|  |
| --- |
| **LEGAL ASSISTANCE**  |
| **PROGRAM STANDARDS AND WORKPLAN GUIDELINES** |
|  |
| **Program Goal** |
|  |
| The goal of the Legal Assistance Program is to assist older adults age sixty (60) and persons with disabilities ages 18-59 in securing their rights, benefits and entitlements by increasing the availability of legal assistance.  |
|  |
| The Area Agency on Aging (AAA) must provide services to all Community Service Areas (CSAs) in San Mateo County. Ideal candidates for the Legal Assistance Program will serve multiple municipalities within a single or multiple CSAs. |
|  |
| The Legal Assistance Program applicant must also provide a County funded Clients' Rights Advocate program for adults with disabilities and a Kids in Crisis program for children with disabilities and their families. Guidelines are included in this section. |
|  |
| **Program Service Description** |
|  |
| Legal Assistance Program consists of legal representation by a member of the California State Bar or by a non-attorney under the supervision and control of a member of the California State Bar. Activities may include direct representation, counseling or other appropriate assistance and training/advocacy support to other organizations including the Ombudsman Program. |
|  |
| **Eligibility Specifics** |
|  |  |  |
| **Eligible Service Population for Title III B Legal Assistance** means individuals 60 years of age or older, with emphasis on those in greatest economic and social need with particular attention to low income minority older individuals, older individuals with Limited English Proficiency (LEP), and older individuals residing in rural areas. [OAA § 305 (a)(2)(E), 22 CCR 7125, 7127, 7130, 7135 and 7638.7]. |
|  |  |  |
| **Projected Annual Funding Available:** |
|  |
| **OAA Title IIIB funds for a Legal Assistance program - $64,107**  |
| **Suggested Minimum Objectives:** 3561 units of Legal Assistance |
|  |
| Funded program services are defined as: |
| Legal Assistance means legal advice, counseling and/or representation by an attorney or other person acting under the supervision of an attorney. |
|  |
| **Unit of Service: One (1) hour** (reported in increments of fifteen (15) minutes) (a registered service) |
|  |
| **Program Service Requirements** |
|  |  |
| **Program Requirements** means Title IIIC program requirements found in the * Older Americans Act (OAA) 42, (USC section 3001-3058) <http://www.aoa.gov/AoA_Programs/OAA/index.aspx>;
* Older Californians Act <https://www.aging.ca.gov/AboutCDA/Older_CA_Act.aspx>;
* Code of Federal Regulations (CFR) (45 CFR XIII, 1321);
* Title 22, California Code of Regulations (22 CCR 7000 et seq).
* California Department of Aging (CDA) Program Memoranda
* CDA Title III Program Manual
* Occupational Safety and Health Administration (OSHA) requirements;
* San Mateo County Health System policies and procedures
 |
|  |  |
| **The California Statewide Guidelines for Legal Assistance dated April 2015** is the source document for Area Agencies on Aging (AAA) and Legal Services Providers (LSP) on the delivery of quality legal assistance to older individuals, pursuant to the OAA of 1965. Enclosure #15. |
|  |  |
| Services must be provided in accordance with CDA specifications for Legal Assistance contained in the Title III Program Manual. In addition, if applicant receives any Legal Services Corporation funding, applicant must adhere to the provisions of the FY 1996 Appropriations Bill which prohibits certain systems advocacy activities.  |
|  |  |
| **Title IIIB (Supportive Services)** means a variety of services including, but not limited to: personal care, homemaker, chore, adult day health care, case management, assisted transportation, transportation, legal assistance, information and assistance, outreach, and long-term care ombudsman advocacy, as defined in the National Aging Programs Information Systems (NAPIS) categories and National Ombudsman Reporting System (NORS). [OAA §321(a)]. |
|  |  |
| **Priority Services for Title IIIB** means those services associated with access to services (transportation, outreach, information and assistance and case management); in-home services including supportive services such as respite and visiting, for families of older individuals who are victims of Alzheimer’s disease and related disorders involving neurological and organic brain dysfunction; and legal assistance. |
|  |
| **Individuals with Severe Disability(ies)** means a person with a severe, chronic disability attributable to mental or physical impairment, that is likely to continue indefinitely and results in substantial functional limitation in three or more major life activities. [OAA §102(a)(48)] |
|  |  |
|  | A. | Assurances Specific to Legal Services Providers (LSPs) |
|  |  |  |
|  |  | In accordance with OAA §731, the Contractor shall assure that the following conditions are met: |
|  |  |  |
|  |  | 1. | LSPs will coordinate with State-designated providers of Long-Term Care Ombudsman services by developing and executing an MOU which will address conflict of interest, provision of legal advice, procedures for referral and other technical assistance; |
|  |  |  |  |
|  |  | 2. | LSPs may provide direct legal assistance to residents of the long-term care facilities where the clients are otherwise eligible and services are appropriate; |
|  |  |  |  |
|  |  | 3. | Where both legal and Ombudsman services are provided by the same agency, providers must develop and follow policies and procedures to protect the integrity, resources, and confidentiality of both programs; |
|  |  |  |  |
|  |  | 4. | LSPs may assist the State in providing legal representation to the Ombudsman program when an Ombudsman or the program is named as a party or witness, in a subpoena, civil suit or other legal action challenging the performance of the official duties of the Ombudsman; |
|  |  |  |  |
|  |  | 5. | LSPs are to coordinate with the local Legal Services Corporation (LSC) program, if the provider is not an LSC-funded program; |
|  |  |  |  |
|  |  | 6. | LSPs are to coordinate with the network of other service providers, including but not limited to, other LSPs, Long-Term Care Ombudsman Programs, Health Insurance Counseling and Advocacy Program (HICAP), senior information and assistance, Adult Protective Services (APS), law enforcement, case management services and focal points; |
|  |  |  |  |
|  |  | 7. | LSPs are to coordinate legal assistance activities with the statewide Hotline and private Bar, including groups within the private Bar furnishing services to older individuals on a pro bono or reduced fee basis; and |
|  |  |  |  |
|  |  | 8. | LSPs are to use the Uniform Reporting System revised by CDA in July 2013 to collect data on legal services provided. |
|  |  |  |  |
|  |  | 9.  | In accordance with CDA Statewide Standards for Legal Assistance in California, priority will be given to cases in the following broad categories of legal assistance as specified by the OAA Reauthorization of 1992: |
|  |  |  | a. | Age Discrimination/emphasizing prevention through community education |
|  |  |  | b. | Conservatorship |
|  |  |  | c. | Consumer |
|  |  |  | d. | Health/Long-Term Care |
|  |  |  | e. | Housing/Utilities |
|  |  |  | f. | Income/Nutrition Benefits |
|  |  |  | g. | Planning/Personal Autonomy |
|  |  |  | h. | Abuse Issues |
|  |  |  |  |  |
|  |  |  | See AoA-IM-96-08 (OERP) Information Memorandum for further details, (available from Aging and Adult Services (AAS). The program manual, the Information Memorandum and the Statewide Standards for Legal Assistance in California are available upon request from AAS. |
|  |  |  |  |
|  | B. | LSP Staff expectations |
|  |  |  |  |
|  |  | 1. | Each program is expected to provide access, at no cost, to legal assistance by attorneys licensed and in good standing to practice law in the State of California. Law students, paralegals, paralegal interns, attorneys not licensed in California, and lay advocates may provide legal assistance under the direct supervision of a licensed attorney or as otherwise permitted by California law. Each program is required to carry adequate malpractice insurance in accordance with CDA requirements.  |
|  |  |  |  |
|  |  | 2. | Program staff are expected to have experience and training orpropose a plan for obtaining the necessary training in the priority subject areas of law in which they are providing services.  |
|  |  |  |  |
|  |  | 3. | Program advocates are encouraged each year to attend training being provided or sponsored by the State relevant to the subject areas of legal assistance.  |
|  |  |  |  |
|  | C. | Additional Provider Expectations |
|  |  |  |  |
|  |  | 1. | Assist the State and the AAA in developing and amending a model monitoring tool to ensure consistency in the delivery of legal services and that LSPs are providing priority legal services to meet the local needs of the targeted population groups.  |
|  |  |  |  |
|  |  | 2. | Refer clients, as necessary, to other appropriate agencies or organizations for services.  |
|  |  |  |  |
|  |  | 3. | Not condition access to the provision of Title III-B funded legal assistance to any person 60 years of age or older solely on his/her level of income. See 42 U.S.C. § 3030c-2(b)(3). However, a LSP may question the client about financial circumstances as part of the process of providing legal advice, counsel and representation, and also for the purpose of identifying additional financial resources to which the client may be entitled, and to assist in targeting its resources to provide services to clients with greatest social or economic needs. See 45 C.F.R. § 1321.71(e).  |
|  |  |  |  |
|  |  | 4. | Demonstrate the ability to provide legal assistance in the primary language(s) spoken by clients. See 45 C.F.R. § 1321.71(c)(5). |
|  |  |  |  |
|  |  | 5. | Coordinate with the local Legal Services Corporation (LSC) program, if the provider is not a LSC-funded program. See 42 U.S.C. § 3027(a)(11)(B). |
|  |  |  |  |
|  |  | 6. | Coordinate legal assistance activities with the private Bar including groups within the private Bar furnishing services to older individuals on a pro bono or reduced fee basis. See 42 U.S.C. § 3027(a)(11)(A)(iii). |
|  |  |  |  |
|  |  | 7. | Have ready access to relevant legal authorities for all appropriate staff, including relevant federal, state, and local laws, manuals for relevant government programs, and relevant support center manuals. |
|  |  |  |  |
|  |  | 8. | Have in place written procedures for case intake, acceptance and rejection. |
|  |  |  |  |
|  |  | 9. | Develop and follow a protocol and a program policy for referral of fee generating cases consistent with the OAA Regulations. See 45 C.F.R. § 1321.71(g). |
|  |  |  |  |
|  |  | 10. | Provisions must be made for ensuring accessibility to legal assistance for clients. Legal program staff shall make home visits or outpost staff at local senior centers or other community centers to ensure accessibility to program services. |
|  |  |  |  |
|  |  | 11. | The Legal Assistance Program is responsible for providing support to other advocacy programs, such as the Commission on Aging’s Legislative Advocacy Committee and the Long-Term Care Ombudsman Program. A written Memorandum of Understanding with the Ombudsman Program will be required with the agreement. |
|  |  |  |  |
|  |  | 12. | The provider must have quality control procedures that have been approved by the California State Bar. The provider must show a contingency plan, indicating the level and type of service that will be provided in the event the full amount requested from AAS is not received. |
|  |  |  |  |
|  |  | 13. | Contractor shall submit the California Legal Services Quarterly Aggregate Report Form (CDA 1022) via email to AAS as follows: |
|  |  |  |  |
| **Quarter** | **Reporting Period** | **Due Date** |
| Quarter 1 | July 1 - September 30 | October 24 |
| Quarter 2 | October 1 - December 31 | January 24 |
| Quarter 3 | January 1 - March 31 | April 23 |
| Quarter 4 | April 1 - June 30 | July 24 |

