LSPs are critical. Other cooperative work includes representing residents in accessing public benefits, Medicare and Veterans issues and guardianship issues.

e. Low Income Population Examination

As a targeted population under the OAA and as required under the MA State Plan on Aging, AAAs and their providers are obligated to provide services to low income elders – Title III-B services, including legal services, must support that vital effort. In operating with an initial theory that low income elders live (primarily) in urban settings, a review of the percentage of elders in poverty within the Commonwealth might well predict where the targeting of legal services should be focused. In using this idea as a tool to evaluate the current targeting efforts under legal services, Elder Affairs has arrived at the following presentation.

Based on US Census, 2012-2016 American Community Survey (ACS) 5-Year Estimates, the following review of the fourteen counties in MA serves as a method for evaluating current legal service targeting efforts. The table below indicates the following data columns:

1. MA county
  2. Top three cities in county with population 65+ below poverty
  3. City population 65+ below poverty
  4. City population percentage compared to total elder (65+) county population
  5. FFY2017 Title III-B Legal Services consumers 60+ per city served
  6. FFY2017 Title III-B Legal Services consumers 60+ percentage per city
- (The County Total population 65+ below poverty represents the complete county ACS survey estimate. The total consumer count under Title III-B Legal Services consumers 60+ represents all county consumers of OAA legal services.)



Table 8 – Low Income Population Examination

MA County	Top Three Cities; Population 65+Below Poverty	Population 65+ Below Poverty	Percentage of Total Elder 65+ Population in County	FFY2017 Title III-B Legal Svc Consumers 60+	FFY2017 Title III-B Legal Svc Percentage Served 60+
<b>Barnstable</b>	Falmouth	799	25.31%	51	12.87%
	Yarmouth	370	11.72 %	23	5.80%
	Barnstable	561	17.77%	41	10.35%
	County Total	3,156		396	
<b>Berkshire</b>	Pittsfield	712	36.43%	101	100%
	North Adams	330	16.88%	Data not Available	
	Adams	113	5.78%	Data not Available	
	County Total	1,954	TOTAL	101	
<b>Bristol</b>	New Bedford	2,351	27.3%	97	26.36%
	Fall River	1,877	21.8%	66	18.45%
	Taunton	1,043	12.11%	53	14.80%
	County Total	8,610		358	
<b>Dukes</b>	Vineyard Hvn	Data not Available		11	30.55%
	Oak Bluffs	Data not Available		11	30.55%
	Edgartown	Data not Available		10	27.77%
	County Total			36	
<b>Essex</b>	Lawrence	2,199	19.40%	69	10.48%
	Lynn	2,138	18.86%	165	25.07%
	Methuen	823	7.26%	26	3.95%
	County Total	11,334		658	
<b>Franklin</b>	Greenfield	231	28.44%	31	40.78%
	Orange	88	10.83%	13	17.10%
	Montague	45	5.54%	8	10.52%
	County Total	812		76	
<b>Hampden</b>	Springfield	2,582	39.83%	145	57.08%
	Chicopee	1,049	16.18%	22	8.66%
	Holyoke	1,000	15.42%	21	8.26%
	County Total	6,482		254	
<b>Hampshire</b>	Northampton	359	19.05%	19	20.87%
	Easthampton	286	15.18%	16	17.58%
	Ware	202	10.72%	6	6.59%
	County Total	1,884		91	





MA County	Top Three Cities; Population 65+Below Poverty	Population 65+ Below Poverty	Percentage of Total Elder Population in County	FFY2017 Title III-B Legal Svc Consumers 60+	FFY2017 Title III-B Legal Svc Percentage Served 60+
<b>Middlesex</b>	Lowell	1,485	9.51%	111	13.12%
	Cambridge	1,453	9.31%	49	5.79%
	Malden	1,175	7.53%	38	4.49%
	Somerville *	1,025	6.56%	59	6.97%
	County Total	15,604		846	
<b>Nantucket</b>	Nantucket	69	73.40%	4	100%
	County Total	94		4	
<b>Norfolk</b>	Quincy	1,728	22.61%	46	13.64%
	Brookline	723	9.46%	22	6.52%
	Randolph	575	7.52%	19	5.63%
	County Total	7,641		337	
<b>Plymouth</b>	Brockton	1,461	28.70%	67	40.11%
	Marshfield	192	3.77%	7	4.19%
	Plymouth	177	3.47%	15	8.98%
	County Total	5,089		167	
<b>Suffolk</b>	Boston	13,734	87.57%	597	90.18%
	Revere	1,009	6.43%	32	4.83%
	Chelsea	642	4.09%	31	4.68%
	County Total	15,682		662	
<b>Worcester</b>	Worcester	3,153	32.01%	374	54.59%
	Fitchburg	641	6.50%	34	4.96%
	Leominster	626	6.35%	20	2.91%
	County Total	9,850		685	

