



## Assessing the Legal Needs of California's Seniors

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This assessment of the legal needs of older Californians was commissioned as part of the federal Model Approaches grant to improve statewide coordination and the delivery of cost-effective legal services to older Californians.<sup>2</sup> The design of the California Model Approaches needs assessment was shaped by the sheer number of state residents age 60 and older, the linguistic and cultural diversity of this population, and the allocation of a relatively small budget for this component of the project. More than 4.1 million people age 65 and older live in California and this group comprises 11.2 percent of the state's population (U.S. Census Bureau, 2009).<sup>3</sup> In 2000, of those over age 65, approximately 391,000 lived below the federal poverty level.<sup>4</sup> To put the population size in perspective, there are more elders residing in one county in California (Santa Clara) than in the entire state of New Hampshire. California is also a majority-minority state, meaning that no single ethnic or racial group represents at least 50 percent of the population. Forty percent of Californians speak a language at home other than English.<sup>5</sup>

This study begins with a review of the 11 needs assessments conducted by states that have completed Model Approaches to Statewide Legal Systems grant cycles. We describe the challenges encountered when comparing California with these other states. The study then reviews the existing needs assessments for California, which informed this assessment. Finally, the study presents the data collected from a set of key informants and a survey of six counties regarding the legal needs of older Californians and concludes with a set of recommendations.

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2 "Model Approaches to Statewide Legal Assistance Systems" is a federal grants program administered by the Administration on Aging whose purpose is to help states find their "model approach" to providing high-quality, easily accessible, well-coordinated legal services to elders. Begun in 2006, grants have been awarded to 31 states and Washington, D.C. to date. Each state must apply and be selected to receive funding. The California Senior Legal Hotline (SLH), the state Department of Aging (CDA), and the Legal Aid Association of California (LAAC) applied for and secured California's Model Approaches grant. It runs from September 2009 through August 2012.

3 There is a difference between how the United States government defines the older population in different agencies. For the purpose of the United States Census, "senior citizens" are people over the age of 65. For the purposes of the Administration on Aging, the older population is defined as 60 and older. The Administration on Aging funds legal services through the statewide Title IIIB network to those age 60 and older.

4 U.S. Census Bureau, 2000 data. Retrieved May 17, 2011, from [http://www.aoa.gov/aoaroot/aging\\_statistics/Census\\_Population/census2000/SF3/Poverty-by-60plus-65plus.aspx](http://www.aoa.gov/aoaroot/aging_statistics/Census_Population/census2000/SF3/Poverty-by-60plus-65plus.aspx). 2010 Census data not yet available.

5 These languages include Spanish or Spanish Creole, Chinese, Tagalog, Vietnamese, Korean, Armenian, Japanese, Persian, German, French (including Patois and Cajun), and Russian (U.S. Census Bureau. "QuickFacts: California, 2009 estimates." Retrieved December 27, 2010, from <http://quickfacts.census.gov/qfd/states/06000.html>)

## Literature Review

This literature review examines the needs assessments conducted by 11 states that were available at the start of our research: Florida, Georgia, Idaho, Iowa, Kentucky, Michigan, Nevada, New Hampshire, North Dakota, Ohio, and Utah (See [www.legalhotlines.org](http://www.legalhotlines.org))<sup>1</sup>. While several studies targeted low-income individuals or other Older Americans Act-designated at-risk groups, many studies were far more general in scope.<sup>2</sup> In addition, numerous locally conducted needs assessments of California's elders are discussed.

### Other Model Approaches Needs Assessments

Overall, the legal needs assessments conducted through Model Approaches grants in other states concluded that healthcare and consumer issues dominate both the concerns of elders and the actual problems they experience. However, the specific types of problems relating to healthcare, consumer and other issues identified as top concerns differed greatly among the states.

Some of these differences are regional. In Florida, for example, there is greater concern about home repairs due to hurricane damage. In most cases, however, differences in research design accounted for the discrepancies. Two design differences that may account of differences in the needs assessed were whether the study targeted low-income or other vulnerable elders and whether the study asked about areas of concern in addition to actual legal problems experienced.

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1 Unless otherwise stated, findings pertaining to elders in specific states or California municipalities are found within each state's or municipality's needs assessment study, each of which is included in the reference list.

2 The Older Americans Act defines "legal assistance" as "legal advice and representation provided by an attorney to older individuals with economic or social needs" Older Americans Act, Pub. L. No. 109-365, § 102(a)33(A) (amended 2006). Additionally, each state's plan must assure "area agencies on aging will give priority to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination." Id. at § 307(a)11(E).

### Targeting Vulnerable Populations

The Georgia study, which targeted low-income elders, identified landlord-tenant issues as a top concern, with 44 percent of respondents reporting they had a legal problem with a landlord in the past three years. This figure reflects the study's focus on low-income elders, who are more likely to live in rental housing, since 70.5 percent of older Georgians own their own homes. In contrast, Florida, which has a homeownership rate similar to Georgia's but did not target low-income elders, reported problems with contractors as elders' primary housing concern. In Ohio, housing concerns were identified by only 3 percent of respondents, falling next to last on the list of 12 top areas of concern. Ohio survey respondents ranked taxes and estate issues third and fourth, respectively, among their legal concerns. Both problems are more commonly associated with more affluent elders, which indicates that the study did not focus on assessing the needs of vulnerable groups identified in the Older Americans Act.

Most Model Approaches studies indicated the percentage of respondents who belonged to a "vulnerable group" if the study did not exclusively target vulnerable seniors. These individuals' responses more closely resembled the findings of the targeted Georgia survey. For example, although it did not specifically target OAA at-risk groups, the Michigan survey documented different priority legal concerns among various demographic groups – lower- and higher-income residents, women and men, African American and Caucasian residents, and residents of different regions of the state.