|  |  |  |
| --- | --- | --- |
|  | D. | Coordination with the Long-Term Care Ombudsman Program |
|  |  |  |  |
|  |  | The LSP and Ombudsman operating within the PSA are expected to develop a Memorandum of Understanding (MOU) which will address conflict of interest, provision of legal advice, procedures for referral, and other technical assistance. The LSP may assist the State in providing legal representation to the Program when an Ombudsman Representative has been subpoenaed or a suit or other legal action has been threatened or brought against the performance of the official duties of the Ombudsman Representative. [OAA § 712(h)(7)] [45 CFR 1327.13(h)(10] [Welf. & Inst. Code § 9717(c)] [Statewide Standards for Legal Assistance in California]. The MOU will outline their respective roles and responsibilities, mechanisms for appropriate referral to the LSP and other coordination issues. Sample MOUs can be provided by the State upon request. |
|  |  |  |  |
|  | E. | Other Coordination Expectations |
|  |  |  |  |
|  |  | 1. | LSPs are to coordinate with the network of other service providers, including but not limited to other LSPs, HICAP, senior information and assistance, APS, law enforcement, and case management services, within the limits of confidentiality. |
|  |  |  |  |
|  |  | 2. | LSPs and the State are to emphasize improved communication and sharing of knowledge and resources as part of the statewide LSP community for the benefit of all California seniors. This may include regular communication among LSPs via listserv, on phone calls, and at periodic in-person meetings.  |
|  |  |  |  |
|  |  | 3. | LSPs and a statewide or regional senior legal hotline, if available, will coordinate services with each other to maximize benefits to clients in keeping with local needs and conditions. |
|  |  |  |  |
|  | F. | Ethical Guidelines for Providers |
|  |  |  |  |
|  |  | 1. | LSPs must maintain confidentiality in accordance with relevant law and professional codes.  |
|  |  |  |  |
|  |  | 2. | LSPs must abide by the California Rules of Professional Conduct, the State Bar Act (Cal. Bus. & Prof. Code § 6000, *et seq*.) and any other statutes or canons governing the practice of law or the treatment of confidential information in California.  |
|  |  |  |  |
|  |  | 3. | LSPs shall develop and make available to the AAAs and the State Legal Services Developer a program policy on conflicts of interest related to outside employment and client representation.  |
|  |  |  |  |
|  |  | 4. | LSPs are to exercise all reasonable efforts to avoid conflicts of interest among clients in accordance with the California Rules of Professional Responsibility, and identify alternate sources of legal assistance for clients who cannot be assisted by the provider. |
|  |  |  |  |
|  |  | 5. | LSPs are to make the best effort to clearly identify who is the prospective client and to educate the client or prospective client and other interested parties presenting the client’s concerns and aging services communities about the potential conflict. |
|  |  |  |  |
|  | G. | Title IIIB Assurances |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | 1. | Contractor assures that voluntary contributions shall be allowed and may be solicited in accordance with the following requirements: [OAA § 315(b)]: |
|  |  |  | a. | Means tests shall not be used by any contractor for any Title III or Title VII Services; |
|  |  |  | b. | Services shall not be denied to any Title III or Title VII client that does not contribute toward the cost of the services received; |
|  |  |  | c. | Methods used to solicit voluntary contributions for Title III and Title VII services shall be non-coercive; |
|  |  |  | d. | Each service provider will: |
|  |  |  |  | (1) | Provide each recipient with an opportunity to voluntarily contribute to the cost of the service; |
|  |  |  |  | (2) | Clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary; |
|  |  |  |  | (3) | Protect the privacy and confidentiality of each recipient with respect to the recipient’s contribution or lack of contribution; |
|  |  |  |  | (4) | Establish appropriate procedures to safeguard and account for all contributions; |
|  |  |  |  | (5) | Donation letters may not resemble a bill or a statement [OAA § 315(b)]; |
|  |  |  |  | (6) | Individual client’s donations shall not be tracked by accounts receivable [OAA § 315(b)(4)(C)]; |
|  |  |  |  |  |  |
|  |  | 2. | Any Title III and Title VII service shall not implement a Cost Sharing program unless so notified by the County; |
|  |  |  |  |
|  |  | 3. | Proof of age, citizenship, or disability shall not be required as a condition of receiving services;  |
|  |  |  |  |
|  |  | 4. | An individual’s receipt of services under the In-Home Supportive Services Program shall not be the sole cause for denial of any services provided by the AAA or its contractors. |
|  |  |  |  |
|  |  | 5. | Data Reporting. Monthly, quarterly and annual reports of data including units of service, client counts, demographics and other data as required by Aging and Adult Services (AAS) and/or the CDA will be expected to be completed and submitted in a timely manner on required forms. |
|  |  |  |  |
|  |  | 6. | Program Changes. AAS shall be notified in writing and approve of (at least thirty (30) days in advance of implementation) any plan for change in the service resulting from the relocation of a facility, a route change or termination, reducing the number of service days and hours of operation or change in staff. |
|  |  |  |  |
|  |  | 7. | Contractor agrees to offer services throughout the twelve-month contract period, unless prior written approval is received from AAS. |
|  |  |  |  |
|  |  | 8. | Utilize appropriate verbiage in written materials (such as newsletters, menus, newspapers, websites, flyers, publications, etc.) by avoiding the use of language that implies a price or fees for service.  |
|  |  |  |  |
|  |  | 9. | Contractor shall agree to distribute any needs assessment(s) or feedback surveys provided by the County. Surveys are to be returned to the County for data collection and analysis. |
|  |  |  |  |
|  |  | 10. | Contractor agrees to participate in the monitoring of the use of federal, State, and County funds. Onsite program monitoring will be conducted every two years for all programs except Title IIIC1 and Title IIIC2, which must be conducted every year. Onsite fiscal monitoring must be conducted every two years for all programs including Titles IIIC1 and C2. |
|  |  |  |  |
|  |  | 11. | Program monitoring may occur more frequently if determined by AAS as beneficial to the integrity of program requirement compliance. Contractor agrees to provide requested programmatic and administrative documentation and the availability of key staff as part of the contract monitoring process. |
|  |  |  |  |
|  |  | 12. | Ensure that all outreach materials, websites and publicity regarding the program shall attribute partial funding from the Older Americans Act and County of San Mateo. |
|  |  |  |  |
|  | H. | DEFINITIONS |
|  |  | **Abuse** –the willful: (a) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or (b) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish or mental illness. *See* 42 U.S.C. § 3002(1). |
|  |  |  |
|  |  | **Accessible** – the practical availability of legal services to the target population groups.  |
|  |  |  |
|  |  | **Adult Protective Services (APS)** – those preventive and remedial activities performed on behalf of elders and dependent adults who are unable to protect their own interest, harmed or threatened with harm, caused physical or mental injury due to the action or inaction of another person or their own action as a result of ignorance, illiteracy, incompetence, mental limitation, substance abuse or poor health, lacking in adequate food, shelter or clothing, exploited of their income and resources, or deprived of entitlement due them. *See* Cal. Welf. & Inst. Code § 15610.10. |
|  |  | **Advance Directive** – a document executed under the California Health Care Decisions Act (Cal. Prob. Code §§ 4600-4805) designating an agent for making health care decisions in case of the principal’s incapacity and or expressing the principal’s health care and related choices. |
|  |  | **Americans with Disabilities Act**  – a federal remedial statute designed to eliminate discrimination against individuals with disabilities and to integrate individuals with disabilities in all areas of society.  |