\* Somerville included based on ACS 65+ estimate of over 1,000 low income elders.

Notwithstanding the age disparities between the data sets – Title III-B services (60+) and the ACS survey data (65+) – the data presents a message on current targeting efforts to identify low income elder consumers. Falmouth in Barnstable County possesses more than 25% of 65+ low income county elders, a target prediction for Title III-B legal assistance consumers for the city would forecast a similar percentage; the FFY2017 data indicates 51 of 396 (12.87%) Barnstable county consumers 60+ that receive legal services live in Falmouth. The table provides a general examination of present legal service provision and offers an opportunity to measure the degree to which Title III-B funding targets legal services to vulnerable low income elders.

f. Limited English Proficient (LEP) Population Examination

Elders living in social isolation are a targeted population under the OAA. By identifying those elders in social need and embracing one of the Model Approaches goals to identify elders having language barriers, the following table provides a look at the current LEP elder population and the current scope to address the population. The US Census, 2016 ACS Survey 1-Year Estimates, is used to present the fourteen counties in MA as a method for evaluating current legal service targeting efforts. The table below indicates the following data columns:

1. MA county
2. Top three cities in county with 65+ LEP population
3. City population 65+ LEP population
4. City population percentage compared to total elder (65+) county population
5. FFY2017 Title III-B Legal Services consumers 60+ per city served
6. FFY2017 Title III-B Legal Services consumers 60+ percentage per city

(The County Total population 65+ with LEP represents the complete county ACS survey estimate. The total consumer count under Title III-B Legal Services consumers 60+ represents all county consumers of OAA legal services.)

Table 9 – *Limited English Proficient (LEP) Population Examination*

MA County	Top Three Cities; Limited English Proficiency (LEP) 65+	LEP Population 65+	Percentage of Total 65+ Population in County with LEP	FFY2017 Title III-B Legal Svc Consumers 60+	FFY2017 Title III-B Legal Svc Percentage Served 60+
<b>Barnstable</b>	Barnstable	58	21.24%	41	10.35%
	Bourne	44	16.11%	24	6.06%
	Falmouth	18	6.59%	51	12.87%
	County Total	273		396	
<b>Berkshire</b>	Pittsfield	108	42.51%	101	100%
	Gr Barrington	29	11.41%	Data not Available	
	North Adams	22	8.66%	Data not Available	
	County Total	254		101	
<b>Bristol</b>	New Bedford	2,849	36.35%	97	27.09%
	Fall River	2,603	33.21%	66	18.45%
	Taunton	826	10.53%	53	14.80%
	County Total	7,837		358	
<b>Dukes</b>	Total County	52	100.00%	36	100.00%
	County Total	[city data N/A]	52	36	



