



SERVICE GUIDELINES

TITLE III-E LEGAL ASSISTANCE

December 2024

DEFINITIONS

Grandparent or Older Individual Who is a Relative Caregiver: The term “Grandparent or Older Individual Who is a Relative Caregiver” means a grandparent or step grandparent, or a relative of a child by blood, marriage or adoption, who is aged 55 or older and: lives with the child, is the primary caregiver of the child because biological or adoptive parents are unable/unwilling to serve as primary caregiver of the child, and has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

Grandparents or relative caregivers, providing care for adult children with a disability, who are between 19 and 59 years of age, can be served under the NFCSP. These caregivers must be age 55 years or older, and cannot be the child’s parent. Priority shall be given to those providing care for an adult child with severe disabilities.

- Lives with the child;
- Is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and
- Has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

Child: The term “child” means an individual who is not more than 18 years of age or who is an individual with a disability. Grandparents or relative caregivers, providing care for adult children with a disability, who are between 19 and 59 years of age, can now be served under the National Family Caregiver Support Program. These caregivers must be age 55 years and older, and cannot be the child’s parent. Priority shall be given to those providing care for an adult child with severe disabilities.

Caregiver: The term “family caregiver” means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual or to an individual with Alzheimer’s disease or a related disorder with neurological and organic brain dysfunction.

- revised definition, family caregivers are now eligible for Title III-E services if they are providing informal support to persons under age 60 if these persons under age 60 have Alzheimer's disease or related disorders with neurological and organic brain dysfunctions. If the persons receiving informal support from family caregivers do not have Alzheimer's disease, or related disorders and organic brain dysfunctions, they must be age 60 and over in order for the family caregiver to be eligible to receive Title III-E services.

Eligibility

In order to be eligible for caregiver gap services, caregivers must be providing in-home and community care to older individuals who are at least 60 years of age or under age 60 with Alzheimer or related disorder with neurological and organic brain dysfunction, and who meet the following definition of "frail" as outlined in subparagraph (A) (i) or (B) of section 102 (28) of the Older Americans Act:

The term "frail" means that the older individual is determined to be functionally impaired because the individual-

- Is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision;

Or

- Due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual;

And

- Be the primary caregiver.

The service or supply must not be available through other programs. Priority should be given to Caregivers who lack financial resources to fulfill the request themselves. Eligible individuals will only be able to access the program once a fiscal year (October 1 to September 30), unless there are extenuating circumstances.

A Family Caregiver need not live with the individual for whom s/he is caring (henceforth referred to as the Care Receiver), and unless otherwise specified, need not meet any other criteria, such as minimum number of hours spent providing care for the Care Receiver, or any income requirements.

Legal Services shall include arranging for and providing assistance in resolving civil legal matters and the protection of legal rights, including legal advice, research and education concerning legal rights and representation by an attorney at law, a trained paralegal professional (supervised by an attorney), and/or a law student (supervised by an attorney) for Family Caregivers and grandparent or older individual who is a relative caregiver.

UNIT OF SERVICE

- Representation by an attorney, a paralegal and/or a law student: one hour of time spent by one person working on a case.
- Planning and coordinating education and research and provision of legal information and community education: one hour of staff time expended on behalf of client(s).

SERVICE ACTIVITIES MAY INCLUDE

- Planning and coordinating initial education and research efforts to assure the success of the Legal Assistance program;
- Provision of legal advice and information;
- Legal research on behalf of client(s);
- Education concerning legal rights;
- Representation by an attorney at law, a trained paralegal, and/or a law student; and
- Provision of client advocacy to secure needed and entitle benefits.

IDOA REQUIREMENTS

1. The legal provider shall:

- Have a staff with expertise in specific areas of law affecting older persons in economic or social need, e.g., public benefits, institutionalization, and alternatives to institutionalization.
- Demonstrate the capacity to provide effective administrative and judicial representation in the areas of law affecting older persons with economic or social need.
- Demonstrate the capacity to provide support to other advocacy efforts, e.g., the long-term care ombudsman program.
- Demonstrate the capacity to provide legal services to institutionalized, isolated, and homebound older individuals.