Studies have shown that different vulnerable subpopulations report different experiences and prioritize different legal problems. For example, because the overwhelming majority of Utahans were born in the United States, its population is less likely to have concerns related to language access than states with larger immigrant populations. 93 percent of Utah survey respondents reported that they owned their own home. Utah's general homeownership rate is also higher than any other state surveyed. This helps explain why Utahans

reported very different housing concerns from elders in states where the vast majority of the poor rent rather than own their homes. Utah also reported a much higher percentage of elders who experienced a legal difficulty in the past three years than any other state – 86 percent – compared with the three states with the next highest percentages – between 25 percent and 30 percent. This may be a result of the targeting of populations known to have a high incidence of problems or different interpretations of the meaning of “legal difficulty” by respondents. However, it may also be due to the absence of accessible legal aid in rural Utah in 2004. The presence of legal aid has since been shown to have a deterrent effect on problems that require the help of a lawyer, such as domestic violence (Farmer, 2003).

### Elder Abuse

It is also important to note that elder abuse was not reported as a top issue experienced by or of concern to elders in any state except Kentucky, where 12 percent of respondents reported abuse in some form. Kentucky’s relatively high rate could be the result of a unique assessment tool, which identified elder abuse incidence through series of questions about common symptoms, such as sudden weight loss or extreme forgetfulness. Additionally, the disparity between Kentucky’s and other states’ findings may reflect the fact that many elders are unaware of what constitutes elder abuse or may have classified an abuse incident in a different category, such as financial issues or healthcare. Authors in all states

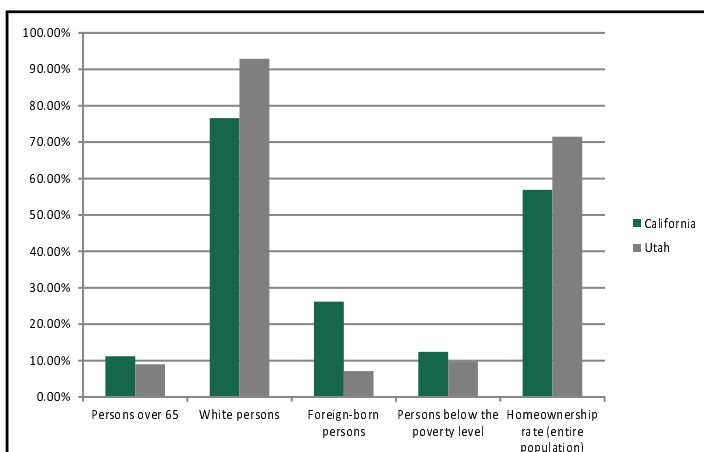
agreed that preventing, identifying, and stopping elder abuse should remain a top concern for legal services providers.

### Collaboration among aging agencies in New Hampshire

Of the recommendations that emerged from each study, New Hampshire’s were perhaps most unusual and most comprehensive. While New Hampshire is among the states most significantly different from California, its small size allows for innovative collaboration among senior services providers, the legal aid provider, and the court system. Noteworthy is the implementation of ServiceLink, a delivery system that uses a statewide resource center for social services providers serving elders.

Initially, New Hampshire Legal Aid (NHLA) attorneys trained social services providers on identifying legal problems among elders but the effects of the trainings dissipated within a few months. Then NHLA began sending an attorney to regional, monthly case review meetings attended by ServiceLink staff, Adult Protective Services, home-care aides, and others. NHLA attorneys regularly identified legal issues that could be quickly addressed before problems became unmanageable. Feedback on the case review meetings from social services providers and attorneys in the state has been overwhelmingly positive. Such collaboration could provide a model for California, even though actual replication may not be possible on a statewide level.

**Elder populations of California and Utah (Census 2000 figures, adjusted for 2009)**

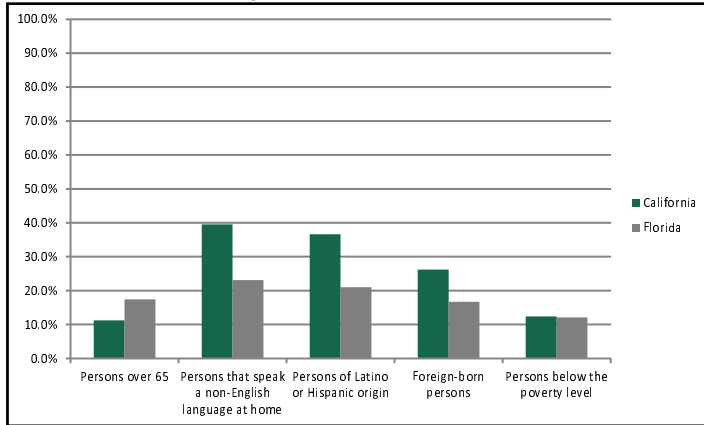


### Other States’ Influence on California’s Needs Assessment

Many recipients of Model Approaches grants conducted population-based needs assessments. This was beyond the California study’s reach but findings from other states nevertheless informed our needs assessment in several ways.

First, several state studies analyzed data by subpopulations, such as veterans in New Hampshire and elders with limited literacy in Kentucky. Second, responses from OAA-defined at-risk groups were similar across multiple states. This provided a basis for comparing, with caution, California data with

### Elder populations of California and Florida (Census 2000 figures, adjusted for 2009)



other states' findings. Third, some states are demographically similar to California so we can use their data to gauge, to a certain extent, the reliability of California's study.

For example, Georgia is most similar to California in terms of years of education and homeownership status, the ratio of elders to the general population, and the number of elders who identify as non-Hispanic<sup>3</sup> white. Additionally, Georgia's African American population is similar to California's Latino population in size, poverty level, and education level. However, while both groups have limited access to services, California's Latinos may face additional challenges accessing services, which are significantly different from the issues confronting the African American community. For example, California's Latinos often face language barriers and fear contact with government officials and institutions, particularly in communities with large numbers of undocumented immigrants. These differences limit the utility of a comparison between the minority populations of the two states.

Florida, on the other hand, is most similar to California in terms of the proportion of residents who identify as Latino, proportion of residents who are immigrants, income levels, and the proportion of residents who speak a language at home other than English. The Florida needs assessment also included a section dedicated entirely to the needs of Florida's

<sup>3</sup> This study's author recognizes that "Latino" is the preferred term. "Hispanic" is only used when referring to census data, as that is how the United States Census still collects and reports data on many differing Latino groups.