|  |  | **Area Agency on Aging** – the agency on aging designated in a planning and service area to develop and administer the area plan for a comprehensive and coordinated system of services for older people. *See* 42 U.S.C. § 3025(b). |
|  |  | **Community Legal Education** – An essential system of outreach to inform elders, other service providers and concerned parties of the legal rights of older people in community education forums, which will vary based on the literacy, sophistication, predominant language, available resources, and geographic dispersion of clients. Community legal education is specifically discussed in Standard 3.6 of the “ABA Standards for the Provision of Civil Legal Aid,” where it is described as an important tool for providers and which is available from the State Legal Services Developer.  |
|  |  | **Conservatorship** – a court proceeding to appoint a manager for the financial affairs and/or the personal care of an adult who is either physically or mentally unable to handle either or both.  |
|  |  | **Legal Assistance** – (a) means legal advice and representation provided by an attorney to older individuals with economic or social needs; and (b) includes – (i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and (ii) counseling or representation by a non-lawyer where permitted by law. *See* 42 U.S.C.§ 3002(33). Direct legal assistance may be provided face-to-face, by telephone, or by electronic communication and includes, but is not limited to, advice and consultation, litigation, administrative representation, brief services, preparing legal documents and pro se assistance. |
|  |  | **Direct Supervision** – oversight of the provision of services by a professional licensed to provide such services, so as to ensure appropriate quality and scope of services. Direct supervision necessarily includes, but is not limited to, a substantial degree of personal review of work product, and availability to respond to questions from the persons being supervised. |
|  |  | **Exploitation** – (a) the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an older individual for monetary or personal benefit, profit, or gain, or that results in depriving an older individual of rightful access to, or use of, benefits, resources, belongings, or assets; (b) In subparagraph (a), the term "caregiver" means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an older individual. *See* 42 U.S.C. § 3002(18). |
|  |  | **Greatest economic need** – the need resulting from an income level at or below 125% of the current official Federal Poverty Guideline amounts, consistent with financial eligibility policies of the Legal Services Corporation and the Uniform Reporting System for California. *See* 45 C.F.R § 1611.3. This includes exceptions to the income ceiling for those at 200% or less of the Federal Poverty Guidelines amounts in certain circumstances as enumerated in the Legal Services Corporation regulations. *Id.* at § 1611.5. (Providers may also take the California Elder Economic Security Index into account, as Area Agencies do during their mandated planning process when identifying those in greatest economic need. *See* Cal. Welf. & Inst. Code § 9400.) |
|  |  | **Greatest social need** – the need caused by non-economic factors, which include: (1) physical and mental disabilities; (2) language barriers; and (3) cultural, social or geographical isolation, including isolation caused by race or ethnicity, sexual orientation or gender identity, or housing status or mobility issue that: 1. restricts the ability of an individual to perform normal daily tasks; or
2. threatens the capacity of the individual to live independently.
 |
|  |  | **Legal Services Provider (LSP)** – an entity that is funded to deliver legal services to older people pursuant to the OAA. Note that this definition shall include any OAA Title IV funded hotline, should one exist.  |
|  |  | **Legal Services Corporation (LSC)** – a private, non-membership nonprofit corporation, that provides financial support for legal assistance in non-criminal proceedings or matters to people financially unable to afford legal assistance. *See* 42 U.S.C. § 2996b(a). |
|  |  | **Long Term Care Ombudsman Program** – a program established by the OAA using State-certified paid and volunteer ombudsman representatives and volunteers who advocate on behalf of residents of long-term care facilities (and potentially individuals receiving long term services and supports in the community) to seek remedies for both individual and systemic issues, and investigate complaints of elder abuse within these facilities. *See* 42 U.S.C. § 3058g.  |
|  |  | **Medi-Cal** – California's Medicaid, the federal and state program of medical assistance for needy and low-income people.  |
|  |  | **Medicare** – a federal health insurance program administered by the Centers for Medicare & Medicaid Services (CMS) in the Department of Health and Human Services. that is available regardless of income. Most people 65 years of age or older and certain disabled or blind people, regardless of age, are covered.  |
|  |  | **Monitoring Tool** –instrument used to provide specific information about legal services, including staffing, targeting, intake and outreach. Monitoring tools should include components that enable AAAs and providers to assess contractual compliance, ensure consistency with these Guidelines, evaluate the quality and impact of programs, and review program goals and outcomes. |
|  |  | **Older Americans Act of 1965 (OAA)** – a federal Act to provide assistance in the development of new or improved programs to help older people, through grants to states for community planning and services and for training, through research, development, or training project grants, and to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Aging (Note that the Administration on Aging is now a part of the Administration for Community Living, established in April 2012 by bringing together the Administration on Aging, the Office on Disability and the Administration on Developmental Disabilities and is part of the Department of Health and Human Services). *See* 42 U.S.C. § 3001 *et seq*. |
|  |  | Outreach – the process of informing potential clients regarding legal information, legal issues, available services and how to access those services. This may include specific information about available services or general education on legal and other relevant issues. Outreach is the key to implementing the targeting and priority setting goals in the OAA. Outreach may also include communication with other organizations or agencies that serve elders targeted under the OAA, such as APS, law enforcement, and community organizations. |
|  |  | **Paralegal** – a person who is qualified by education, training, or work experience, who either contracts with, or is employed by, an attorney, law firm, corporation, governmental agency, or other entity, and who performs substantial legal work under the direction and supervision of an active member of the State Bar of California. |
|  |  | **Planning and Service Area** – a geographic area that is designated for purposes of planning, development, delivery, and overall administration of services under an area plan. *See* 42 U.S.C. § 3025. |
|  |  | **Program Staff** – includes attorneys, law students, paralegals or unlicensed attorneys, lay advocates, and legal secretaries acting under the supervision of a licensed attorney or as provided by California law, who are employed by a legal services provider and whose primary job duties concern providing legal services to target populations pursuant to the OAA.  |
|  |  | **State Legal Service Developer** – a person whose position is mandated by the OAA and whose mission providing state leadership in a) developing legal assistance programs for older people (42 U.S.C. § 3027(a)(13)), and b) securing and maintaining legal rights of older persons (42 U.S.C. § 3058).  |
|  |  | **State Unit on Aging** – the California Department of Aging, which administers programs that serve older adults, including legal services programs, administers funds allocated under the federal OAA and the Older Californians Act; referred to throughout this document as “the State.” |
|  |  | **Targeting** – the requirement in the OAA that services reach older people with greatest economic and social need, with particular attention to low-income individuals, low-income minority individuals, older individuals residing in rural areas, with limited English proficiency, with severe disabilities (physical and/or mental), isolated because of sexual orientation or gender identity, at risk for institutional placement, or other isolated older individuals. |

