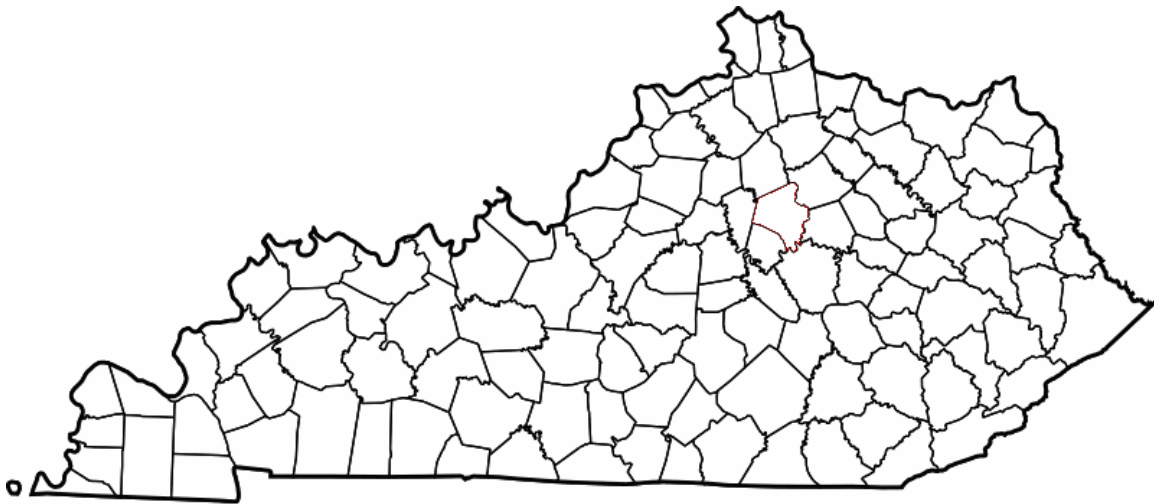


**Report on a Study of the
Concerns of Older Kentuckians
November 14, 2007**

**Access to Justice Foundation
Legal HelpLine for Older Kentuckians**

Study of the Legal Needs of Seniors in Kentucky



Access to Justice Foundation

Legal HelpLine for Older Kentuckians

David Godfrey, Managing Attorney

535 W. 2nd Street # 101

Lexington, KY 40508

859-255-9913

Cody Weber

Research Intern

University of Michigan

Acknowledgments

This study and report would not have been possible if not for the tireless work of Cody Weber, a student at the University of Michigan, who volunteered to collect and analyze data and draft this report. I owe Cody a million thanks spending his summer making this project a reality. I could not have done this without him. He is going to be a great lawyer.

I owe special thanks to all of the following: Penelope Hommel with The Center for Social Gerontology for timely advice on narrowing the focus of the study and targeting the sample population; Ellie Crosby with the AARP Foundation Legal Hotlines Technical Support Program for her help and encouragement; Dr. Pamela Teaster of the University of Kentucky Graduate Center for Gerontology, for her exhaustive review of the draft report and her encouragement when I really needed it; Natalie Thomas, Legal Services Developer in Georgia, for sharing with me documents that saved me countless hours of reinventing the wheel; the Public Service Program at the Louis D. Brandeis School of Law at the University of Louisville for recruiting students to collect data; to the following law students for helping to collect data, Wendy Groce-Smith, Matt Wade, Scott Hinden, Emily Wang Zahn, Erin Bentley and Nate Knopf, and to my Executive Director, Jamie Odle, for allowing and encouraging me to pursue this project with volunteers and limited resources.

David Godfrey
Lexington, Kentucky
November 6, 2007

I. Executive Summary

This study was undertaken to gather baseline data for development of a model approach to improve legal services delivery to older Kentuckians. Kentucky has a rapidly growing senior population facing many challenges to successfully aging in place. Rural isolation is a unique challenge in Kentucky, with seventy-three (73.2%) percent of its senior population living in rural areas. It is hoped that the data from this study will serve as a basis for planning improved access to legal assistance by maximizing the efficient use of limited resources. Data in this study underscore the need for expanded access to services and the need for continued and expanded funding of legal assistance to seniors in Kentucky.

Methodology:

Data collection was done via a survey instrument. In the summer of 2007, the Access to Justice Foundation distributed 2,883 copies of a survey designed to be completed by seniors in Kentucky. Seven hundred and six (706) surveys were returned, giving an overall response rate of 24.49%. These data were supplemented to provide a greater depth by a focus with the Blue Grass long term care ombudsmen program to gather information on the needs of residents residing in long-term care settings. We also conducted an online survey of legal service providers to gather information about the current service provider network.

Data from the surveys revealed the following:

- Twenty-nine (29.45%) percent of respondents have experienced problems with their health insurance.¹
- Kentucky's seniors indicate experiencing difficulties in the following areas: telemarketers (57.1%), sales people (33.54%), health problems or medical conditions (32.01%), conditions in the home (18.64%), bill collectors (13%), credit cards (15.89%), contracts (11.24%), utilities (10.06%), and landlords (7.64%).
- Almost twelve (11.75%) percent of the respondents reported being abused in some form. Of those, only twenty-one (21%) percent received help. Nearly one third (32.1%) reported problems that are common indicators of abuse, exploitation or neglect.
- Over a third (36.97%) did not recognize any of the organizations listed on the survey that provide legal services to seniors in Kentucky.
- A surprising number (42%) of seniors indicated they had received help from a lawyer within the last 10 years.
- The legal issues that concern seniors are: government benefits (25.17%), health insurance problems (14.63%), and estate planning (13.86%).

¹ All percentages are based upon respondents to the survey.

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- Seniors indicate the most needed legal services are: a help line where seniors can call and ask attorneys questions for free (30.78%), low-cost or free attorneys (20.66%) and a legal guidebook (16.07%).
- Slightly less than one third (30%) of Kentucky seniors use the internet or email. Over two-thirds (70%) consider the local senior center to be the best place to learn about access to legal assistance.

II. Introduction

A. The Importance of Legal Needs Assessment

Quantifying the issues and needs of Kentucky seniors is an essential first step in understanding the relationship between legal needs and the legal service delivery system. No study specific to the legal needs of persons age 60 and over had been conducted in the Commonwealth. The only previous legal needs studies in Kentucky concentrated on younger populations frequently served by the civil legal aid programs. The legal needs of older adults differ from the legal needs of younger persons. By understanding the legal needs of seniors, we can improve access to services and maximize system efficiencies. Information from the study will help us understand the legal needs of seniors, how seniors most want to receive legal assistance, and how to provide meaningful information about legal issues and available legal services to Kentucky seniors.

B. Current Funding of Legal Services

The legal aid network in Kentucky is composed of the Access to Justice Foundation (AJF) Legal HelpLine for Older Kentuckians, a statewide legal advice and referral service that has been operating since 1999, in partnership with the four regional Legal Service Corporation (LSC) funded civil legal aid programs. Access to Justice Foundation serves as a statewide advocacy and coordination agency for civil legal aid and receives funding from state and local sources. The Access to Justice Foundation is a past AoA Title IV legal assistance funding recipient and operates the Legal HelpLine for Older Kentuckians with funding from state and local sources. The four regional programs are the Appalachian Research and Defense Fund providing services in the east and south east region of the state, Legal Aid of the Bluegrass providing services in north east and north central Kentucky, Legal Aid Society providing services in Louisville and the surrounding area and Kentucky Legal Aid serving south central and western Kentucky. All of the LSC providers are also title IIIb providers for at least parts of their service areas.

C. The Need for a Legal Assessment Survey

The current system of delivering legal assistance to Kentucky seniors was developed based on the service capacity that was available and without an understanding of the needs and concerns of Kentucky Seniors. An essential step in planning for improved access to legal assistance is to understand the needs of seniors and how best to deliver services. By better understanding the legal needs of Kentucky seniors, we hope to make better use of the limited state and federal resources at a time when the aging population is rapidly expanding. This study of the “Concerns of Older Kentuckians” replicates the Georgia Needs Assessment Survey (2005) and the Planning the Legal Needs of Utah’s Seniors study (2004). The survey instrument assesses the legal needs of seniors, their perception and experiences with attorneys, awareness of current legal services and the barriers to obtaining legal assistance.

D. Purpose

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This study was conducted to foster an understanding of the needs and concerns of persons age 60 and over with a special emphasis on of low income seniors. By understanding the needs of seniors, we can better plan services to fill those needs and shape service delivery system to accommodate the needs of potential clients.

E. Study Design

We distributed 2,883 surveys to seniors aged 60 and older throughout the state. Recognizing that a significant part of the target population has limited literacy skills, five law student volunteers were recruited to help seniors in the community with completing the survey. To reach residents in long term care settings, the data from the surveys were supplemented by a focus group with long term care ombudsman in the Blue Grass region. An online questionnaire was sent to over 100 staff members in the legal aid network to gather data about the kinds of legal issues they encounter with older persons and the kinds of services they are able to provide.

Our objective was to study the legal needs of seniors with the greatest need for free legal assistance and those most likely to access assistance if it was available. We anticipated the greatest need among low income seniors who live in isolated rural and urban inner city areas. We focused data collection on senior centers because the senior centers traditionally service lower income seniors and the seniors at the centers have a connection to the center and would be likely to turn to the centers for help. Senior centers in Kentucky were started as congregate meals facilities and historically serve mostly lower income seniors.

The senior centers were contacted by phone and asked if they would be willing to distribute the surveys, collect them and mail them back. As data were collected, limited telephone follow up was done in geographic areas that had low return rates to encourage return of the surveys. Replacement surveys were mailed to locations who could not locate the surveys that had been mailed to them. Law student volunteers were directed to focus on low income housing and faith and community based organizations that serve lower income seniors in an attempt to broaden the sample and to reach seniors with limited literacy that might need assistance with completing the survey.

Though some balancing of the sample was done by distributing part of the surveys through law student volunteers who were encouraged to seek out seniors not participating in senior center activities, the sample used in this study will reflect more heavily data from seniors who attend programming at senior centers, religious institutions and other community based services. The sample was designed to reach lower income seniors who have connections to community based organizations. This group is most likely to utilize services that are made available, but may not be reflective of a broader population. With very limited funding to conduct this study, this sample was easily reachable.

III. Findings

A. Demographics

Distribution and Response Rate

Across the state, 2,883 surveys were distributed to seniors aged 60 and over. Six hundred (600) of these were mailed to University of Louisville Brandeis School of Law students who subsequently distributed them in various counties. Nearly 600 were hand delivered to senior center directors and retirement home supervisors in the Central/Bluegrass region of the state. The remaining 1,700 were mailed to senior center directors across the state after a phone call was made inquiring if they would be willing to help with the study.

The overall response rate was 24.4%, with 706 surveys returned. Although this number is lower than studies conducted in the states of Georgia and Utah, it is still representative of the entire state with a reasonable percentage of surveys returned from each of the designated regions as shown in table 1 below.

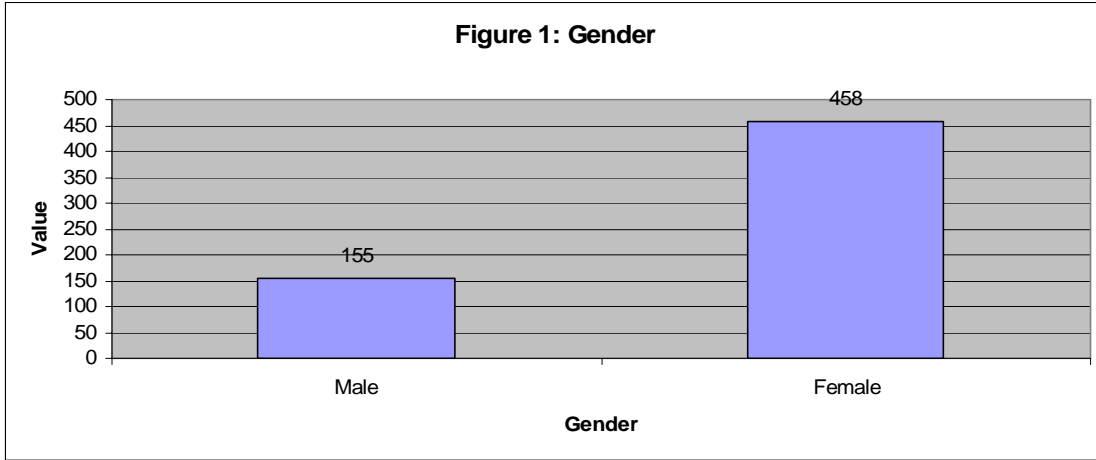
The state of Kentucky was split into six regions based on geographic and demographic characteristics. This was designed to assure a sample representative of the overall population of the state. The Louisville Area region had the highest response rate (35.34%) while the South Central and Western region had the lowest response rate (13.94%). Possible explanations for these numbers relate to how surveys were collected in each of these regions. In the Louisville Area, law students physically collected surveys across the region, resulting in a higher response rate. In the South Central and Western region, the only form of collection was from senior center directors mailing surveys back to the Access to Justice Foundation. Table 1 depicts the total sampled and responses per region, as well as the response rate per region.

Table 1: Responses per Region			
Region	Total Sampled N=2,883	Response Number	Response Percentage
South Central and Western	660	92	13.94%
Louisville Area	580	205	35.34%
Northern Kentucky	260	68	26.15%
Northeast	170	31	18.24%
Southeast/Appalachia	480	82	17.08%
Central/Bluegrass	733	228	31.11%
Total	2,883	706	24.49%

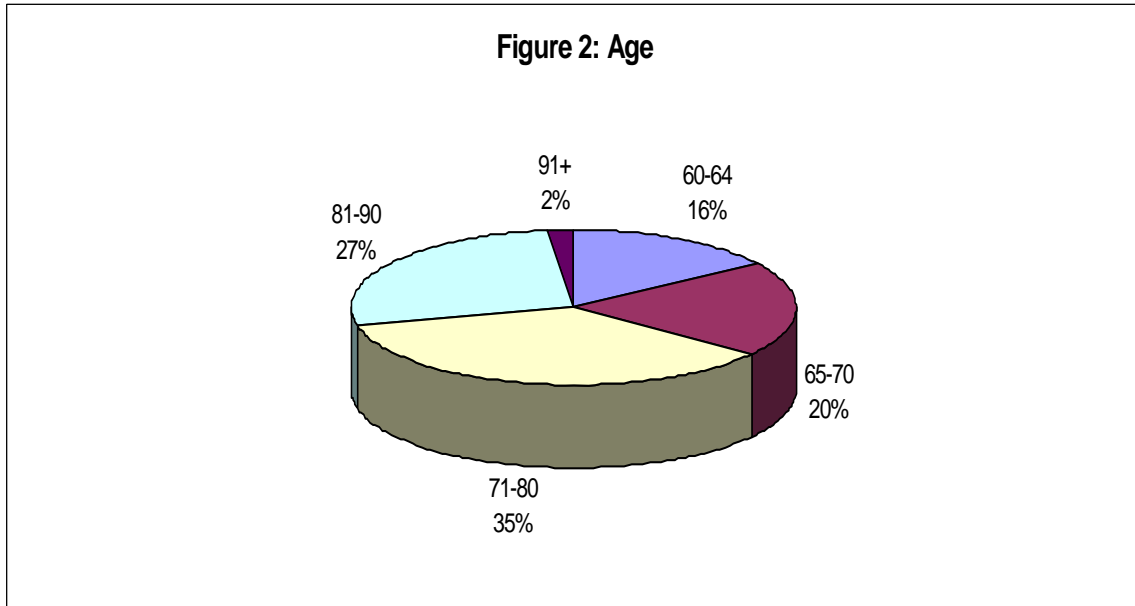
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Gender, Age & Race

Of the 706 completed surveys, ninety-three (93) did not report the gender of the person completing the survey². Of the 613 who did respond, four hundred and fifty-eight (458) were female (74%) and one hundred fifty-five (155) are male (26%).

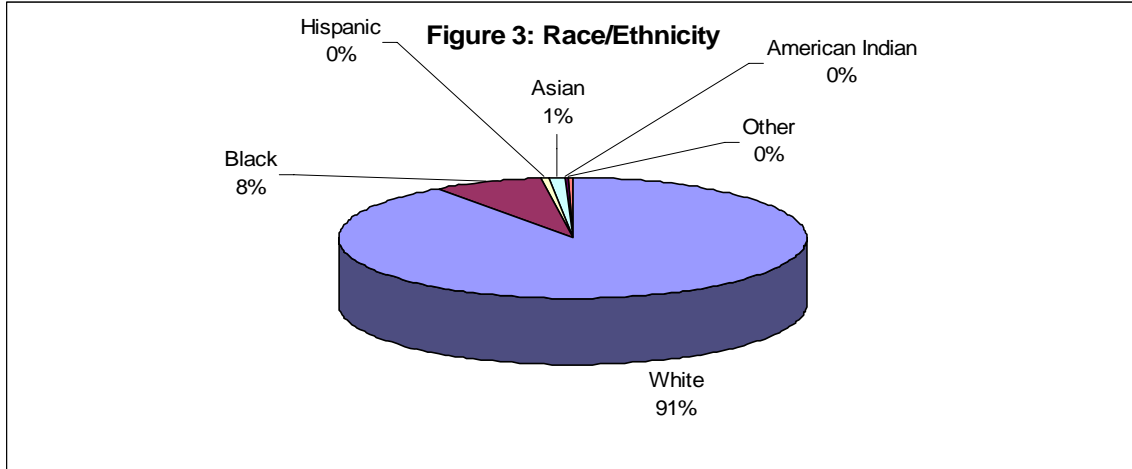


The largest age group of respondents was individuals ages 71 - 80 (35%). Twenty-seven (27%) percent of respondents were between age 81-90. Twenty percent were ages 65 through 70. Sixteen percent were ages 60 through 64 and only two (2%) percent were age 91 and above.