- Demonstrate the ability to provide legal assistance in the principal language spoken by clients in areas where a significant number of clients do not speak English as their principal language.
2. A legal provider may not require an older person to disclose information about income or resources as a condition for providing legal assistance under this service.
 3. A legal assistance provider may ask about the persons financial circumstances as a part of the procedure of providing legal advice, counseling and representation, or for the purpose of identifying additional resources and benefits for which an older person may be eligible.
 4. A legal assistance provider and its attorneys may engage in other legal activities to the extent that there is no conflict of interest or other interference with their professional responsibilities under this service.
 5. No provider shall use funds received under this service to provide legal assistance in a fee generating case unless other adequate representation is unavailable or there is an emergency requiring immediate legal action. All providers shall establish procedures for the referral of fee generating cases.
 - a. "Fee Generating case" means any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds, or from the opposing party.
 - b. A provider may seek and accept a fee awarded or approved by a court or administrative body, or included in a settlement.
 - c. When a case or matter accepted in accordance with this service results in a recovery of damages other than statutory benefits, a provider may accept reimbursement for out-of-pocket costs and expenses incurred in connection with the case or matter.
 6. A provider, employee of the provider, or staff attorney shall not engage in the following prohibited political activities:
 - a. No provider or its employees shall contribute or make available Older Americans Act (OAA) funds, personnel or equipment to any political party or association or to the campaign of any candidate for public or party office, or for use in advocating or opposing any ballot measure, initiative, or referendum.
 - b. No provider or its employees shall intentionally identify the Title III program or provider with any partisan or nonpartisan political activity, or with the campaign of any candidate for public or party office.
 - c. While engaged in legal assistance activities supported under the OAA, no attorney shall engage in any political activity.
 - d. No funds made available under the OAA shall be used for lobbying activities, including, but not limited to any activities intended to influence any decision or activity by any non-judicial Federal, State or local individual or body.

7. No provider or its employees shall:
 - a. Participate in any public demonstrations, picketing, boycott, or strike, except as permitted by law in connection with the employee's own employment situation.
 - b. Encourage, direct or coerce others to engage in such activities.
 - c. At any time, engage in or encourage others to engage in:
 - i. Any illegal activity; or
 - ii. Any intentional identification of programs funded under the OAA or recipient with any political activity.
8. None of the funds made available under the OAA may be used to pay dues exceeding \$100 per recipient per annum to any organization (other than a bar association), a purpose or function of which is to engage in activities prohibited under these regulations, unless such dues are not used to engage in activities for which OAA funds cannot be used directly.

SERVICE REQUIREMENTS

1. The Grantee will provide Education/Information for each Community Focal Point/Family Caregiver Resource Center (AgeSmart I & A providers) and Senior Nutrition Sites, when possible, to educate grandparent or older individual who is a relative caregiver and Informal caregivers on pertinent legal issues.
2. The Grantee will provide Legal Assistance services to grandparent or older individual who is a relative caregiver, including orders of protection, forms of caregiving relationships (including custody and guardianship), housing, healthcare, child support, and public benefits.
3. The Grantee will provide Legal Assistance services to informal caregivers.
4. The Grantee will make special efforts to target its programs and services toward persons in greatest economic and/or social need with special attention to low-income minorities.
5. The Grantee will attend planning and training meetings scheduled by AgeSmart Community Resources on the National Family Caregiver Support Program.
6. The Grantee will initiate/coordinate/collaborate with community organizations, including other AgeSmart Grantees, to provide legal assistance, as well as education/information to family caregivers and grandparent or older individual who is a relative caregiver.
7. Grantees will use the AgeSmart logo on facilities, webpages, newsletters and brochures. All logo and branding standards are available to Grantees. Along with branding, the following statement must be used by Grantees:

Funding for Grantee is received from the United States Administration for Community Living, the Illinois Department on Aging and AgeSmart Community Resources. Grantee does not discriminate in admission to programs or activities or treatment of employment in programs or activities in compliance with appropriate State and Federal Statutes. If you feel you have been discriminated against, you have the right to file a complaint with AgeSmart Community Resources by calling 618-222-2561.

8. The Grantee shall conduct pre-employment criminal background checks for all employees of AgeSmart-funded programs. The Grantee shall also conduct criminal background checks on volunteers participating in AgeSmart-funded programs with access to confidential client information, including, but not limited to, addresses, social security numbers, financial information, etc.
9. Grantees must conduct regular public outreach, at least once per month, to inform the community about the availability of the service. Acceptable methods for public outreach include, but are not limited to, mass or social media announcements, presentations, public displays, brochure distribution in community spaces, or other effective strategies aimed at reaching a broad audience.
10. Grantees shall develop a mechanism to receive ongoing input and discussion about service and training needs from family caregivers who provide informal in-home and community care to older individuals and from grandparents raising grandchildren.

TARGET POPULATION

Caregivers (who meet definition) residing within PSA 8. Priority will be given to those with the greatest economic and social need and to:

- Family caregivers who provide care for individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction;
- Grandparents or older individuals who are relative caregivers who provide care for children with severe disabilities;
- Caregivers who are older individuals with greatest social need, and older individuals with greatest economic need (with particular attention to low-income individuals); and
- Older individuals providing care to individuals with severe disabilities, including children with severe disabilities

REIMBURSEMENT

The Grantee will be paid one-twelfth of the grant amount each month. **Reporting must be correct and submitted on time. Should reporting be late, reimbursement may be withheld.**

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Fiscal Guidelines for All Title III Programs

Program Income

Program Income is defined as contributions made by recipients of service and interest on such contributions.

