

LEGAL SERVICES

FY 2010 APPLICATION PACKAGE

Refer to NC Division of Aging and Adult Services
Legal Services
Service Standards located on the website
www.ncdhhs.gov/aging/monitor/mpolicy.htm
(Click on Legal for PDF of Legal Standards)

FUNDING NARRATIVE LEGAL SERVICES

Purpose of this Request for Proposal

Centralina Area Agency on Aging seeks to fund Legal Services:

- ❖ One project covering Mecklenburg County, and
- ❖ One project covering Multiple Counties of Anson, Cabarrus, Gaston, Iredell, Lincoln, Rowan, Stanly, and Union Counties.
- ❖ Or one project may cover all nine counties – Anson, Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly, & Union.

SECTION I: GENERAL INFORMATION

A. Statement of Philosophy and Purpose

“Legal Assistance is intended to protect and secure the rights, benefits and dignity of older persons. Legal assistance services place particular emphasis on activities that assist all older individuals in understanding and maintaining their rights, exercising choice, realizing benefits and opportunities authorized by law and solving disputes.”

B. Legal Base

Older Americans Act of 1965 as Amended: 42 U.S. C. 3001 et. Seq; (Public Law 102-375), In particular: (42 U.S.C. 3026(a)(2)(C); 42 U.S.C. 3027 (a) (15); 42 U.S.C. 3030d(a)(6); and 42 U.S.C.3058j)
45 CFR, Section 1321.71
N.C.G.S. 143B-181.1(c)

C. Population to be Served

Clients eligible for the service must be sixty years of age or older but income and type of residence is irrelevant. (For example, the client could live independently, in a congregate setting or a residential health or group care facility). Clients can not be “means tested” for eligibility.

However, the target population consists of older adults with greatest economic or social need, who require legal assistance to protect their rights and benefits.

Special priority will be given to older individuals with greatest economic and social need, low income minority older individuals, older individuals who reside in rural areas, and older individuals who are Native Americans. Special outreach efforts will focus on these individuals as well as those individuals with severe disabilities, older individuals who have limited English speaking ability, and older individuals who have Alzheimer’s disease or related disorders. Caretakers of these older individuals should also be informed of the availability of assistance.

D. Definition of the Service

Legal assistance is intended to encompass providing older individuals with legal advice and representation, appropriate referrals to human services agencies or pro-bono services and utilizing preventative measures such as community education. Legal assistance primarily consists of legal advice and representation provided by an attorney to older individuals with economic and social needs. Such assistance includes to the extent feasible, counseling or appropriate assistance by a paralegal or law student under the direct supervision of an attorney and counseling or representation by a non-lawyer where permitted by law.

E. Types of Services:

- | | |
|---|--|
| <input type="checkbox"/> Public Benefits | <input type="checkbox"/> Income |
| <input type="checkbox"/> Health Care | <input type="checkbox"/> Long-term care |
| <input type="checkbox"/> Nutrition | <input type="checkbox"/> Defense of guardianship |
| <input type="checkbox"/> Abuse | <input type="checkbox"/> Neglect |
| <input type="checkbox"/> Age Discrimination | <input type="checkbox"/> Housing |
| <input type="checkbox"/> Utilities | <input type="checkbox"/> Protective Services |
| <input type="checkbox"/> Other | |

The following services are prohibited:

- ❖ No political activity while engaged in legal assistance activities
- ❖ No fee-generating cases
- ❖ No lobbying
- ❖ Dues exceeding \$100 per recipient per annum

SECTION II: Service Provision

A. Service Delivery:

- ❖ Location of Services.

It is important that Legal Assistance be provided within county boundaries for each county. Therefore, Legal Assistance is required to have physical presence in each county at an Aging Community Service Provider’s Office or a Senior Center.

For the purposes of this project, the following Community Service Providers have agreed to 1) Provide a location for the Legal Services Provider to meet with clients, 2) Help to promote awareness of the service, and 3) coordinate appointments at a Community Service Provider’s site.

- | | |
|---------------------|--|
| Mecklenburg County: | Charlotte-Mecklenburg Senior Centers
Contact: Trena Palmer 704-522-6222 |
| Anson County: | Anson County Council on Aging
Bernice Bennett 704-694-6616 |
| Cabarrus County: | Cabarrus County Department of Aging
Mike Murphy 704-920-3484 |

Gaston County:	Gaston County Parks & Recreation (Senior Center) Ellen Fenters 704-922-2165
Iredell County	Iredell County Council on Aging Anna Rice 704-873-5171
Lincoln County	Lincoln County Senior Services Department Marti Hovis 704-736-8410
Rowan County	Rufty-Holmes Senior Center Rick Eldridge 704-216-7714
Stanly County	Stanly County Senior Services Department Becky Weemhoff 704-986-3769
Union County	Council on Aging in Union County Linda Smosky 704-289-1797

In addition, services may be provided at the Successful Applicant's office or at the client's home or at other community service agency as arranged by the Legal Services Applicant.

- ❖ Referral Sources. Individuals may be referred for service by family, friends, human service agencies or self-referred. In addition, the above named agencies have agreed to provide assistance in identifying and referring clients for services.