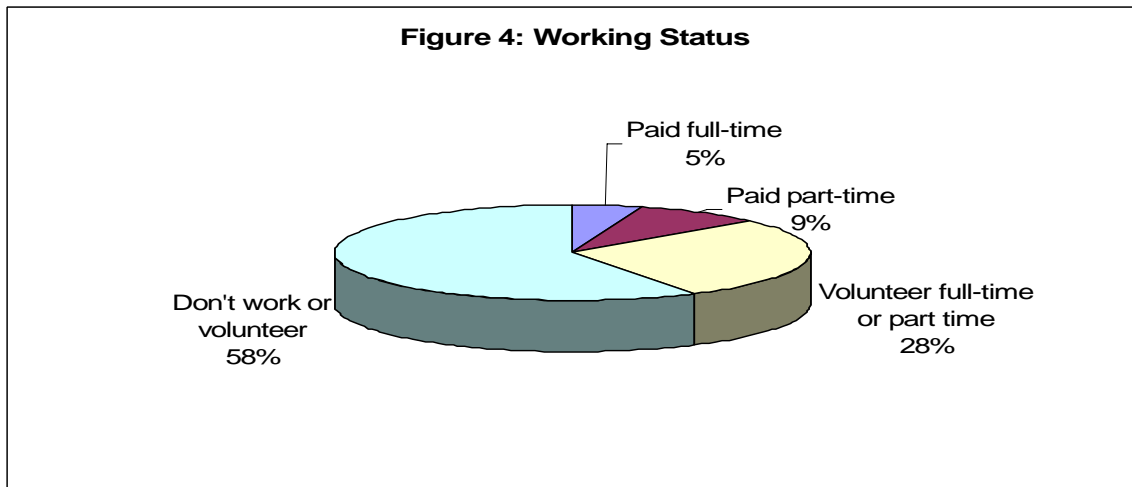
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The majority (91%) of respondents were white and 8% of the respondents were black. According to the 2005 U.S. Census³, our results are consistent with the racial and ethnic population of the state of Kentucky. The census data shows that 90.4% percent of the Kentucky population is white and 7.5% of the state population is black.



Working Status

The majority of the respondents don't work or volunteer (58%). Of the remaining forty-two (42%) percent fourteen (14%) percent work either full-time or part-time, with twenty-eight (28%) percent volunteering full-time or part-time.



Income

Income questions were based on the 2006 Poverty Guidelines as published in the Federal Register. This index is the standard used for eligibility by the Legal Service Corporation

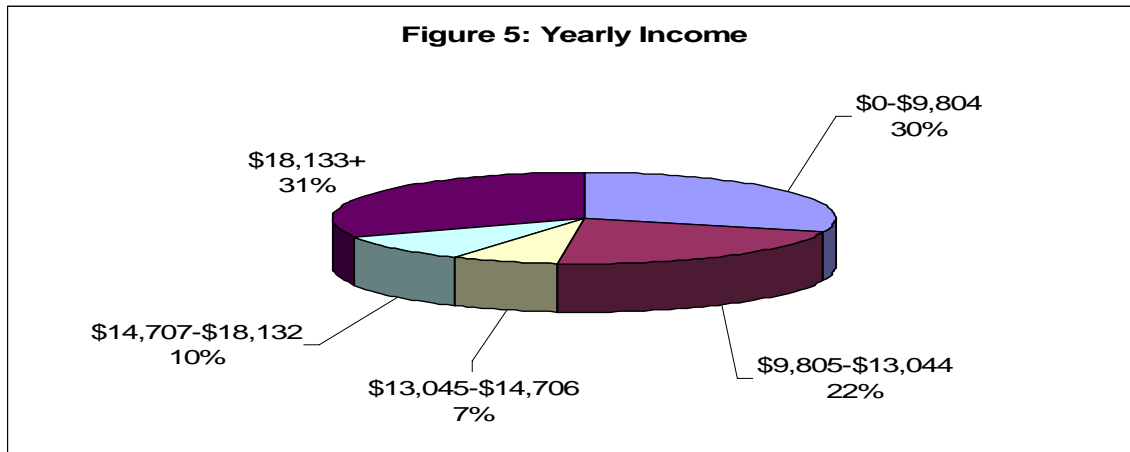
³ Kentucky QuickFacts from the US Census Bureau, <http://quickfacts.census.gov/qfd/states/21000.html>

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funded legal aid programs. The income guideline for a family of one was \$9,804⁴. Because most assistance programs offer services to persons above the poverty guideline, we collected data in several income categories. The lowest category was based on a household income of up to one hundred thirty-three (133%) percent of the poverty guideline, then one hundred fifty (150%) percent of the poverty guideline, up to hundred eighty-five (185%) percent of the poverty guideline and above one hundred eighty-five (185%) percent of the poverty guideline. This left the income ranges from \$0-\$9,804, \$9,805-\$13,044, \$13,045-\$14,706, \$14,707-18,132, and \$18,133+.

The highest percentage of people indicated an income in the level of \$18,133+ with thirty-one (31%) percent of those reporting, followed by seniors with an income between \$0 and \$9,804 (30%). Twenty-two (22%) percent earned between \$9,805 and \$13,044, ten (10%) percent earned between \$14,707 and \$18,132, and seven (7%) percent earned between \$13,045 and \$14,706.

Our goal with this study was to target low-income seniors. Despite the highest income level receiving the largest percentage of responses, we were successful in reaching our goal. According to the 2000 U.S. Census⁵, almost forty-eight (47.7%) percent of Kentuckians age sixty-five (65) and over earned under \$20,000 a year. Of our respondents age sixty and over, sixty-nine (69%) percent earned under \$18,133 a year. These numbers show our success in reaching lower income seniors as our sample.



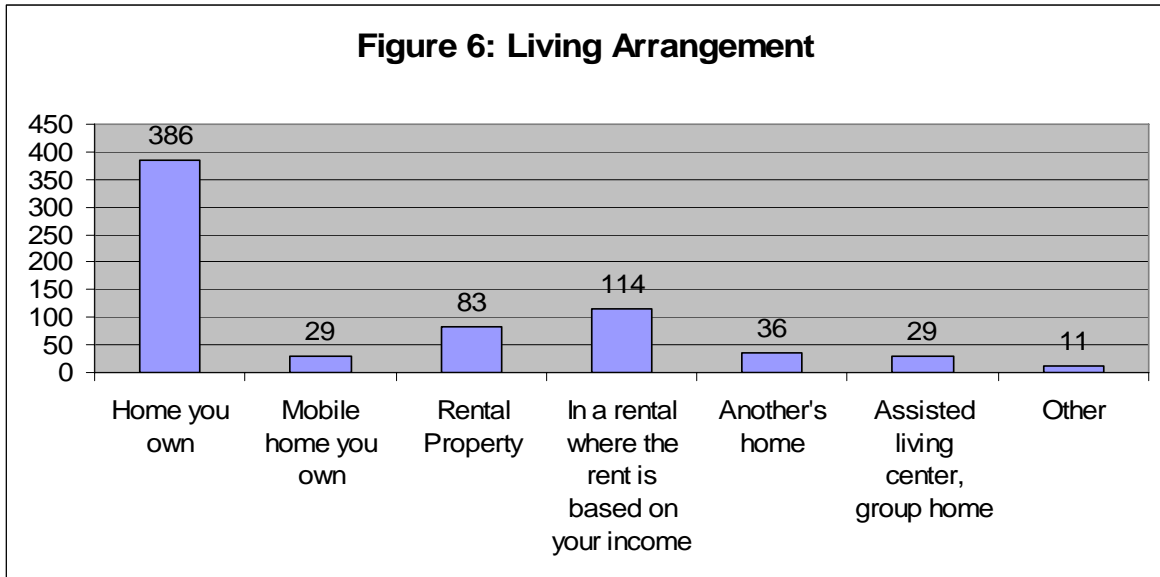
Living Arrangements

Most seniors reside in a home they own (56.4%). The remaining seniors live in a variety of other situations, ranging from a mobile home they own to a rental property, to a rental where the rent is based on their income. Living in a rental property where the rent is based on income was the second most popular choice (16.67%).

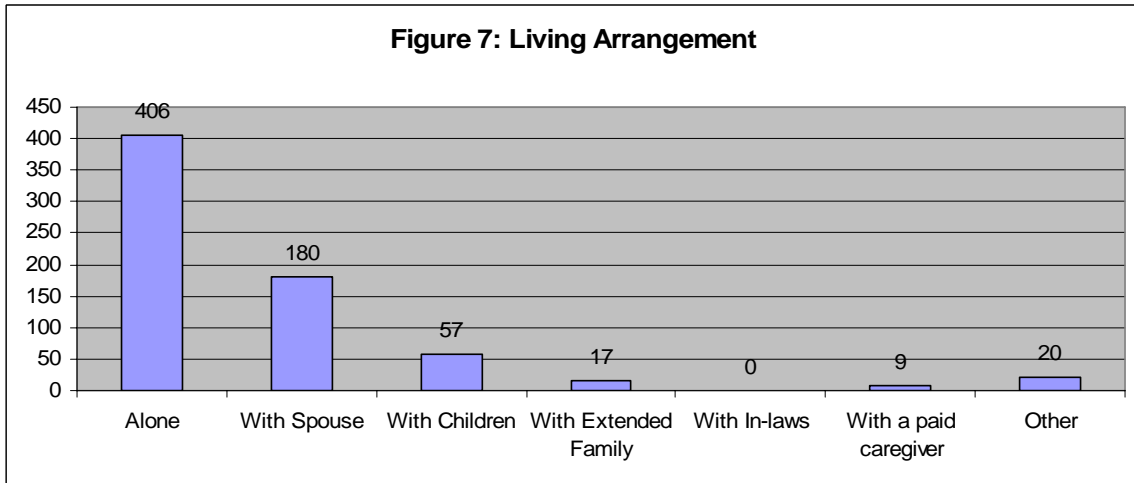
⁴ 2006 Poverty Guidelines, Federal Register Notice, <http://aspe.hhs.gov/poverty/06fedreg.htm>

⁵ Census 2000 Summary File 3, http://factfinder.census.gov/servlet/DTTable?_bm=y&-context=dt&-ds_name=DEC_2000_SF3_U&-CONTEXT=dt&-mt_name=DEC_2000_SF3_U_P055&-tree_id=403&-redoLog=false&-all_geo_types=N&-geo_id=04000US21&-search_results=01000US&-format=&-lang=en

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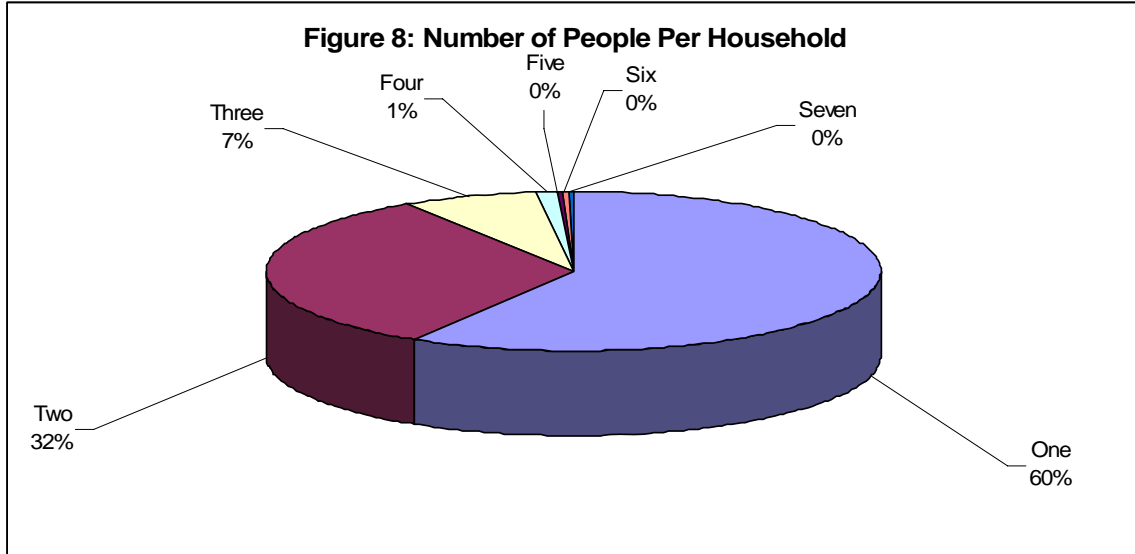


Most seniors also live alone (59.4%), with the second highest choice of habitation being living with a spouse.



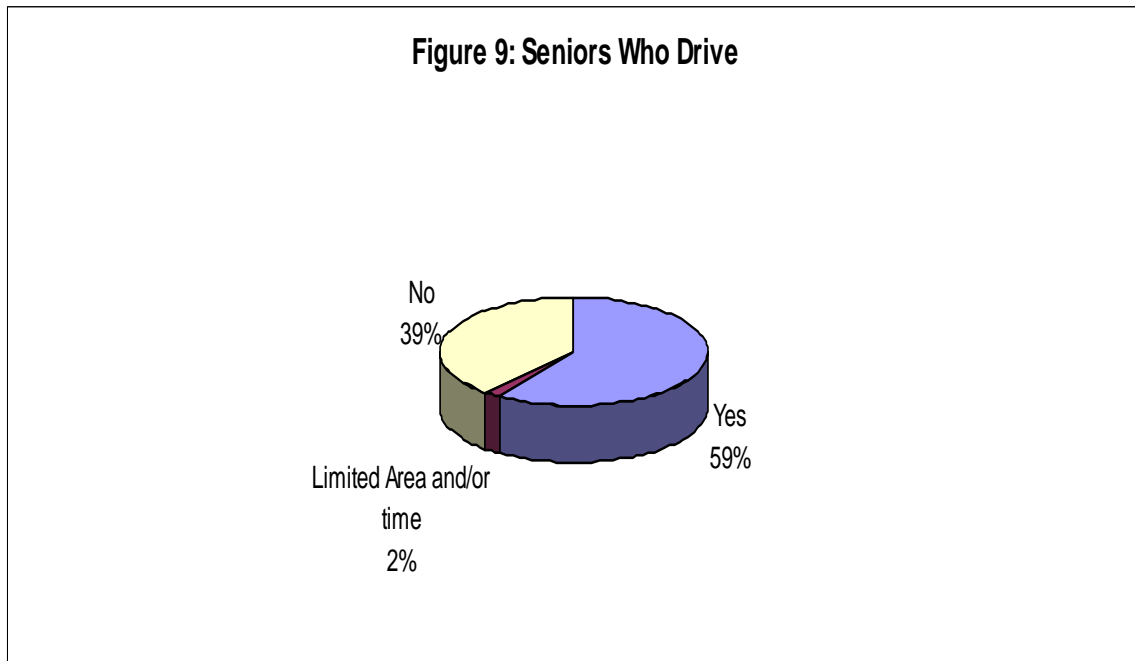
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Over half of respondents (60%) are the only one in their household. Thirty-two (32%) percent live with another person, while seven (7%) percent lived with two other people.



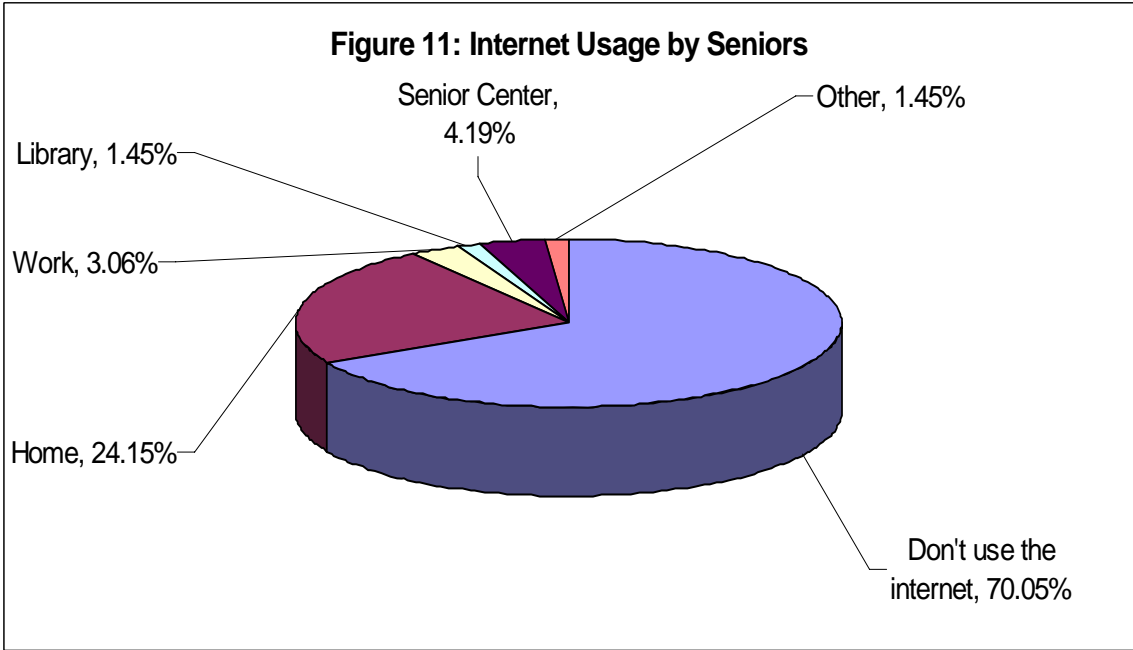
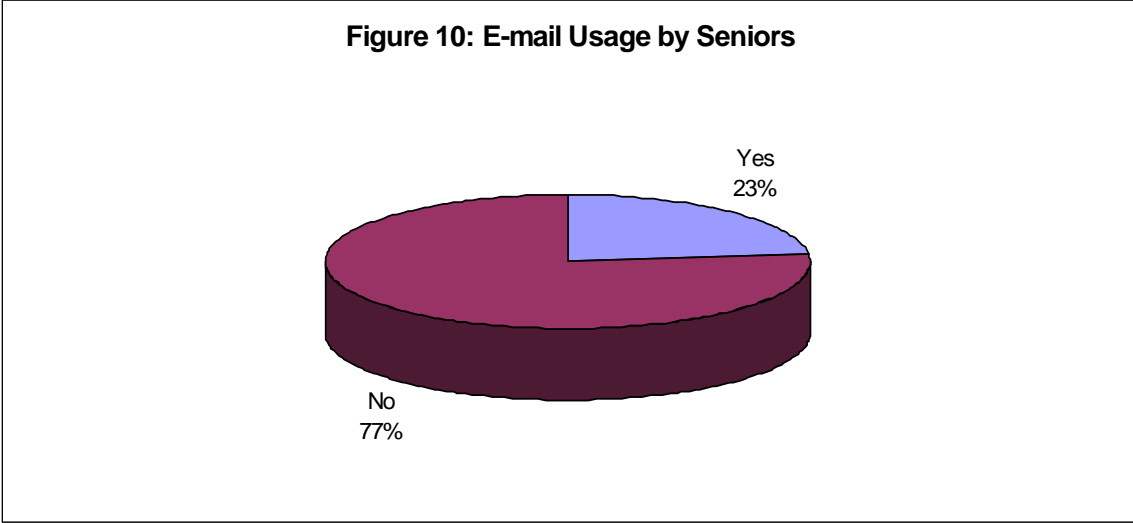
Driving

The majority of the respondents (59%) still drive, though over a third (39%) percent do not drive at all.