|  |
| --- |
| **CLIENTS' RIGHTS ADVOCATE** |
| **PROGRAM STANDARDS** |
|  |
| Applicants must also apply for Kids in Crisis and Legal Assistance Program funds. |

|  |
| --- |
| **Program Goals** |
|  |
| The goal of the Clients' Rights Advocate Program is to provide legal advice, counseling and representation by an attorney or other person acting under the supervision and control of an attorney for adults with disabilities. The program also provides education through workshops and group trainings. This is a complementary program to the Legal Assistance Program. |
|  |
| **Program Service Description** |
|  |
| The Clients' Rights Advocate Program will provide at least a .5 Full Time Equivalent (FTE) staff attorney to provide legal representation, assistance and advocacy to persons with disabilities. The staff attorney will provide the following services: |
|  |
| **•** | Advice, legal assistance and advocacy interventions over the telephone. |
| **•** | Legal representation and advocacy on behalf of clients before federal, state, and local agencies. |
| **•** | Appropriate referrals to other legal organizations that specialize in the rights of persons with disabilities as a collaborative effort to ensure greater access to legal services for those individuals. |
| **•** | Use of existing pro-bono programs and referral services provided by the San Mateo County Bar Association. |
| **•** | Referrals to private attorneys in cases involving claims for monetary damages and other types of complicated cases not customarily handled by the legal assistance provider. |
| **•** | Public education and outreach to people with disabilities and their families in addition to other advocacy organizations. |
|  |
| Funded program services are defined as: |
|  |
| **Legal Assistance:** To provide legal information, advice, counseling, administrative representation and judicial representation to persons with disabilities or to a group by a member of the California State Bar or by a non-attorney under the supervision and control of a member of the State Bar. |
|  |
| **Eligibility Specifics** |
|  |
| To be eligible for the Clients' Rights Advocate Program an individual must be an adult (between eighteen (18) and fifty-nine (59) years of age) with disabilities. This program includes services to clients' families, friends, community organizations and other professionals in the disability field. |
|  |
| **Projected Annual Funding Available:** |
|  |
| **$22,000 - County General Fund** |
|  |
| **Suggested Minimum Objectives** |
|  |  |
| 500 | Unduplicated persons |
| 1200 | Units Legal Assistance (includes Resource, Referral and Phone Advocacy and Direct Intervention and Advocacy Services) |
| 100 | Units Community Education (includes Workshop and Group Trainings) |
|  |
| **Workshops and Group Trainings (Community Education):** To educate groups of adults with disabilities, their families, friends and community organizations/facility staff of the rights, benefits and entitlement for adults with disabilities. |
|  |
| **Unit of Service: One (1) hour** |
|  |  |  |
| **Resource, Referral and Phone Advocacy:**  To assess adults with disabilities to identify their needs and appropriate resources, to identify organizations able to meet those needs, to assist callers for whom services are unavailable by locating alternative resources and; if necessary, actively participate in linking the caller to needed services. |
|  |
| **Unit of Service: One (1) hour** |
|  |
| **Direct Intervention and Advocacy Services:** To provide legal information, advice, counseling, administrative representation and judicial representation to adults with disabilities by a member of the California State Bar or by a non-attorney under the supervision and control of a member of the California State Bar. |
|  |
| **Unit of Service: One (1) hour** |
|  |  |
| **Program Service Requirements** |
|  |  |  |
| **Program Requirements** means Title III program requirements found in the OAA 42 USC §§ 3001-3058, CFR, 45 XIII, 1321; CCR, Title 22 section 7000 et seq and Department Program Memoranda. |
|  |  |  |
|  | A. | Applicants must also apply for and provide Legal Assistance Program and Kids in Crisis funds and administer all programs. |
|  |  |  |
|  | B. | The staff attorney's services will not be limited to a specific set of clients, agencies or issues. However, certain systems affecting people with disabilities are likely to emerge as meriting particular attention. Such systems may include but not be limited to: |
|  |  | 1. | Americans With Disabilities Act (ADA) compliance |
|  |  | 2. | Transit and paratransit |
|  |  | 3. | Golden Gate Regional Center |
|  |  | 4. | San Mateo County Behavioral Health and Recovery Services |
|  |  | 5. | Social Security Administration disability benefits |
|  |  | 6. | California Children's Services (CCS) |
|  |  | 7. | California Department of Rehabilitation |
|  |  |  |
|  | C. | The Clients' Rights Advocate Program may provide support, as appropriate, to other advocacy organizations such as the Commission on Disabilities' (CoD) Legislation, Advocacy and Outreach Committee. |
|  |  |  |
|  | D. | There are separate quarterly reporting requirements for the Clients' Rights Advocate in addition to the Legal Assistance Program reporting requirements. Reports will be broken down as follows |
|  |  | 1. | Total Clients |
|  |  | 2. | Total Units of Service |
|  |  | 3. | Total Units of Service Providing Resources |
|  |  | 4. | Total Units of Service Providing Referral and Phone Advocacy |
|  |  | 5. | Total Units of Service Providing Direct Intervention and Advocacy |
|  |  | 6. | Total Units of Community Education |
|  |  | 7. | One narrative case example (client identifiers omitted) illustrating services in certain service systems affecting people with disabilities. |
|  |  |  |  |
|  | E. | Provider must provide a staff attorney who will devote one-half time to providing legal representation, assistance and advocacy to persons with disabilities. |
|  |  |  |
|  | F. | Provider must provide Clients’ Rights Advocacy services by the staff attorney; services to include, but not be limited to: |
|  |  | 1. | Resource, referral and phone advocacy services; |
|  |  | 2. | Direct legal representation, intervention and advocacy services; and |
|  |  | 3. | Workshops and group trainings (community education). |