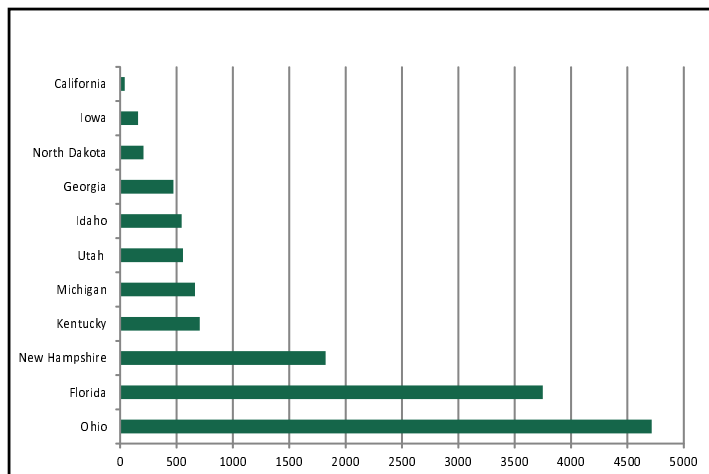
older Latino population. No other state bore a significant demographic resemblance to California. Therefore, for the purpose of comparing other states with California, the Florida and Georgia studies are most relevant.

Several needs assessments, including the Georgia, Utah, Ohio, Kentucky, Michigan, Idaho, New Hampshire, and Iowa studies, asked questions about elders' actual legal problems, as opposed to focusing exclusively on fears about legal issues that might arise. In contrast, Florida's survey limited its focus to elders' subjective fears, which may often be influenced by outside factors unrelated to individuals' lived experience. Of the 11 states whose needs assessments we reviewed, Georgia is demographically most similar to California. Therefore, its survey, which addressed problems for which legal help was obtained, is probably most useful for comparative purposes.

Three states – Michigan, Nevada, and North Dakota – relied on findings from surveys not specifically related to the legal needs of elders. Therefore, these studies are only marginally relevant to California because they are the least targeted of any of the state surveys. The Idaho survey was based exclusively on data from former legal aid clients – that is, those with access to legal aid. For this reason Idaho's sample was skewed to a greater degree than the 10 other Model Approaches samples we examined.

While Kentucky and Iowa are quite different demographically from California, their needs assessment instruments informed this study's design. Both the Kentucky and Iowa studies were based on small samples. (Kentucky collected 706 surveys, while Iowa surveyed 159 participants in 12 focus groups.) Furthermore, both Kentucky and Iowa gathered information from a wide cross section of respondents, including elders, service providers, and caregivers. California's needs assessment relies on a relatively small sample size and collected data from legal and non-legal senior services providers.

### Model Approaches Survey Sample Sizes<sup>1</sup>



1 The California, Kentucky, and Iowa survey numbers include or are made up entirely of providers. Michigan sample includes elders over the age of 50, while every other state counts only those over 60. The Nevada Needs Assessment did not include an exact number of elders or providers surveyed.

### Past California Needs Assessments

No comprehensive assessment of older Californians' legal needs has been conducted to date. Nevertheless, our research has been informed by several studies conducted during the past 10 years.<sup>4</sup> While most of these studies did not have a specific legal focus, many included several questions pertaining to older Californians' legal needs. Modest in scope, these studies surveyed specific counties or relatively small samples of larger populations. The single exception was the *L. A. County Seniors Count! Survey of Adult and Aging Population*. This survey was completed by more than 16,000 elders, far more than the total number of seniors who completed any of the Model Approaches state surveys to date. While older Los Angelenos with higher levels of education were overrepresented in the study sample, the rate of response by minorities reflected California's ethnic composition.

In the next section, major themes of each of California's past needs assessment studies are addressed.

<sup>4</sup> See reference list for a complete list of cited works and other references that informed this section.

### Healthcare

In nearly every California needs assessment, elders expressed concern about healthcare. However, because these surveys were not legal needs-specific, it is difficult to determine how many elders would have required a legal advocate's assistance with a healthcare issue.<sup>5</sup> Furthermore, like Florida's Model Approaches survey, many of the California surveys phrased questions in terms of fears, which could have led respondents to anticipate problems they had not necessarily experienced.

Elders were particularly concerned about healthcare problems related to Medicare coverage. For example, in the *2009-2012 Area Plan for Aging Services in Mendocino and Lake County* survey, elders indicated inadequate dental coverage as a top concern. A Los Angeles County study sponsored by Bet Tzedek Legal Services (Wilber, O'Neill, & Emberson, 2007) noted that the vast majority of problems elders experienced with government benefits concerned either healthcare or Social Security.

### Housing

In nearly every county-level survey, access to affordable housing and home maintenance were cited as top concerns. In fact, home repair and maintenance was listed as a higher concern than affordable housing in nearly all cases. In the *L. A. County Seniors Count!* survey, 25 percent of elders reported "help with home repairs" as a need. It is likely, however, that there was a lower response rate by low-income elders, who may not have been in contact with the

<sup>5</sup> For additional studies of the needs of older Californians, see: Stephen P. Wallace, A.E. Benjamin, Valentine M. Villa, & Nadereh Pourat, "California Budget Cuts Fray the Long-Term Care Safety Net" (Los Angeles: UCLA Center for Health Policy Research and the SCAN Foundation, 2009); Stephen P. Wallace & Susan E. Smith, "Half a Million Older Californians Living Alone Unable to Make Ends Meet" (Los Angeles: UCLA Center for Health Policy Research and Insight Center for Community Economic Development, 2009); The California Endowment & the Institute for Health and Aging, Women, Health, and Aging: Building a Statewide Movement (San Francisco: The California Endowment, 2007); Charlene Harrington & Janice O'Meara, Long Term Care: Facts and Figures (Oakland, CA: The California HealthCare Foundation, 2007); Needs Assessment for Area Plan 2009-2012 (Martinez, CA: Contra Costa County Aging and Adult Services, 2009); and Nicole Shapiro, Health and Rural Californians: Navigating Together Through Risk and Opportunity, Presentation to California State Rural Health Association (November 19, 2009, Sacramento).

organization conducting the study, and thus would not have had access to that organization's services. Additionally, as the Area 4 Agency on Aging's 2009 survey illustrates,<sup>6</sup> it is likely that these rankings have changed since the economic downturn (Sacramento County, 2010).