A. Program income includes, but is not limited to:

1. Contributions of recipients of service and interest on such contributions.
2. Income from service fees obtained through the use of a sliding fee scale or suggested fee schedule.
3. Proceeds from the sale of personal or real property with an acquisition cost of less than \$5,000.
4. Usage or rental fees.
5. Sale of assets purchased with grant funds with an acquisition cost of less than \$5,000.
6. Royalties on patents and copyrights.

B. The following specific revenues shall **not** be included as program income:

1. Interest income on State funds whether earned on advances or the "float." This does not include interest on contributions made by recipients of service under a project which is considered program income.
2. Rebates, discounts, and recoveries.
3. Income earned by individuals or a group of project participants, when such income accrues directly to the participants.
4. Revenues raised by a grantee or contractor which is a government under its governing powers, such as taxes, special assessments, etc.
5. Tuition and related fees received by an institution of higher education for a regularly offered course taught by an employee performing under a grant or contract.
6. Proceeds from the sale of personal or real property with an acquisition cost of more than \$5,000.
7. Sale of assets purchased with grant funds where the acquisition cost was more than \$5,000.

8. Contributions made by representatives of service recipients, relatives, non-related individuals or entities, on behalf of service recipients are not program income, but are considered to be local cash.
9. Organized fund-raising activities carried out by Title III grantee agencies.

Allowable Uses of Program Income

A. Additional Costs Alternative

Under this alternative, the income is used for costs which are in addition to the allowable costs of the project or program, but which nevertheless further the objectives of the Federal statute under which the grant was made.

Examples of purposes for which the income may be used are:

1. Expanding the program.
2. Continuing the program after the grant ends.
3. Supporting other programs that further the broad objectives of the statute.
4. Obtaining equipment or other assets needed for the program or for other activities that further the statute's objectives.

Award recipients under an Area Plan must receive prior approval by the Area Agency on Aging for costs borne with program income under this alternative.

B. Additional Requirements

1. All program income earned under Title III must stay with the service provider who earns it.
2. All program income earned under Title III, Part B, Part C-1, Part C-2 and Part E must be used only for services allowable under the part from which it was earned except as provided in (6) below.
3. All program income must be expended prior to requesting federal funds from the Department on Aging and must be expended within the fiscal year in which it was earned.
4. All program income received in the form of "cash" must be expended as it is earned to minimize cash draw down.

5. Program income earned as a result of services provided with Title III, Part B or Part E assistance may be used for any service which that contractor is authorized to provide with Title III-B or Title III-E funds.
6. Program income earned as a result of services provided with Title III C-1 or III C-2 must be used:
 - a. To increase the number of meals served by the project involved;
 - b. To facilitate access to such meals; or
 - c. To provide other supportive services directly related to nutrition services.

C. Special Requirements for Providers Receiving Section 5311 Funds from the U.S. Department of Transportation

All transportation providers receiving support from Section 5311 and Title III-B and/or Title III-E must report rider donations as program income. Program income collected should be reported under Section 5311 and Title III-B and/or Title III-E only to the extent and in direct proportion to each funding source's financial participation. Thus, the same rider donations shall not be reported in the same amount as program income under both funding sources.

Accountability for Program Income

- A. Program income must be deposited into an appropriate bank account or converted to money orders on a regular basis.
- B. Cash participant contributions should be counted by two (2) persons, placed in a safe, secure place until deposited, deposited intact, and deposit receipts compared with count sheets. Such standards require the accurate recording of amounts collected at the project and site levels and subsequent use of these funds.
- C. Grantees must account for program income on an on-going basis, and must report such income to the Area Agency on Aging through the established financial reporting system.
- D. Accounting records and reports submitted by a recipient to the Area Agency on Aging should provide a clear audit trail on all program income and its uses. Account records and reports should accurately reflect the receipt of such funds **separately** from the receipt of Federal funds, grantee funds, and the use of such resources.
- E. Although interest income earned on General Revenue and/or local funds by non-profit organizations is not considered program income, project grantees should maintain adequate accounting records on any interest income earned. The Department must approve the Area Agency on Aging's proposed use of General Revenue Funding interest income as an activity which will further the purpose of the project and the Act.

- F. Rebates, discounts, and recoveries on leases should be treated as applicable credits and credited to the Federal grant accounts.

Voluntary Contributions

Each service provider must:

1. Provide each older person with an opportunity to voluntarily contribute to the cost of the service;
2. Protect the privacy of each older person with respect to his or her contribution;
3. Establish appropriate procedures to safeguard and account for all contributions; and
4. Use all contributions to expand the services of the provider under this part and supplement (not supplant) funds received under the Older Americans Act.

The service providers that receive funds under this part **shall not means test** for any service for which contributions are accepted or **shall not deny any older person service because the older person will not or cannot contribute** to the cost of service. Contributions made by older persons are considered program income.