|  |
| --- |
| **KIDS IN CRISIS PROGRAM** |
| **PROGRAM STANDARDS** |
|  |
| Applicants must also apply for Clients’ Rights Advocate and Legal Assistance Program funds. |
|  |
| **Program Goals** |
|  |
| The goal of the Kids in Crisis (KIC) Program is to provide legal advice, counseling and representation by an attorney or other person acting under the supervision of an attorney for children with disabilities and their families. The program also provides education through workshops and group trainings. This is a complementary program to the Clients’ Rights Advocate Program. |
|  |
| Program Service Description |
|  |
| The KIC Program will provide at least a .5 FTE staff attorney who will provide legal representation, assistance and advocacy to children with disabilities and their families. The staff attorney will provide the following services: |
|  |
| • | Advice, legal assistance and advocacy interventions over the telephone. |
| • | Legal representation and advocacy on behalf of clients before federal, State and local agencies. |
| • | Appropriate referrals to other legal organizations that specialize in the rights of children with disabilities as a collaborative effort to ensure greater access to legal services for those individuals. |
| • | Use of existing pro-bono programs and referral services provided by the San Mateo County Bar Association. |
| • | Referrals to private attorneys in cases involving claims for monetary damages and other types of complicated cases not customarily handled by the Legal Assistance provider. |
| • | Public education and outreach to people and children with disabilities and their families, in addition to other advocacy organizations. |