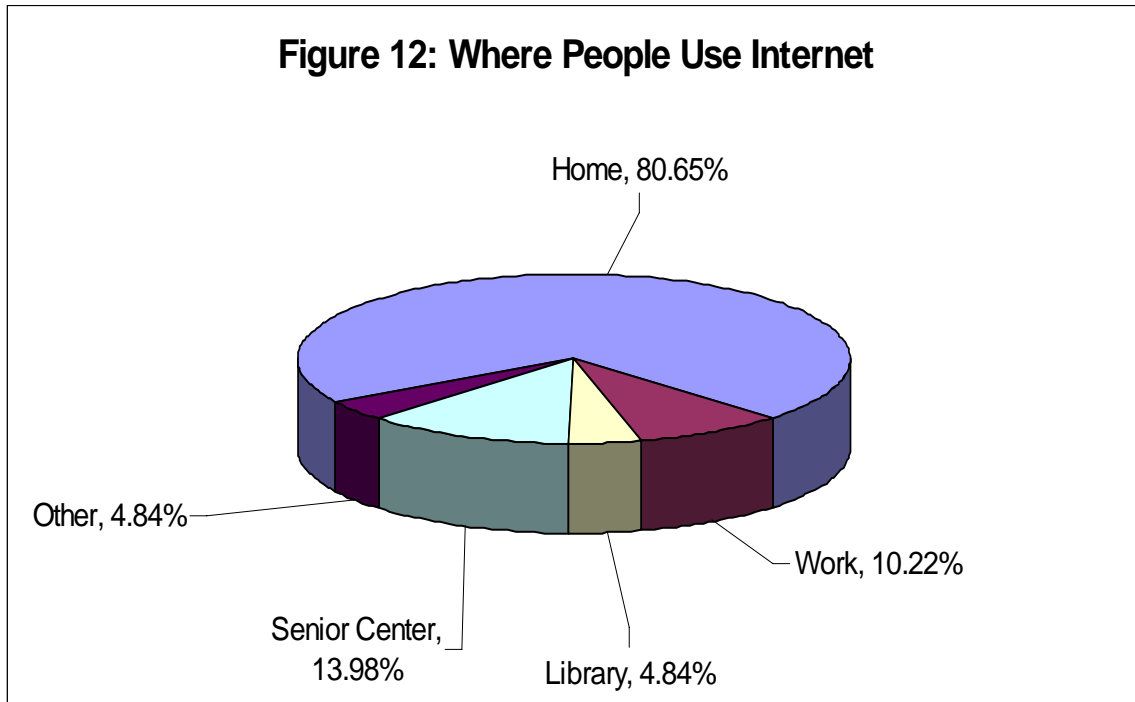
E-mail & Internet Usage

Most seniors in our study do not use e-mail (77%). Similarly, the overwhelming majority (70.05%) does not use the internet; however, 30% use the internet at home, work, the library, or the local senior center.



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We then took away the four hundred thirty-five (435) responses that do not use the internet to determine where those who do use the internet use it⁶. Of those indicating that they use the internet, eighty (80.65%) percent use it at home, nearly fourteen (13.98%) percent use the internet at a senior center and ten (10.22%) percent use the internet at work.

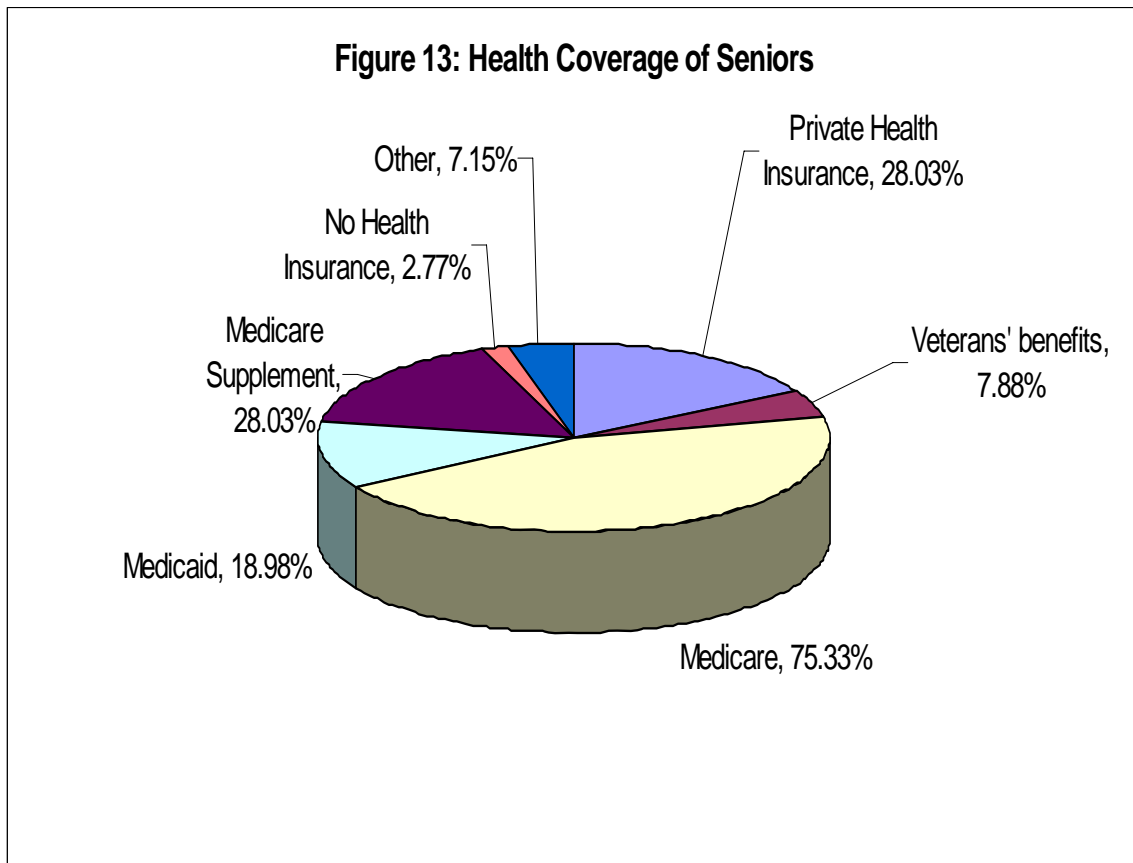


⁶ Respondents were able to mark all that apply.

B. Reported Legal Problems

Health Care Insurance Coverage and Problems

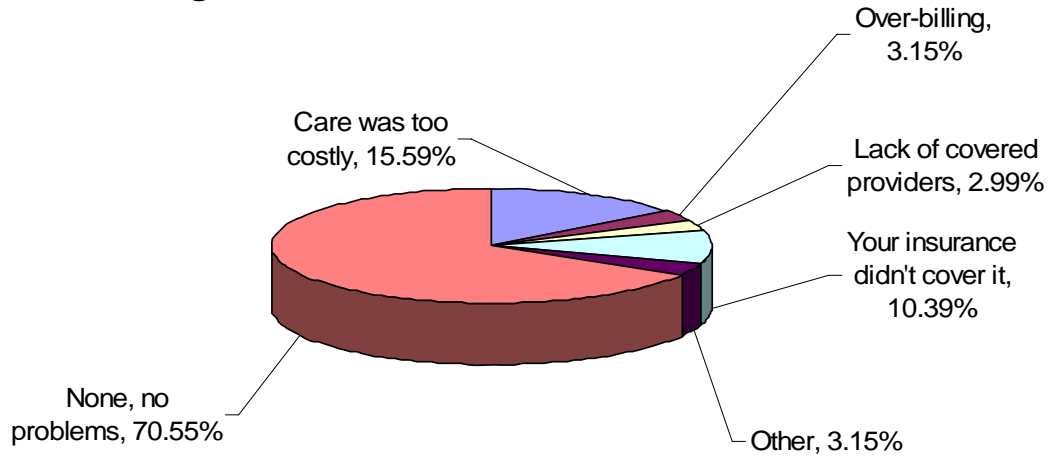
In the domain of health coverage, many respondents had coverage with both Medicare and Medicare Supplement. Seventy-five percent (75.33%) of those reporting said they had health coverage with Medicare. Nearly a third (28.03) had private health insurance. Twenty-eight (28.03%) percent also had Medicare Supplement.



Respondents were also asked if they had experienced any problems with their health insurance. The overwhelming majority (70.55%) percent indicated that they had no problems with their health insurance. Nearly a fifth (15.59%) indicated the problem they were having was that the care was too costly, followed by those saying their problem was that their insurance didn't cover care that they wanted or needed (10.39%).

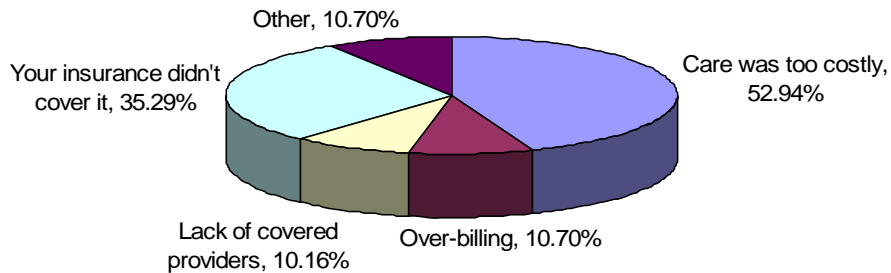
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Figure 14: Problems with Health Insurance



To examine this question in more detail, we isolated just those responses who were experiencing problems with their health insurance. Out of a sample size of 187, over half (52.94%) had problems with health insurance because the care was too costly. A third (35.29%) had a problem because their insurance didn't cover care that they wanted or needed.

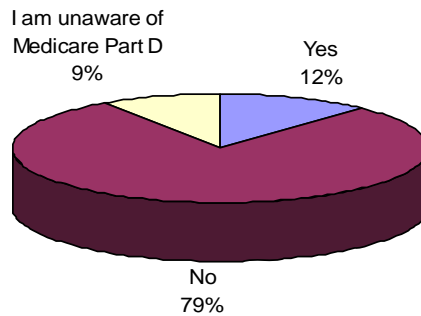
Figure 15: Seniors' Problems with Health Insurance of Those Reporting Problems



Over three-fourths (79%) indicated that they did not have any questions about Medicare Part D Prescription Drug Insurance. Very few (12%) percent had questions about it, with a tenth (9%) percent unaware of what Medicare Part D was.

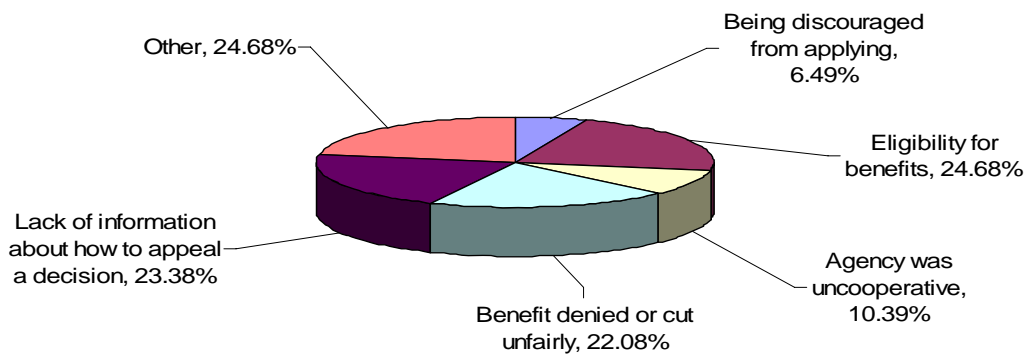
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Figure 16: Questions About Medicare Part D Prescription Drug Insurance



We next wanted to determine if those seniors receiving Social Security, Medicare, or Veterans' benefits were experiencing any difficulties. Seventy-eight (78.25%) percent of the people indicated they were not having any problems. To take a closer look we then examined the seventy-seven (77) people who reported problems. The most common difficulty was gaining eligibility for benefits with almost twenty-five (24.68%) percent of the respondents. "Other" also received the same number of responses; however, the respondents did not indicate what the "other" issue may be, when filling out the survey. Nearly a fourth (23.38%) indicated the difficulty they were experiencing was a lack of information about how to appeal a decision, and about the same number (22.08%) reported that their benefit was denied or cut unfairly.

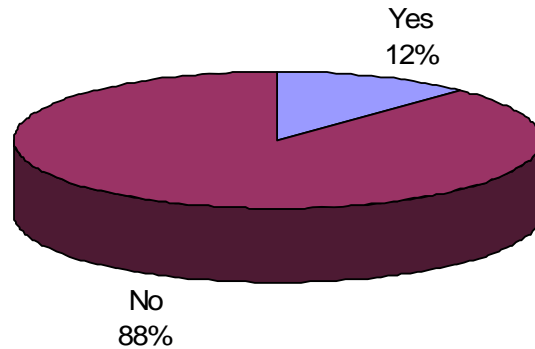
Figure 17: Seniors' Problems with Social Security, Medicare, Veterans' Benefits



Long Term Care

We asked if the respondents had any family members in a nursing home, rest home, or other long term care facility. The overwhelming majority (88%) did not have any family members in any of these facilities.

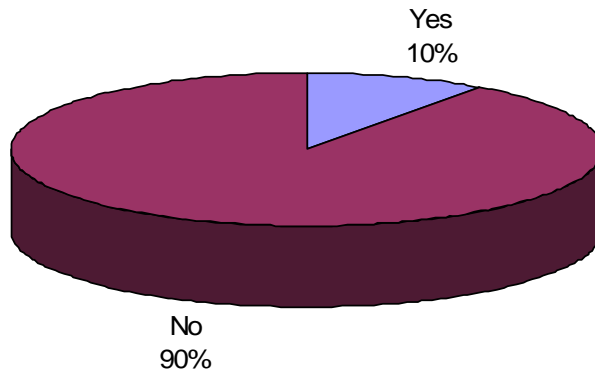
Figure 18: Percentage of Seniors with a Family Member in a Nursing Home, Rest Home, or Other Long Term Care Facility



Problems with Neighbors

Most (90%) were not experiencing any problems with their neighbors.

Figure 19: Problems with Neighbors

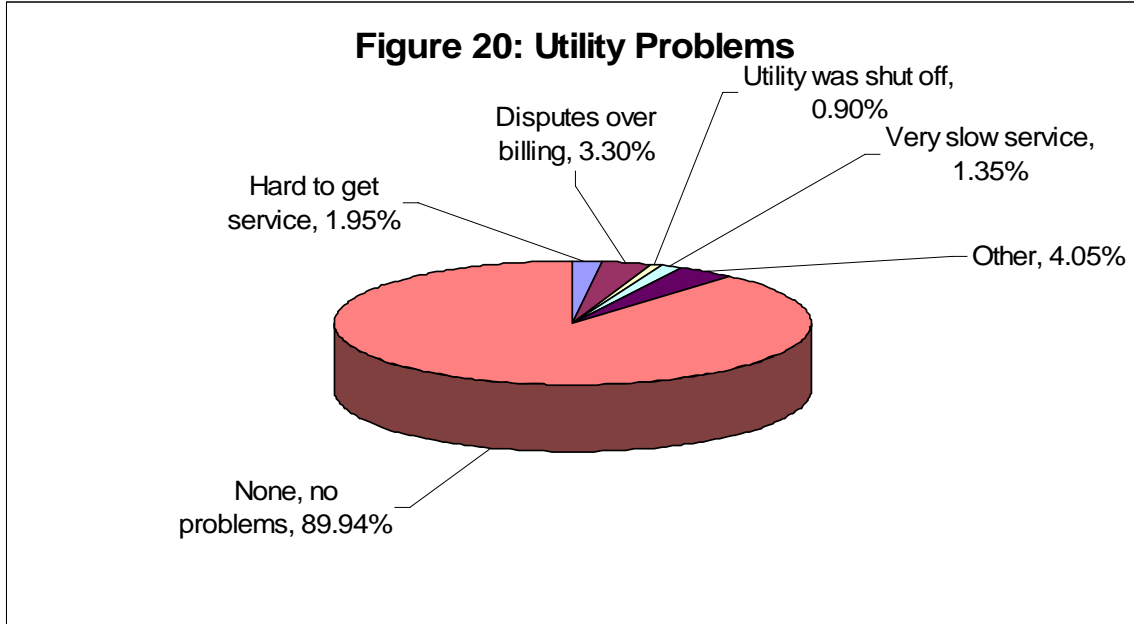


Problems in the Home/Estate

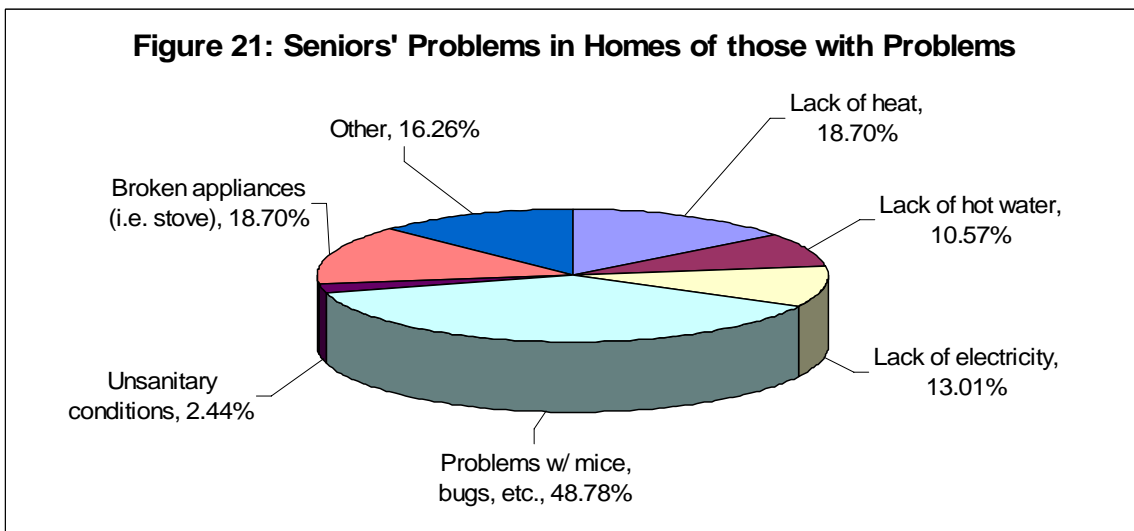
Most seniors (89.94%) were not experiencing any utility problems. The most common type of utility problem reported was “other” or a problem different from those listed. Some issues listed in the blank next to “other”, included: telephone shuts off, bills are too

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high, and high cost. The second most common type of utility problem was disputes over billing (3.30%).

