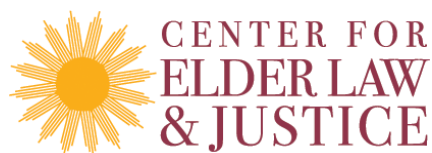




Legal Risk Detector Project Toolkit

A Guide for Legal Nonprofits
Serving Older Adults

probono.net



This toolkit was supported through a cooperative agreement with the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime award number 2017-VF-GX-K135. The opinions, findings, conclusions or recommendations expressed in this document are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.

About this Toolkit

This Toolkit was developed by Pro Bono Net and the Center for Elder Law & Justice to provide a road map for how nonprofit legal aid and elder justice programs can successfully build a Legal Risk Detector-powered outreach, issue-spotting and referral program in your jurisdiction. It contains information about the origins of the Legal Risk Detector, what it is, how it works, how the Center for Elder Law & Justice office has used it, how it can be customized for new regions, and tips for successful deployment. To view a companion webinar series for this Toolkit, visit AgingSafely.us.

This toolkit was funded through grant number 2017-VF-GX-K135 from the U.S. Department of Justice, Office for Victims of Crime (OVC) for Field-Generated Innovations in Addressing Elder Abuse and Financial Exploitation. The opinions, findings, and conclusions or recommendations expressed in this document are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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1. Common Terms

Below are a few terms you will hear us use in this toolkit:

- The Legal Risk Detector, or Risk Detector for short, is a web-based legal health “check-up” and referral tool that allows medical personnel, social workers, and other allied professionals to screen older adults for common legal issues, including abuse, financial exploitation, housing, health care and consumer debt.
- Pro Bono Net (PBN) is a national nonprofit that works to bring the power of the law to all by building cutting edge digital tools and strengthening collaboration in the civil justice sector to tackle justice problems. Pro Bono Net is the developer of the Risk Detector and works with nonprofit legal aid and elder justice groups to adopt it. Visit probono.net for more information.
- The Center for Elder Law & Justice (CELJ) is a civil legal services agency in Buffalo, New York, serving nine Western New York counties. Since 1978, CELJ has provided comprehensive free legal services to the community’s seniors, people with disabilities and the low-income population. CELJ’s services help people maintain the essentials of life- access to health care, securing safe and affordable housing, protective services to remain free from violence, and access to sufficient income to improve their overall quality of life. CELJ was PBN’s lead partner on this effort, and many of the practices identified in this toolkit are based on CELJ’s service model. Visit elderjusticenyc.org for more information.
- The Office for Victims of Crime (OVC) is one of the six components within the Office of Justice Programs in the U.S. Department of Justice. Established in 1988 through an amendment to the Victims of Crime Act (VOCA) of 1984, OVC is charged by Congress with administering the Crime Victims Fund (the Fund). Through OVC, the Fund supports a broad array of programs and services that focus on helping victims in the immediate aftermath of crime and continuing to support them as they rebuild their lives. Millions of dollars are invested annually in victim compensation and assistance in every U.S. state and territory, as well as for training, technical assistance, and other capacity-building programs designed to enhance service providers’ ability to support victims of crime in communities across the Nation. Visit ovc.gov for more information.
- Community Partners are organizations, including their individual employees, for example social workers, medical professionals, and other allied professionals that are using the Risk Detector.

- The “client” or “clients” mentioned throughout this Toolkit are the clients of the Community Partners, not the legal aid program, as no attorney-client relationship is established through a Risk Detector screening alone. It is the subsequent interactions between the legal aid program and the senior client that *may* establish an attorney-client relationship.

2. What is the Legal Risk Detector?

The Legal Risk Detector is a web-based legal risk detection and referral tool that allows Community Partners to screen elderly individuals for common legal issues, including elder abuse, financial exploitation, housing, debt and health care, and to refer them to legal services from a trusted nonprofit legal services partner. In other words, the Risk Detector helps non-attorneys identify client issues that may have legal solutions. These Community Partners are a crucial component to successful implementation of the Risk Detector, as they can help nonprofit legal aid organizations and other elder justice programs reach more people, particularly those who are in more isolated locations or those that are homebound.