### **Barriers to Accessing Services**

Interestingly, older Californians responding to surveys did not typically self-report problems accessing needed services. In contrast, several reports with data collected from other strategies cited lack of access to services as a concern, particularly due to language and cultural barriers. This discrepancy may be, in part, due to the fact that older Californians responding to the surveys were already experiencing fewer barriers and greater access to services. The California Endowment's 2007 study, *Women, Health and Aging*, estimated that language and cultural barriers have a greater impact on women than men because women are often more isolated and affected by poverty than their male counterparts. The Endowment's recommendations are aimed at the medical community rather than the delivery of legal services, but many of these recommendations could apply across the board.

The 2008 Monterey County and the 2004 Area 4 Agency on Aging surveys both found that the greatest barrier to accessing services was that elders simply did not know the needed services existed. Both studies gathered this data from service providers as well as from self-reporting elders who acknowledged that they did not know where they would turn for help that could have been provided by a local social, legal, or medical services agency in their area. Monterey County is mostly rural with only a few widely distributed spread-out social services agencies, while Area 4 includes many isolated rural communities. This may explain why access to services was cited as a primary concern in both counties.

### **Food**

In Marin County, 39 percent of low-income elders were identified as being at high risk of malnutrition. This is particularly relevant because the Older Americans Act requires that area agencies on aging give priority to legal assistance related to nutrition, among numerous other areas. In addition, legal aid lawyers can assist elders in need with obtaining benefits through the CalFresh Program, formerly known as Food Stamps and federally known as the Supplemental Nutrition Assistance Program (SNAP).

### **Caregiving**

Several studies noted that the number of elders receiving in-home care is now greater than the number of elders who reside in nursing homes. This suggests that in-home care may be keeping seniors out of costly residential long-term care. Additionally, some elders (5 percent in Los Angeles County, 15 percent in low-income areas of Marin County) are caregivers themselves, which significantly alters their general needs (*L.A. County Seniors Count!*, 2008; *Marin County Older Adult Community Survey*, 2005). Elders cared for by family members or others often have specific legal needs due to conservatorships or difficulties with In-Home Supportive Services, and are often more vulnerable to abuse.

### **Elder Abuse**

The statistics on elder abuse in California vary greatly from source to source. While most studies did not attempt to assess this topic, those that did often combined elder abuse with consumer issues like telemarketing. This is partly due to self-reporting problems because elders, like younger victims, are unlikely to acknowledge they have been abused, especially by a close family member. However, they may be more comfortable acknowledging they have been victims of telemarketing fraud or high-pressure tactics.

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<sup>6</sup> Area 4 includes Nevada, Placer, Sacramento, Sierra, Sutter, Yolo, and Yuba counties.

**Changes Since the 2008 Economic Downturn**

Little research on elder Californians' legal needs has been conducted since the economic downturn began in mid-2008. The few studies that have been published are generally difficult to use as markers of elders' needs in the new economic climate because there is so little comparable, pre-recession data for the same population. The rare exceptions are two studies conducted in 2005 and 2009 by Area 4 Agency on Aging. The most significant change in the intervening four years was that economic/financial concerns jumped to the top of the list. In 2005, financial concerns did not even rank among elders' top five concerns. Additionally, the concerns of Area 4 elders seem to have changed and intensified due to the financial crisis. For example, home repairs, which had previously been second only to transportation concerns, receded to fifth place. Finding affordable housing ranked as a greater concern than home repairs in 2009, indicating that elders were not as secure in their housing as they had been in 2005.

## Design of the California Model Approaches Needs Assessment

We undertook this study recognizing the great limitations of any data we would collect, not only because we were not funded to conduct a population-based study but, more importantly, because of the exceptional size and diversity of California's population. Our state and our communities are divided along lines of culture, ethnicity, and language. Arguably, trends and patterns are most meaningfully described based on geographic lines, such as counties and municipalities, and by racial/ethnic groups. Many services, in turn, are delivered by and targeted to ethnic communities by legal services organizations such as the Asian Law Caucus in San Francisco and the Inland Empire Latino Lawyers Association, Inc. in Riverside. This logic shaped our data collection strategy.

In order to gain an overview of the legal needs of California's elders and capture different kinds of data from agencies and individuals throughout the state, data were collected from key informant interviews with leaders in aging and representatives of county-level agencies that provide social services to elders.

### Key Informant Interviews

During summer 2010, the needs assessment research team conducted nine in-depth interviews with key informants selected based on their expertise working with priority populations identified in the Older Americans Act, including low-income minorities, limited-English proficiency (LEP) populations, rural Californians. In addition, key informants had significant understanding of the legal concerns facing African American, Asian, Latino, and Native American elders as well as nursing home residents and lesbian, gay, bisexual, or transgender (LGBT) elders. We developed a 27-item questionnaire designed to identify the greatest unmet legal needs of vulnerable elders which was administered by telephone.<sup>1</sup>

<sup>1</sup> See Appendix A for a copy of the questionnaire.

### County-Level Agencies

Data were also collected from social services agencies in six California counties that represent a mix of rural, urban, and rural/urban designations.<sup>2,3</sup> A diverse, six-county sample was identified based on population size, distribution of residents by race/ethnicity and poverty rate, and California's geographic regions. Within these counties, agencies were selected through local Area Agencies on Aging.

SurveyMonkey, an online data collection tool, was used to create a questionnaire. A link to the survey was sent to more than 40 agencies throughout the state during a three-month period in summer-fall 2010.<sup>4</sup> At least one follow-up call was made and/or email sent to those agencies from which a timely response was not received. A total of 30 completed surveys were returned by agencies in Alameda, Amador, Fresno, San Bernardino, Santa Clara, and Trinity counties. The 26-item survey examined service providers' perceptions of clients' greatest unmet legal and non-legal services needs and the frequency with which clients encounter problems in specific areas, e.g., income, healthcare, housing, and conservatorship.<sup>5</sup>

<sup>2</sup> Respondents included Alzheimer's Association chapters, nutrition programs, senior centers, and caregiver support programs.

<sup>3</sup> Surveys from two additional counties are included in the data analysis, bringing the total number of counties represented in this component of the needs assessment to eight. In one case, although two completed surveys were received from service providers in a large urban county in southern California, insurmountable difficulties initiating contact with other contractors in this county caused us to drop this county from the sample. However, the completed surveys were retained for analysis. In another case in which the AAA itself provides services to elders in two adjacent counties, the neighboring county became part of our sample.