MA County	Top Three Cities; Limited English Proficiency (LEP) 65+	LEP Population 65+	Percentage of Total 65+ Population in County with LEP	FFY2017 Title III-B Legal Svc Consumers 60+	FFY2017 Title III-B Legal Svc Percentage Served 60+
<b>Essex</b>	Lawrence	2,903	31.31%	69	10.48%
	Lynn	1,980	21.35%	165	25.07%
	Methuen	778	8.39%	26	3.95%
	County Total	9,270		658	
<b>Franklin</b>	Greenfield	112	56.56%	31	40.78%
	Deerfield	10	5.05%	4	5.26%
	Montague	3	1.51%	8	10.52%
	County Total	198		76	
<b>Hampden</b>	Springfield	3,249	53.69%	145	57.08%
	Chicopee	968	15.99%	22	8.66%
	Holyoke	825	13.63%	21	8.26%
	County Total	6,051		254	
<b>Hampshire</b>	Northampton	139	33.25%	19	20.87%
	Easthampton	74	17.70%	16	17.58%
	Belchertown	30	7.17%	2	2.19%
	County Total	418		91	
<b>Middlesex</b>	Lowell	2,235	15.06%	111	13.12%
	Malden	1,256	8.46%	38	4.49%
	Newton	987	6.65%	42	4.96%
	Somerville#	985	6.63%	59	6.97%
	County Total	14,840		846	
<b>Nantucket</b>	Nantucket	71	100.00%	4	100%
	County Total	71		4	
<b>Norfolk</b>	Quincy	1,912	29.95%	46	13.64%
	Randolph	959	15.02%	19	5.63%
	Brookline	736	11.53%	22	6.52%
	County Total	6,382		337	
<b>Plymouth</b>	Brockton	2,316	74.37%	67	40.11%
	Hull	122	3.91%	2	1.19%
	Bridgewater	70	2.24%	7	4.19%
	County Total	3,114		167	



MA County	Top Three Cities; Limited English Proficiency (LEP) 65+	LEP Population 65+	Percentage of Total 65+ Population in County with LEP	FFY2017 Title III-B Legal Svc Consumers 60+	FFY2017 Title III-B Legal Svc Percentage Served 60+
<b>Suffolk</b>	Boston	14,556	85.45%	597	90.18%
	Revere	1,142	6.58%	32	4.83%
	Chelsea	786	4.61%	31	4.68%
	County Total	17,033		662	
<b>Worcester</b>	Worcester	2,873	53.23%	374	54.59%
	Fitchburg	303	5.61%	34	4.96%
	Leominster	241	4.46%	20	2.91%
	County Total	5,397		685	

# Somerville included based on ACS 65+ estimate of LEP elders.

Conceding that Table 9 also includes age disparities between the data sets – Title III-B services (60+) and the ACS survey data (65+) – the resulting demonstration provides a valuable view of current targeting endeavors to identify LEP elders. In examining the city of New Bedford in Bristol County, there is some probability that the city with 36.35% of LEP elders 65+ in the county would represent a similar percentage of Title III-B legal assistance consumers. That is not the case, as consumers receiving Title III-B legal services in New Bedford account for 27.09% (97 of 358 Bristol county consumers) of Bristol county consumers 60+.

The low income and LEP presentations, along with I&R data, and the APS and LTC Ombudsman partnerships, are useful tools for evaluating the current legal services capacity in MA. While the illustrations above present as extrapolative demonstrations, there is currently no definitive process to measure the degree to which AAAs and LSPs provide outreach to and focus resources on vulnerable elders. OAA language is resolute that Title III-B funding be used to address certain legal assistance case priorities including, income; health care; long-term care; nutrition; housing; utilities; protective services; defense of older persons against guardianship; abuse; neglect; and age discrimination. The methods to target limited legal resources are less defined. By evaluating data and assessing the current capacity of the legal services delivery system, the key partners will achieve a level of high-quality and high-impact legal services for vulnerable elders.



## **Conclusions and Findings for Improvement**

The MA Legal Services Capacity Assessment was completed in order to determine the capacity of the legal services network to serve vulnerable elders in the greatest economic and social need. It is the responsibility of the LAD, AAA network, LSPs, and other actors and advocates to evaluate the current legal service delivery capacity and explore options for improvement. The Capacity Assessment illustrates examples for elevation as well as possible opportunities to reassess capacity development in reaching and serving elder consumers. The focus of Title III-B funding on legal assistance case priorities and services to OAA targeted populations is paramount.

A second look at the critical goals of this project are essential to evaluating the current system, exploring where current legal services can be improved, promoted and systematically improved, and determining direction for change. The four goals include exploring the current efforts to:

- Target limited legal resources to elders in greatest economic and social need;
- Focus limited resources on priority legal issues of the targeted populations;
- Partner and coordinate with legal and advocacy stakeholders to maximize services; and
- Coordinate across the elder services network toward promoting legal services as a crucial element within the larger effort to provide services that address the entire spectrum of elders' needs.

In coupling the four key goals of the MA Capacity Assessment with a review of data, the following indicates key findings for examination and decision making.