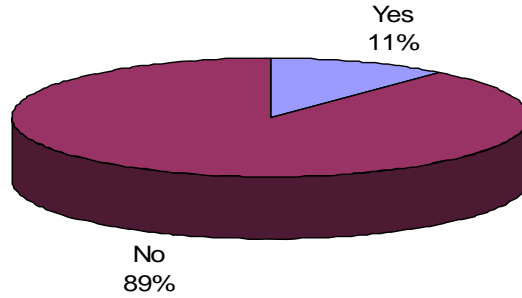


After asking about utility problems, we asked a more general question to determine other conditions seniors experienced in their homes. The majority (81.36%) indicated having no problems. To further examine this issue we looked at just those reporting problems. The remaining sample size was one hundred twenty-three (123). Of this group, nearly half (48.78%) had experienced problems with mice, bugs, etc. Nearly a fifth (18.70%) experienced a lack of heat. This same number experienced broken appliances (i.e. stove). A tenth (11%) indicated that they had asked to have work done on their home and it wasn't done correctly. Most (89%) percent had not experienced any such problem.



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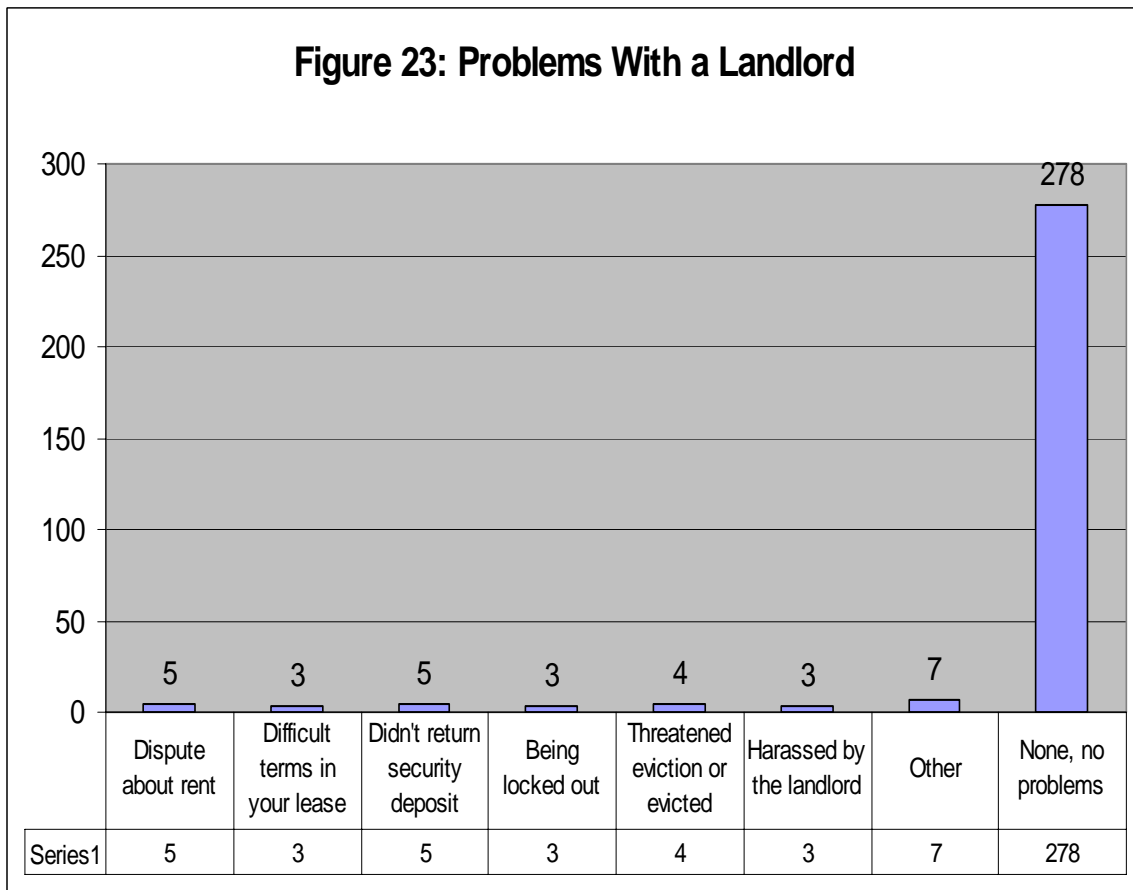
Figure 22: Seniors who Paid to have Work Done in their Homes and it was Done Incorrectly



Landlord Problems

Most (92.36%) of the 301 people who rent reported not experiencing any problems with a landlord.

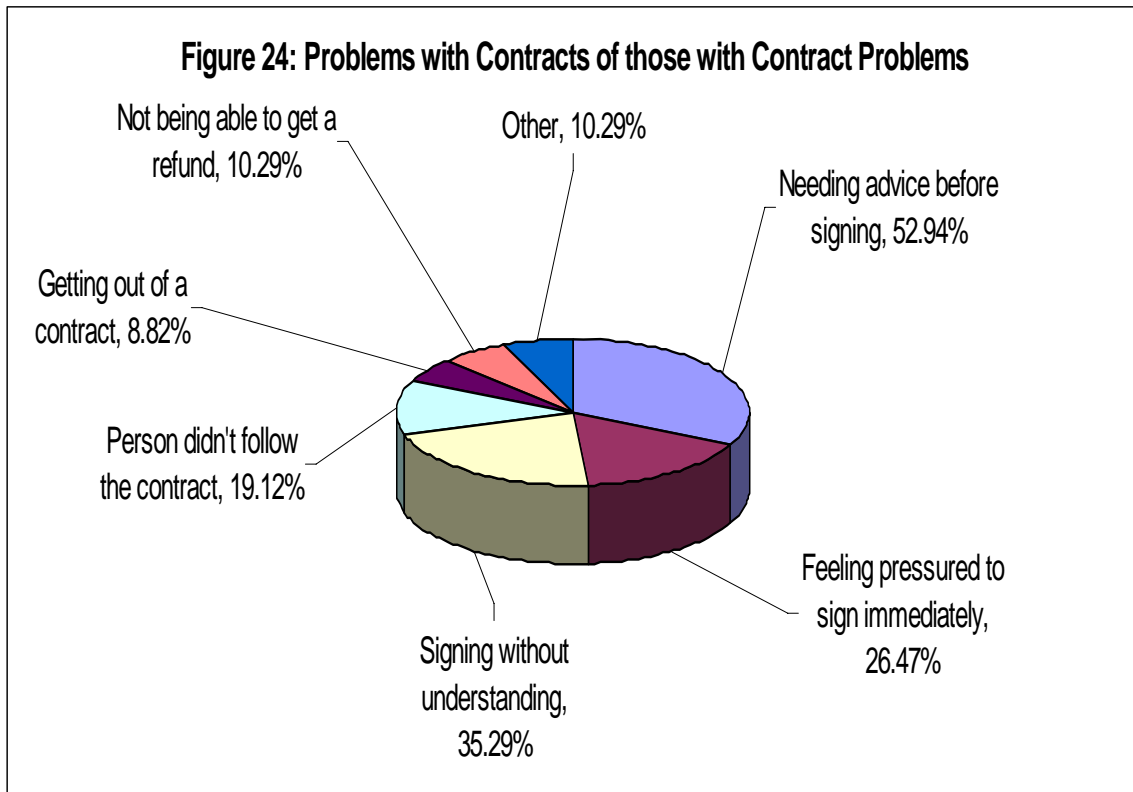
Figure 23: Problems With a Landlord



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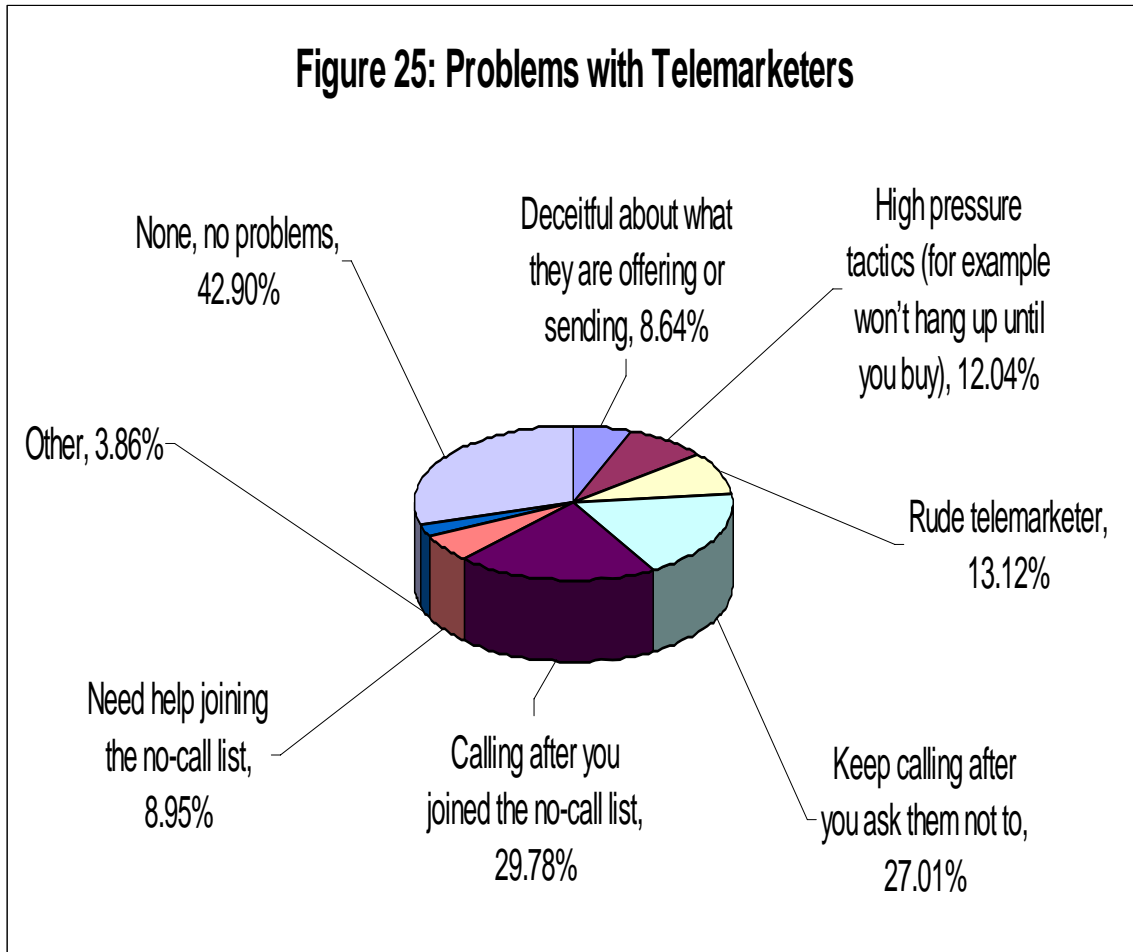
Contract Problems

Most respondents (88.76%) reported having not experienced any problems with a contract. Of the sixty-eight (68) people who had experienced a problem with a contract, over half (52.94%) experienced needing advice before signing. Over a third (35.29%) expressed a problem with contracts said that they had “signed without understanding” a contract. Over a fourth (26.47%) of those who had problems said their problem was feeling pressured to sign immediately. Nearly a fifth (19.12%) of those with a problem said the other party did not follow the contract; next were those who were not able to get a refund (10.29%), and (8.82%) reported having difficulties getting out of a contract.



Telemarketers

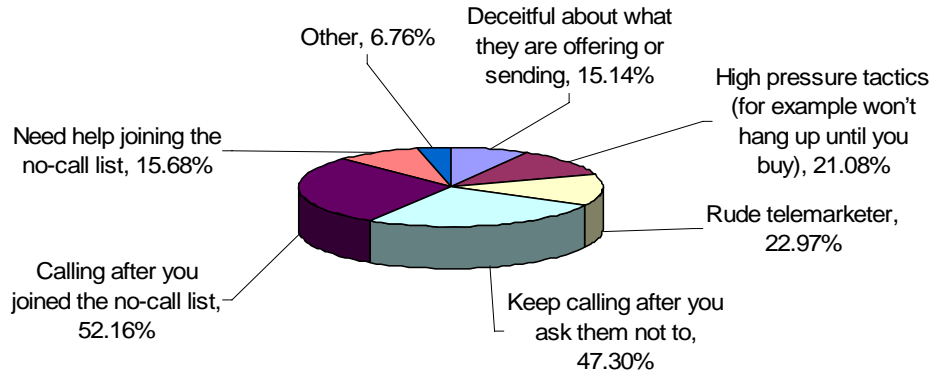
Nearly half (42.90%) of the respondents had not experienced any problems with telemarketers. Nearly a third (29.78%) of the respondents reported telemarketers calling after they had joined a no-call list. Approximately the same number (27.01%) complained that telemarketers continued to call after being asked to not call.



Next we focused on those experiencing problems. Of this group, over half (52.16%) had telemarketers calling them after they joined the no-call list and nearly half (47.30%) had telemarketers continuing to call them after the consumer had asked the telemarketer not to call. Nearly a fifth (22.97%) had experiences with a rude telemarketer or had experienced telemarketers who used high pressure tactics (21.08%). A small group (15.68%) percent needed help joining the no-call list, with about the same number (15.14%) having experienced telemarketers who were deceitful about what they were offering or sending.

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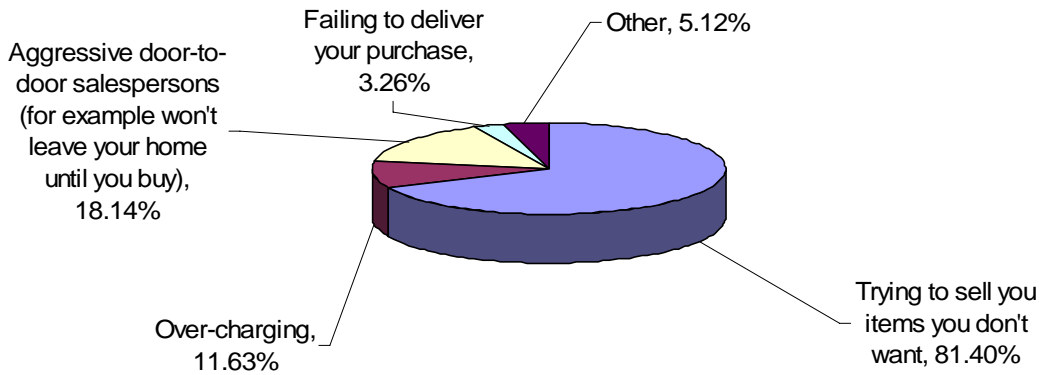
Figure 26: Problems with Telemarketers of those with Problems



Sales People

Similar to telemarketers, we also wanted to determine if seniors were having problems with sales people. Over half (66.46%) had not experienced any problems with sales people. Of the respondents who had experienced problems, 81.40% said the problem they had was with sales people trying to sell them something they did not want. Nearly twenty percent (18.14%) of those reporting problems had experienced a problem with door-to-door salespeople and approximately ten-percent (11.63%) reported being over-charging.

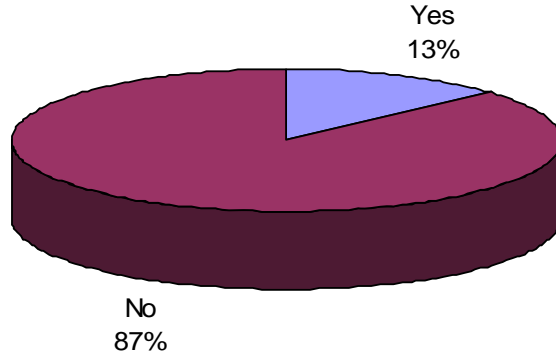
Figure 27: Problems with Sales People of Those Reporting Problems



Bill Collectors

A small percentage (13%) indicated that they had experienced a problem with a bill collector, which might include harassing phone calls or repossession threats.

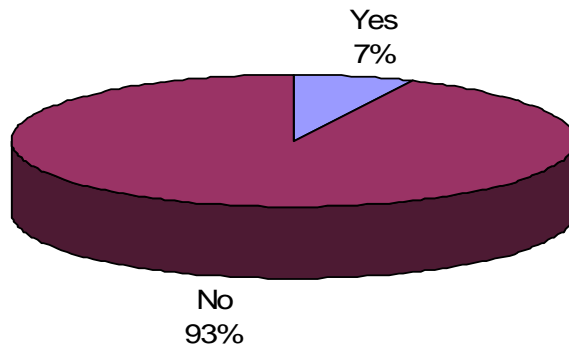
Figure 28: Problems with a Bill Collector



Loans

Only seven (7%) percent of those reporting indicated they had received a loan, only to find out later it had hidden fees or a high interest rate.

