

FACT SHEET



El Dorado County **Health and Human Services Agency**

EL DORADO COUNTY SENIOR LEGAL SERVICES PROGRAM **Fiscal Year 2015/16**

Overview

El Dorado County's Senior Legal Services program assists seniors with a variety of legal issues, including estate planning, public benefits, consumer issues, health care, real property, and abuse and exploitation. Senior Legal Services provides legal advice, prepares simple documents, and represents the elderly in court on matters related to elder abuse if they cannot represent themselves or have no other advocate. It is not means-tested; anyone 60 years or older is eligible for free services regardless of their ability to pay.

In-person legal assistance is provided at the Placerville Senior Center, El Dorado Hills Senior Center, Cameron Park Community Center, South Lake Tahoe Senior Center, Greenwood Community Center, and the Pioneer Park Community Center. Attorneys also visit homebound, hospitalized, and institutionalized seniors countywide, particularly those on hospice. They also present legal educational seminars and workshops to community, religious, senior and health care organizations.

El Dorado is the only county in California that directly provides these services. In its Recommended Budget for fiscal year 2017/18, the County proposes to change the delivery system of the services it provides to senior residents, coming in line with the practice of every other California County. This change would eliminate three-and-a-half full time employees and save the County \$250,000 annually while still providing essential legal services to the senior residents of El Dorado County.

Funding

Senior Legal Services receives approximately \$80,000 from the federal Older Americans Act (OAA). The OAA requires that the program cannot deny services to older individuals due to the income of such individuals, however, donations are allowed. In the last 12 months, the program received approximately \$94,000 in donations. The County spends approximately \$250,000 annually to administer the program.

The 1,908 individual clients served:

- Were between the ages of 65 and 84 (68%)
- Self-declared themselves as low income (under the federal poverty level of \$1354/mo. for single, or under \$1832/mo. for a couple) (32%)
- Lived alone (37%)
- Were frail and/or disabled (11%)

Types of services included the following:

- Wills, Trusts, Advanced Health Care Directives and Power of Attorney (71%)
- Consumer Finance (15%)
- Housing Including Evictions (8%)
- Individual Rights including Elder Abuse Cases (2%)
- Medi-Cal/Medicare and Other Health Related Issues (2%)
- Family Issues (1%)
- Employment and Income Maintenance (<1%)

The County provided legal representation in 18 cases, comprised of the following issues:

- Landlord/Tenant Issues (67%)
- Family Issues (22%)
- Elder Abuse (11%)

LawLine

This service allows seniors who are without transportation or who cannot wait for an in-person appointment to call with questions and/or concerns.

Elder Abuse

Senior Legal Services provides assistance to prevent and stop elder abuse, including:

- Preparing restraining orders or legal evictions
- Financial fraud cases
- Civil legal assistance for Adult Protective Services victims
- Preparing documents to safeguard seniors from financial and health care abuse, including:
 - Power of Attorney
 - Advanced Health Care Directives
 - Trusts

Why the County is making this recommendation

As it currently exists, the nature of the program creates an attorney-client relationship between the individual senior being provided legal services and the attorney providing those services, making the communications between them privileged and unavailable to the Health and Human Services Agency (HHS) director.

Another problem with the program is the supervision of a lawyer by a non-lawyer. As a general rule, a person that is not a lawyer, such as the HHS director, cannot control an attorney's professional judgement making meaningful oversight of Senior Legal Services by the County extremely difficult in practice. In short, the current structure of Sr. Legal Services allows for no meaningful oversight or accountability by the County, but has the potential to expose the County to liability.

Lastly, due to increasing mandated costs, El Dorado County simply does not have the revenue to maintain all of our discretionary programs at their existing service levels, while continuing to support increasing cost to other programs such as senior nutrition and senior day care which have a direct nexus to the County's Strategic Plan.

For these reasons, the County is recommending that instead of directly providing legal services to seniors, it contracts out for the services it currently provides. If approved, current clients would be transitioned to the new provider(s) while new clients would be connected with the contractor(s) for their needs.

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