<sup>4</sup> In one county, the area agency on aging sent the survey directly to the service providers to which it subcontracts services but would not disclose the names of these agencies or the total number to which the survey was sent. Thus, we do not have an exact count of the number of agencies invited to participate in the study.

<sup>5</sup> See Appendix B for a copy of the survey.



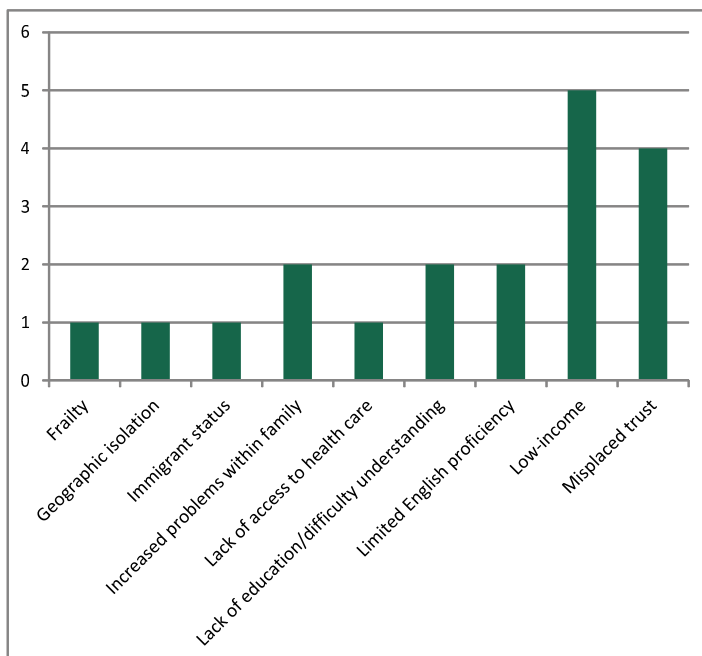
## Findings from Key Informant Interviews

Two-thirds of the key informants indicated that elders lack a wide band of culturally and linguistically appropriate services, from immigration assistance to help accessing income support such as Supplemental Security Income (SSI). One interviewee expressed concern about some organizations' superficial understanding of cultural competency, noting that the duty to serve the African American community is not satisfied merely by hiring a black advocate. That interviewee mentioned that while cultural competency consists of much more than having an advocate with one's own skin color, conversely, skin color is not necessarily a barrier to cultural competency.

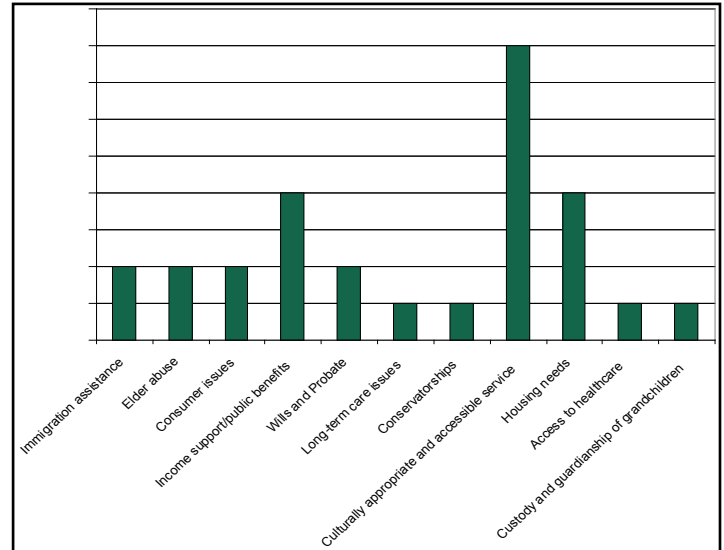
### Minority Elders

Many Asian and Latino immigrant elders need assistance with naturalization. But responding to immigration issues is extremely difficult for legal services providers because the fees to file the necessary documents with the government are so high that many elders cannot afford to pursue their

### Reasons for Increased Vulnerability Identified by Key Informants



### Greatest Unmet Legal Needs Identified by Key Informants



best option. One informant told the author about a proposal to create a fund for low-income immigrants to help subsidize the fees require to file immigration documents with the government, but the idea never came to fruition due to the economic crisis.

Long-term care residents of all races/ethnicities need direct legal representation to protect their legal rights, as advocates have been diverted to other functions such as monitoring facilities. Lesbian, gay, bisexual, transgender, and queer (LGBTQ) people need conservators and fiduciaries who approach their responsibilities with cultural humility, respect, and recognition of the oppression and suffering that result from the heterosexist bias of the law and civil society in general. Assistance with wills and probate informed by knowledge of Native American communities, cultural appropriateness on the part of those addressing elder abuse among Native Americans, help accessing public benefits for African American elders caught in "systemic poverty," and assistance with consumer issues ranging from credit card debt to harassment by creditors and collectors all were mentioned as high-priority needs.

### Increasing Population

Key informants also addressed systemic issues that adversely affect elders, observing that the availability of senior legal services has not increased at the same rate as the older population has grown. Thus, senior legal services providers cannot assist everyone who approaches them for help. This is particularly hard on older seniors who need personal attention and are unable to utilize self-help materials, even on simple legal matters.