At the conclusion of the screening session, the Risk Detector e-mails a report to the legal services partner, as well as the Community Partner that used the Risk Detector. Based on information collected during the screening, this report categorizes the client’s risk as “low,” “medium,” or “high,” and identifies red flag issues. The report also may contain any photographs, videos, or documents that are relevant to the legal screening and that the elderly individual has given consent to include in the referral. See **Appendix A** for samples of the app screens and functionality.

3. How Can the Risk Detector Help?

How can the Risk Detector help to better detect and address threats to an older person’s well-being?

Early detection of legal issues that can threaten an elderly person’s financial, physical, emotional or mental well-being has been challenging for legal aid organizations. A 2014 study by Dr. Rebecca Sandefur of the American Bar Foundation, *Accessing Justice in the Contemporary USA*, found that Americans respond to civil justice situations in a wide variety of ways, but that rarely do people turn to lawyers or the courts for

assistance.¹ Moreover, Americans are unlikely to reach outside of themselves or their immediate social network for situations involving housing or debt, and rarely take any action with regard to employment, government benefits, or insurance issues. Older Americans may not even identify their problems as having legal solutions since many of them are experiencing poverty for the first time. For homebound, disabled or isolated seniors, the ability to self-identify legal needs and access help can be even more challenging.

In an effort to bridge this gap, the Risk Detector was initially created through a collaboration of Pro Bono Net, JASA/Legal Services for the Elderly in New York City and Georgetown University Law Center in 2016, and expanded in 2017 in collaboration with the Center for Elder Law & Justice in Buffalo, New York. The tool has been adopted successfully in both jurisdictions, with more than 50 community advocates trained and 2000 seniors screened for legal needs during its first two years of use alone. Developed using the Neota Logic software and designed for use on tablets, laptops and mobile devices, the Risk Detector enables non-legal professionals to conduct legal screening, triage and referral activities for homebound and other vulnerable seniors in settings that are often difficult to reach through traditional lawyer-driven services.

In 2017, Pro Bono Net, in collaboration with the Center for Elder Law & Justice, was awarded a grant from the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime (OVC) to develop online tools that enable innovative partnership and outreach models to comprehensively identify, respond to and remedy elder abuse and financial exploitation. Under this project, we enhanced the Risk Detector, partnered with nonprofit legal aid programs in three additional jurisdictions to pilot it, and developed resources to support its effective adoption in additional regions and networks. We also worked with an independent evaluator to assess the effectiveness of the tool, our training and support model, and other practices. Our goal is that this Toolkit and what we have learned may form the basis for additional expansion or useful replication at the state and local level to help propel national progress in identifying and remedying elder abuse and financial exploitation.

4. Legal Issues Encompassed by Risk Detector

Community Partners using the Risk Detector have the choice between doing the legal health check up in a Standard mode (longer interview with more extensive analysis and

¹http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_accessing_justice_in_the_contemporary_usa_aug_2014.pdf

report), or Express mode (shorter interview with summary analysis and report). Both modes screen for the following legal issues:

FINANCIAL EXPLOITATION (the misuse or taking of someone's assets for one's own benefit) includes:

- Banking Fraud
- Scams
- Theft
- Property Fraud
- Coercion
- Deception
- Misrepresentation
- Threats
- Undue Influence
- Harassment
- Unauthorized check writing
- Unauthorized ATM withdrawals or credit card purchases
- Lottery and email scams
- Home-improvement scams
- Fraudulent investments and insurance offers
- Real estate and Ponzi/pyramid schemes
- Deed theft
- Predatory mortgages

ABUSE & NEGLECT issues include:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Threatening or scolding behavior
- Neglect
- Failure to provide adequate food and/or medicine
- Failure to help with dressing and/or personal hygiene

HOUSING problems include:

- Eviction or foreclosure
- Dangerous conditions
- Lack of repairs or services

- Lack of heat and hot water
- Pests, infestation
- Mistreatment by landlord
- Mistreatment by neighbors

CONSUMER DEBT problems include:

- Legal action by lenders
- Frozen assets, garnished wages
- Liens on assets
- Credit score problems
- Collection harassment
- Too much debt
- Inability to manage payments

HEALTH CARE issues include:

- Denial of insurance coverage
- Denial of essential services by insurer
- Billing problems related to health care
- Inability to get to medical appointments
- Lack of necessary health care

5. Planning and Building A Legal Risk Detector Program

Planning Your Project Timeline

While your project's timeline will depend on factors such as the capacity of your staff to develop and manage the program and the readiness of community partners to participate in the program, we recommend a minimum of a 6-month project planning and development phase, followed by pilot period, and then a full-scale launch. Projects seeking to cover a large geographic area or seeking to collaborate with multiple legal services providers on processing referrals received through the Risk Detector will likely benefit from a longer planning phase.

Staffing Your Risk Detector Program

The staffing needs for your Risk Detector project will depend on the scale of your program, but we recommend starting with an attorney-paralegal team capable of devoting approximately 20 hours a week combined to the project during planning, testing and operational phases. This team will have responsibility for:

- Overall project planning and management
- Working with technology partners on Risk Detector software development and testing, and coordinating input from other legal aid or community stakeholders
- Developing policies and protocols for how community partners will use the tool, and how legal aid staff will handle referrals received through it
- Identifying, recruiting and ongoing training of community partners
- Managing the implementation with community partners
- Ongoing processing and follow up on referrals received through the Risk Detector
- Ongoing program monitoring, evaluation and enhancement

Certain activities, for example community partner outreach and training, may be supplemented by other forms of staffing such as law student fellows or national service volunteers, or by staff working on related elder justice, victim services or community outreach efforts.

Developing and Customizing the App to Meet Your Needs

The Risk Detector is a web-based tool created, hosted and maintained by Pro Bono Net using software called Neota Logic. The Risk Detector is accessed through a web-based link specific to each instance of the app and configured based on the screening and referral process of the local group(s) developing a Risk Detector-powered program. We realize that each organization is different, and that your ideal legal screening tool may not be exactly like the existing version of the Risk Detector. Pro Bono Net can work with programs interested in using the Risk Detector to assess what changes need to be made to localize it for your jurisdiction and service model, and to host and maintain a version of the app for your program's use. The technology development and hosting budget will vary based on each program's needs, but the app and its screening questions were designed to be readily adapted and scaled for new jurisdictions, and it is possible to create state or program-specific versions of it. See **Appendix A** for examples.

Examples of standard customizations available include:

- Branding customizations, for example adding your organization's branding and logo
- Changes to question text for state-specific terms, for example "conservatorships" or "guardianships"
- Ability to add or remove certain questions
- Ability to make certain questions mandatory before moving on to the next page
- Ability to edit aspects of the closing sequence to reflect the referral process and protocols used between Community Partners and legal aid organizations
- Adding or removing certain questions regarding the client's personal information

Developing Policies and Procedures to Manage Referrals

Once a Community Partner completes an assessment using the Risk Detector, an email is immediately sent to the partnering legal aid program with a referral report summarizing any issues and vulnerabilities identified. During your project planning phase, you will want to develop and document procedures for how these referrals should be handled. Below is a general outline of the workflow and policies used by CELJ. A more detailed version is made available to all staff trained and involved in CELJ's Risk Detector program.

