Legal Hotline Connection
November 2017

In this Issue…

The newsletter is produced by Elder Law of Michigan's Center for Elder Rights Advocacy. For more information about CERA, visit www.legalhotlines.org.

CERA Center for Elder Rights Advocacy

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Expanding Access for Clients: Interstate Referrals to our Senior Legal Helplines

By Mary Haberland, Managing Attorney, Florida Senior Legal Hotline, and CERA Project Specialist

Florida Senior Legal Helpline

Last month I asked our helplines group to tell me how each of you respond to applications from out-of-state seniors. As I noted in my request, seniors - particularly younger seniors - travel and relocate freely between our hotline states, taking their legal problems with them. Very few of us have staff licensed outside of a few neighboring jurisdictions and often, our clients only need brief advice about issues that arose in their former home state. Over the years when I've called some of your programs to get legal advice for a Florida senior, I've gotten a range of responses about how the senior should be referred, from "just have the senior call our number" to "e-mail or fax me your case notes and we'll schedule the senior for a callback."

So how should out-of-state seniors receive help with a legal problem in our state, and how much service can we provide? If your senior has a legal issue in Florida, no referral is required. The senior may call the Florida Senior Legal Helpline (FSLH) directly for advice about a legal problem that occurred or exists in Florida, and we will provide legal advice and brief services. However, referrals for extended services will depend upon the county where the senior's lawsuit or issue is pending. Unlike some of your states, Florida still has many independent LSC- and non-LSC-funded programs, and not all of these receive Title IIIB funding. We will make referrals of out-of-state seniors when we're able to do so, applying guidelines provided by our referral partners. Since all Florida Legal Services programs use LegalServer as our case management system, when an intrastate referral can be made, the case can be transferred electronically.

In Iowa, Georgia, Vermont and Washington, out-of-state seniors may also call the helplines directly without a referral, and they will receive advice about a legal issue that arose in that state. Callers to the Legal Hotline for Older Iowans and to CLEAR in Washington must be LSC-eligible, and may be eligible for further services through their referral partners. Seniors whose income and assets exceed LSC guidelines are referred to the private bar. The Georgia Senior Legal Hotline, which is part of Atlanta Legal Aid, applies Title IIIB- priority guidelines and will also make referrals to other Georgia Legal Services programs, depending upon the senior's income and whether the extended service program has IIIB funding. If services beyond advice are needed, Vermont Law Help will do a full intake or make a referral to partner agencies as appropriate. Although their hotline is not senior-specific, their staff includes a senior specialist who focuses on problems unique to seniors.

Two responding helplines that take direct calls focus on referrals rather than advice. The AARP Counsel for the Elderly first attempts to redirect a non-resident senior to one of the many other legal services providers in Washington, D.C. that don't consider residency. However, when there is no available option – questions about a reverse mortgage was given as an example – the hotline waives residency on a case-by-case basis. The Pennsylvania SeniorLAW HelpLine also refers out-of-state seniors to another Pennsylvania agency or organization that may be able to assist them; at this time their program only advises Pennsylvania residents. However, they are reviewing their procedures and if any of us have a particularly compelling case, we are welcome to contact them directly so they can evaluate the level of service they may be able to provide on a case-by-case basis.

Finally, Keith Morris, Director of the Center for Elder Rights Advocacy, and Mike Walters from Pro Seniors in Ohio also responded to my poll. Mike wrote a separate article about his program's practices, which is in this same issue of the Connection. Keith responded that out-of-state seniors with a Michigan legal problem can call the Legal Hotline for Michigan Seniors directly, and there are no financial eligibility guidelines. With regard to referrals after intake, the hotline has a memorandum of understanding with each Michigan provider, detailing when referrals are appropriate and how they should be made. When a referral is made, hotline cases can be transferred electronically, since all legal aid programs in Michigan use the same PIKA case management system.

If you weren't able to provide me with a response for this issue, please e-mail me at mhaberland@bals.org, and I will compile your state's policies for an update in our next issue. While I appreciate the seven responses I received, there are many more of you out there. Please tell us about how your program helps out-of-state seniors receive answers to their legal questions. Thank you!