### Coordinated Delivery of Services

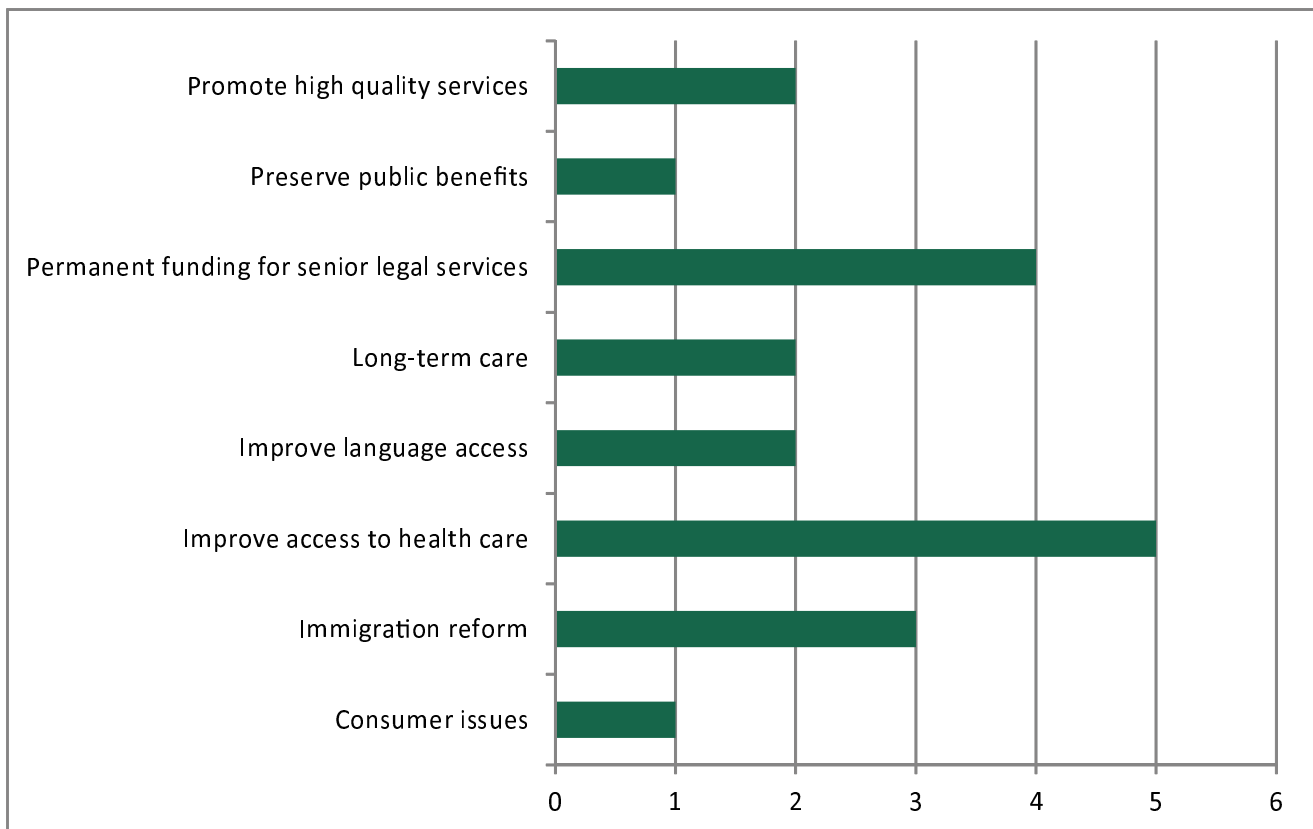
According to several interviewees, the greatest challenge for most elders is the lack of integration and coordination of services within the statewide system, which results in individuals accessing the help they need only when their situation is dire. Key informants expressed the need for a comprehensive, effective network of services to give seniors access to help with issues of which they might not even be aware. Designing strategies to foster collaboration between

legal services providers and social service providers was also mentioned as a priority.

### Community Education

Keeping elders aware of their rights through information about new and changing policies was identified as a high-priority concern. The need for effective messaging to encourage elders to seek legal aid when problems first surface was emphasized; community education is a component of that. It was noted that some elders don't seek legal assistance simply because they don't know it is available.

**Policy Reform Priorities Identified by Key Informants**



## Findings from County-Level Service Providers Survey

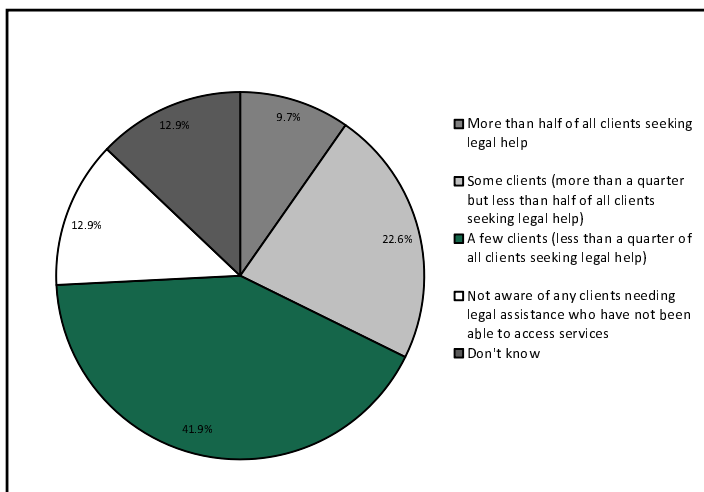
Our survey of county-level service providers' perceptions of the legal issues with which their clients have the greatest need for assistance produced wide-ranging responses.

This is not a surprise in light of the diverse low-income client populations served by the participating agencies.

Respondents to the six-county questionnaire were asked to identify the frequency with which their clients have problems in key areas, including income, healthcare, long-term care, housing, nutrition, protective services, conservatorship, abuse prevention, and discrimination.

Respondents described additional problems experienced by their agency's clients that are not identified as priority areas in the Older Americans Act. Many vulnerable clients require urgent assistance with "non-priority" issues such as consumer issues and traditional elder law topics like estate planning. Resolving these problems can be just as important for vulnerable elders' well-being as "priority" issues like housing problems and income maintenance. However, the Older Americans Act also defines "older individuals with economic or social needs" as the target population for legal assistance. Thus, for California's vulnerable and low-income populations, the distinction between priority areas and non-priority areas may be spurious, because both types of issues can impact their access to basic life necessities.

### Clients Unable to Access Necessary Legal Help--Six County Survey



In order to identify the prevalence of elders' unsuccessful attempts to resolve their legal concerns, we asked respondents, "Since January 2009, what proportion of your agency's clients appeared to need legal assistance but tried unsuccessfully to access help, didn't know how to seek help, or didn't realize a legal services provider could assist them?" Participants could choose one of five responses: never see problems, rarely see problems, sometimes see problems, frequently see problems, and don't know. Responses are presented in the chart "Clients Unable to Access Necessary Legal Help."