- The Risk Detector Paralegal (or the Back-Up Paralegal when the Risk Detector Paralegal is out of the office), reviews the report and contacts the potential client in a timely manner. (We strongly recommend that programs make contact *within one business day*).
- The Risk Detector Paralegal (or Back-Up Paralegal) will review the appropriate Department's intake guidelines to confirm whether a file can be opened. If a file can be opened, a complete intake is conducted with Risk Detector listed as the referral source. The Risk Detector Paralegal explains to each caller that an attorney-paralegal team will be assigned to their file and will be their contact going forward. All potential clients are contacted by the assigned unit within 24-48 hours.
- If the file *cannot* be opened (based on age or if the issue is not covered by one of CELJ's programs), the Risk Detector Paralegal will provide referral information to the caller and a prescreen file will be opened and rejected. This allow CELJ to track the referral in our case management system without opening and assigning a full case.

- All staff are advised that prompt and consistent follow-up is imperative to maintaining and further developing relationships with partners. Community partners may be hesitant to use the Legal Risk Detector if they are unsure as to whether the prospective client will get a call back.
- Staff are trained that client confidentiality is of the utmost importance in legal work and in special procedures when contacting a client about a potential elder abuse case.
- A back-up Risk Detector paralegal is identified in the event the lead paralegal is unavailable. We also create a schedule for Risk Detector paralegals to ensure that referral reports are reviewed and responded to in a timely matter.
- We encourage staff participating in the program to be flexible, and that assisted referrals may be necessary. Our goal is to help every referral we can, in any way we can, especially at this early stage.

6. Identifying and Recruiting Community Partners

Identifying the Community Partners that will be the users of the Risk Detector in your jurisdiction is one of the most crucial components to successful deployment. We recommend selecting one, or a few, Community Partners initially to test your Risk Detector App in your jurisdiction before expanding your program to other Community Partners. Most states have local or county departments that serve the senior community, and these types of organizations may be a good place to start. The following are some criteria to consider when you are selecting Community Partners, in order to reach as many elder individuals as possible:

- Number of staff that work in the senior community, and number of clients that the organization serves
- Whether the organization meets with elderly clients daily, either face to face or by phone
- The capacity of the organization and its level of trust within the community
- The organization's willingness to use innovative methods to better serve its clients and participate in related evaluation efforts
- The organization staff's familiarity with web-based technology
- Your existing relationship with the organization
- Physical location of the organization's office, and whether the organization makes home visits or makes accommodations for clients that cannot get to the organization's office

- Whether the organization utilizes tablets and/or laptops when going on out-of-office appointments; and
- Type of clientele that the organization traditionally serves.

You should make sure your initial Community Partners understand that their role during the Pilot Period will be to use the Risk Detector as much as possible, and to provide detailed feedback about use and/or any issues that are encountered during use. The pilot period is the best time to identify and address any problems, and to ensure that the Community Partner understands when to use the Risk Detector, and how to use it properly.

Based on the above criteria, CELJ has established relationships and conducted training with the following types of organizations:

- Local/County Office for the Aging
- Senior Centers
- Meal Delivery services (e.g. Meals on Wheels)
- Adult Protective Services
- Geriatric Care Managers
- Housing Counselors
- Faith-based organizations (e.g. Catholic Charities)
- Social workers
- Ombudsman Programs
- Senior Housing Counselors/Personnel

Programs may also want to consider partners such as community health centers, domestic violence agencies and “one stop” social services programs.

7. Training Community Partners

Training of community partners can be done in person or through web-based tools. If your training will be done in-person, you will need a projector and screen to do a run-through of the Risk Detector, as well as a presentation (e.g. PowerPoint or Prezi) that discuss what the Risk Detector is, how it is used, the purpose for it, and how your office will process/handle referrals from the Risk Detector. Other useful equipment and materials include:

- A mobile hotspot or jetpack to ensure a strong Internet connection during your presentation

- A hand-out or follow-up e-mail (to save paper) containing:
 - The link to the Risk Detector web-based application
 - Express report example
 - Standard report example
 - FAQ sheet of questions asked by Community Partners in your initial training sessions
 - Brochure and/or information about the legal services provided by your office, generally
 - Contact information for person(s) at your organization responsible for Risk Detector administration.

