

2008 Idaho Senior Legal Needs Assessment



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Executive Summary

The U.S. Department of Health and Human Services, Administration on Aging, awarded a Model Approaches to Statewide Legal Assistance Systems grant to the Idaho Commission on Aging in 2006. The grant created a Senior Legal Resources Advisory Committee, funded a statewide Senior Legal Hotline, established an interactive senior forms library, and facilitated an Idaho senior legal needs assessment. Assessment results will help guide Idaho's legal service providers to offer services to meet the actual legal needs of Idaho's senior population. This study was modeled in part on similar studies undertaken in Utah and Florida.

Surveys were mailed to 1,673 Idaho seniors who had been previously served by Idaho Legal Aid Services between January 1, 2006, and June 30, 2007. The majority of survey recipients, 1,397, were selected to ensure geographical representation from across Idaho. Another 276 surveys were sent to all non-white senior clients served during this period. Approximately 60% of survey recipients had incomes below the federal poverty guidelines. Approximately one-third of these recipients (546) responded.

Highlights

Demographics: Most respondents were white women who live alone and do not access the Internet. One-fourth of respondents do not drive.

Healthcare: Over 90% of respondents have some form of health insurance.

Housing: A majority of respondents own or are buying their homes.

Public Entitlements: Nearly all respondents receive at least one public entitlement such as Social Security and/or Medicare.

Family Law: One-fourth of respondents experienced a family law problem after becoming a senior.

Consumer: Almost one-third of respondents felt they had been a victim of fraud or swindled after becoming a senior.

Legal Needs:

- Survey respondents indicate the most needed legal services are free or low-cost attorneys (70%), a senior legal hotline (66%), free wills and estate planning services (39%), and a legal guidebook (36%).
- The top legal issues seniors want help with are paying for long-term care (including Medicaid) (47%), government benefits (46%), and estate planning (34%).
- While the respondents were previously assisted by Idaho Legal Aid Services, all were asked about other situations where they needed legal help but did not retain a lawyer. Sixty four percent cited high cost as the reason they did not use a lawyer. Another 22% did not use a lawyer because they “didn’t know where to start.”
- Seventy-nine percent of respondents indicated if they have a legal problem in the future they will call Idaho Legal Aid Services.

Introduction

The Need for a Legal Assessment Survey

Seniors are a growing part of Idaho's population. Approximately 16% of Idaho residents are 60 years of age or older. Persons aged 85 and older constitute the fastest growing segment; their numbers are increasing five times faster than the state's total population (all ages). When the youngest of the "Baby Boom" generation attains senior citizen status by 2020, about 25% of the state's population will be aged 60 or older.

Senior legal needs will grow with the senior population. However, Idaho has very limited legal resources available for seniors. Until now, Idaho's senior legal services providers had no useful state specific information to help guide services. This survey will help Idaho service providers identify and respond to actual, not perceived, senior legal needs.

Study Purposes

This report is a summary of the findings from a senior legal needs survey mailed to selected Idaho seniors. The study purposes were to assess: (1) the legal needs of Idaho seniors, (2) awareness of senior legal resources, (3) seniors' experiences with and perceptions of lawyers, (4) the barriers seniors have using a lawyer, (5) the legal issues that concern seniors and (6) the legal services that would benefit them most.

Study Design

The first phase of the project was creation of a survey questionnaire to collect information regarding the legal needs of Idaho seniors. The authors reviewed surveys used in the generation of senior legal needs reports from other states, including Utah's Planning For The Legal Needs of Utah's Seniors Final Report and Florida's Legal Needs of Older Floridians, A 2006 Survey. The survey instrument was developed with input from the Idaho Senior Legal Resources Advisory Committee which is comprised of representatives from legal and social service providers, judges, attorneys, AARP and other organizations who serve Idaho seniors.

The survey includes questions covering a variety of topics including demographics, health insurance, government benefits, housing, consumer issues, family problems, abuse, estate planning, awareness of legal services, experiences with and perceptions of lawyers, and desired legal services. A copy of the survey instrument is included with this report.

