



ELDER AND DEPENDENT ADULT
LEGAL SERVICES GUIDE



ELDER AND DEPENDENT ADULT LEGAL SERVICES GUIDE

Victims of financial abuse are under-served in terms of civil legal remedies. There are many barriers to justice: limited income, access to information, few native language resources, a limited ability to secure police reports for cases that are predominantly civil in nature, even the legal process itself can be quite daunting.

Additionally, attorneys often do not take these overwhelming and complex cases due to the lack of specialized training in this area. Social workers have little exposure to civil law and sometimes miss opportunities to refer their clients to civil attorneys.

ABOUT THIS BROCHURE

This brochure details civil legal resources specializing in various remedies for elder financial abuse. You will find contact information, rates and fees, types of law practiced, and other relevant facts to assist you in securing local civil legal representation.

For easy reference, you can also find explanations of common legal terms on the back of this brochure.

FOR MORE INFORMATION

For more information about this brochure or resources available to seniors and dependent adults, contact the San Mateo County Aging and Adult Services at 1 (800) 675-8437.

COUNTY OF SAN MATEO
HEALTH SYSTEM



SUPPORTED BY MEASURE K
**LOCAL FUNDS
LOCAL NEEDS**
WWW.SMCGOV.ORG





RESOURCES

BAYLEGAL LEGAL ADVICE LINE

(800) 551-5554

(650) 472-2666

LEGAL SERVICES

Legal advice if you need assistance. If you are a survivor of domestic violence or sexual assault, you will need to be referred to our dedicated line by your local Domestic Violence or Sexual Assault agency, police department or court. BayLegal also provides legal advice on legal matters involving housing and public benefits.

AGE REQUIREMENTS

No age requirements.

LANGUAGES

More than 40 languages, including Cantonese, Mandarin English, Spanish, Hindi, Tagalog, etc.

HOW TO MAKE AN APPOINTMENT

The Legal Advice Lines are open
Monday and Thursday from 9:30 am-3:00 pm
Tuesday and Wednesday from 9:30 am-1:00 pm
Alameda County: (510) 250-5270
West Contra Costa County: (510) 250-5270
East Contra Costa County: (925) 219-3325
Marin County: (415) 354-6360
Napa County: (707) 320-6348
San Francisco County: (415) 354-6360
San Mateo County: (650) 472-2666
Santa Clara County: (408) 850-7066

RATE

Free services.

BAY AREA LEGAL AID (BAYLEGAL)

1048 El Camino Real, Ste A, Redwood City, CA 94063

(650) 358-0745

www.baylegal.org

MISSION

BayLegal's mission is to provide meaningful access to the civil justice system through quality legal assistance regardless of a client's location, language or disability. They are the only legal aid organization the entire Bay Area (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara).

BayLegal Aid's attorneys and paralegals help people with civil legal problems. They do not provide help with criminal matters.

LEGAL SERVICES

Legal advice if you need assistance. If you are a survivor of domestic violence or sexual assault, you will need to be referred to our dedicated line by your local Domestic Violence or Sexual Assault agency, police department or court. BayLegal also provides legal advice on legal matters involving housing and public benefits.

AGE REQUIREMENTS

No age requirements.

LANGUAGES

Utilize translation services – any language.

HOW TO MAKE AN APPOINTMENT

Call (650) 358-0745

RATE

Free services.

CALIFORNIA ADVOCATES FOR NURSING HOME REFORM (CANHR) ELDER LAW LAWYER REFERRAL SERVICE

(415) 974-5171
Fax: (415) 777-2904

(800) 474-1116 (toll-free; consumers only)
Email: lrs@canhr.org

MISSION

Since 1983, California Advocates for Nursing Home Reform (CANHR), a statewide nonprofit 501(c)(3) advocacy organization, has been dedicated to improving the choices, care and quality of life for California's long term care consumers. Through direct advocacy, community education, legislation and litigation it has been CANHR's goal to educate and support long term care consumers and advocates regarding the rights and remedies under the law, and to create a united voice for long term care reform and humane alternatives to institutionalization

LEGAL SERVICES

CANHR's Lawyer Referral Service (LRS) staff is available to speak with callers to determine the nature of the legal problem, and when appropriate, to refer the caller to an attorney.