### **Target populations:**

Efforts to target Title III-B legal resources to elders in greatest economic and social need are critical given limited resources. In providing demonstrative support to the current practice of directing resources to OAA targeted populations, the following data points include:

- The Statewide Needs Assessment indicates that Legal Services falls at a frequency rate of 22.9% of attendance at recorded activities, as highlighted in Figure 1.
- In support of targeting elders in social need, Figure 9 reveals that LSP staffs speak six languages, aside from English.
- The LSP Survey reveals the vast majority of consumers fall at an income level at or below the Federal poverty level (Figure 12A). In support of targeting vulnerable elders, Figure 12B indicates that 65% of legal service consumers are represented with an economic indicator of greatest economic need; minority and non-minority.
- Data reveals a distinct connection between housing concerns expressed as a consumer need and the delivery of legal services addressing that demand. Fiscal



year 2017 data collected by Elder Affairs indicates that Housing cases closed amounted to 43.1% of all cases closed by LSPs; by far the greatest problem area. Similarly, housing issues identified in Figures 1 and 2 – expressed through consumer needs, and the presentation of data in Table 6G, indicate the need for legal services related to housing.

Focus on priority legal issues:

As presented in the OAA, Title III-B funding is to be targeted to certain case priorities including, income; health care; long-term care; nutrition; housing; utilities; protective services; defense of older persons against guardianship; abuse; neglect; and age discrimination. Data that supports the effort to focus on priority legal issues includes:

- A review of Tables 6A through 6H indicates what network professionals experienced in the course of their work as priority services related to legal services. In summary, Housing, Health Care, and Estate & Disability Planning are identified as a top tier need of elder consumers.
- The effort to deliver legal service case priorities to vulnerable elders must be met with targeted outreach plans. A review of Table 7 and Figures 4, 10, and 11 reveal an opportunity to press for improved outreach methods to elders and the network at large. The exposure of obstacles for referral experienced by network professionals, presented barriers in seeking legal services, and focused legal service provision all point to outreach as a method to explore current limitations.
- Question Eleven of the LSP Capacity Survey indicates the top five matters for which intake will be completed as: 1. Housing; 2. Benefits (government, health, public); 3. Healthcare/Medicare; 4. Family Law; and 5. Education/Nursing Home Issues.
- Figure 19 indicates that LSP Survey respondents identified that the top three LTC facility complaints related to potential legal issues included:
  1. Discharge/Eviction
  2. Legal – Guardianship, Conservatorship, Power of Attorney, Wills
  3. Financial Exploitation or Neglect (Family or Other not Affiliated with Facility)
- Tables 8 and 9 use American Community Service data to present an opportunity to measure the degree to which current legal services are delivered to vulnerable low income (Table 8) and LEP elders (Table 9). As presented, the tables indicate possibilities for AAAs and LSPs to collaborate to refine their targeting practices to reach vulnerable elders.

Maximize aging and legal provider partnerships:

Collaboration and information sharing are critical elements in building a legal services network that serves OAA targeted populations and addresses case priorities. The aging and legal services networks must connect to recognize their mutual efforts toward maximizing



services. The following data examples indicate mutual outcomes, albeit independently attained.

- Housing Concerns (Figure 1) accounted for the highest social need expressed by participants at Statewide Needs Assessment events, and were named as the second most frequently cited topic of need (Figure 2). Network professionals indicate housing (or concerns related to housing) as the principle priority service related to legal services, as evident in Table 6G. Similarly, network professionals indicate that services related to housing was the service easiest to refer to legal providers. Finally, the LSP Capacity Survey revealed that housing was the most frequent intake matter.
- Network professionals indicate the provision of low-cost or free attorneys (Figure 5) as the method most helpful in offering legal assistance. Likewise, legal service providers signify the same as revealed in Figure 11. Additionally, both aging and legal providers indicate that community outreach and pro bono/volunteer attorney source development are methods most helpful in offering legal assistance to elder consumers.
- A high level review of the Capacity Assessment indicates apparent inferences that low cost or free legal services must be part of a solution to offering legal services to elders. OAA targeting language, current consumer data (including Tables 12A and 12B), and responses from network professionals, indicate the critical need of low-income elder consumers and proffer a response to bolster low cost or free legal services, as well as advocating for pro bono/volunteer attorney source development.

