

**Regional Service Definition  
TSA, AAA 1-C**

**General Requirements for All Service Programs still apply. OSA-MS-General pp. 2-8**

<b>Service Name:</b>	<b>Caregiver Legal Services</b>
<b>Definition:</b>	Provision of legal advice and representation, counseling, education, and support by an attorney (including other appropriate assistance provided by a paralegal or law student under the supervision of an attorney), and counseling or representation by a non-lawyer, <u>to</u> eligible caregivers on issues associated with caregiving, as permitted by law.
<b>Allowable Service Components:</b>	<p><b>Intake.</b> The initial interview to collect demographic data and identification of the client’s legal difficulties and questions.</p> <p><b>Advice and Counsel.</b> Where the client is offered an informed opinion, possible course of action and clarifications of his/her rights under the law.</p> <p><b>Referral.</b> If a legal assistance program is unable to assist a client with the course of action that he/she wishes to take, an appropriate referral should be made. Referral may also be necessary when legal services providers observe individual needs which they are unable to resolve, such as income maintenance, social service or health service needs.</p> <p><b>Representation.</b> If the client’s problem requires more than advice and counsel and the case is not referred to another source, the program may represent the person in order to achieve a solution to the legal problem. Representation may include legal research, negotiation, preparation of legal documents, correspondence, appearance at administrative hearings or courts of law, and legal appeals where appropriate.</p> <p><b>Legal Research.</b> The gathering of information about laws, rights or interpretation of laws that may be performed at any point after intake has occurred, to resolve an individual’s legal problems. Such information will be used to assist providers of legal services in counseling individuals, in representing them in hearings and a court of law, or in negotiations with potential legal adversaries.</p> <p><b>Preparation of Legal Documents.</b> Writing documents that serve to protect individual rights, such as contracts, wills, or leases, which might later be used in a court of law.</p> <p><b>Negotiation.</b> As the client’s representative, program staff may contact other persons concerned with the client’s legal problem in order to clarify factual or legal contentions and possibly reach an agreement to settle legal claims.</p> <p><b>Legal Education.</b> Preparation and presentation of programs to inform caregivers of their rights, the legal system, and alternative courses of legal action as well as the rights of the older adults they are caregivers for.</p>

<b>Unit of Service:</b>	Provision of one hour of allowable service component.
<b>Minimum Standards:</b>	<ol style="list-style-type: none"> <li>1. Each program must maintain linkage with other caregiver programs, respite care programs, and transportation programs, as available, in the PSA to help facilitate opportunities for caregivers to attend caregiver legal programs.</li> <li>2. Program can be offered to caregivers of any age when the care recipient is aged 60 or over and is unable to perform at least two activities of daily living or requires substantial supervision due to a cognitive or other mental impairment. Either the caregiver or care recipient must reside in the service area.</li> <li>3. Caregiver legal programs may be provided to individuals as well as in group settings. Services may be provided in both community and in-home settings.</li> <li>4. Each legal assistance program shall have an established system for targeting and serving those in greatest social and economic need.</li> <li>5. Service shall be provided by, supervised by, or have direct contact with an attorney licensed to practice law in the State of Michigan who can perform or supervise any of the components listed above.</li> <li>6. A paralegal, defined as an individual trained in accredited paralegal courses or in the specific legal service subject areas in which they will be assisting an attorney or law student, with under 30 hours of course work under the supervision and guidance of a licensed attorney, may perform any of the components listed above with the exceptions of representation in court and final review of legal documents. Although a paralegal may represent client at an administrative hearing, representation in court shall be by an attorney. Preparation of legal documents may be assigned to a paralegal. However, all finalized documents shall be reviewed and approved by an attorney.</li> <li>7. Law students who have completed 30 hours of course work at an accredited law school may perform any of the service components under legal assistance acting under the guidance and supervision of a licensed attorney.</li> <li>8. Each program shall provide at a minimum, advice and counsel, representation and education components.</li> </ol>

	<ol style="list-style-type: none"><li>9. Each program shall demonstrate coordination with local long-term care advocacy programs operating within the project area.</li><li>10. When a legal assistance program identifies issues affecting clients which may be remedied by legislative action, such issues shall be brought to the attention of the AAA, Michigan OSA and the Michigan Legal Services legislative branch, as permissible and appropriate.</li><li>11. Each program shall provide assurance that it operates in compliance with regulations promulgated under the Older Americans Act as set forth in 45 CFR Section 1321.</li><li>12. Each program that is not part of a Legal Services Corporation project grantee shall have a system to coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this definition to individuals with the greatest social and economic need.</li><li>13. Each program shall make reasonable efforts to maintain existing levels of legal assistance for older individuals being furnished with funds from sources other than Title III Part B of the Older Americans Act.</li><li>14. A legal assistance provider may not be required to reveal any information that is protected by attorney/client privilege. Each provider shall make available non-privileged, non-confidential, and unprotected information which will enable the AAA to perform monitoring of the provider's performance, under contract, with regard to these operating standards.</li><li>15. Each program must give priority to legal assistance related to income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and discrimination.</li></ol>
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