LRS can refer you to an attorney that can assist with:

- Elder Abuse (abuse or neglect in nursing homes, abuse or neglect in residential care/assisted living facilities, or abuse or neglect of the developmentally disabled)
- Elder Financial Abuse (trust mill,s annuities, VA AID and Attendance scams, reverse mortgages, long term care insurance)
- Medi-Cal/Estate Planning (wills, trusts, durable power of attorney for health care, durable power of attorney for property)
- Conservatorship (conservator of the person, conservator of the estate)
- Special Needs Trusts (SSI beneficiaries, Medi-Cal beneficiaries)

AGE REQUIREMENTS

No age requirements.

LANGUAGES

The lawyers available through the Lawyer Referral Service speak multiple languages. Language barriers are taken in to consideration when a referral is made.

HOW TO MAKE AN APPOINTMENT

To submit a request for an lawyer referral, go to: <http://www.canhr.org/LRS/index.html>

RATE

LRS does not charge the client for a referral services. If referred to a lawyer, elder abuse, neglect and financial abuse cases are on a contingency fee basis, while estate planning services are available on a regular fee, reduced fee or pro bono based on a client's income).

COMMUNITY LEGAL SERVICES IN EAST PALO ALTO

2117-B University Ave, East Palo Alto, CA 94303 / 1861 Bay Road, East Palo Alto, CA 94303
(650) 326-6440 www.clsepa.org

MISSION

Community Legal Services in East Palo Alto mission is to provide transformative legal services that enable diverse communities in East Palo Alto and beyond to achieve a secure and thriving future. Please Note: No legal assistance with criminal matters is provided.

LEGAL SERVICES

Tenant and homeowner rights, consumer protection, foreclosure prevention, immigration services, predatory lending, small business issues and workers rights.

AGE REQUIREMENTS

No age requirements.

LANGUAGES

English, Spanish (varies based on staffing)

HOW TO MAKE AN APPOINTMENT

Call (650) 326-6440

Office: Monday-Friday 9:00 am-5:00 pm

Walk-in: Monday-Friday 9:00 am-1:00 pm

RATE

Free services.

DISABILITY RIGHTS CALIFORNIA (DRC)

“California’s protection and advocacy system”

1330 Broadway Ste. 500, Oakland, CA 94612
(510) 267-1200 (800) 776-5746

MISSION

Disability Rights California (DRC) helps people with disabilities live independent lives. DRC mission is to Advocate, educate, investigate and litigate to advance and protect the rights of Californians with disabilities.

LEGAL SERVICES

10 free services DRC provides to eligible individuals

1. Advice about legal, civil and service rights
2. Technical assistance, training, publications and advocacy support for Californians with disabilities, their families and representatives
3. Legislative advocacy to ensure laws benefit Californians with disabilities
4. Investigate complaints about serious physical and sexual abuse and neglect-related deaths in institutions
5. Outreach to traditionally underserved ethnic and disability communities
6. Peer self-advocacy services for people with psychiatric or developmental disabilities
7. Patients’ rights advocacy for state psychiatric hospital residents, technical assistance and training for county advocates
8. Rights advocacy for clients with developmental disabilities who are receiving services at regional centers
9. Bringing impact litigation and acting as amicus curiae in disability-related cases
10. Represent individuals based on priorities and case selection criteria Problems they can’t help with:
 - Direct representation in criminal law, family law bankruptcy or evictions
 - Personal injury lawsuits
 - Filling out Social Security application forms
 - Obtaining guardianship or conservatorship

AGE REQUIREMENTS

No age requirements. The only requirement for DRC services is that the person is a person with a disability (pwd) and that their particular issue is related to that disability. If in doubt, please contact the toll free or regional number

LANGUAGES

DRC utilizes translation services to accommodate any language. DRC provides materials in alternative formats and provides disability related reasonable accommodations when requested. If you need materials in an alternative format or reasonable accommodations, contact:
info@disabilityrightsca.org
(800) 776-5746
TTY (800) 719-5798
or through California’s Relay Service by dialing 711.

HOW TO MAKE AN APPOINTMENT

(800) 776-5746

legalhelp@diabilityrightsca.org

Contact the Bay Area Regional Office at (510) 267-1200 for an intake appointment.

RATE

Free services.

DOMESTIC VIOLENCE PREVENTION PROJECT (BAYLEGAL)

(650) 358-0745

www.baylegal.org

MISSION

BayLegal's Domestic Violence Prevention Project takes a holistic approach to representing survivors from all walks of life. The family law unit's services are designed to empower survivors with the information and options they need to stop the abuse and build safe, stable lives for them and their children. The project offers free legal assistance in obtaining restraining orders, divorces, support orders, safe custody and visitation orders.