Coordinate and promote legal services as a crucial element within the elder services spectrum:

Limited resources for legal services must be used in a manner that converges on three critical pursuits; addressing informed elder needs, spearheading legal services as a critical partner in supporting the community-based services system, and coordinating across the network to focus on priority legal challenges. While the need for legal services is evident throughout the Capacity Assessment, remaining uncertain is a clear effort to coordinate and promote legal services as a crucial element within the larger elder services field. The following data points to this deficiency and provides a foundation for improvement.

- The elder service network is aware of elder consumers in need of legal services, with Figure 3 providing evidence of that connection.
- As indicated in Figure 4, the LSNA 2017 survey reveals a disconnect between network professionals and LSPs through obstacles to referral.
- There is evidence of a connection across the network in offering legal services to elders, with both Figure 5 and Figure 11 indicating low-cost or free attorneys, community outreach, and pro bono/volunteer attorney development as the resources most helpful in offering legal services to elders.





- Question fourteen of the LSP survey reveals an anticipated response that presents sources that providers refer elder consumers. The coordination across the top five named referral resources, the first three of which are Elder Affairs linkages, indicates sound coordination across aging and legal providers.

### **Findings for Improvement:**

The broad premise of the Findings for Improvement is to focus on the goals of the Capacity Assessment. The following six topics serve as the framework for supporting current practices where appropriate and offering opportunities to work with the aging and legal services networks to address the goals we have set for targeting elder consumers. The findings are offered in an effort to achieve a level of high-quality and high-impact legal services for vulnerable elders.

#### Network Education and Information Sharing:

Findings and supporting data in the Capacity Assessment indicates that challenges exist in the elder network in referring elder consumers to LSPs. In examining obstacles to referring consumers to LSPs, Figure 4 presents the top five reasons identified by aging network professionals. The work to identify and clear obstacles to referring elder consumers in the most need to LSPs for priority legal services should include the following items to increase network education and information sharing.

1. Provide for better communication and training across the aging and legal networks about what cases LSPs accept for service;
2. Define for the aging network what elder consumer information is needed to properly refer a legal case to LSPs;
3. Continue expanding selection of pro se materials to assist elder consumers and caregivers as an initial step towards consumers seeking legal services; and
4. Share Legal Services Capacity Assessment findings with the aging and legal networks in presenting the current portrait of legal assistance, sharing best practices, and encouraging partnerships to attain the goals as set by the Assessment.

#### Pro Bono/Volunteer Attorney Sources:

The Capacity Assessment indicates that both the aging network and LSPs recognize pro bono/volunteer attorneys as helpful channels to offering legal services to elders. While low-cost or free attorneys is revealed in Figures 5 and 11 as the most helpful method in realizing legal services for elders, given limited resources, the development of pro bono/volunteer attorneys presents an authentic opportunity for sharing resources and developing partnerships. Additionally, developing connections with pro bono/volunteer attorneys can help address two impediments connected to Title III-B legal services – targeting limited resources to elders in greatest need and focusing Title III-B funding on OAA priority legal issues.

While pro bono/volunteer opportunities exist for elders, there is no formal listing of connections via state level direction. In alleviating pressures on Title III-B legal services





funding, elevation of pro bono/volunteer attorney resources with LSPs, AAAs, and the MA LAD, could address consumer legal needs falling outside OAA language. Possible improvements to realize a more supportive pro bono/volunteer lawyer's referral system include:

1. Educating AAA network and promoting connections to develop constructive engagement of pro bono/volunteer attorneys.
2. Encouraging AAAs to develop a pro bono/volunteer lawyer directory in each PSA that provides secondary options to Title III-B funded LSPs. Possible connections include Memorandums of Understanding or similar agreement language to meet service demands outside OAA target language.
3. Developing cross-trainings with LSPs, AAAs, pro bono/volunteer attorneys, and other elder service programs/providers aimed at delivering shared resources for legal assistance needs. The broader network can offer options to elder consumers, including low or no fee opportunities, that may well fall outside the OAA targeting and priority legal issues language.