Figure 29: Problems with Hidden Fees or High Interest Rates on Loans

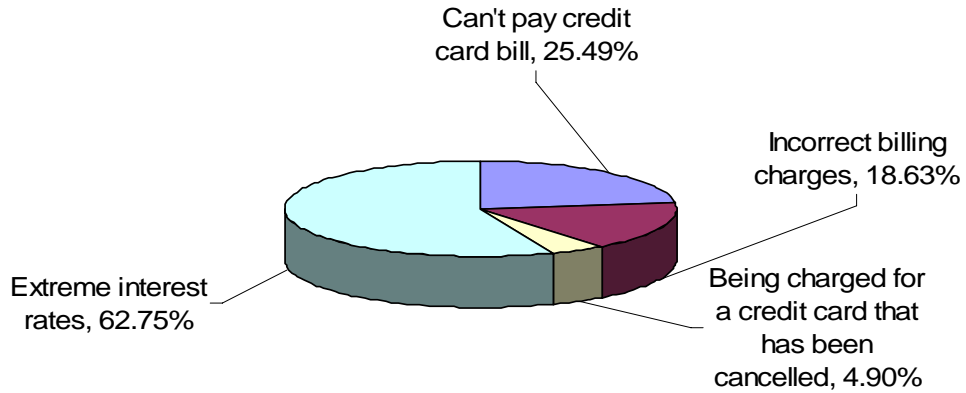


Credit Cards

Most seniors (84.11%) said they had never experienced any problems with a credit card. Of those who had experienced problems over half (62.75%) had experienced the problem of extreme interest rates with their credit cards. A fourth (25.49%) of those with problems

could not pay their credit card bill and nearly a fifth (18.63%) experienced incorrect billing charges.

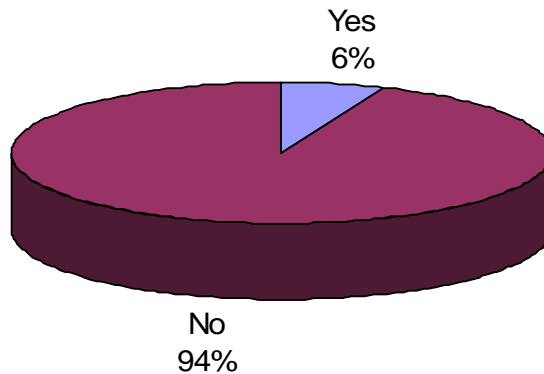
Figure 30: Credit Card Problems of those Experiencing Problems



Bankruptcy

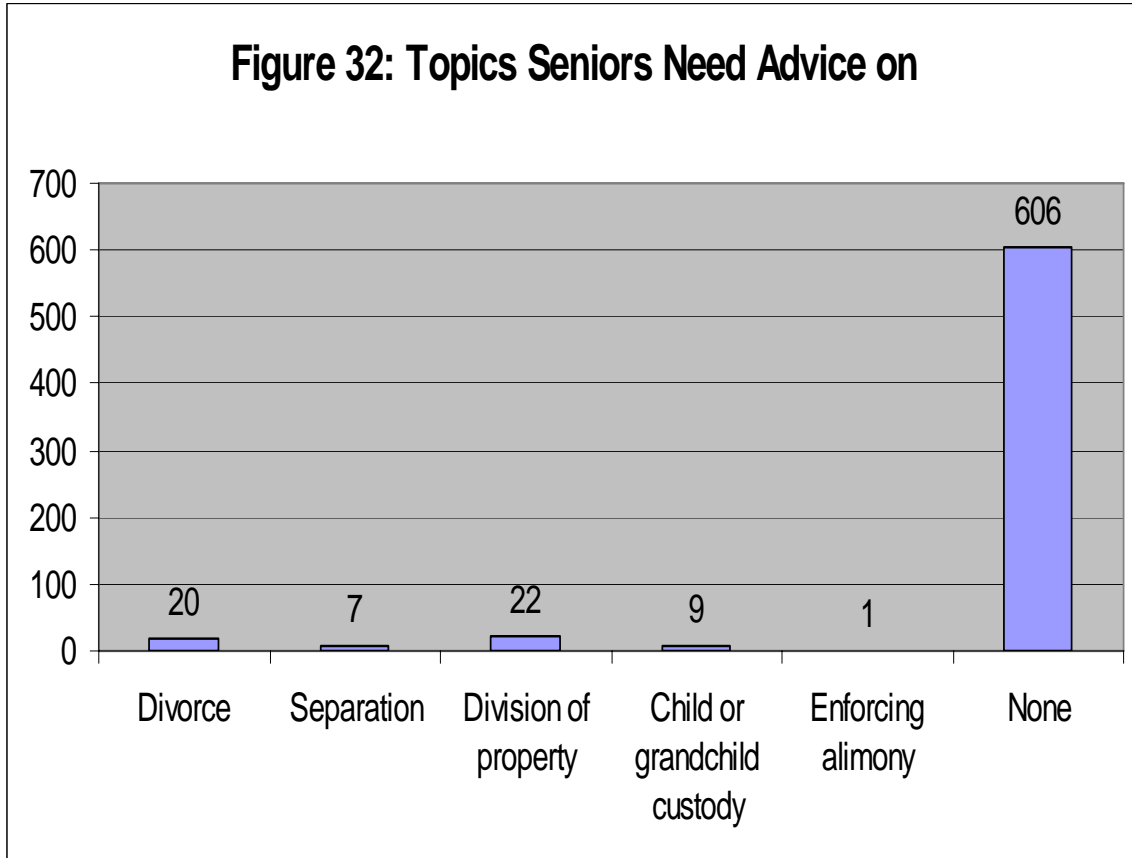
Of the six hundred sixty (660) reporting, only six (6%) percent of respondents indicated they had filed for bankruptcy or considered filing for bankruptcy.

Figure 31: Seniors who have Filed for Bankruptcy or Considered Filing for Bankruptcy



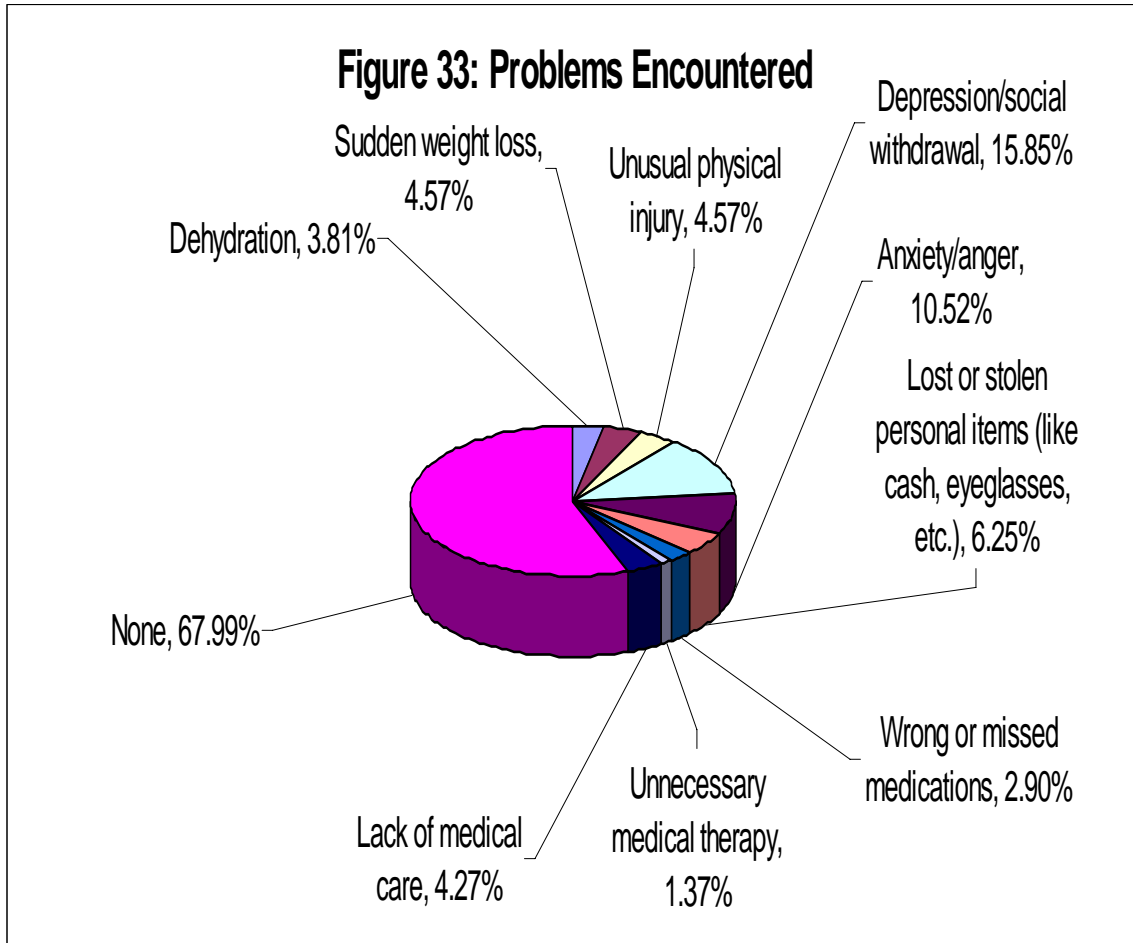
Advice

Our next question asked if seniors had ever needed advice on a variety of family law issues including divorce, separation, division of property, child or grandchild custody, and enforcing alimony. Most (92.66%) had never needed advice. Ranking the topics from most to least in terms of the number of seniors needing advice would be: division of property, divorce, child or grandchild custody, separation, and finally enforcing alimony.



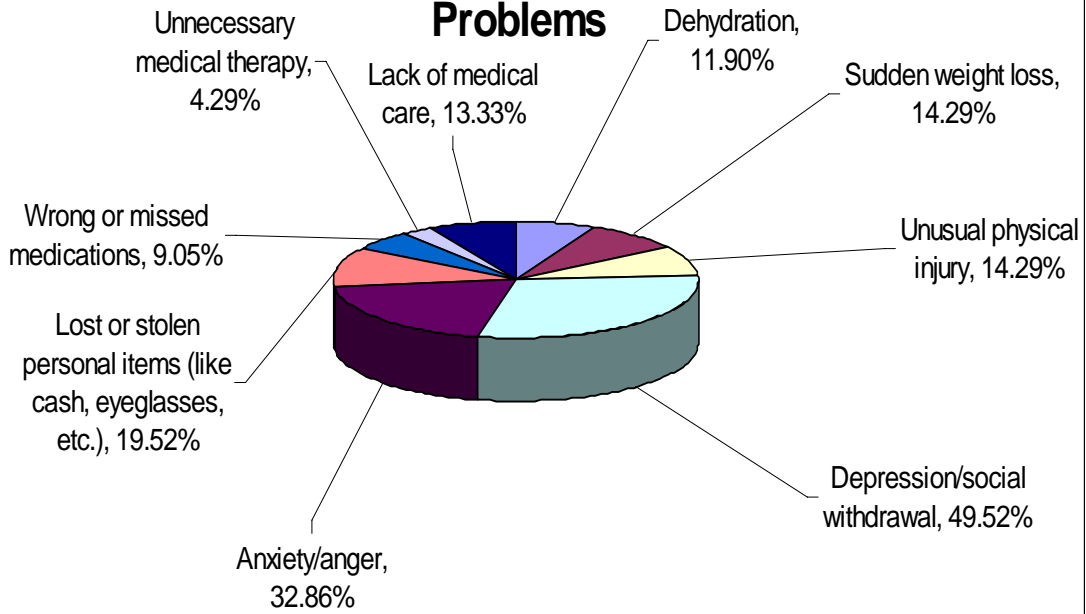
Problems Encountered

The next question asked about a list of problems that are commonly recognized indicators of abuse, neglect or exploitation. Nearly one-third (32.1%) of respondents had suffered from one or more of listed problems. The two most common problems reported were: fifteen (15.85%) percent of those reporting had suffered from depression/social withdrawal (15.85%), and anxiety/anger (10.52%).



To break down this issue down in more detail, we focused on the 32.01% reporting problems. Of this group, almost half (49.52%) of the respondents had experienced depression/social withdrawal. Nearly a third (32.86%) had problems with anxiety/anger, nineteen (19.52%) percent with lost or stolen personal items, fourteen (14.29%) percent with sudden weight loss, fourteen (14.29%) percent with unusual physical injury, thirteen (13.33%) percent from a lack of medical care, almost twelve (11.90%) percent with dehydration, nine (9.05%) percent with wrong or missed medications, and four (4.29%) percent had suffered from unnecessary medical therapy.

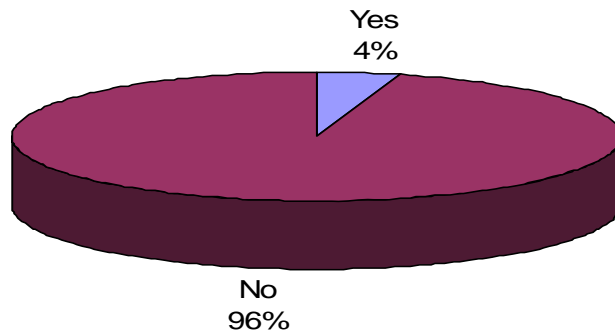
Figure 34: Problems Encountered of those with Problems



Use of assets

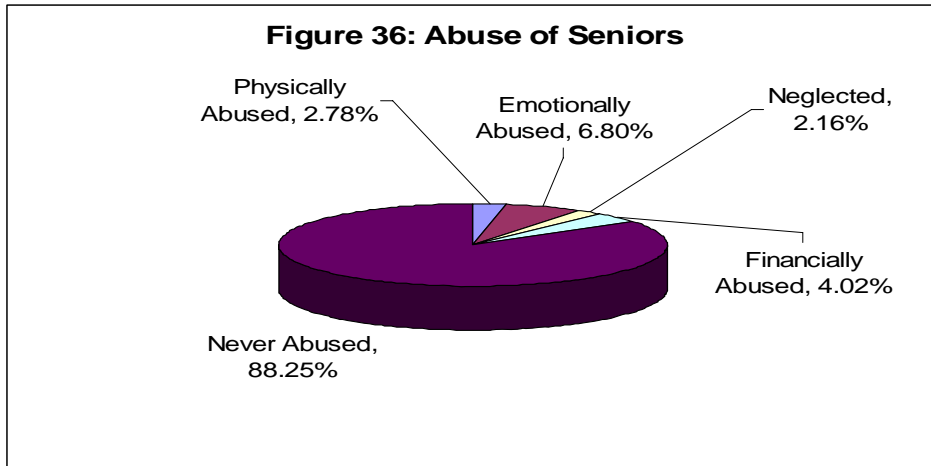
Most (96%) had not been abused by having someone use their money, property, or assets without permission.

Figure 35: Seniors Who had Someone use Their Money, Property, or Assets Without Permission



Abuse

Most (88.25%) did not report being abused. Self reporting of abuse is not common and a shocking (6.80%) reported being had been emotionally abused or financially abused (4.02%).



Next we examined the data only from those self reporting abuse. Over half (57.89%) percent had been emotionally abused, one-third (34.21%) financially exploited, and nearly a fourth experience physical abuse (23.68%). Nearly one-fifth reported neglect (18.42%). Of the respondents who answered the question, nearly twice as many females (13.29%) reported abuse than males (6.94%).

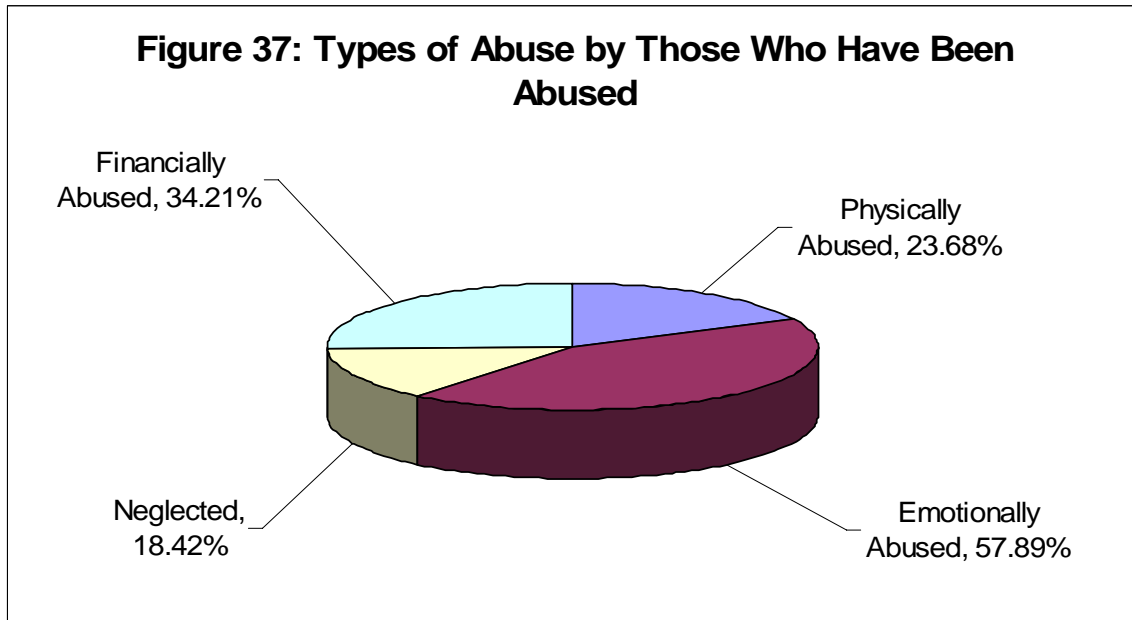
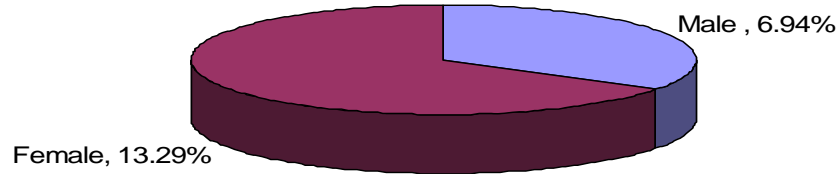
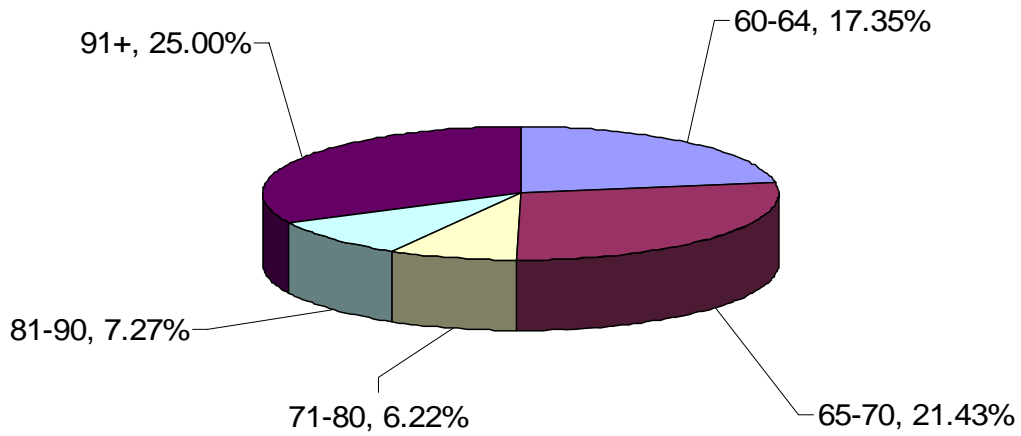


Figure 38: Reported Abuse by Gender



Broken down by age, a fourth (25.00%) of seniors age 91+ had been abused in some form, followed by those aged 65-70 (21.43%), and finally 60-64 (17.35%).

