

**LEGAL ASSISTANCE**  
**VIRGINIA DEPARTMENT FOR THE AGING**  
**SERVICE STANDARD**

**Definition**

Services provided are:

- Legal Assistance that includes representation services by or supervised by a licensed attorney; and/or
- Education and training about personal legal issues of interest to seniors. See 42 United States Code (USC) §3002 (31).

**Eligible Population**

Legal services shall be targeted to persons 60 years of age or older, with preference given to persons in the greatest economic or social need, with particular attention to low-income, minority individuals, and to those older persons residing in rural or geographically isolated areas. Older persons served through this program must be in addition to those who would be eligible for legal services through already existing Legal Services Corporation (LSC) programs. See 42 United States Code (USC) §3002 (35) & 42 United States Code (USC) §3027 (11).

**Service Delivery Elements**

Legal services will be provided under the supervision of a licensed attorney. Qualified individuals will conduct education and training. Training plans and material will be reviewed and approved by a licensed attorney. Legal Assistance will be coordinated with groups within the private bar furnishing services to older persons on a pro bono and reduced fee basis. If legal assistance is not provided by a Legal Services Corporation (LSC) agency, then legal assistance services will be coordinated with existing LSC agency. See 42 United States Code (USC) §3027 (11).

Legal Assistance will not be provided for:

- Any criminal matter;
- Any civil action involving post criminal conviction relief;
- Any action concerning euthanasia or abortion;
- Any strike, boycott, picketing or demonstration; or
- Any illegal activity.

See 42 United States Code (USC) §2996e, 42 United States Code (USC) §2996f & 42 United States Code (USC) §14404.

**Assessment:**

A service specific assessment should be performed on each potential client, utilizing the Virginia Service – Quick Form:

Federal Poverty/VDA Sliding Fee Scale is required, unless all information needed to determine federal poverty is documented on Virginia Service – Quick Form.

## **Administrative Elements**

### **Staff Qualifications:**

The service provider shall have the capacity to provide professionally acceptable legal services, education, and training. Providers shall have experience in providing legal services to older persons, with emphasis on knowledge and understanding of issues affecting older persons. Attorneys must be licensed to practice law in Virginia. Staff should know the biological, psychological and social aspects of aging; Virginia's Adult Protective Services Law; elder abuse prevention and intervention; the services provided by community resources; and should know problem solving complaint resolution techniques.

### **Units of Service:**

Units of service must be reported in AIM for each client receiving the service. Service units can be reported by client on a daily basis, but not aggregated (summarized) more than beyond one calendar month.

- Persons Served – Unduplicated number of individuals for whom services were provided; to include age, race, frailty/disability status, social need, and economic need;
- Hours – Number of hours of service provided to individuals.

### **Optional Units of Service (Not Entered into AIM):**

- Presentations\* – Number of education/training group activities conducted.
- Participants\* – Number of people attending education/training group presentations.

\*These activities cannot be entered into the AIM system; but may be reported on the AMR Optional Unit Report.

### **Program reports:**

- AIM client level data transmitted by the last day of the following month
- Aging Monthly Report (AMR) to VDA by the twelfth (12<sup>th</sup>) of the following month. If the area agency on aging provides this service, this report must be updated and submitted even if no expenditures or units of service occurred.

## **Quality Assurance**

### **Criminal Background Checks:**

VDA strongly recommends that the agency and its contractors protect their vulnerable older clients by conducting criminal background checks for staff providing any service where they go to or into a client's home.

### **Staff Training:**

Staff must meet professional regulatory requirements to practice law in the Commonwealth of Virginia and meet continuing education requirements.