#### Focus on Barriers to Legal Services:

There is some presumption that financial expense is the top barrier to elder consumers seeking legal services. Capacity Assessment findings indicate that aging network professionals and LSPs perceive financial expense at essentially two ends of the spectrum. Table 7 indicates aging network professionals record financial expense as the top barrier; Figure 10 indicates LSPs rate financial expense outside of the top ten barriers presented. Additional examination indicates that mental health and cognitive issues, along with consumers' lack of awareness that legal services exist and that the problem at hand was legal in nature, presents across both aging network professionals as well as LSPs.

Given the data in the Capacity Assessment, addressing a lack of awareness of legal services on the part of elders – both that legal services exist and that problem was legal – are barriers where increased educational efforts, trainings and publication of available legal services are within reach of current efforts. Additionally, cognitive and mental health barriers, as revealed in Table 7 and Figure 10, signal a need to coordinate with network social service providers to support best practices for appropriate service and care. In staging a strong link to the Network Education and Information Sharing finding above, collaborations across the network spectrum may include:

1. Advancing joint outreach activities for AAAs and LSPs to educate consumers.
2. Developing educational materials to be made available to elders through various outlets such as Councils on Aging, congregate and home delivered meal services, long term care facilities, and MA state home care service programs.
3. Fostering an environment of shared goals across elder and legal networks that cooperate with social service providers.



### Encourage Enhanced Targeting Goals:

The objectives for legal services are expressed within the OAA in order to focus limited resources on priority legal issues of targeted populations. The data in Tables 8 and 9 suggests that setting goals for target attainment and fulfilling such efforts can be difficult to realize. A review of both Tables provides a general examination of legal service targeting practices and the degree to which Title III-B funding is dispersed to those in need; low income elders in Table 8 and LEP elders in Table 9. Using such data can help to evaluate the merit of the work of the network to meet OAA target language.

The LAD can encourage partnerships to create mutual efforts by AAAs and LSPs to focus on targeting populations and OAA priority legal issues. As observed in Figures 7, 8 and 9, LSP personnel in MA are in a position of strength to provide legal services to elders. In adopting methods that address Network Education and Information Sharing and undertaking barriers to referral, legal targeting goals naturally arise from better partnerships and shared communication. By providing sound, targeted outreach, at the consumer and professional network levels, consumers seeking services will be directed to the correct level of service.

### Improve Intake and Referral (I&R) for Legal Assistance:

Improving the I&R systems (including training and sharing best practices) in the Commonwealth to properly identify legal issues concealed in other aging service problems (as presented on intake) is critical to making appropriate referrals to an LSP or other legal providers. Currently, approximately 68% of all I&R calls related to legal issues are categorized as Legal Aid/Referral/Consultation; this general grouping provides little benefit in identify case priorities. While there is good news about LSPs assisting consumers to transition to other levels of service under the OAA – 100% of the LSPs enlist mechanisms for referral – the I&R network needs to focus on appropriately identifying consumers in need of legal assistance, and make referrals as needed.

Considerations on enhancing I&R systems to focus on legal assistance include:

1. Working with AAA network and Elder Affairs' I&R unit in developing call classification at initial I&R intake to better identify legal topics, i.e., OAA priority legal issues versus more routine legal topics. Develop structure for handoff to appropriate provider.
2. Partnering with elder and legal networks to train I&R personnel on identify legal issues buried in other aging service problems – housing concerns can inherently be linked to situations where legal assistance is needed.
3. Collecting legal service information – toward better identifying legal topics at the time of call/contact initiation – with the goal of enhanced referral. Possible solutions include collaboration with AAAs and LSPs to expand I&R data links to better define services connected to legal assistance.



Accentuate Legal Services within Statewide Needs Assessment (NA):

A review of the Capacity Assessment is resonant with data that infers the absence of clear and concise information on the legal needs of elder consumers. Absent a concise method for collecting data on legal needs, barriers and lack of knowledge will continue to impede vulnerable elders from receiving legal services. The collection of information from elders and family caregivers is critical to addressing needs.

In a persuasive venture to realize an increased presence for discussions and service development around legal services, a proposal will be offered to include specific language around legal assistance under the statewide NA project (for implementation in 2021). By including legal assistance as a distinct element within the NA, the project will engage elder consumers and family caregivers to be more aware of legal services. Data obtained from the 2021 NA will help to inform AAAs, LSPs, the LAD, and other network actors in demonstrating where elder consumers and family caregivers perceive the need for legal services in the greater effort to provide community based services.



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