In Regard to Referrals

By Keith Morris, President, Elder Law of Michigan, and Director, Center for Elder Rights Advocacy

If I were to ask you whether your program does referrals, would you be able to answer that question without a qualifier? "Yes, and we even do warm handoffs if we can." "No, but we still give every client at least one phone number for another service." Do you see the problem here?

Several years ago, in Michigan, we did a survey as part of the Model Approaches to Senior Legal Services where we asked legal providers and aging service providers about their policies and practices for referrals. We immediately realized that not everyone uses the term “referral” the same way that we would.

What the data found was that many programs, legal and nonlegal, had a policy to provide referrals. Beyond that, it was all over the board. About half the programs just provided contact information to the client, while in varying degrees, other programs did the warm transfer/handoff, tried to call the other organization and talk with them about the case to make sure they knew what the client was dealing with, and even some still faxed a referral. But there was no common understanding of what a referral would or should consist of.

In each of these referrals, there was a reliance on a database that the program itself maintained. This database would reflect the other organizations and their services, contact information, and maybe some notes about the program. The data in the program was updated once a year at best, and involved quite a bit of effort. I even know of a few programs that still used a paper list as their source of information.

Despite having this internal resource, many of the people who responded to our survey reported that they didn’t always give referrals when they normally would. The results showed that there were four main reasons that they didn’t do these referrals:

1. They didn’t know what services were available to help their clients.
2. They didn’t know who was providing a particular service they wanted to refer the client to.
3. They didn’t know whether there was any capacity to take new clients in these programs.
4. They didn’t know what happened to previous referrals that they had done.

Do you see the pattern here? It is all about a lack of information. Everyone in your organization that works with clients wants to give the client useful and correct information. If that information isn’t there to begin with, it is highly unlikely that the referrals that are needed are being made.

On a related note, think about what happens when you do make an incorrect referral by giving the client a phone number to contact. The client will either be told “sorry, that’s not what we do,” or “sorry, our waiting list is closed,” or maybe even hear those awful tones when you dial a wrong number. If you are a client that waited several days to get up the courage to call the hotline, and then got the advice on how to proceed, but was given a wrong number, how will you handle the situation?

It seems that in the past few years, there has been a realization of the value of the referral. Healthcare systems have invested millions of dollars to try and figure out a way to connect their patients with other services. The Veteran’s Administration has an app to help veterans connect to appropriate services. Several large companies have made commitments to help social service organizations become better connected with each other. The Department of Justice's Vision 21 report pointed out that the community referral network is essential.

Many states have legal services programs that can refer to each other. There is an effort in Florida to bring into the case management system information about community resources so that the advocate always has the most current information available. Openreferral.org is trying to standardize the referral elements to make it easy to report changes, use information for intake, etc.

As some of you know, we have been working on a referral system in Michigan. The state has now integrated an almost identical functionality into their online benefits system. What this process has done for me is expose me to the whole field of healthcare referrals. Several services like Now Pow, Aunt Bertha, and HealthLeads USA are way ahead of what we are creating in the community services arena.

So, where does your program fit into a referral system in your state? Are you willing to make referrals and receive referrals with non-legal programs? How are you planning to keep your information updated? Is there a sharing of information opportunity?

There are still quite a few ethics challenges to work through with some of the more advanced systems. However, I was reminded that in most states, the ethics are behind the technology by a decade or so. Doesn't solve the dilemmas, but it at least gives me perspective about why there is an ethical problem with providing limited information about a client, who gave consent for me to do so, to find her more services.