LEGAL SERVICES

Temporary Restraining Orders, divorce, legal separation or annulments, child or spousal support, custody and visitation orders, battered spouse waivers, Violence Against Women Act (VAWA) enforcement, immigration issues faced by domestic violence survivors, training and community education

AGE REQUIREMENTS

No age requirements. Anyone under the age of 12, seeking a restraining order must be accompanied by a parent/guardian.

LANGUAGES

Utilize translation services – any language.

HOW TO MAKE AN APPOINTMENT

No appointment needed. Must attend workshop for domestic violence restraining orders, return orders or hearing prep clinics.

Monday: 9:00 am

1048 El Camino Real, Ste A Redwood City

Tuesday: 1:00 pm

350 90th St. Daly City

Wednesday: 9:00 am & 1:30 pm

1048 El Camino Real, Ste A Redwood City

Thursday: 9:00 am

1050 Old Mission Rd. South San Francisco

Friday: 9:00 am

1048 El Camino Real, Ste A Redwood City

RATE

Free services.

ELDERCARE LOCATOR

(800) 677-1116

www.eldercare.gov

MISSION

The Eldercare Locator is designed to help older adults and their families and caregivers find their way through the maze of services for seniors by identifying trustworthy local support resources. The goal is to provide users with the information and resources that will help older persons live independently and safely in their homes and communities for as long as possible.

The Eldercare Locator is administered in partnership with the National Association of Area Agencies on Aging.

LEGAL SERVICES

Eldercare Locator can assist you in finding legal resources/services in your area.

Please go to www.eldercare.gov, search "Legal Assistance" and you can view national websites such as: Pension Counseling and Information Program, The National Legal Resource Center, The National Consumer Law Center, The Federal Bureau of Investigations and The Federal Trade Commission-Identity Theft, which can provide legal resources and information.

AGE REQUIREMENTS

No age requirements.

LANGUAGES

Utilize translation services – any language.

HOW TO MAKE AN APPOINTMENT

No appointments available. Eldercare Locator is a national referral database.

RATE

Free services.

LAWHELPCA.ORG

330 Twin Dolphin Drive, #123, Redwood City, CA 94065

www.lawhelpca.org

MISSION

LawHelpCA is California's official and free legal resource.

LawHelp.org has reliable information about common legal issues, written by reputable sources on 16 general topics and over 140 specific subtopics.

LEGAL SERVICES

Elder Abuse Legal Information. Chat online with a Hotline Advocate or call
(800) 799-7233 | (800) 787-3224 (TTY)
(855) 812-1001 (videophone)

Find a Lawyer or Court Program

www.lawhelpca.org/find-legal-help

www.lawhelpca.org/find-legal-help/directory/area

LawHelp.org provides legal information on the following:

- Families and Kids
- Housing
- Consumer, Small Claims
- Protection from Abuse
- Public Benefits
- Seniors
- Work
- Immigration Record
- Disability
- Health
- Individual & Civil rights
- Probate and Estate Planning
- Veterans and Military
- Native American Issues
- HIV/AIDS
- Expungement and Clearing

AGE REQUIREMENTS

No age requirements.

LANGUAGES

Utilize translation services – any language.

HOW TO MAKE AN APPOINTMENT

No appointment needed please go to www.lawhelpca.org to locate legal resources/services.

RATE

LawHELP.org is a free legal resource guide that provides an updated directory of legitimate and pre-screened organizations that offer free or low-cost legal advice and representation.

LEGAL AID SOCIETY OF SAN MATEO COUNTY

330 Twin Dolphin Drive, #123, Redwood City, CA 94065

(650) 558-0915

(800) 381-8898

www.legalaidsmc.org

MISSION

The mission of the Legal Aid Society of San Mateo County is to fight social injustice through civil legal advocacy for people living in poverty.

LEGAL SERVICES

Provides legal advice, counseling, and representation for low-income residents of San Mateo County in such areas as housing, consumer law, elder physical and financial abuse, guardianships for seniors caring for young children, estate planning and simple wills, advance health care directives, and government benefits including Social Security, SSI, Medi-Cal, CalFresh, and Cash Assistance Program for Immigrants (CAPI).

AGE REQUIREMENTS

No age requirements.

LANGUAGES

Utilize translation services – any language.

HOW TO MAKE AN APPOINTMENT

Call (650) 558-0915

RATE

Free services.