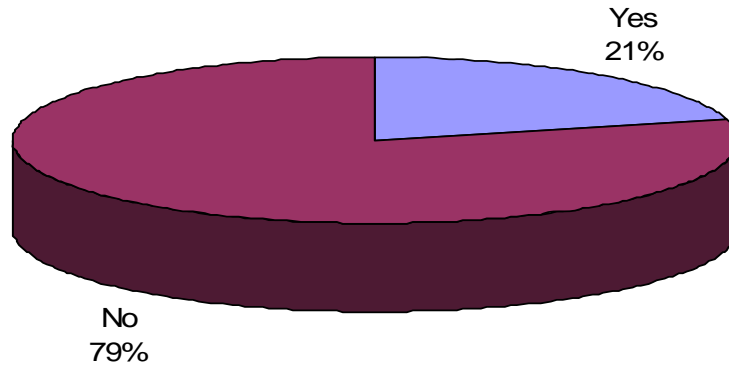
Figure 39: Reported Abuse by Age



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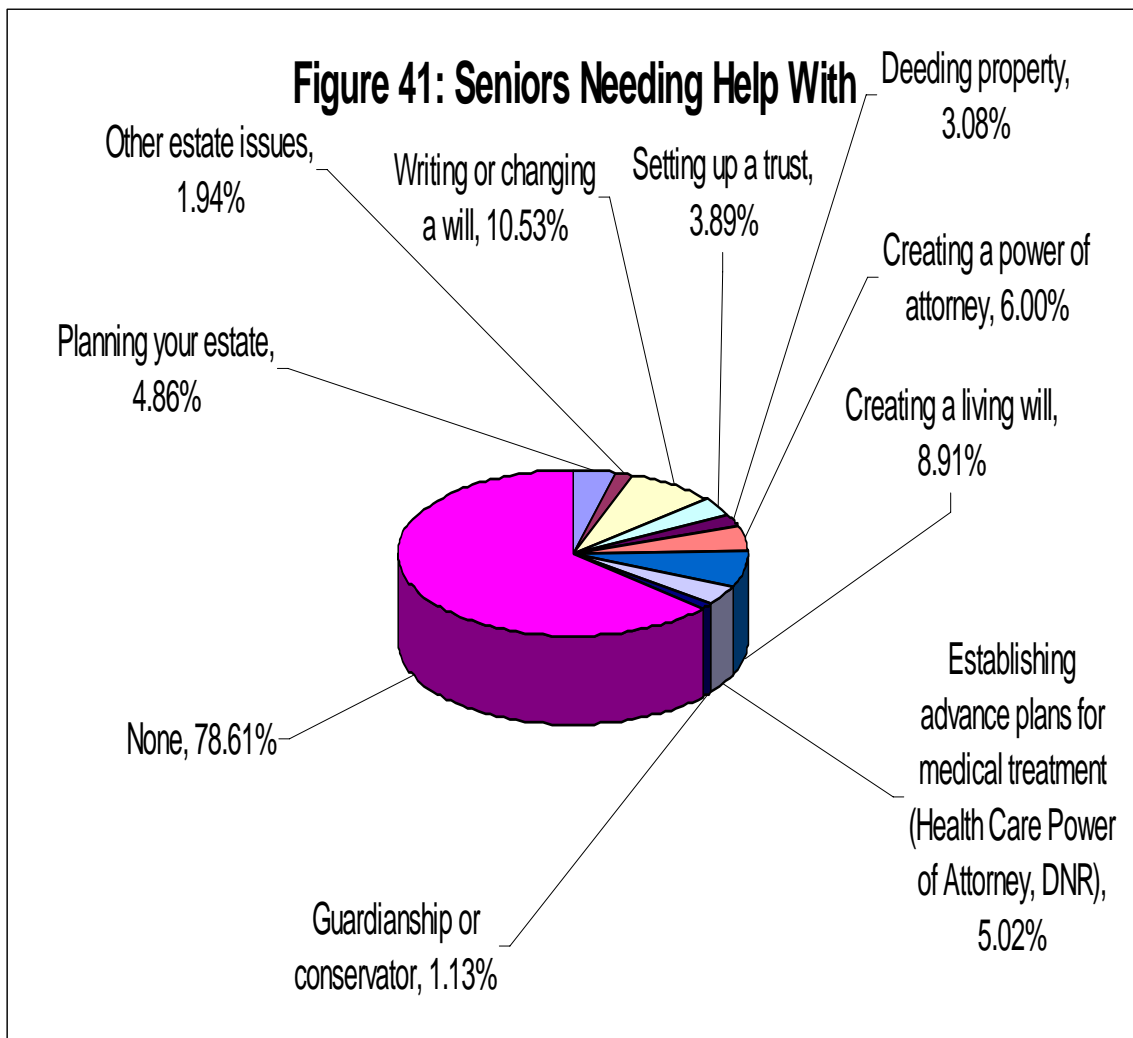
The overwhelming majority (79%) who reported being abused or neglected reported not receiving any help.

Figure 40: Of Those Abused, Did the Senior Receive Help



Seniors Needing Help

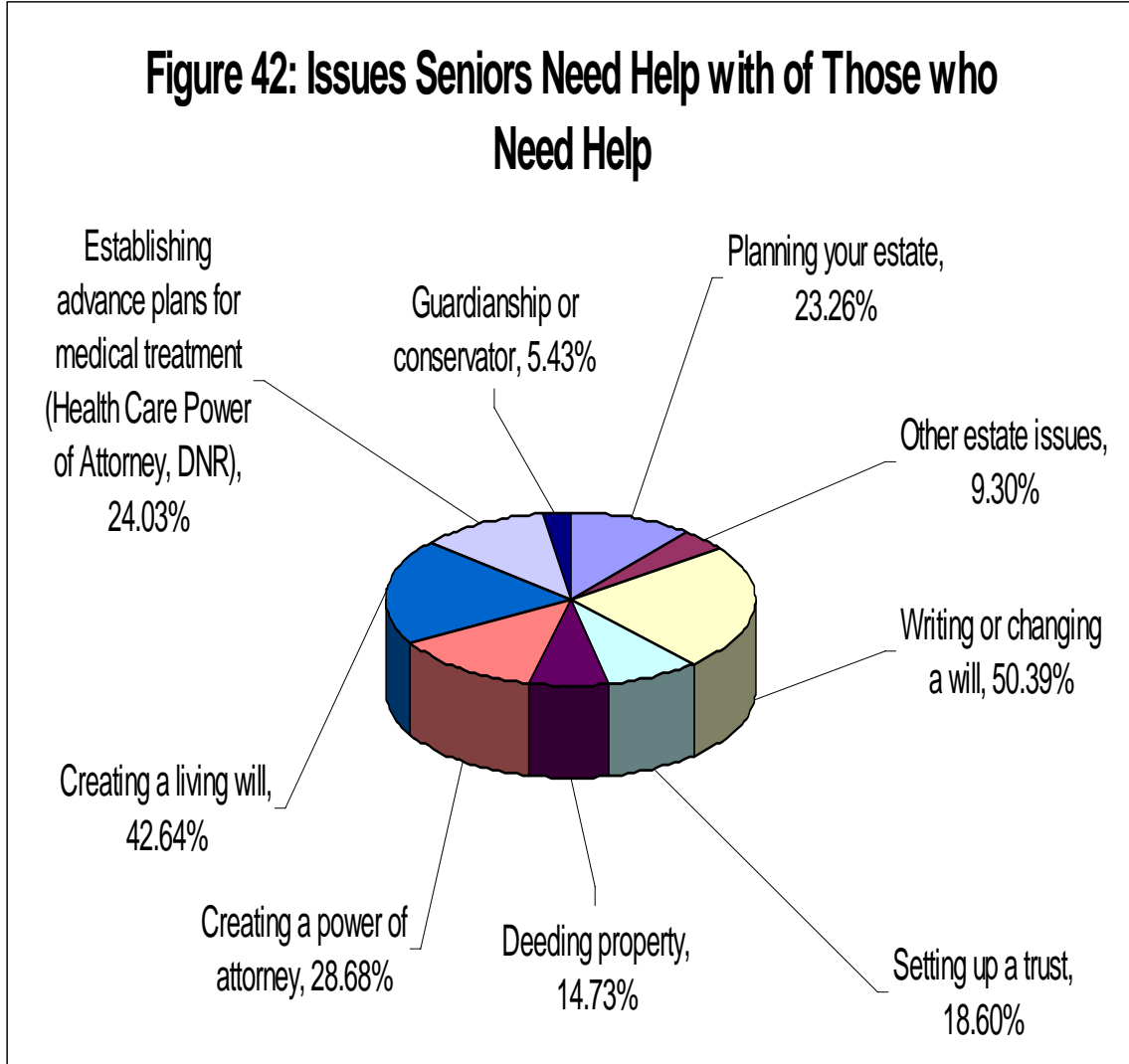
Our next question asked the respondents if they needed help with planning an estate, other estate issues, writing or changing a will, setting up a trust, deeding property, creating a power of attorney, creating a living will, establishing plans for medical treatment, and guardianship or conservator. Over one-fifth (21.39%) reported that they did need help with one or more of the listed topics. The three most common issues that the respondents reported needing help with were writing or changing a will, creating a living will, and creating a power of attorney.



To examine this question in more detail, we eliminated all responses except for those who indicated they needed help, leaving our sample size at one hundred thirty-two (132).

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Half (50.39%) needed help writing or changing a will, with nearly half (42.64%) needing help creating a living will, creating a power of attorney (28.68%), establishing advance plans for medical treatment (24.03%), planning their estate (23.26%), setting up a trust (18.60%), and deeding property (14.73%).

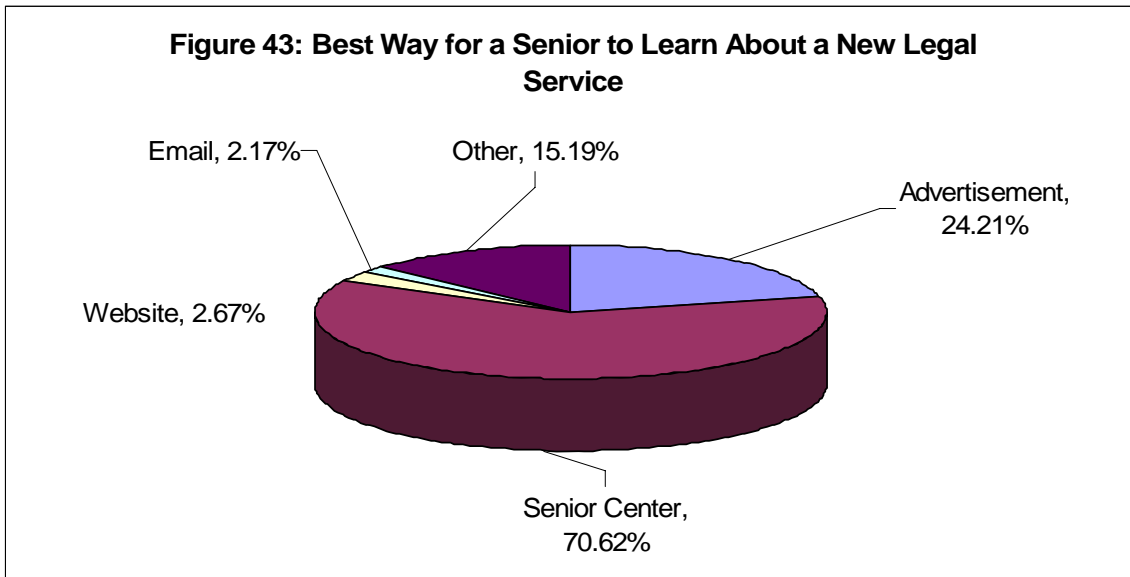


Awareness of Legal Services

We next asked what would be the best way for them to learn about legal assistance programs that might be able to help them. Of the five hundred ninety-nine (599) who answered the question, nearly seventy-one (70.62%) percent of respondents said the best way for them to learn about a new legal service was from their local senior center. This number is probably skewed since a majority of our responses came from senior centers. Twenty-four (24.21%) percent said that they would prefer to learn about new services

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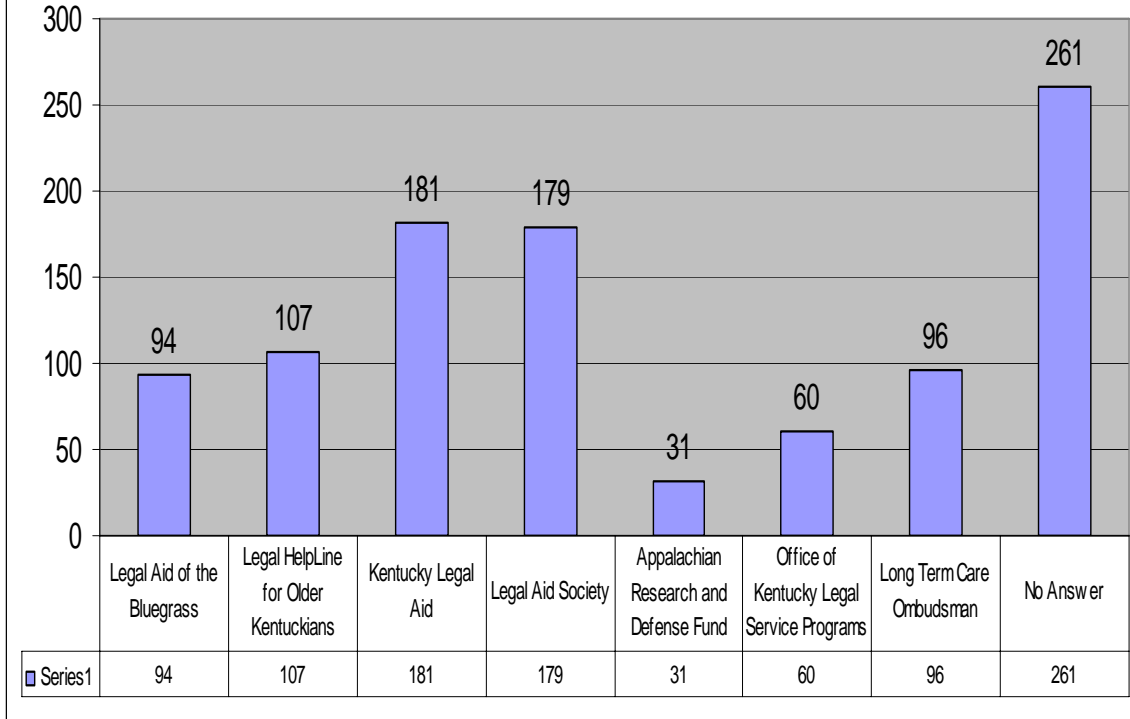
from advertisements, fifteen (15.19%) percent other forms of communication, almost three (2.67%) percent said a website, and only two (2.17%) percent listed e-mail.



The next question was designed to measure awareness and name recognition of the existing legal service providers in Kentucky. The respondents were asked to check the names of all programs that they were aware of. From most known to least known in terms of name recognition are Kentucky Legal Aid, Legal Aid Society, Legal HelpLine for Older Kentuckians, Long Term Care Ombudsman, Legal Aid of the Bluegrass, Office of Kentucky Legal Service Programs, and Appalachian Research and Defense Fund.

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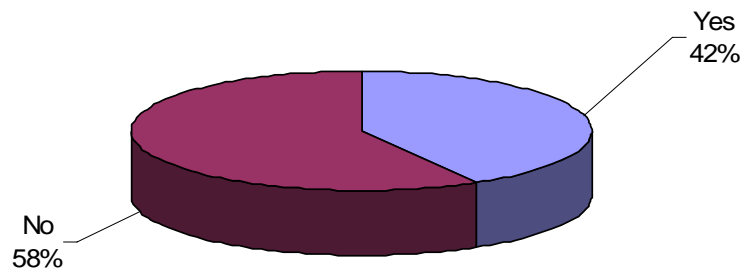
Figure 44: Recognition of Organizations in Kentucky



Use of a Lawyer

Most (58%) seniors said they had not received help from a lawyer within the last 10 years.

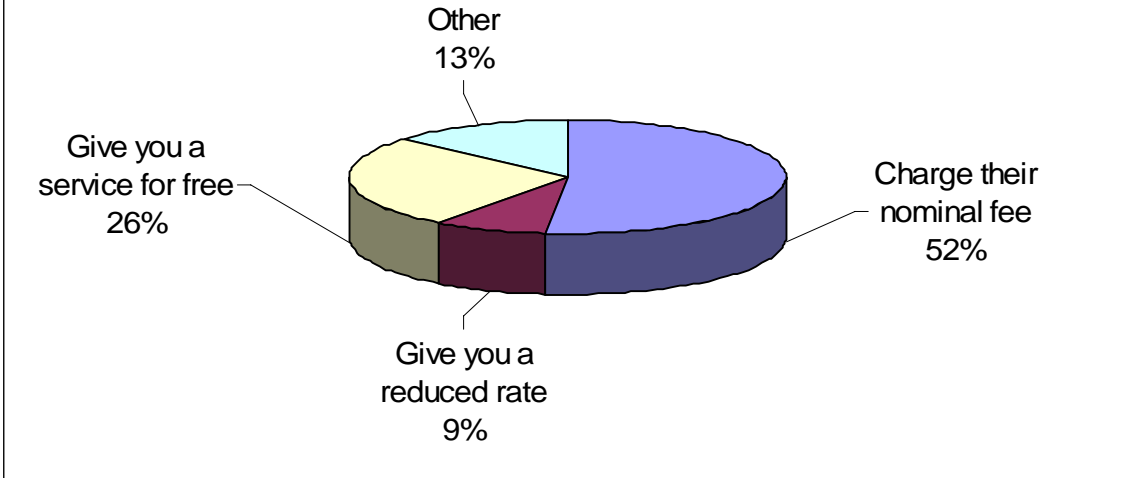
Figure 45: Percentage of Seniors Who Received Help From a Lawyer Within the Last 10 Years



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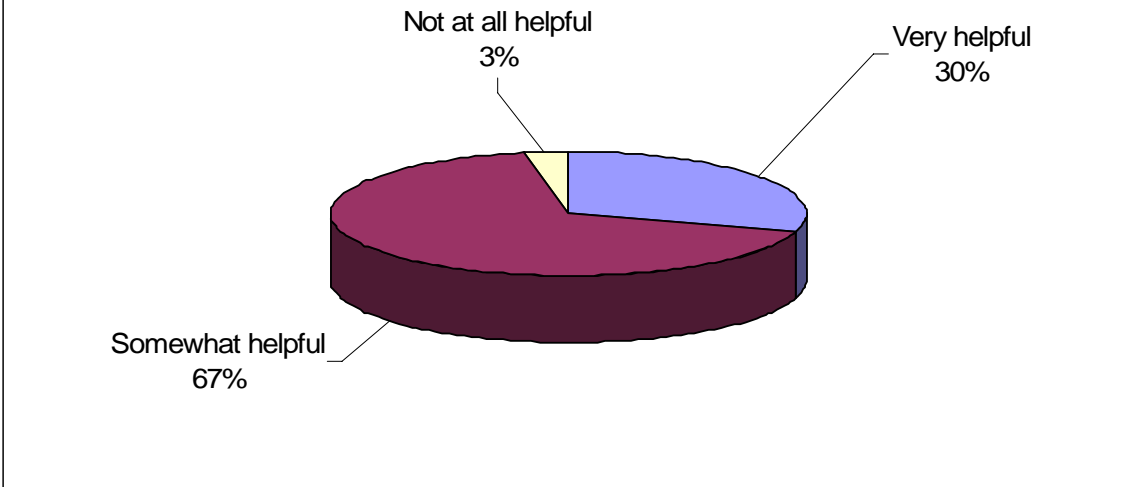
Of those who had used a lawyer, half (52%) said the lawyer charged them a nominal fee. Over a fourth (26%) percent said they got a service for free, and a tenth (9%) indicated they were given a reduced rate.

Figure 46: Lawyer Service of Those Seniors Who Had Lawyer Received Help



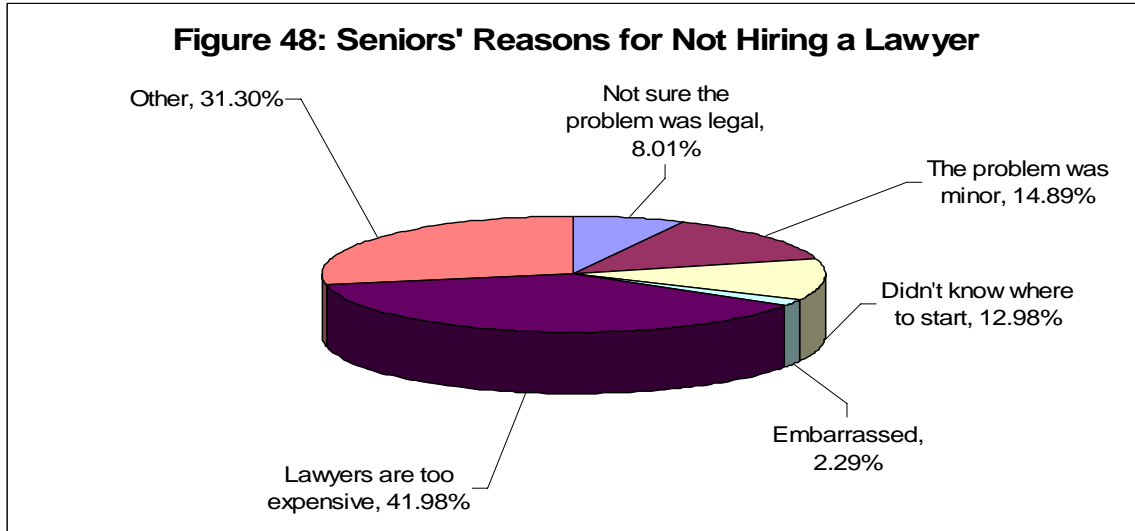
Most (67%) said the advice they received from the lawyer was somewhat helpful, with a third (30%) saying it was very helpful

Figure 47: Helpfulness of Lawyer from Seniors Who Had Received Lawyer Help



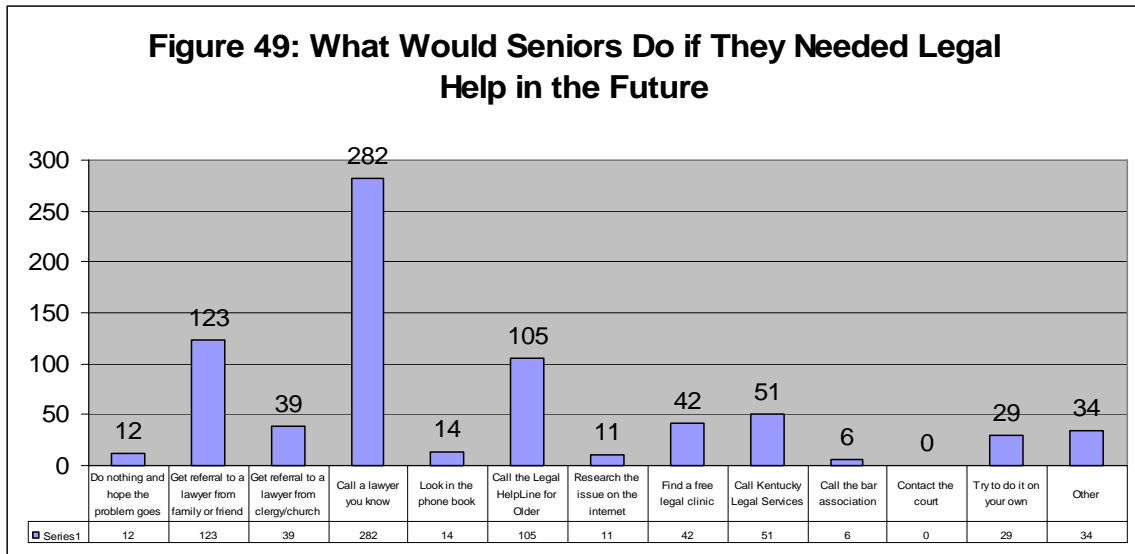
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We next asked why the seniors had thought about hiring a lawyer, but subsequently did not. Of this group, over a third (41.98%) answered because lawyers are too expensive, thirty-one (31.30%) percent marked “other”, almost fifteen (14.89%) said the problem was minor, almost thirteen (12.98%) percent said they didn’t know where to start, eight (8.01%) said they were not sure their problem was legal, and two (2.29%) percent said they were embarrassed.



Legal Help

We asked the seniors what they would do if they needed legal help in the future. The top five most marked responses were: call a lawyer you know, get referral to a lawyer from family or friend, call the Legal HelpLine for Older Kentuckians, call Kentucky Legal Services, and get referral to a lawyer from clergy/church. Figure 48 shows the number of responses for each answer choice.



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Legal Issues of Most Concern

The next question was designed to help the respondents self identify the legal issues that they think they are most likely to need help with. Respondents were asked to mark the **three** legal issues that concerned them the most from a list. Table 2 shows a list of the choices and the number of people who marked each choice.

Table 2: Please select 3 legal issues that concern you the most:	
Government benefits (like Social Security, SSI, Veterans, Medicare, Medicaid, etc.)	296
Health insurance problems	172
Estate planning (wills, trusts, etc.)	163
Advance planning (living wills, medical power of attorney, etc.)	159
Where to live issues (planning to stay in your home or nursing home, etc.)	148
Consumer problems (scams, exploitation, fraud)	140
Housing issues (landlord issues, utility problems)	35
Other	30
Family matters (like divorce, custody)	12
Abuse	12

Legal Services of Most Help

We then asked the respondents what legal service, legal advice, and legal information services would be most useful to them. We asked them to select up to three options from the list. Table 3 shows a list of the choices and the number of people who marked each choice.

Table 3: Please select 3 legal services that would help you the most:	
Hotline where senior can call and ask attorneys questions for free	362
Low-cost or free attorneys	243
Legal guidebook for seniors	189
Free wills & estate planning service	152
Legal aid program	137
Free legal seminars	116
Free consumer and fraud seminar	75
Website with legal information	37
Other	28

IV. Long Term Care Ombudsman Focus Group Summary

On June 12, 2007 David Godfrey, managing attorney for the Access to Justice Foundation, and Cody Weber the research intern and primary investigator for this report conducted a focus group at the Lexington Senior Citizens Center with the Long Term Care Ombudsman Office of the Bluegrass. The participants included four long term care ombudsmen who had an average of over sixteen (16) years experience in that position. Each of the participating ombudsmen heads a team of five other ombudsmen.

Our first question was intended to gage the well-being and capacity of nursing home residents for whom the ombudsmen advocated. We showed the ombudsmen the survey instrument that was used in this study and asked them to estimate the percent of nursing home residents would be able to complete the survey. The ombudsmen collectively felt that about ten (10%) percent of the residents would be able to independently complete the survey.

The next question concerned what the ombudsmen felt were the most common issues with which residents needed help. Responses included: residents needing help with power of attorney, creating wills, individuals not respecting power of attorney, and a lack of fund to pay attorney to make house calls on clients in facilities.

We followed this question up by asking where the residents typically go for legal help. The first response was the legal aid programs. One ombudsman felt that legal aid was only sometimes helpful because their expertise tends to be on issues impacting younger families. A couple of people said that Hospice provided legal help with some issues.

The next questions were asked to gain a better understanding of the problems ombudsmen deal with and learn about relating to a variety of services and issues. One problem with Medicare is that many residents didn't understand why Medicare discontinues paying for physical therapy. The ombudsmen had not experienced any problems with Medicare Part D in nursing homes, though the ombudsmen had experienced many problems with Medicaid. Problems with Medicaid include: the Medicaid office doesn't respond to phone calls, misinformation on 552s, problems with the renewal or recertification for Medicaid, many residents have difficulty understanding the notices from Medicaid due to the letters being poorly worded, and not understanding why Medicaid doesn't pay for certain things. When asked about problems with private insurance or long term care insurance, the ombudsmen said they had not dealt with any. The participants reported other legal problems with quality of care/malpractice problems, toileting needs not being responded to appropriately, life long smokers being told that they cannot smoke in the facility and not being provided with options or alternative and problems with arbitration agreements in admissions contracts.

We concluded the focus group with some final general thoughts and feelings the ombudsmen wanted to express. They felt there was not enough staff in many nursing homes to support the residents' needs, especially on weekends. Other problems discussed related to staff not being adequately trained and paid, as well as medication issues. One positive the ombudsmen had seen recently was that the residents of the nursing homes appeared better dressed, groomed, and cleaner then they had in the recent

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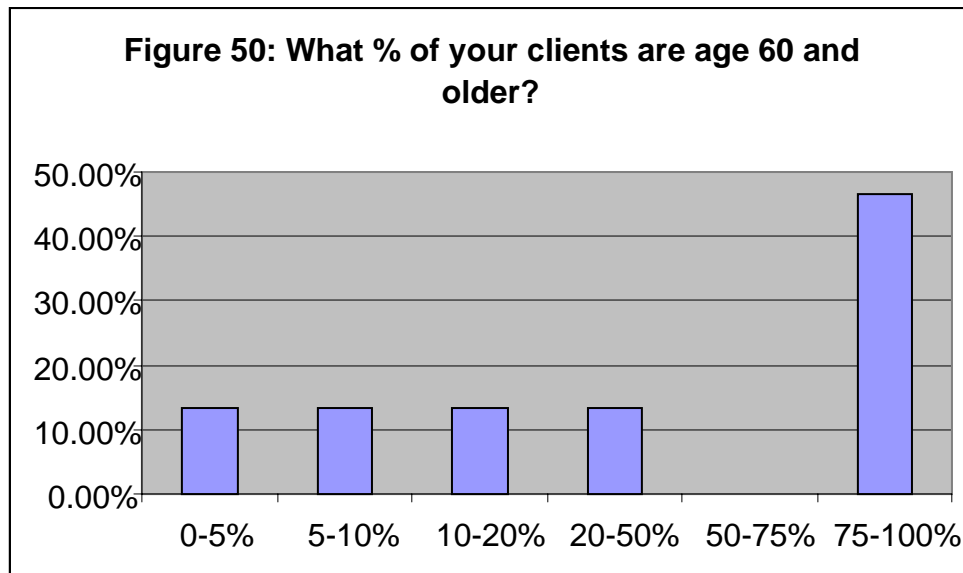
past. They said they no longer experienced problems with residents walking around all day in their pajamas or with food spilled on themselves.

In summary, the long term care ombudsmen expressed that they had experienced or were experiencing the following problems issues: 1) lack of funds for attorneys to make house calls on patients in facilities to create wills and other documents, 2) residents needing help with power of attorney, 3) residents needing help creating wills, 4) residents not understanding why Medicare discontinues paying for physical therapy, 5) numerous problems with Medicaid including the office doesn't respond to phone call, misinformation on 552s, and residents having difficulties understanding notices from Medicaid, 6) problems relating to quality of care/malpractice including toileting issues, smoking issues, and problems with arbitration agreements in admissions contracts, 7) not enough staff in nursing homes to support the residents needs, especially on weekends, and 8) staff not being adequately trained and paid, as well as medication issues.

V. Legal Aid Network Online Questionnaire Summary

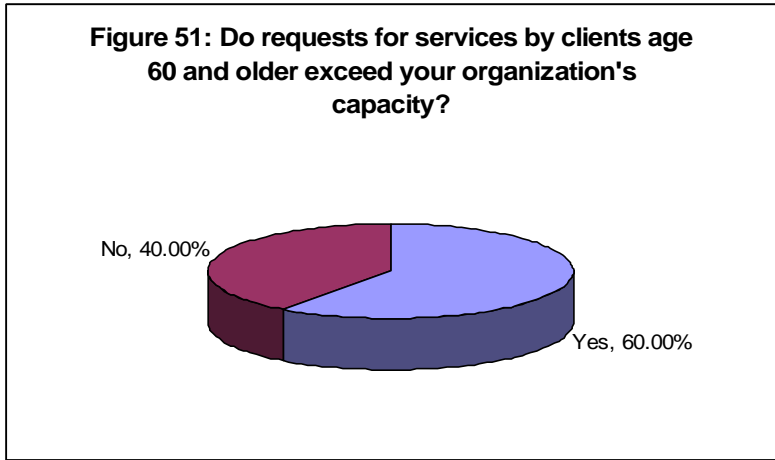
In order to gain a greater understanding of the issues and problems with which seniors deal, we created an online survey to be completed by members of the Legal Aid Network. The survey was created through the website Survey Monkey and placed on the list serve for the Legal Aid Network. The list serve is seen by approximately one hundred (100) staff members in the legal aid network. The survey was completed by fifteen program staff members. The following graphs indicate the question that was asked and also either the percentage of people who marked each choice or the number of people who marked each choice. Please note that respondents were encouraged to mark more than one choice if more than one choice applied.

Our first question asked what percentage of the respondents' clients are ages 60 or older. Over forty-six (46.70%) percent of the respondents indicated that 75-100% of their clients are age 60 and older. The results are shown in Figure 50.

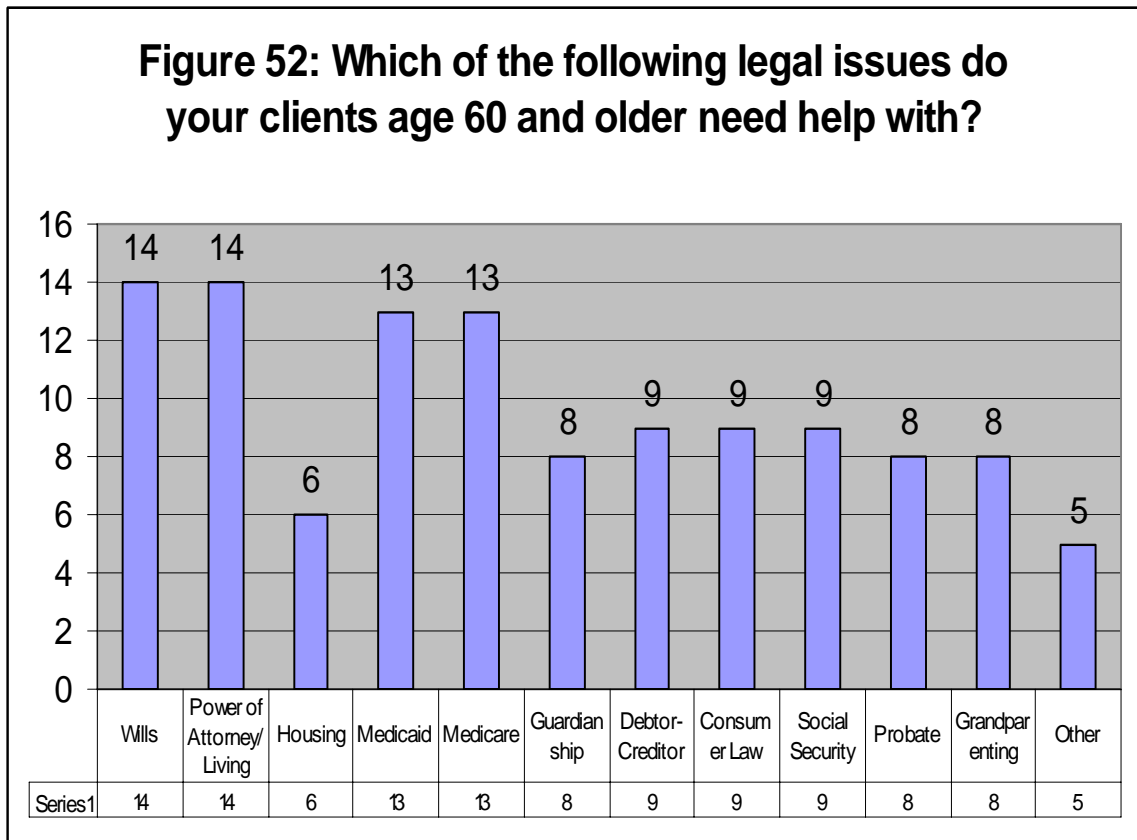


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We asked if the requests of the clients exceed the staff member's organization's capacity. Sixty (60%) percent of the respondents said yes.

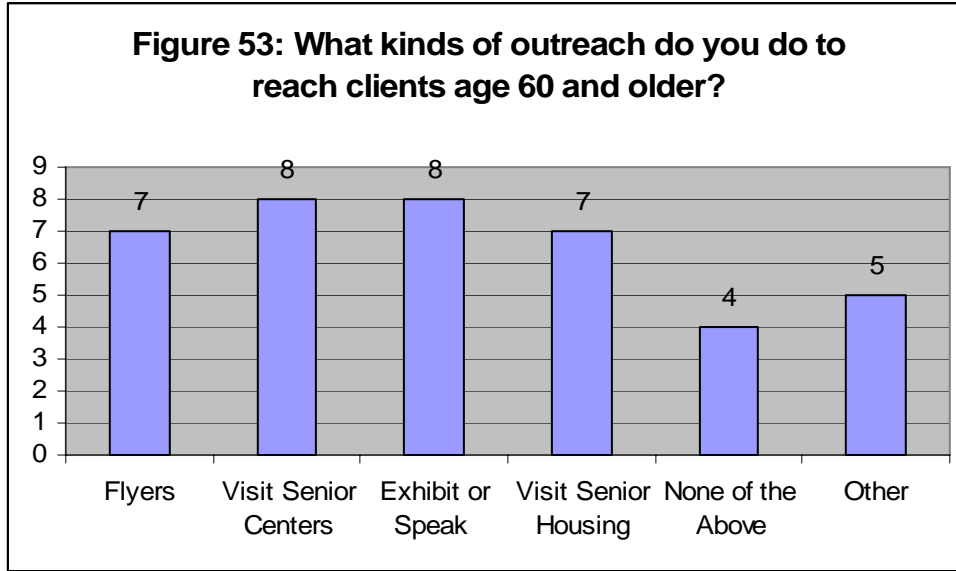


We developed a list of issues and asked the staff members to indicate the issues the issues their clients need help with. Respondents were able to mark more than one choice. Fourteen (14) out of the fifteen (15) responses marked both wills and power of attorney/living wills. Figure 52 shows the number of responses for each category.

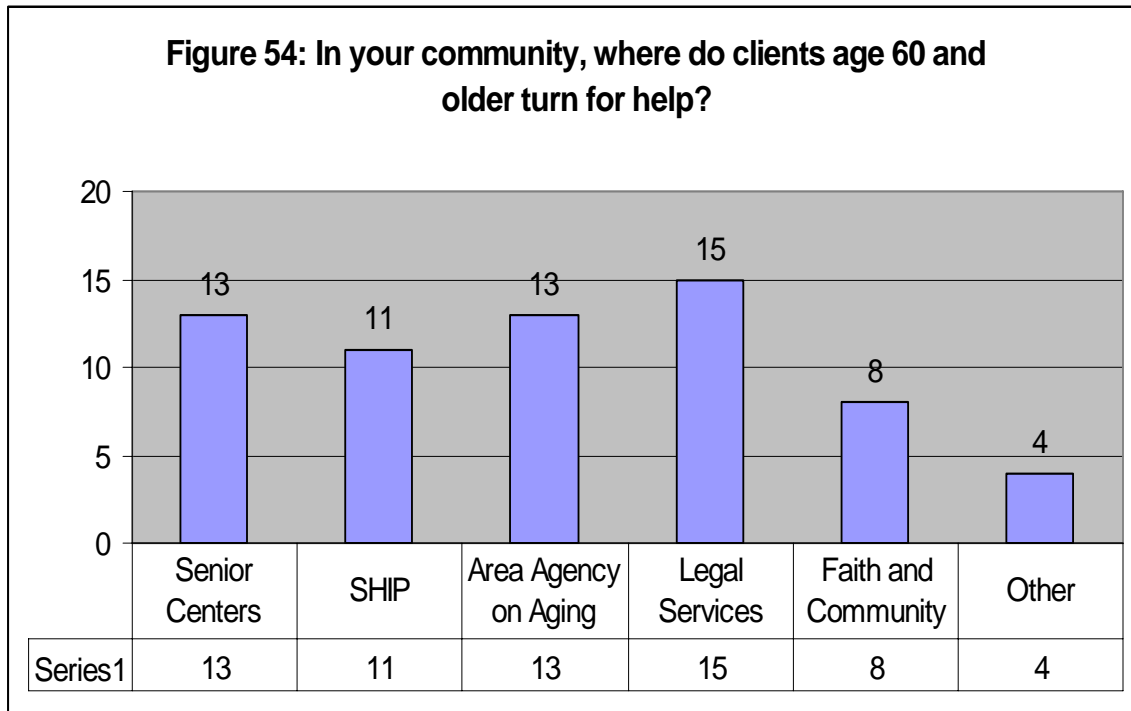


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A list was made from which staff members were asked which of the following they use as way to reach their clients. Figure 53 shows the number of responses for each type of outreach. Some of the “other” responses included nursing homes and television shows.

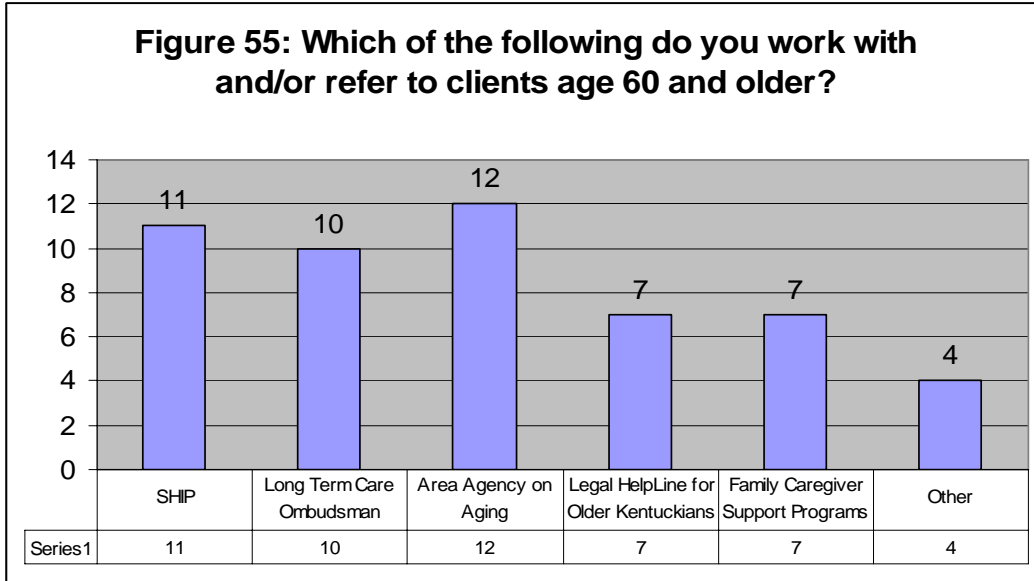


We asked the staff members where clients age 60 and over turn for help in their communities. Every staff member indicated clients turn for help at Legal Services. Figure 54 shows the number of responses for each category. Some of the “other” responses included long term care ombudsman and HUD housing.

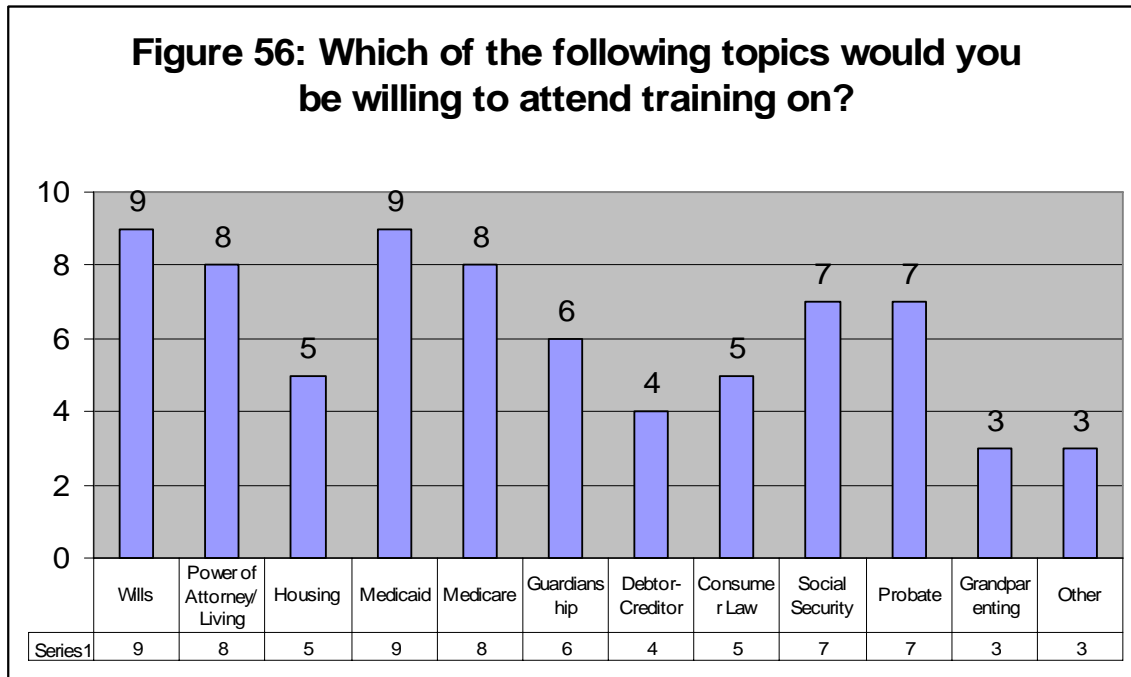


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The staff members were asked which of the following groups or organizations they work with and refer their clients to. Please note one (1) person did not respond to this question. The most popular choice for staff members was Area Agency on Aging. Figure 55 shows the number of responses for each category.



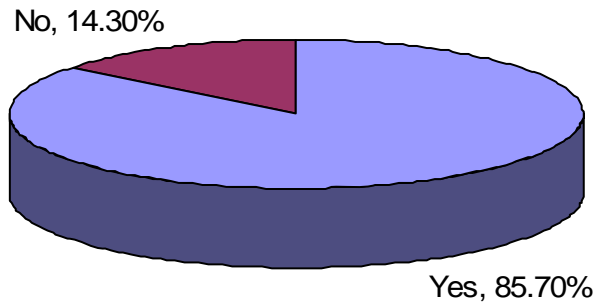
A list was made and staff members were asked which of the topics they would be willing to attend a training session on. Figure 56 shows the number of responses for each topic.



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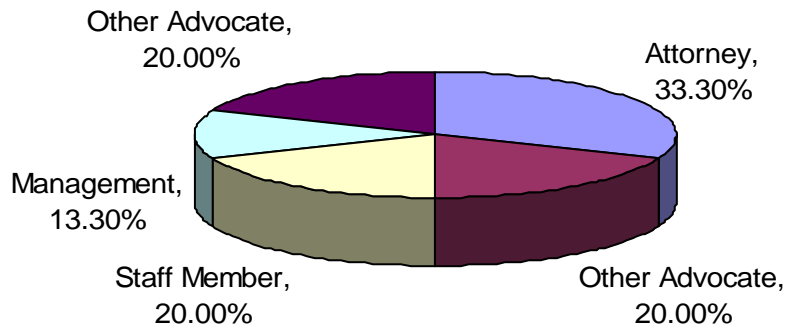
The staff members were asked if they would be interested in participating in clinics and/or programs to help their clients. Almost eighty-six (85.7%) percent said that they would be willing to help.

Figure 57: Would you be interested in participating in clinics and/or other programs to help clients age 60 and older in your area?



Our last question was to determine the role of the staff members in the Legal Services Program who filled out the survey. Attorney was the most common profession of the staff members who filled out the survey. The respondents who marked "other", indicated they were ombudsman. Figure 58 shows the results of this question.

Figure 58: What is your role in the Legal Services Program?



VI. Conclusions

Most seniors responding to the survey live independently in the community. Home ownership is lower than expected (56.4%). Not owning a home places low income seniors at greater risk for needing assistance to cope with a crisis (e.g., long term care) as a home is generally the most valuable asset owned by low income households.

Over a fourth (28%) of respondents reported doing regular volunteer work in their communities, representing a tremendous community resource and fourteen (14%) percent report working full or part time. This clearly shows that many older Kentuckians lead active lives.

Nearly 40% of respondents report not driving. Kentucky has very limited public transportation. Access to transportation is an ongoing problem for lower income seniors.

Electronic communication appears of limited value in communicating information to this population. Over three-fourths (77%) reported not using email and slightly fewer (70%) reporting that they do not use the internet. While the online communication should not be overlooked (reaching up to 30% of the population), traditional communication is still needed. The majority of respondents said that they would go to their local senior center to receive assistance, advice and referrals on legal and other problems. Over a third (37%) of respondents failed to recognize the name of any of the civil legal assistance providers operating in the state.

A significant number (43%) of respondents have ongoing problems with telemarketers, including ongoing problems after joining no-call lists. Low income consumers are at high risk of unfair and deceptive trade practices and the impact of unfair acts on a low income consumer can be devastating.

Low income consumers are at high risk of consumer credit problems. Despite protections under the fair debt collection practices act, over a tenth (13%) reported problems with debt collectors. Of those reporting problems with consumer credit, over half (63%) complained of being charged high interest rates and nearly a fifth (18.63%) reported billing problems.

Several questions were asked to assess the risk and reporting of abuse, neglect and exploitation. A third (33%) reported problems indicative of abuse, neglect or exploitation (see figures 33 & 34.) In the sample women were nearly twice as likely to report abuse as men (see figure 38.) Only a fifth (21%) of those reporting being victims of abuse aid that they received help.

Advance directives are a key to receiving appropriate medical care and preventing financial exploitation, with a fifth (20%) needing help with advance directives such as

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power of attorney and living wills. Not surprisingly a significant number (42%) of respondents had not sought legal assistance because they could not afford it.

When asked what legal issues they believed that they needed help with the most common answer was understanding government benefits, followed by health insurance, estate planning, and advance directives .

The most popular answer to the question about what kind of legal service would be most helpful was a legal hotline. A hotline is a great starting place for more than a third (36%) of respondents who reported not seeking legal help because they thought the problem was minor, didn't know where to start or were not sure if the problem was a legal problem or not. Of the respondents, 107 reported being aware of the Legal HelpLine for Older Kentuckians, showing a need for expanded awareness of this existing program (balanced against the need for funding to provide staff to provide service to the calls that would be generated). Nearly three-fourths (73%) of the respondents were aware of one or more of the members of the legal aid network.

The focus group with the long term care ombudsman tells us that there are two major ongoing problems in long term care: understanding the arcane and rapidly changing rules for Medicare and Medicaid and providing assistance with advance directives and basic estate planning for persons in nursing homes. A significant complaint was a lack of ability for legal service staff to make house calls on clients in nursing homes. Issues are emerging with quality of care and malpractice highlighting the need for collaboration with attorneys who are expert in these fields.

VII. Key Recommendations

The efforts of the legal aid network need to be concentrated on areas of greatest need and highest return. Many respondents indicated problems understanding the rules of Social Security, SSI, Medicare, Medicaid and other benefits programs. Experience has shown that the benefits received by clients in these areas far outweigh the cost of helping clients understand the rules and apply for benefits they are eligible for. An additional savings is created by counseling unqualified clients to not apply, saving the agencies the time and trouble of processing and rejecting application from people who are not qualified. Assistance in these areas is very cost effective.

Many issues of consumer protection, contract law and consumer lending were identified in the study and these are areas where the legal aid network can provide meaningful advice and assistance. We need to increase our capacity to provide assistance in these critical areas by increased staffing and training of advocates in these areas.

Elder abuse is an emerging problem. While only 4% self reported being abused, neglected or exploited, about a third (32%) reported problems indicative of abuse, neglect or exploitation. Only a fifth (21%) of those who self reported being abused received help. A great deal of abuse can be prevented by providing services to plan for incapacity such

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as creating living wills and powers of attorney with trustworthy decision makers. We need a coordinated effort to improve awareness of elder abuse in all of its forms, training for professionals and advocates in the signs and signals of elder abuse, neglect and exploitation, and the increased training of advocates on how to help victims of elder abuse.

While a legal hotline was the most common answer to what service would be most helpful in seeking legal assistance, less than a fifth (15%) were able to identify the Legal HelpLine for Older Kentuckians as an existing service in Kentucky. Clearly, there is a need for expanded awareness of the availability of legal assistance in Kentucky. Expanded awareness needs to be balanced against program service capacity and is indicative of the need for expanded service capacity (60% of service providers reported that demand for services already exceed organizational capacity). Additional research is needed to better understand the service capacity of all partners in the legal aid network. A systems assessment study is being planned and will be completed this year.

An overwhelming majority (70%) of respondents said that they would look to their local senior center for advice, assistance and referrals on legal issues, highlighting the importance of coordination between the legal aid network and the developing aging and disability resource markets through the area agencies on aging and the local senior centers. With nearly three-fourths (70%) of respondents indicating that they do not use the internet, the time has not yet arrived for providing of consumer information for seniors online.

Using the information gathered in this study, Kentucky can develop model approaches to legal service delivery that will improve access to legal assistance by seniors across the Commonwealth.