**NC Division of Aging & Adult Services**

**Legal Services Programmatic Monitoring Tool**

**I. General Monitoring Information**

Region:

Legal Services Provider(s):

Review Date:

State fiscal year reviewed:

AAA staff who completed form:

LSP staff who completed form:

**II. Legal Services Requirements\***

**\*If the question is not relevant for the legal services provider, then please respond for the law firm who provides the Title IIIB service.**

 **A. General Information**

1. Are persons who receive legal services at least 60 years of age or older?

 A. How is age verified:

2. Does the person who receives legal assistance need legal services?

 A. Does the legal services provider participate in political activities and lobbying?

 B. If so, explain?

3. Does the legal services provider either render legal advice, legal representation, provide appropriate referrals to human services agencies, or utilize preventive measure to avoid legal issues?

 A. Provide an example:

 **B. Client Characteristics**

1. Does your legal services provider ask potential clients about income?

 A. Does your legal services provider deny clients because of their income limits?

 B. If yes, explain:

2. How does your legal services provider focus on the targeted populations (e.g. non-English speaking, lower income clients, etc.)?

3. Under the Older Americans Act, legal assistance is defined as “legal advice and representation by an attorney to older individuals with economic or social need.”

 A. How does the legal services provider target those with the greatest economic need?

 B. How does the legal services provider target those with the greatest social need?

4. Does your legal services provider render legal services to those regardless of their immigration status?

 A. If not, please explain:

5. If two (2) potential clients are competing for legal services funding, what process has your legal services provider established to ensure the targeted populations as listed under the Older Americans Act receives legal services assistance over the potential client who does not fall under the targeted populations?

 **C. Case Types**

1. Does your legal services provider generally render legal services which are defined as priority legal services under the Older Americans Act?

 A. If not, explain?

 B. In the period you monitored, how many last will & testaments were provided?

2. Does your legal services provider take fee generating cases?

A. If yes, did the legal services provider explain to you why the case was deemed an emergency and if other referral sources were provided to the client?

3. Does your legal services provider render legal services for criminal law matters?

 **D. Staffing**

1. Is legal services rendered by a licensed attorney?

A. Does the legal services provider inform you when one (1) of their attorneys have been reprimanded by the NC State Bar?

B. Does the legal services provider utilize law school students and paralegals to assist with legal services?

2. Does your legal services provider, if not a Legal Services Corporation (in NC, this is Legal Aid), collaborate ,and not duplicate services, in your planning and service area with the Legal Services Corporation (Legal Aid)?

 A. If applicable, did your legal services provider submit a 1-2 sentence explanation of how they do

 not duplicate services with the Legal Services Corporation in your planning & service area?

 **E. Confidentiality**

1. Does your legal services provider protect attorney-client privilege?

2. Does your legal services provider permit you to review redacted case files while monitoring, if requested?

3. Does your legal services provider adhere to the following NC Rules of Professional Conduct: Rule 1.6, Confidentiality of Information and Rule 1.7, Conflict of Interest: Current Clients?

4. Did your legal services provider inform you of any potential conflict of interest against the AAA or the Division of Aging & Adult Services during the past fiscal year?

 A. If yes, did the legal services provider attempt to minimize the conflict and explain how they

 minimized the conflict?

 **F. Uniform Programmatic Monitoring**

1. Does the legal services provider engage in uniform programmatic monitoring?

 A. If yes, did you receive documents from the legal services provider during the year and have those

 documents been added to the monitoring file?

 **G. Consumer Contributions**

1. Does your legal services provider provide a consumer contributions form to each client who received legal services?

2. Does the consumer contributions form inform the client of the following:

1) the contribution is voluntary

2) there is no obligation to contribute

3) services will not be terminated if no contribution

4) the contribution will be used to expand the service

5) contributions are confidential       AND

6) provide a contact person, including telephone number, for questions

 **H. ACL Data Collection**

1. Does your legal services provider submit data bi-annually for ACL data collection?

2. In *general*, does the data show that the legal services provider is attempting to outreach and service those of the greatest social and economic need?

 A. Explain:

 **I. Reimbursement**

1. Did your legal services provider bill for travel time (ARMS code 131) during the period monitored by the AAA?

 A. If yes, was the time billed for travel (code 131) greater than 10% for the code used for legal services (code 130)?

 **J. Advocacy**

1. Did your legal services provider submit to you a list of outreach activities by August 1st of the calendar year?

2. Did the list submitted indicate the legal services provider attempted to outreach to target populations (homebound, non-English speaking, etc.)?

 A. Explain:

**III. Attestation of Completion**

Signature/E-Signature:

Printed Name:

Title:       Date:

Email:       Phone: