



**DELAWARE HEALTH AND
SOCIAL SERVICES**

Division of Services for Aging and
Adults with Physical Disabilities

**Legal Services for the Elderly
Service Specifications**

Revision Table

Revision Date	Sections Revised	Description
9/6/2019		Original for 2019 RFP
9/30/2019	5.2.1.1.2	Revised to reflect "older"
3/10/2020	Attachment A	Revised
9/1/2021	8.0	Revised
9/2/2021	Attachment A	Revised
12/2/2022	8.2	Revised
3/10/2023	Attachment A	Revised
3/15/2023	8.2	Revised



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1.0 SERVICE DEFINITION

- 1.1 Legal advice and representation in civil matters, including consultation, negotiation, and preparation of legal documents. Conducting community education presentations on legal issues related to the elderly.
- 1.2 Please note – due to the fact that the Division of Services for Aging & Adults with Physical Disabilities is procuring the Legal Services for our target population of persons sixty (60) years of age and older, and not the State, the following law does not apply for this service – (Title 29 *Del. C.* § 2507 prohibits the retainer of attorneys to provide legal services to the State and its agencies without the consent of the Governor and the Attorney General.)

2.0 SERVICE GOAL

- 2.1 To provide access to the legal system for the persons sixty (60) years of age or older.

3.0 SERVICE UNIT

- 3.1 The unit of service is one (1) hour of service as defined in 1.1 of the Service Definition.

4.0 SERVICE AREA

- 4.1 Legal services are available to all eligible residents of the State of Delaware.
- 4.2 Providers of legal services must provide statewide service coverage.

5.0 ELIGIBILITY

- 5.1 Services are available to all Delaware residents who are 60 years of age and over
- 5.2 Priority
 - 5.2.1 Priority will be given to those participants who are:
 - 5.2.1.1 Older individuals with the greatest social or economic need, as defined in the Older Americans Act, with particular emphasis on:
 - 5.2.1.1.1 Older individuals with low-incomes
 - 5.2.1.1.2 Older individuals who are minorities
 - 5.2.1.1.3 Older individuals who identify as LGBTQ
 - 5.2.1.1.4 Older individuals with limited English proficiency
 - 5.2.1.1.5 Older individuals living in rural areas.
 - 5.2.1.2 Legal assistance shall only be provided in matters related to:
 - Public Benefits: Legal assistance for older persons to access public benefits (including SS/SSI/SSDI, Medicaid and Medicare, veterans benefits and unemployment compensation)
 - Advanced Directives: Legal assistance for older persons to draft advance directives and designate surrogate decision makers who will effectuate their wishes if they become incapacitated
 - Guardianship: Legal assistance on issues related to guardianship with a focus on representation for older persons who are the subject of guardianship actions



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- Housing: Legal assistance for older persons to access available housing options, including low income housing programs that allow them to stay independent in their homes and communities
- Foreclosure and Eviction: Legal assistance for older persons facing foreclosure or eviction proceedings that jeopardize their ability to stay independent in their homes and communities
- LTC Private Financing: Legal assistance for older persons to gain access to the full benefit of appropriate long-term care (LTC) private financing options
- Financial: Legal assistance for older persons to maintain their long term financial solvency and economic security
- LTC Transition: Legal assistance to ensure elder rights protections for older persons transferring from long-term care (LTC) facilities to home and community-based care
- Elder Abuse, Fraud, and Exploitation: Legal assistance for older persons who have experienced elder abuse, including consumer fraud and the financial exploitation of older persons

6.0 SERVICE STANDARDS

- 6.1 Services must be provided by an attorney, or a paralegal under the supervision of an attorney, who has the ability to relate to older individuals and their legal issues
- 6.2 At a minimum, there shall be one full-time attorney who is a member in good standing of the Delaware Bar staffing the project
- 6.3 Service must be provided and administered according to the provisions of the Delaware Lawyers' Rules of Professional Conduct.
- 6.4 Services must be in compliance with all federal, state, and local laws, rules, regulations, and policies.
- 6.5 Services shall be provided in an office which is as free from architectural and psychological barriers as possible, and which provides adequate space and privacy.
- 6.6 Legal services may also be provided in any other location (such as senior centers, nursing homes, hospitals, or private residences) which the participant's situation shall render necessary or practical.
- 6.7 In view of the confidential nature of the services, care should be taken in delivery of services outside the office. Delivery should take place in as private an area as possible.
- 6.8 The provider must conduct outreach to ensure that eligible participants are aware of services and have access to them. At least two outreach events per quarter should be conducted.
- 6.9 Where appropriate, the provider must conduct at least one legal education program for eligible participants, or for providers of services to eligible participants, each quarter of the contract year.
- 6.10 The provider shall be subject to restrictions and regulations promulgated under the Legal Services Corporation Act (other than restrictions and regulations governing eligibility for



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legal assistance under such Act and governing membership of local governing boards) as determined appropriate by the Assistant Secretary for Aging.

- 6.11 If the provider is not a Legal Services Corporation (LSC) program grantee, it shall coordinate with existing LSC programs in targeting services to older individuals with social or economic need.
- 6.12 When the Legal Services for the Elderly program or services are publicized, provider will identify the Division of Services for Aging and Adults with Physical Disabilities as the support agency. The provider must also state that primary funding is provided by Title III-B of the Older Americans Act.
- 6.13 The provider shall meet quarterly with the Division of Services for Aging and Adults with Physical Disabilities' Legal Services Developer in order to coordinate the prioritization of services offered.
- 6.14 **Allowable Services**
 - 6.14.1 Provide legal advice and representation to eligible participants, including but not limited to, the following:
 - 6.14.1.1 Assess the participant's case and possible approaches to its resolution.
 - 6.14.1.2 Present the assessment to the participant in clear and understandable language to provide a basis for an informed decision.
 - 6.14.1.3 Advise the participant of any steps he/she should take to further his/her case, at all stages of representation.
 - 6.14.1.4 Identify additional information needed and, if necessary gather information on behalf of the participant.
 - 6.14.1.5 Conduct investigations and legal research necessary to prepare the participant's case.
 - 6.14.1.6 Prepare legal documents for the participant.
 - 6.14.1.7 Initiate legal actions on behalf of the participant.
 - 6.14.1.8 Initiate administrative decision appeals on behalf of the participant.
 - 6.14.1.9 Negotiate on behalf of the participant.
 - 6.14.1.10 Represent the participant in court.
 - 6.14.1.11 Represent the participant in administrative hearings.
 - 6.14.1.12 Review case outcomes to determine whether appeals are appropriate.
 - 6.14.1.13 Review the case with the participant to ensure he/she understands the outcome and its implications.
 - 6.14.2 Coordinate with the Office of Long-Term Care Ombudsman regarding referral procedures, training of the staff of the Ombudsman program and service delivery as appropriate.
 - 6.14.3 Work with the private bar to provide them with the necessary training and technical assistance to develop programs which provide legal services to the elderly.
- 6.15 **Prohibited services**
 - 6.15.1 Providing legal services to a person under sixty (60) years of age.
 - 6.15.2 Providing legal advice and representation in criminal proceedings.



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7.0 CLOSING INTAKE

- 7.1 When the demand for a service exceeds the ability to provide the service, the provider may close its intake process until such time that additional participants can be offered legal services. The provider will report the number of potential participants who request service while intake is closed.

8.0 INVOICING REQUIREMENTS

- 8.1 The provider will invoice DSAAPD for reimbursement utilizing the invoicing workbook provided, pursuant to the DSAAPD Policy Manual for Contracts, policy X-Q, Invoicing.
- 8.2 The provider will submit the Legal Service Reporting Tool (Attachment A) representing the 10/1 – 9/30 contract year totals. This report is to be submitted with final invoice of the contract year in question.

NOTE – the Legal Service Reporting Tool (Attachment A) should only reflect the program participants that were served via the contract's funding total amount. Providers are not to include data for persons served via funding not included within the active contract.

9.0 PROGRAM INCOME

- 9.1 Participants, family members, and/or caregivers must be informed of the cost of providing services and must be offered the opportunity to make voluntary contributions to help defray the cost, thereby making additional services available to others.
- 9.2 Providers must:
- 9.2.1 Inform applicants, family members and/or caregivers of the cost of providing services and offer them the opportunity to make voluntary contributions.
 - 9.2.2 Protect their privacy with respect to his/her contribution
 - 9.2.3 Safeguard and account for all donations
 - 9.2.4 Use the contributions to expand services



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Attachment A

Attachment will be provided by DSAAPD