Using Technology to Identify the Legal Risks of Vulnerable Adults

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What are we fundamentally talking about?

OUTREACH!

What is Outreach?

It is the mechanism than can help resolve the tension created by OAA mandates <u>against</u> means testing and <u>for</u> targeting economically and socially vulnerable older adults.

What is Targeting?

It is a function of identifying potential clients in need (OAA defines 4 of these) AND a function of identifying priority legal services (OAA defines these also).

Outreach is PROACTIVE

Programs shouldn't depend on setting priorities based solely on trends seen in the office.

Some of the most in-depth need cases may come from populations that have never walked in the door.

Most needy may not request services without some special outreach and education. They -

- May not recognize life problems as legal problems
- Cannot or will not come to a legal services office
- Are often least able to advocate on their own behalf.

Outreach is PROACTIVE - Ask the hard questions...

WHO isn't coming through the door?

- Rural residents
- Minorities
- LEP
- LGBTQ
- Long-term care residents

Outreach is not a separate but a critical part of the full spectrum of service delivery

- Outreach reduces barriers to OAA legal assistance
- Brings assistance to trusted spaces

Outreach is not a separate but a critical part of the full spectrum of service delivery

- Provides legal empowerment
  - Understanding of legal problems and how to solve them
- Reaches older adults that may not otherwise come through your door

Outreach is collaborative!

Builds relationships with community members and advocates across professional fields (Multi-Disciplinary Teams)

We need lots of eyes and ears in the community helping identify problems and committed to developing solutions.

Outreach is collaborative!
Develop a list of Community Partners - Think creatively!

- Area Agencies on Aging / ADRCs
- Nutrition Services (Meals on Wheels, Congregate Meal Sites)
- Long Term Care Ombudsman
- APS
- Veterans Services

Outreach is collaborative!

- HUD counseling providers
- Consumer credit counseling providers
- Utility Services Community Liaisons
- United States Postal Inspection Workers
- Domestic Violence Shelter Services
- Faith-based providers

Barriers to effective Outreach?

Training issues –

- Turnover, resource-constraints
- Need to train non-lawyer advocates on HOW to identify legal problems of vulnerable adults without increasing risk of them practicing law

Barriers to effective Outreach?

Referral issues – We want to make warm handoffs between aging advocates and legal advocates

- Ineffective or nonexistent referral protocols
- Difficulty tracking success of referrals because of confidential nature of legal service

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Addressing these barriers using technology:

Designing Accessible entry-points to the legal services delivery system:

- Florida Senior Legal Helpline
- FloridaElderLaw.org website (an online presence for SLH as well as the injunction
- Online forms

FloridaElderLaw.org

Florida Elder Legal Risk Detector

Vulnerable Adults Are Often Isolated

- By medical condition
- By lack of transportation
- By language
- By a controlling household member

But Aging Network Professionals Make Contact with Even the Most Vulnerable Adults

The **Florida Elder Legal Risk Detector** - a tool that **optimizes the contact** to facilitate access to civil legal services

How Does It Do It?

- The App has specific questions to guide the interview with an elder
- The questions, though simple and in lay language, are designed to elicit legally significant information

How Does It Do It?

- In addition to the responses to the interviewer's questions, the App allows those in the field to enter information about what they see. Pictures and documents may be uploaded.

And Then...

- An algorithm determines the "**Legal Risk**"
- A summarizing report is generated which clearly identifies the severity of the "**Legal Risk**"
- *With the senior's consent,* the App transmits the **Report** to a participating legal services office
  - This creates an "**Application Request.**"
  - *This does not create an attorney-client relationship, nor is it a substitute for contacting law enforcement or APS in appropriate cases.*

The Power of the Tool

- Facilitates a holistic approach to a senior's often related problems
- Allows a vulnerable adult's connection to a legal services office to be initiated in the context of receiving any number of social services regardless of the venue

The Power of the Tool

- Shifts the emphasis from identifying *legal issues* to assessing *legal risk*
- Requires only training in the use of the App, rather than training in the law
- Does not ask a non-attorney professional to make a legal decision or even to be aware that a particular problem may have a legal remedy

Making the Connection

From Legal Risk Identification to Legal Services

- Many issues to consider, which will be addressed in the upcoming Florida Elder Legal Risk Detector Pilot Projects:
  - How will the participating legal services office receive the Application Requests?
  - How does the Florida Elder Risk Detector assure security of information in transmission?
  - How and how quickly will the receiving legal services office respond to the Application Request?