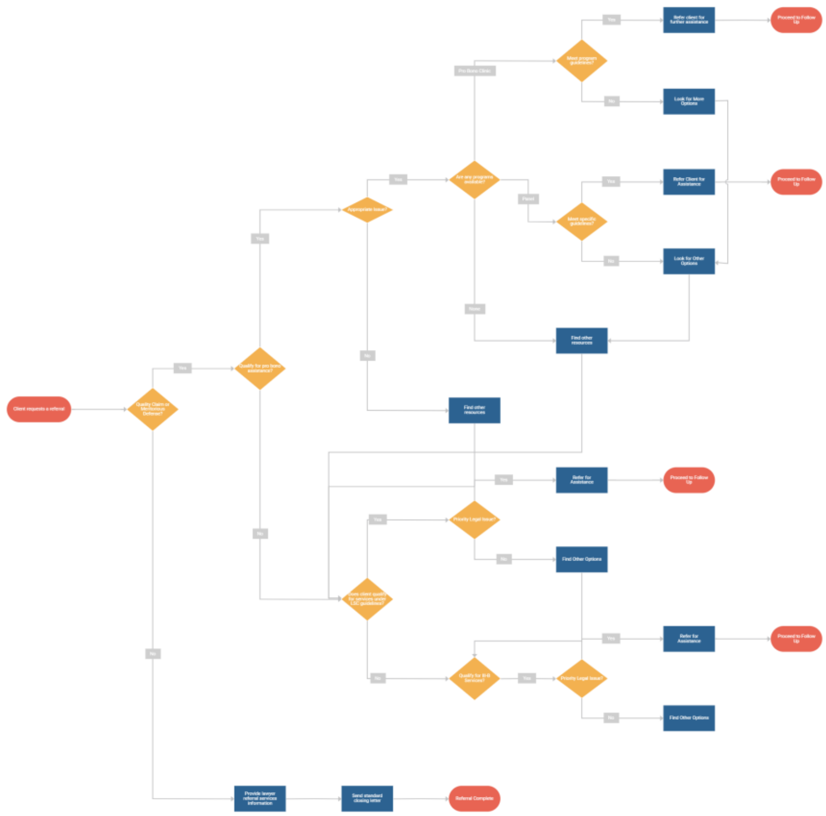
We are CERA are going to be looking at referrals over the next few months. We will be sure to post our information on our blog and in an upcoming newsletter. Stay tuned for a discussion on placing a value on the referral, how much is empowerment versus removing barriers, and how to determine what type of referral policy your program should consider.

A Legal Referral Decision Tree

By Keith Morris, President, Elder Law of Michigan, and Director, Center for Elder Rights Advocacy

I wanted to share this beautiful little decision tree that I created. I always thought making a referral to another program was simple, unless I took the time to think about all of the steps we have to go through to determine who we should even refer the case to. As you can see, there is a lot of small bits of information about the programs that you need to have to make a correct decision.

By the way, this was created in one of my new favorite programs, Textografo.com. It made it so much easier to go through this process.



Hotline Referrals to a Legal Aid Program: One Model

By Mike Walters, Managing Attorney, Pro Seniors, Inc., and CERA Project Specialist

Ohio, like many other states, has no umbrella organization connecting the Legal Hotline for Older Ohioans with the six Ohio legal services programs and their non-LSC funded corporate partners. One of Pro Seniors' tasks as part of its 2009 Model Approaches grant, was to establish direct relationships and referral systems to the legal services community.

Nationally, most legal aid programs receive Title III-B funding from their local Area Agency on Aging to provide legal services to seniors. A statewide senior legal hotline is a bonanza of III-B funded cases. The issue is how to match hotline cases with the appropriate legal services program? Many legal services programs are eager to accept III-B funded cases, but such referrals require an efficient system to move the client seamlessly through the legal service program's intake system to case acceptance.

The biggest obstacle to referring senior clients to legal aid programs is the legal aid intake system. Legal service programs are overwhelmed with calls. Many programs only open telephone intake during limited days or hours and online intake can be intimidating to seniors, particularly older seniors. The ideal referral model refers the client to the appropriate legal services program without requiring the senior to navigate the legal service program's online or phone intake system.

By far, the most successful referral partnership Pro Seniors has developed is with Advocates for Basic Legal Equality (ABLE). ABLE, the non-LSC funded division of Legal Aid of Western Ohio, was interested in receiving referrals that fit its Title III-B public benefits criteria. Annually, Pro Seniors' hotline receives hundreds of calls from public benefits clients living within ABLE's jurisdiction. To automate referrals, we developed a Crystal Report listing the preceding week's public benefits hotline cases from ABLE's counties that is emailed to me every Friday. The report includes a direct link to the case in our case management system, Pika, for an easy review of the case notes to determine if the case might be of interest to ABLE.