B. Direct Service Requirements

The following activities must be included in the provision of service:

- ❖ Evaluation of the client's need for legal assistance
- ❖ Referral to private attorney for services prohibited under contract or to a social services agency as appropriate
- ❖ Assistance for clients by providing advice in such areas as public benefits, tenant, consumer and household matters (list not exclusive)
- ❖ Representation for clients in above matters through telephone calls, letters, meetings, production of appropriate documents and litigation
- ❖ Responsibility of providing information and community education on preventive legal management of personal affairs
- ❖ Coordination between the private bar and the legal assistance provider to ensure that services are efficiently delivered and to encourage expansion of services on a pro bono or reduced fee basis
- ❖ Written case file on each client
- ❖ Work with Centralina Long Term Care Ombudsman Program on advocacy efforts as appropriate

C. Administrative Requirements

- ❖ Written policy on case priorities
- ❖ Written policies and procedures on collection of voluntary contributions in compliance with the NC Division of Aging and Adult Service Consumer Contributions Policy (see Consumer Contributions Policy on Division website at <http://www.ncdhhs.gov/aging/consumercontributions.htm>)

- ❖ No service may be denied by an older person's inability to contribute to the cost of the service
- ❖ Completion of all required reporting including Centralina's Quarterly Report of Activities and the NC Division of Aging Adult Services Reimbursement Reports.

SECTION III: Staff Qualifications:

Legal Assistance must be provided by a licensed attorney. Staffing may include, but is not limited to, a component involving advice or representation by:

- a) a paralegal under the direct supervision of an attorney
- b) a third year law student under the direct supervision of an attorney; or
- c) a non-lawyer, under the direct supervision of an attorney in an administrative public benefits problem or otherwise permitted by law

SECTION IV: PROPOSAL APPLICANT INFORMATION

APPLICANT AGENCY NAME: _____

PRIMARY CONTACT: _____

ADDRESS: _____

PHONE: _____ EMAIL: _____

Proposal Application for: (PROPOSAL MAY BE WRITTEN FOR BOTH)

_____ Mecklenburg County

_____ Anson, Cabarrus, Gaston, Iredell, Lincoln, Rowan, Stanly, & Union County
Proposal

Types of Legal Activities to be Provided:

Please check all types of Legal Assistance that your Agency proposes to provide in order of priority with the numeral one (1) being the highest priority. Please take into consideration the extent to which some of these issues are addressed by other legal assistance sources.

_____ Public Benefits

_____ Health Care

_____ Nutrition

_____ Abuse

_____ Age Discrimination

_____ Utilities

_____ Other _____

_____ Income

_____ Long-term care

_____ Defense of guardianship

_____ Neglect

_____ Housing

_____ Protective Services

SECTION V: AGENCY EXPERIENCE & STAFFING

1. Please describe the history & experience of the Agency in providing Legal Services.

2. Please describe staff that will provide services under this contract and their qualifications.

3. Please provide a copy of the current year audit (if not already submitted) and a current year copy of a Conflict of Interest signed and notarized.

SECTION VI: Service Provision

1. Describe your plan for providing services in the designated geographic areas. (if you are only applying for the Mecklenburg grant – you respond in relation to Mecklenburg County. If you are responding in relation to the Multiple Counties project, be sure to address each of the counties.)

2. Describe your plan for coordinating with the Community Service Provider in each county. Be sure to outline your plan for physical presence in the county/counties you plan to serve. (See page 3 & 4 of the proposal)

SECTION IX: CONSUMER CONTRIBUTIONS

1. Describe your plan for notifying and soliciting consumer contributions for recipients of Legal Assistance.

SECTION X: BUDGET

The following funds are available for each project and require a 10% match.

	Grant Funds	Match	Total
Mecklenburg Project:	\$21,354	\$2,373	\$23,726
Multiple County Project:	\$37,069	\$4,118	\$41,188
TOTAL	\$58,423	\$6,491	\$64,914

_____ The cost computation form is attached
DOA 732a1
DOA 732A
DOA 733

_____ The Standard Assurances Form is signed and attached.

**COMPLETED COPY OF PROPOSAL WITH ORIGINAL SIGNATURES IS DUE TO
CENTRALINA AREA AGENCY ON AGING BY 12:00 NOON ON JUNE 19, 2009. (NO EMAIL
OR FAXED PROPOSALS ACCEPTED)**

STANDARD ASSURANCES

1. Services will be provided in accordance with requirements set forth in:
 - a. North Carolina Home and Community Care Block Grant Policy and Procedures Manual
 - b. The North Carolina Division of Aging and Adult Services Policies and Procedures.
 - c. The Older Americans Act of 1965.
2. Priority will be given to older persons with the greatest economic or social needs, with particular attention to low-income minority individuals.
3. All licenses, permits, bonds, and insurance necessary for carrying out services will be maintained by the Legal Service Provider and any contracted providers.
4. Certification, State Grants compliance reporting (less than \$25,000), Schedule of Grantee receipts (more than \$25,000), Schedule of Receipts and Expenditure (more than \$25,000) or Audited Financial Statements in compliance with GAO-GAS (i.e. Yellow Book) for any programs receiving \$500,000 or less in state and/or federal funds. An OMB Circular A-133 is required for any program receiving more than \$500,000 in state and/or federal funds. The audit shall be performed and resolved within six (6) months of the close of the provider's fiscal year. Upon completion of the audit, a copy of the audit report and any opinion letter shall be provided to the Area Agency on Aging.
5. Compliance with Equal Employment Opportunity requirements shall be followed.
6. The Legal Service Provider will be monitored through on-site visits by the Area Agency on Aging to assure that services are being provided in compliance with the provisions of the contract.
7. The Legal Service Provider will submit both monthly financial and program reports as required by the Area Agency on Aging.
8. The Legal Service Provider assures that the required 10% match will be provided.
9. The Legal Service Provider assures that all consumer contributions collected will be used to expand Legal Services.
10. The Legal Service Provider assures that all terms and conditions as required by the Older Americans Act of 1965, the North Carolina Division of Aging and Adult Services, and Centralina Area Agency on Aging will be adhered to.

Date

Signature/Title

Service Providing Agency