SAN MATEO COUNTY BAR ASSOCIATION: LAWYER REFERRAL SERVICE

333 Bradford Street., #200, Redwood City, CA 94063
(650) 369-4149 www.smcba.org

MISSION

The mission of the San Mateo County Bar Association is to promote the honor and dignity of the legal profession, to educate its members, to foster the highest professional standards, to encourage collegiality and to maintain cooperation between its members and the judiciary, to furnish excellent indigent criminal defense, to assist the public in accessing legal services, to provide and recognize public service as it relates to this mission, and to advance the fair and effective administration of justice for all.

LEGAL SERVICES

For a nominal fee (\$30), the Service will provide callers with the name of an attorney who will provide a 30 minute interview. The interview is an opportunity for the prospective client to explain the general nature of the legal problem and for the attorney to explain his or her fee structure and to determine if the case is one he or she wishes to pursue. The attorneys in their service are in good standing with the State Bar of California and are required to carry malpractice insurance.

AGE REQUIREMENTS

No age requirements.

LANGUAGES

English. Depending on the region, there are some attorneys available who are Spanish speaking.

HOW TO MAKE AN APPOINTMENT

Call (650) 369-4149 for a referral to an attorney.

RATE

\$30 processing fee for an attorney referral.





COMMON LEGAL TERMS



ATTORNEY-CLIENT PRIVILEGE: A legal privilege that ensures communications between an attorney and his or her client are kept private and confidential.

CIVIL JUDGMENT: A document signed by a judge determining that a suing party has been harmed and recognizing that another is responsible for that harm. A copy of the judgment may be delivered to the sheriff with instructions to seize the property of the person against whom the judgment is entered.

CIVIL LAW: Laws governing disputes between individuals and/or organizations. In a civil matter, the victim brings the case. The person found liable in a civil case may have to give back property or pay money to the victim, but he or she will not serve jail or prison time. The intent of bringing a civil case is to make the victim “whole,” i.e. help the victim recover from the consequences of his or her loss.

CO-COUNSEL: An attorney who assists in the representation of a client. Commercial elder financial abuse: The economic exploitation of elders by sellers of products and services, which often involves issues of capacity to contract, undue influence, and misrepresentation. Tools used to commit commercial elder financial abuse may include advertising, promotions, free-lunch seminars, sales presentations, emails, or phone calls.

CONTINGENT FEE: Payment to an attorney based on a percentage of the amount of money recovered; the percentage typically ranges between 33-1/3% and 40%. Contingent fee agreements shift the risk of loss from an unsuccessful lawsuit from the client to the attorney and therefore the fee paid is typically higher than where the fee is based on an hourly rate.

CRIMINAL LAW: Laws governing criminal acts. In a criminal case, the government brings the case. The person convicted of a crime may be fined, incarcerated, or both. Criminal cases are brought in order to punish the person who committed the wrongful act and to deter others from committing similar wrongful acts.

DAMAGES: Money awarded to compensate for an injury or loss.

DEPENDENT ADULT: A resident of California who is between the ages of 18 and 64 years and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights.

DOMESTIC ELDER FINANCIAL ABUSE: The economic exploitation of elders by family members, caregivers, acquaintances, and neighbors that often involves the transfer of an elder's property or an inappropriate bequest obtained through undue influence.

ELDER: A resident of California who is 65 years or older.

ELDER LAW ATTORNEY: An attorney who specializes in the legal needs of elders. This specialization could include estate planning, wills, trusts, public benefits, advance care planning, physical abuse or financial abuse.

ESQUIRE: A person who has passed the bar examination and, as a result, is permitted to practice law.

FINANCIAL ABUSE: The wrongful taking of property of an elder or dependent adult. In general, a taking of property is wrongful if it is clearly harmful to the elder or was obtained through fraud or undue influence.

IN PRO PER: A person who appears in court on his or her own behalf and without a lawyer.

J.D. (JURIS DOCTOR): The degree earned upon completing law school in the United States. Not all J.D.s take the bar exam, so not all J.D.s are licensed attorneys.

MERITORIOUS CLAIM: A legal action that is based on facts likely to result in a civil judgment.

PHYSICAL ABUSE AND NEGLECT: Physical or mental harm inflicted on an elder or dependent adult through conduct or neglect including assault, battery, constraint, deprivation, or a variety of other wrongful means.