8. Pilot Period and Full Launch

Pilot Period

We recommend a pilot period before your full-scale launch to solicit feedback to inform your training and referral protocols, and to work out unforeseen issues. This Pilot Period is also a good time to start developing your Best Practices, and your marketing materials, to further develop your training materials, and to identify additional Community Partners. Each of these areas is discussed further below.

It will be up to your organization whether you want to publicize or share any information regarding this pilot period. Some organizations may want to forego publicity during the pilot period in case there are issues that may delay the full program launch, while others may want to use the pilot period as a means to advertise the launch and solicit additional community partners.

Legal Risk Detector Launch

After your Pilot Period, you may want to consider holding a launch event, for example a “grand opening” where you highlight through a conference or press release, perhaps involving local government officials or well-known community members, that your organization is participating in this project, and has access to this innovative new tool, the Legal Risk Detector. At a minimum, the launch could be a social media campaign to highlight that your organization is utilizing this new technology. This launch could also serve as a vehicle to attract additional Community Partners.

For CELJ's initial project launch in October 2017, we drafted a press release, rented space that would accommodate up to 100 people, and invited several organizations that touch the senior population in Western New York, as well as community members, and government officials. CELJ had approximately 50 people in attendance and attracted some Community Partners as a result.

9. Program Monitoring, Evaluation and Enhancement

We recommend that programs adopting the Risk Detector develop an evaluation plan to help ensure your project is meeting its intended goals and to collect feedback to enhance project effectiveness. Based on the framework developed by PBN, CELJ and our independent evaluator, the framework might include criteria such as:

- The types of referrals and program benefits that Risk Detector Partners are seeking;
- Whether the program benefits initially sought are the benefits reaped; and
- The extent to which the Legal Risk Detector helps to enable new senior-serving outreach partnerships Legal Risk Detector Partners and Community Partners.

Monitoring and evaluation data may include:

- Metrics on usage of the Risk Detector by community partners, obtained through a web-based reporting dashboard available for the tool
- Metrics about actions taken on referrals received through the Risk Detector
- Pre- and post-training surveys of Community Partners
- Surveys and qualitative feedback from Community Partners about the utility and effectiveness of the Risk Detector

10. Developing a Best Practices Framework

Best practices are methods and processes that produce consistently better results than other techniques over time. This guide reflects practices identified and refined by CELJ, PBN and our evaluator on this project, and improved through reflection, feedback from project collaborators and fine-tuning.

We recommend developing a Best Practices framework for how the Risk Detector will be used by your own organization as early as possible, and then filling in details and refining your own framework as you proceed through your pilot period.

11. Additional Resources and Information

For additional information about this project, a [companion webinar series](#) for this Toolkit, and to keep abreast of new resources developed by PBN, CELJ and other Risk Detector project partners, please visit our project website, agingsafely.us.

We welcome your feedback on this Toolkit, and how we can improve it in the future. Please contact Liz Keith, Program Director, Pro Bono Net, with any questions or suggestions: lkeith@probono.net.

Acknowledgements

Pro Bono Net is grateful to our collaborators who helped to develop this Toolkit or the practices identified within it, including lead author **Molly White** (Center for Elder Law & Justice), and AgingSafely.us project contributors **Melissa Woods** (Center for Elder Law & Justice), **Tim Baran** (Pro Bono Net), **Claudia Johnson** (Pro Bono Net), **Jillian Theil** (Pro Bono Net), **Donna Dougherty** (JASA), **Shah'ada Shaban Anderson** (Legal Services of Northern California), **Sarah Carver** (Alaska Legal Services Corporation), **Rebecca Rogstad** (Alaska Legal Services Corporation), **Jaye Martin** (Legal Services for the Elderly – Maine), **Jill Randall** (Legal Services for the Elderly - Maine), **Mary Jo Wasch** (Erie County Senior Services), **John Guidry** (TRX Development Solutions) and **Erin Hou** (TRX Development Solutions).