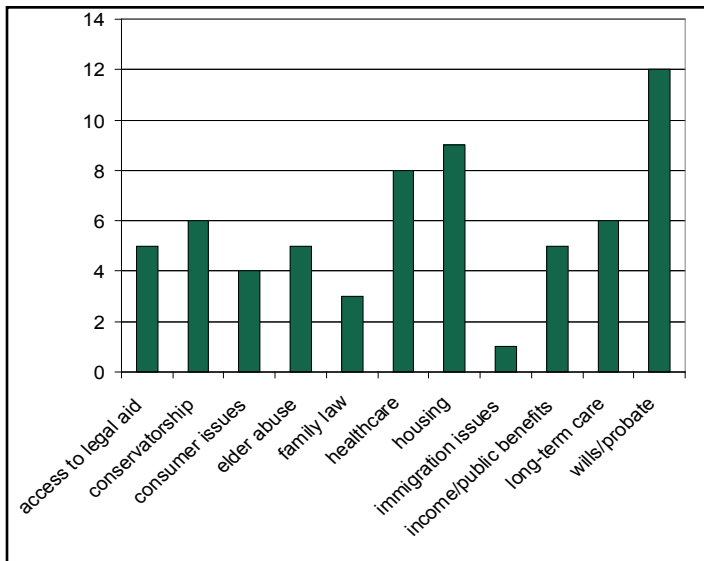
These data suggest that while most (75 percent) clients of the agencies represented in our sample are reasonably well-served, many clients fall through the cracks and may require targeted legal services outreach. While our agency sample is small (N=30), it is safe to hypothesize that the individuals and agencies captured in the chart below represent others throughout California.<sup>1</sup>

We asked respondents to the Six-County Survey to identify the three greatest unmet legal needs of the elders served by their agencies. Responses to this question are documented in the chart "Greatest Unmet Legal Needs of Seniors" (page 12).

1. Like other vulnerable California populations, older Californians still face inadequate access to legal services. According to *Action Plan for Justice: A Report of the California Commission on Access to Justice* (April 2007), "[T]here continues to be a substantial "justice gap" between the total funding needed to truly meet the legal needs of California's poor and the total amount of resources available for civil legal services. The gap was estimated in that report as being \$384.4 million as of 2000 (or \$434.4 million in 2005 dollars) with the California delivery system able to address approximately 28 percent of the legal needs of the poor."

This means that in California, "roughly 170,000 eligible, meritorious cases in California are being rejected every year because programs lack sufficient resources to handle them. In comparison, programs are estimated to have sufficient resources to serve fewer than 57,000 cases through advice, brief service, or extended representation each year. Thus, programs currently must turn away approximately 75% of the over 227,000 eligible, prospective clients that seek their assistance each year." (*Documenting the Justice Gap in California: an Explanation of the California-specific "Unable to Serve" Data*, LAAC, February 2006).

### Greatest Unmet Legal Needs of Seniors--Six County Survey



#### Vulnerable Seniors

Vulnerable seniors – limited-English proficiency elders, immigrants, LGBTQ, and low-income people – encounter specific legal problems, according to the Six-County Survey. These arise from a wide variety of internal and external sources, including frail health, trauma, systematic discrimination, hospital regulations, unskillful service providers, ever-changing state policies and regulations, and the legal system itself. Respondents identified the following problems faced by three groups: LGBTQ elders, immigrant elders with limited English proficiency (LEP), and low-income elders.

#### LGBTQ Elders

Unequal treatment by healthcare, human services, and long-term care providers was identified as a serious concern. The agency and expressed wishes of individuals who lack marital rights, e.g., caregivers and advocates, are often ignored and undermined by hospitals and other institutions.

#### Immigrant Elders/Limited-English Proficiency (LEP) Elders

People whose immigration status is questionable are afraid to access services, even psychiatric intervention, because such services may put them at risk of deportation. They may also have great difficulty accessing health and social services and,

thus, become isolated. Due to age, LEP, post-traumatic stress syndrome, and other health problems, many are unable to pass the citizenship test. There is a shortage of attorneys to assist with legal issues that result from language and cultural barriers.

#### Low-Income Elders

Many elders cannot work because they lack skills and/or are frail, among other issues. Often they have difficulty accessing public benefits and housing. Due to changing eligibility and other regulations, out-of-pocket expenses may be incurred that cannot be paid.

#### Declining Economy

The severe economic downturn that began in mid-2008 has had a grave impact on many programs that responded to the Six-County Survey. Noting the effect on her program's staffing, one respondent explained, "We did not have a person here for a period of time." According to another respondent, support for the activities provided by her agency dropped by 50 percent. California's \$18 billion funding gap as of August 2010, combined with the Legislature's 100-day delay in passing the 2010-11 budget, threw many already stripped-down programs into greater distress (Russ, 2010).

#### Diversity of Service and Clients in Three Agencies

##### Agency 1: Case management

Clients served: 150

Clients unable to obtain legal help: 38

Client languages: Spanish and Chinese

##### Agency 2: APS, ombuds, IHSS, legal services, and more

Clients served: 5,600

Clients unable to obtain legal help: 1,400

Client languages: Spanish

##### Agency 3: Health education and medication management

Clients served: 345

Clients unable to obtain legal help: 86

Client languages: Farsi and Pashto

Our survey found that the number of elders looking for affordable housing and facing eviction has increased. “Our seniors often live in extended families, and the economic downturn has resulted in many families moving from houses to cramped apartments,” one respondent explained. “Foreclosures have replaced predatory lending as a major issue,” according to another.