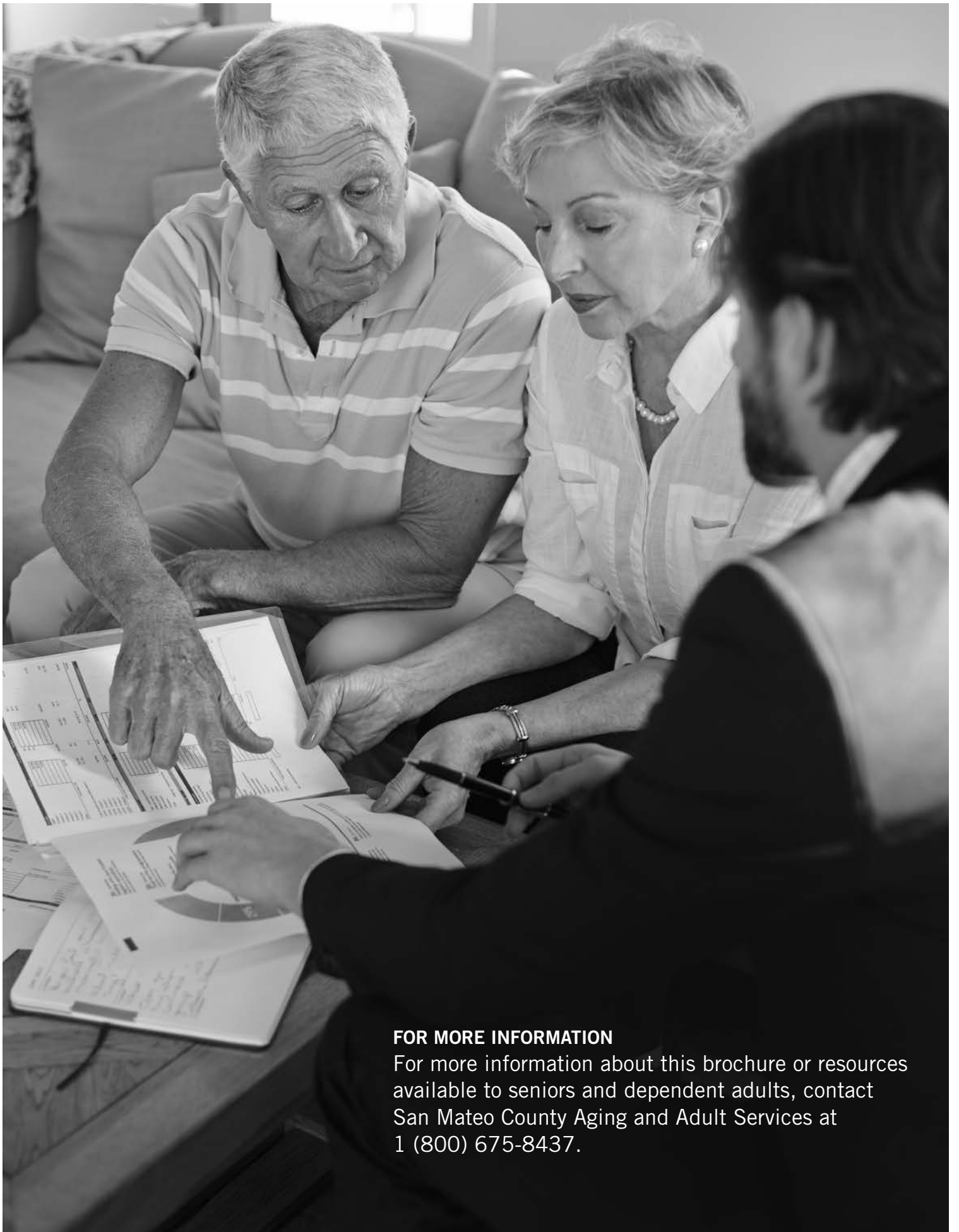
PRO BONO: Legal work provided for free, often to indigent clients or nonprofit agencies serving marginalized and/or underserved populations.

SENIOR LEGAL SERVICES PROVIDERS: Nonprofit agencies that provide legal services to low and moderate-income older adults. Types of cases handled by SLSPs may include restraining orders, preventing the loss of public benefits such as SSI and SSDI, providing eviction or foreclosure defense, or educating consumers about frauds and scams. Due to extremely limited budgets and resources, SLSPs must limit their focus areas and types of cases they accept.

STANDING: The right to appear in court and assert a particular legal claim. Not all persons who are harmed by wrongful conduct have standing. For example, a conserved elder who is harmed by physical abuse does not have standing to bring an elder abuse action; rather, the action must be brought by the conservator.