|  |
| --- |
|  |
| **Eligibility Specifics** |
|  |
| To be eligible for the KIC Program an individual must be a child (under eighteen (18) with one or more disabilities. This program includes services to clients' families, community organizations and other professionals working with and providing services to children with disabilities. |
|  |
| **Projected Annual Funding Available:** |
|  |
| **$33,000 - County General Fund** |
|  |
| **Suggested Minimum Objectives:** |
|  |  |
| 200 | Unduplicated persons |
| 1200 | Units of Legal Assistance (Includes Resource, Referral and Phone Advocacy and Direct Intervention and Advocacy Services) |
|  150 | Units of Community Education (Includes Workshop and Group Trainings) |
|  |
|  |  |  |
| Funded program services are defined as: |
|  |  |  |
| **Legal Assistance:** To provide legal information, advice, counseling, administrative representation and judicial representation to children with disabilities and their families or to a group by a member of the California State Bar or by a non-attorney under the supervision and control of a member of the State Bar. |
|  |
| **Unit of Service: One (1) hour** |
|  |
| **Workshops and Group Trainings (Community Education):** To educate groups of children with disabilities, their families, friends and community organizations/facility staff of the rights, benefits and entitlement for children with disabilities. |
|  |
| **Unit of Service: One (1) hour** |
|  |
| **Resource, Referral and Phone Advocacy:** To assess children with disabilities to identify their needs and appropriate resources, to identify organizations able to meet those needs, to assist callers for whom services are unavailable by locating alternative resources and; if necessary, actively participate in linking the caller to needed services. |
|  |
| **Unit of Service: One (1) hour** |
|  |
| **Direct Intervention and Advocacy Services:** To provide legal information, advice, counseling, administrative representation and judicial representation to children with disabilities by a member of the California State Bar or by a non-attorney under the supervision and control of a member of the California State Bar. |
|  |
| **Unit of Service: One (1) hour** |
|  |
|  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
| **Program Service Requirements** |
|  |  |  |
|  | A. | Applicants must also apply for Legal Assistance Program and Clients’ Rights Advocate funds and administer all programs. |
|  |  |  |
|  | B. | The staff attorney’s services will not be limited to a specific set of clients, agencies or issues. However, certain systems affecting people with disabilities are likely to emerge as meriting particular attention. Such systems may include but not be limited to:  |
|  |  | 1. | ADA compliance |
|  |  | 2. | Transit and paratransit |
|  |  | 3. | Golden Gate Regional Center |
|  |  | 4. | San Mateo County Behavioral Health and Recovery Services |
|  |  | 5. | Social Security Administration disability benefits |
|  |  | 6. | CCS |
|  |  | 7. | San Mateo County Office of Education |
|  |  | 8. | Local school districts |
|  |  |  |  |
|  | C. | The Kids in Crisis Program may provide support, as appropriate, to other advocacy organizations, such as the CoD’s Youth and Family Committee. |
|  |  |  |
|  | D. | There are separate quarterly reporting requirements for the Kids in Crisis Program in addition to the Legal Assistance Program and the Clients’ Rights Advocate Program reporting requirements. Reports will be broken down as follows: |
|  |  | 1. | Total Clients |
|  |  | 2. | Total Units of Service |
|  |  | 3. | Total Units of Service Providing Resources |
|  |  | 4. | Total Units of Service Providing Referral and Phone Advocacy |
|  |  | 5. | Total Units of Service Providing Direct Intervention and Advocacy |
|  |  | 6. | Total Units of Community Education |
|  |  | 7. | One narrative case example (client identifiers omitted) illustrating services in certain service systems affecting people with disabilities. |
|  |  |  |
|  | E. | The applicants must show a contingency plan indicating the level and type of service that will be provided in the event the full amount requested from AAS is not received. |
|  |  |  |
|  | F. | Provider must provide Kids in Crisis program services by the staff attorney; services are to include but not be limited to: |
|  |  | 1. | Resource, referral and phone advocacy services; |
|  |  | 2. | Direct legal representation, intervention and advocacy services; and |
|  |  | 3. | Workshops and group trainings (community education). |