For potential referral cases, I summarize the facts and client age and county (no identifying information is included) in an email to Rebecca Steinhauser, ABLE's Managing Attorney for healthcare and public benefits. If Rebecca wants a case, I obtain client permission for the referral and email client information, case notes and documents to ABLE. I have never had a client refuse a referral.

Although informal, this efficient system has resulted in many hundreds of successful referrals over the years. ABLE is happy with an unending source of vetted III-B cases, Pro Seniors is happy to refer clients to a full service program and the clients are happy because of the excellent extended service they obtain through a seamless referral.

Welcome Michelle Goetz, the new Project Administrator

Michelle Goetz, is the new Project Administrator at Elder Law of Michigan. She will assist with the coordination of technical assistance to our legal hotlines across the United States. She has a Juris Doctorate from the Western Michigan University-Cooley Law School and a Masters of Sciences in Legal Administration from the University of Denver Sturm College of Law. She is eager to expand her knowledge in elder law and help the aging community. Please feel free to contact her if you need any assistance at 1-800-347-5297. Her email address is mgoetz@elderlawofmi.org.

NASLH Elects Officers for Upcoming Term

The National Association of Senior Legal Hotlines held its 2017 annual meeting at the National Aging and the Law Conference, held in Silver Springs, MD a few weeks ago. Each year, half of the officer positions are filled. This year, the vice president, secretary, and member at large position were filled. We also had to fill the treasurer's position because Chris Jackson took another position.

Here are the 2017-2018 NASLH Officers:

- Keith Morris, President
- Cheryl Feuerman, Vice President
- Angieleigh Dorsey, Vice President
- Jadranko Tomic-Bobas, Treasurer
- Joanna Jarzebowska, Secretary
- Wendi Bookler, At Large
- Karen Buck, Past President

Senior Legal Hotlines Honor Val Soroka for Her Contributions to the Field of Law and Aging

At the 2017 National Aging and the Law Conference, the National Association of Senior Legal Hotlines honored Ms. Val Soroka with the 2017 Shoshie Award for her support and advocacy for senior legal hotlines as an integral part of the senior legal services delivery systems. Many of us had the pleasure of working with Val on either the Model Approaches grants or the Pension Counseling grants. Val recently retired, and the members of NASLH decided she deserved our thanks and recognition for all of her hard work.
As you may remember, the Shoshie Award was created to honor the many contributions of our dear friend, Shoshanna Ehrlich, who retired in 2015 and the award was first presented at the 2016 National Aging and the Law Conference.

It is Time to Plan for Next Year And We Can Help

We have added a new feature to the legalhotlines.org website to help you remember all of the important events that are happening. Check out the events calendar.

Here are a few of the events we have added for you….

Mark your Calendars for Next Year's Conferences

2018 Equal Justice Conference
May 10 -12, 2018
San Diego, CA

Hotline Collaborative Workshop Preconference Day
Wednesday May 9, 2018 9:00am to 4:00pm

2018 National Aging and the Law Conference
October 27-28, 2018
Washington, DC

National Association of Senior Legal Hotlines Annual Meeting, TBD

Senior Legal Hotline/Helpline Manager's Group Calls
On the 3rd Thursday of every other month (January, March, May) at 2pm, the senior legal hotline/helpline managers group meets to discuss relevant topics. This include technology tips to what new types of issues are we seeing on the hotlines. In this past year, we have talked about client agreements, data reporting, and decedent debt.

National Association of Senior Legal Hotlines Meetings
On the alternating 3rd Thursday of every other month (February, April), at 2pm, the National Association of Senior Legal Hotlines holds its meetings to share information on topics like grant opportunities, management of volunteers, and the Older Americans Act Reauthorization. There is usually a guest presenter who shares information about their services so that we can make better referrals for our clients.

Coming up **next year** will be a conversation with the **Consumer Financial Protection Bureau** regarding trends in cases dealing with seniors and a conversation with the Administration for Community Living on the role of hotlines in integrated systems. We are already planning the topics for next year, so if you have a topic you would like discussed, please let Keith Morris know.

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