We also extend our thanks to our Risk Detector software development partners at **Neota Logic** and our AgingSafely.us graphic design partner **Ideal Design Company**.

Appendix A: Legal Risk Detector Screenshots

The Risk Detector is a web-based legal health “check-up” tool that allows groups serving the aging to screen older adults for common legal issues and refer them to a partnering legal services program. These screenings can take place in home, organizational or community-based settings, or done over the phone. It can be accessed via a link using any device type – a computer, laptop or phone.



The Risk Detector is designed to support screening in five issue areas. Community partners can select from Standard or Express screening paths, depending on how much time they have for the screening.

The image shows two screenshots of the Elder Law Risk Detector interface. The left screenshot is the 'STANDARD or EXPRESS?' selection screen, featuring the Center for Elder Law & Justice logo and two radio button options: 'STANDARD Risk Assessment (approximately 15-20 minutes)' and 'EXPRESS Risk Assessment (approximately 10 minutes)'. The right screenshot is the 'TOPIC SELECTION' screen, which lists five topics for selection: HOUSING, CONSUMER DEBT, FINANCIAL EXPLOITATION, HEALTH CARE, and ABUSE & NEGLECT. Each topic is preceded by a checkmark icon. A note at the top of the right screen states: 'John: CELJ strongly encourages you to INCLUDE these topics: FINANCIAL EXPLOITATION and ABUSE & NEGLECT'.

A user-friendly and conversational interface helps the partner issue-spot and ask the “right” questions.

3 of 6: FINANCIAL EXPLOITATION



Regarding **OTHER FINANCIAL CONCERNS**, are any of these TRUE?

- ☐ Someone has been asking me for money
- ☐ Someone has been reviewing my financial papers for me
- ☐ Someone has asked me to sign something
- ☐ Someone has been asking me about financial matters
- ☐ Someone has told me I've won something or will be getting money
- ☐ Someone has been trying to sell things to me
- ☐ Someone has been telling me not to talk to other people about financial matters
- ☐ Someone is pressuring me about money
- ☐ NONE of the above are true

The interview allows room to add notes, if needed, or to upload photos or relevant documents that can assist with the referral.

- ☒ I think I may need some help to be sure I'm protecting myself financially
- ☐ I have another problem or concern related to money
- ☐ NONE of the above are true

➔ Provide **ANY DETAILS** to help us understand **ANY DEBT PROBLEM(S)** selected above. Also describe any action taken to respond to any debt problem(s):

Enter information here.

CLIENT: JOHN DOE

John Doe, Male, Age 78

1 Main Street, Anywhere, New York 14202
555-555-5555, email@aol.com

The client **OWNS** home -- and has an annual household income of \$22,168.
For additional profile information, see the Transcript below.

➔ Based on the client's statements AND your observations, select one:

- ☐ I'm not sure if client has a problem with financial exploitation
- ☒ I think the client **NEEDS HELP** addressing possible financial exploitation
- ☐ I think the client **URGENTLY NEEDS HELP** addressing possible financial exploitation

OVERALL FINDING: VERY HIGH RISK for JOHN

Staff member, XXXX XXXXX, elected to perform the Standard Risk Assessment for John Doe ("the client") and selected the following topics:

- **HOUSING** (eviction, conditions, utilities, etc.)
- **CONSUMER DEBT** (judgments, collections, mounting debt, etc.)

As indicated below, the **MAXIMUM LEVEL OF RISK** found during this assessment is **VERY HIGH**:



The **SPECIFIC RISK LEVELS** identified for John Doe are as follows:

- Risk of Near-Term Housing Foreclosure: **LOW**
- Risk of Other Housing Problem: **VERY HIGH**
- Risk of Consumer Debt Legal Action: **HIGH**

Below are explanations of how these estimated risk levels were determined, along with corresponding guidance for the client and those who are advising the client.

A report is generated summarizing any issues identified and with the client's permission, is automatically sent to the legal aid partner for follow up and next action.



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