**LEGAL ASSISTANCE PROGRAM / CLIENTS’ RIGHTS ADVOCATE /**

#### KIDS IN CRISIS WORKPLAN GUIDELINES

Please prepare a complete Workplan including all of the three (3) programs (Legal Assistance, Clients’ Rights Advocate and Kids in Crisis) in narrative form following the order and headings shown below. Additional items listed specific to each program must also be addressed in the narrative for that program.

**I. PROGRAM SERVICE DESCRIPTION**

1. Agency Background and Experience:
2. State the mission of your agency or organization and describe all current programs you provide.
3. Describe your clientele and geographic area served.
4. Indicate how long the programs have been operating and how they are funded.
5. Indicate if any of these programs are currently operating under contract with San Mateo County.
6. Service to Targeted Populations and Linguistic Access:
7. Describe your ability to serve individuals within the target populations described in the General Information section.
8. Indicate the level of funding for which you are applying based on your proposed target population and indicate the city or cities within each CSA to be served.
9. How many full time employees (FTEs) do you plan to assign to this project, if you are selected?
10. Identify languages in which clients will be able to access your services.
11. Indicate staff capacity to meet the needs of the diverse racial/ethnic groups within your community.
12. Proposed Service/Ability to Meet Program Requirements:
13. Summarize your proposed service model providing detail about how it will function and meet the requirements of the program.
14. Describe your expertise in specific areas of law affecting older persons and persons with disabilities, including public benefits, long-term care, housing, elder abuse and advocacy.
15. List any items that you cannot provide and how you will meet the requirements.
16. Provide information on any other pertinent services, if any, that you will offer that will reduce costs for the County.
17. Please address individual program specific issues listed below:

**Legal Assistance Program**

Plan for service delivery:

1) Describe how you plan to ensure accessibility for those clients who are

 unable to go to a centralized legal assistance office.

2) Detail your plan to provide communityeducation programs including where you will hold them, who will conduct them, the frequency and sample topics. Describe your proposed program activities.

3) Describe how your agency will provide support to other advocacy programs.

4) Quality control procedures: Describe your quality control procedures and give indication that they have the approval of the California State Bar.

5) Resources: Describe efforts to obtain other resources to expand upon the resources funded by this award. Describe relationships with the private bar association.

 **Clients’ Rights Advocate and Kids in Crisis Programs**

 (Please provide separate information for each program)

 Plan for service delivery:

1) Describe how you will provide advice, legal assistance, advocacy interventions, public education and outreach.

2) Describe how you will identify and use existing pro-bono programs and referral services; describe any collaborative arrangements planned or in place with private attorneys, the San Mateo County Bar Association and other legal organizations specializing in the rights of persons with disabilities.

1. Facility Site:

1) Describe the location and size of the facility, equipment available and accessibility of the building.

2) Describe the safeguards which will be used to ensure the participants' safety related to exits, outdoor space, storage areas, glass patio doors, stairs or steps, passenger loading zones, kitchen and bathroom safety.

3) Describe emergency evacuation plans.

4) List name and address of each location, capacity at each, days and hours of operation and anticipated daily attendance.

1. Coordination:
2. Identify and detail how you will work with other agencies providing similar services or serving the same population
3. Describe your procedure for documenting referrals to and/or utilization of other community-based services that support participants and their families.
4. Customer Service:
5. How will your services meet the needs of County customers and/or the public?
6. In the event of a routine problem, who is to be contacted within your organization?
7. In the event of the identification of a problem by the County, its clients/patients, and /or other applicable constituents, describe how you will address such problems and the timeframe for addressing them.
8. Outreach:

1) Describe your outreach plan, particularly to clients who may be monolingual isolated, and/or unaware of your services. Include how you plan to work with key agencies/organizations that could refer clients to your program.

2) Activities may include, but are not limited to presentations to appropriate groups in the community, printed flyers and brochures about program offerings, and information sharing with other service providers

1. Documentation: Describe your procedure for documenting contact and follow-up inquiries to your program.

**II**. **PROGRAM MANAGEMENT AND PLANNING**

1. Staffing/Volunteers:
2. Provide an organization chart for your agency.
3. Detail your staffing plan and include job descriptions and licenses (if applicable) for key personnel and volunteers.
4. Describe your use of trained volunteers.
5. Indicate the responsible person(s) for managing the day-to-day operations including the completion of the Client Intake forms, daily service delivery aspects of the program and the weekly and monthly program reporting requirements.
6. Describe how you will meet the staffing requirements when there are vacancies, illnesses or other personnel difficulties.
7. If applicable, list the professional qualifications for each individual that would be assigned to provide services requested by this RFP, including date and educational institutions of any applicable degrees, additional applicable training, and any professional certifications and/or licensing. In lieu of listing this information, you may submit a resume or curriculum vitae (CV) for each such individual if the resume/CV includes all the requested information.
8. Data Reporting:
9. Describe how your agency will capture and report required program data.
10. Describe how your agency protects client level data (e.g. encryption, etc.)
11. Describe how your agency will meet the due date for program reports, (10th of the month following the month of service).
12. Training:
13. Describe staff training on-site and at other locations that address issues of concern to program participants (e.g. emergency preparedness and/or food safety and sanitation).
14. Include who will conduct trainings, how often they will occur, proposed topics and frequency of staff training or continuing education opportunities.

D. Contingency Plans:

1) Describe your contingency plans in the event that the full amount you are requesting from AAS is not received.

2) Describe potential sources of funding, short-term and long-term, for the program and any fund raising capabilities.

E. Emergency Preparedness Plans: Describe your Emergency Operations Plan.

F. Program Evaluation/Consumer Satisfaction:

1) Describe your method(s) for evaluating your program’s performance including the distribution of customer feedback surveys which will be provided by County and returned to the County for data collection and analysis.

2) Describe how you will collect information from your clients about their perception of your program and its effectiveness.

3) Describe your Quality Improvement Plan.

1. Cultural Competence:

Describe how your agency/program will ensure cultural competence. This may include culturally relevant program features, staffing objectives that reflect cultural and linguistic diversity and education materials that value the cultural diversity of San Mateo County.

H. Collaborative Service Planning:

1) Describe your involvement in the planning and development of a community-wide system of services.

2) Give an example of a program in which you collaborated with other agencies to enhance the service-delivery system for seniors and people with disabilities.

3) Identify any County committees or coalitions in which you have been involved.

1. Contributions/Project Income**:**
2. Define your agency's project income policies and procedures on setting the suggested client contribution level and guest meal cost; protecting the voluntary, anonymous contributions of your clients; handling the daily income from clients and guests; and contingency plans for securing additional revenue if proposed income level is not achieved.
3. Describe how you would use any income in excess of budgeted amount.
4. State the current average per meal contribution for this program if you are currently a congregate provider.
5. Insurance: Agency must provide documentation of current malpractice insurance coverage.
6. Claims, Licensure, Non-Discrimination, and Health Insurance Portability and Accountability Act (HIPAA) Violations Against Your Organization:

List any current licensure, HIPAA, non-discrimination claims against you/your organization and those having occurred in the past five years, especially any resulting in claims or legal judgments against you.

1. References:

List at least three business references for which you have recently provided similar services. Include contact names, titles, phone numbers and e-mail addresses for all references provided.

**III. FISCAL – Refer to the Fiscal /Budget Standards**

1. Fiscal Staff:
2. Define the fiscal staffing positions that will be responsible for this program. Include job description(s).
3. Describe your record-keeping and fiscal management systems in detail.

B. Budget forms: Complete and submit all budget forms located in the Enclosures section VI of the Request for Proposals.

C. Financial Statement:

1) Attach an audited financial statement completed within the last twelve months.

2) If an audited financial statement is not available, include alternative audit procedures you will use.

1. Cost Analysis and Budget for Primary Services:
2. Provide a detailed explanation for all costs associated with your providing the requested services if you are selected.
3. Provide a completed budget for your proposed program. Instructions and budget form is found in Enclosures Section VI.

# E. Match:

# 1) There is a match requirement of ten point five-three percent (10.53%) of the total Legal Assistance program budget.

# 2) Describe how you will meet the required match. Refer to the Fiscal – Budget Standards.

3) Kids in Crisis and Clients’ Rights Advocate Programs do not have a required match.

**IV. STATEMENT OF COMPLIANCE WITH COUNTY CONTRACTUAL REQUIREMENTS**

A sample of the County’s standard contract (Including Exhibits A and B) is attached to this RFP. Each proposal must include a statement of the proposer’s commitment and ability to comply with each of the terms of the County’s standard contract, including but not limited to the following:

1. The County non-discrimination policy
2. The County equal employment opportunity requirements
3. County requirements regarding employee benefits
4. The County jury service pay ordinance
5. The hold harmless provision
6. County insurance requirement
7. The County Living Wage Ordinance
8. All other provisions of the standard contract.

In addition, the proposer should include a statement that it will agree to have any disputes regarding the contract venued in San Mateo County or Northern District of California.

The proposal must state any objections to any terms in the County’s contract template and provide an explanation for the inability to comply with the required term(s). If no objections are stated, the County will assume the proposer is prepared to sign the County standard contract template as-is.

**NOTE**: The sample Standard Contract Template enclosed with this RFP is a template and does not constitute the final agreement to be prepared for the selected service provider. Do not insert any information or attempt to complete the enclosed sample contract template. Once a provider is selected, the County will work with the selected provider to draft a provider-specific contract using the template. However, each proposal should address the general terms of the standard contract as requested within this RFP.