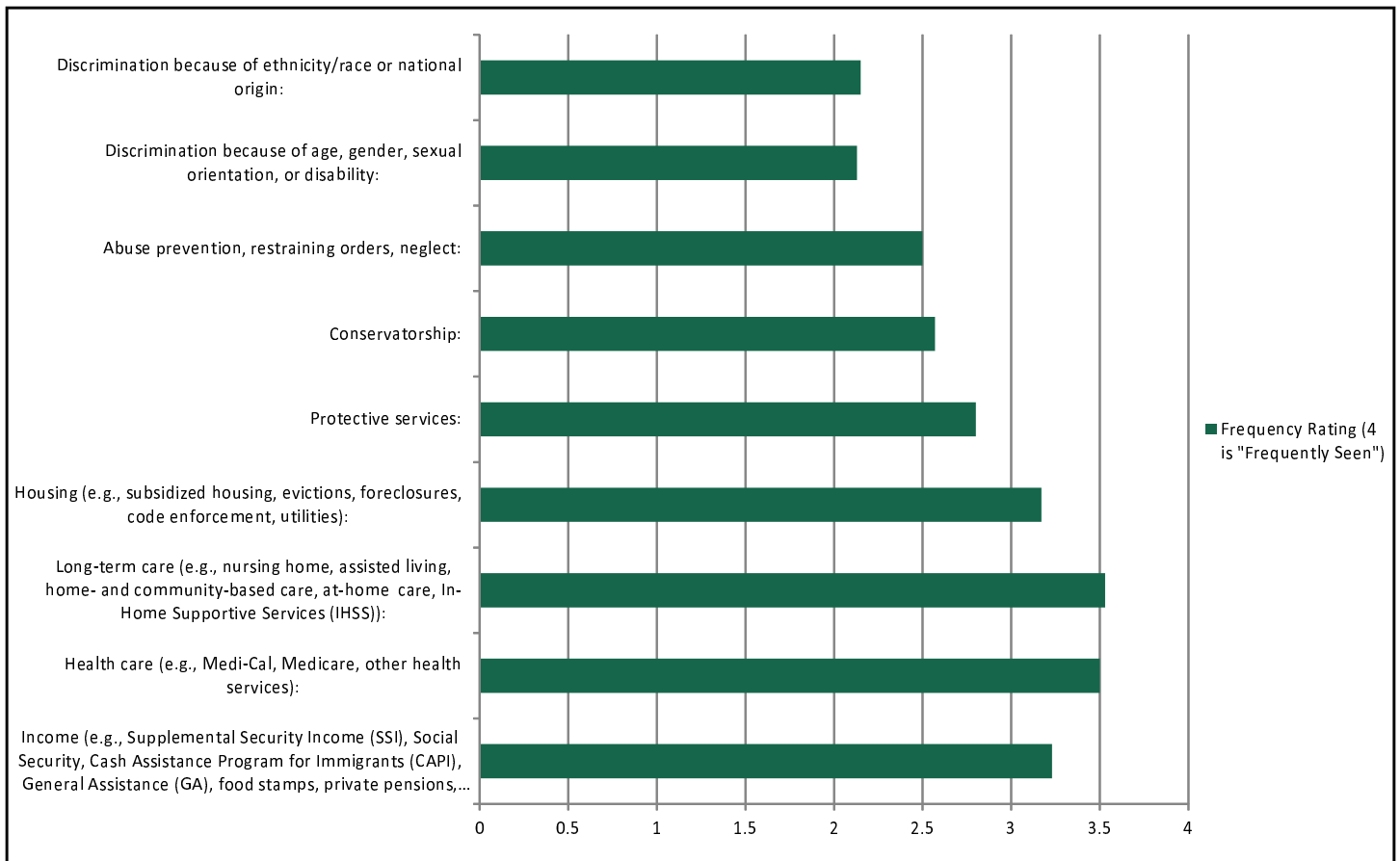
Accessing public benefits has become much more difficult. Medi-Cal program cuts have jeopardized clients’ access to health services. Life-sustaining programs, such as In-Home Supportive Services, mental-health services, and Medi-Cal, all have been severely cut. Public services such as county public guardian offices, adult protective services, and the long-term care ombudsman program, have also been cut. Subsidized

social services such as adult day care are at constant risk of budget cuts and defunding, with the consequence that many more people with dementia could soon be living in conditions of greater vulnerability and greater risk of abuse.

According to respondents, other problems that have increased in frequency and severity are: housing issues, loss of income, domestic violence, bankruptcy, healthcare, financial abuse by family members, inability to afford needed care (including residential care), inability to afford legal services, unemployment, need for estate planning, and long-term care insurance.

“Money is always an issue,” one respondent wrote, “but more so now.” At the individual, agency, county, and statewide levels, this is the most recurrent theme in our findings.

**Problems Most Frequently Seen by Social Service Providers--Six County Survey**



## Conclusions and Recommendations

Based on the responses of social services providers in the Six-County Survey and the primary concerns voiced by key informants in the legal community, we provide the following recommendations.

**Conclusion:** Organizations that provide services to seniors and legal services providers are not sufficiently networked to ensure appropriate and timely referrals when seniors encounter legal problems.

**Recommendation:** Ensure a comprehensive network of services and better coordination between the agencies providing legal services for older Californians throughout the state.

**Conclusion:** Vulnerable groups are still underserved, often because elders do not know that legal assistance is available, or that their problem might have a legal solution.

**Recommendation:** Improve outreach and information sharing with older Californians about their legal rights and particularly about new and changing policies.

**Conclusion:** Legal issues are sometimes misidentified as being purely social services problems, when in actuality a legal issue is at the heart of the situation.

**Recommendation:** Implement strategies to foster collaboration between legal services providers and social services providers serving older Californians.

**Conclusion:** Senior often do not find help for a problem until it reaches a crisis point. This creates a larger burden and fewer options for legal services providers.

**Recommendation:** Implement an effective communications campaign to encourage elders to seek legal advice and assistance before a legal problem becomes a crisis; this includes educating both older Californians and social services providers about the legal issues older Californians face.

**Recommendation:** Senior legal services providers in California might focus resources on community education, so that social services providers are able to refer clients to legal solutions earlier and with more accuracy.

**Conclusion:** LGBTQ, immigrant, LEP, and low-income elders are particularly at risk for legal problems and need more legal assistance than they currently receive. Currently, there is a shortage of attorneys working on vital issues that disproportionately affect these groups.

**Recommendation:** Focus legal services on the needs of vulnerable older Californians, as required by the Older Americans Act. In particular, legal services providers should focus on the needs of LGBTQ elders, immigrant and LEP elders, and low-income elders. This includes ensuring that providers focus on the legal barriers to basic life necessities such vulnerable elders face, such as access to crucial benefits, health care, freedom from violence, and safe and stable housing.

The partner agencies now tasked with implementing the California Model Approaches grant should focus on these recommendations in the implementation of the grant.

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