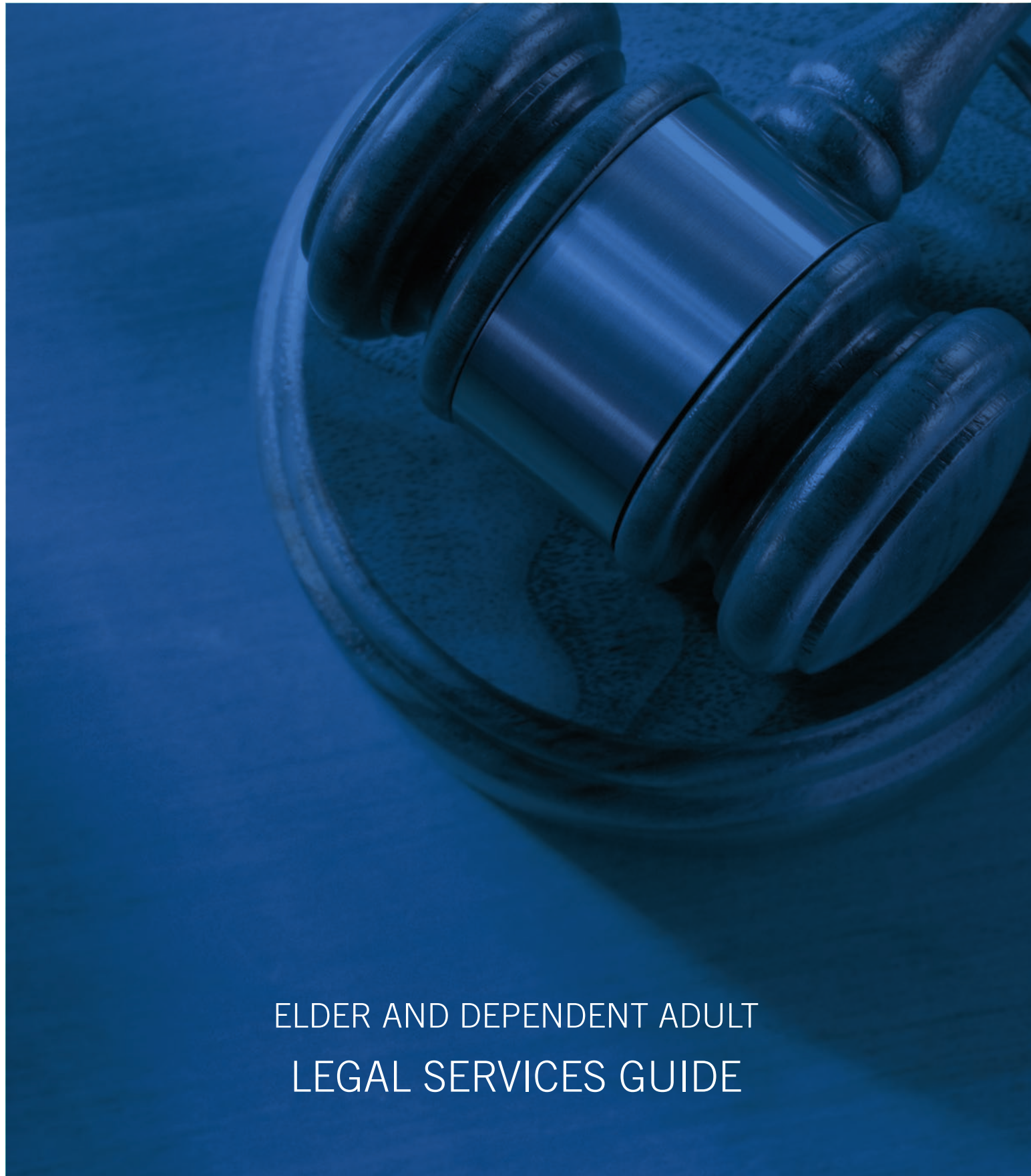
STATUTE OF LIMITATIONS: The period of time in which a person must file a lawsuit on a particular claim. When the time begins and ends can be quite difficult to calculate.

VIALE CLAIM: A claim for which the filing of a lawsuit is justified. A meritorious claim is not always a viable claim. For example, an elder may be exploited for \$1,000 and therefore have a meritorious claim for financial abuse. However, the claim may not be viable because the costs of pursuing a lawsuit do not justify the amount likely to be recovered. Similarly, an elder may be exploited for \$100,000 and therefore have a meritorious claim for financial abuse. However, the claim may not be viable because the wrongdoer no longer has any money and the costs of pursuing a lawsuit do not justify the amount likely to be recovered.



FOR MORE INFORMATION

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COUNTY OF SAN MATEO
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LOCAL FUNDS
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