Surveys were mailed to 1,673 Idaho seniors ages 60 and over. Recipients were drawn from a pool of 2,772 seniors served by Idaho Legal Aid Services between January 1, 2006 and June 30, 2007. Use of recent clients ensured a large pool of seniors with current addresses, income, demographic and geographic information.

While the survey was sent to seniors of all incomes, the majority of individuals in the survey pool were low-income. The low-income senior population received a disproportionate number of surveys because they are more reliant on free legal service providers, such as Idaho Legal Aid Services and the Idaho Volunteer Lawyers Program, than are persons with a higher income.

Seniors from minority populations were also overrepresented in the survey pool. Historically, seniors from Idaho's largest minority populations, the Hispanic and Native American communities, have been underserved through the legal services delivery system. To better understand the needs of these communities, every minority senior client served by Idaho Legal Aid Services from January 1, 2006, through June 30, 2007, received a survey.

The survey pool was designed to include seniors from across Idaho, including a substantial number of those in rural communities. The judicial system divides the state into seven judicial districts. Approximately 40% of the population is located in just two districts. However, to ensure that the needs of rural seniors were identified, the survey was sent to all seniors in rural districts and only a sampling of seniors in the most populous districts.

Findings

The results of the 546 returned surveys are summarized below. The authors have added commentary where they believe it may prove insightful.

Demographics

Age

- 40% of respondents are between the ages of 60-70
- 38% of respondents are between the ages of 71-80
- 18% of respondents are between the ages of 81-90
- 4% of respondents are between the ages of 91-100

Gender

Almost twice as many females responded as did males.

Race/Ethnicity

The great majority of respondents (92%) are white. Idaho's two largest minority populations, Hispanics and Native Americans, each comprise 3.5% of respondents.

Employment

- 78% of respondents are not employed or volunteering
- 9% volunteer
- 5% work full-time
- 9% work part-time

Driving

Seventy-six percent of respondents drive an automobile freely or with some limitations. Almost one-fourth (24%) of the respondents do not drive.

Commentary:

Idaho covers over 83,000 square miles with a population density of 18 persons per square mile.^a Only the very largest cities have any form of public transportation. The inability of one-fourth of the respondents to drive means that many may not be able to access service provider

^a Idaho Census Data: Population & Housing Density, see
<http://www.censuscharts.com/Density/Idaho.html>

offices. One respondent commented, "I have a problem getting to any planning services or seminars because I don't drive or have the money to take any senior rides."

This statistic, along with the fact that almost one-half (48%) of respondents live alone, should lead service providers to consider alternative forms of service delivery.

Internet Usage

The Internet has not been adopted by 64% of the respondents. One senior commented: "Everything seems geared up for computers. It is discriminatory for seniors. Not all seniors have access, or wish to have access to computers."

Commentary:

Legal service providers have directed extensive resources into developing web-based client resources. However, almost two-thirds of respondents do not access the Internet.

The survey results concerning driving and Internet usage indicates a "one size fits all" service delivery model is not the most efficient way to serve seniors. Service providers may need to use a combination of methods, such as office consultations, outreach, hotlines, the Internet, and mailing materials, to meet senior needs.

Marketing to Seniors

Respondents indicated the best way to let seniors know about a legal resource is through the newspaper (41%) or a senior center (38%).

Commentary:

Nationally, there is a growing trend away from advertising in the print media to using Internet and other media formats.^b However, seniors appear to continue to rely on newspapers. Senior centers were identified as the second best way to market to seniors.

Housing

^b Washington Post, Newspaper Circulation Continues to Decline May 3, 2005; Page E03

Almost one-half of respondents (48%) live alone.

Home Ownership

Fifty-seven percent of the respondents own their home. Of these, 18% reported paying to have work done to their home which was not satisfactorily completed. Nine percent of respondents who felt they were the victim of a fraud or swindle indicated it concerned home financing or a mortgage.

Home Rental

Twenty-eight percent of respondents rent their homes. The most common tenant problems were the failure of landlords to make repairs, landlord harassment, eviction, disputes over lease terms, and rent disputes.

Nursing Home/Assisted Living

Nine percent of respondents live in nursing homes or assisted living facilities.

Commentary:

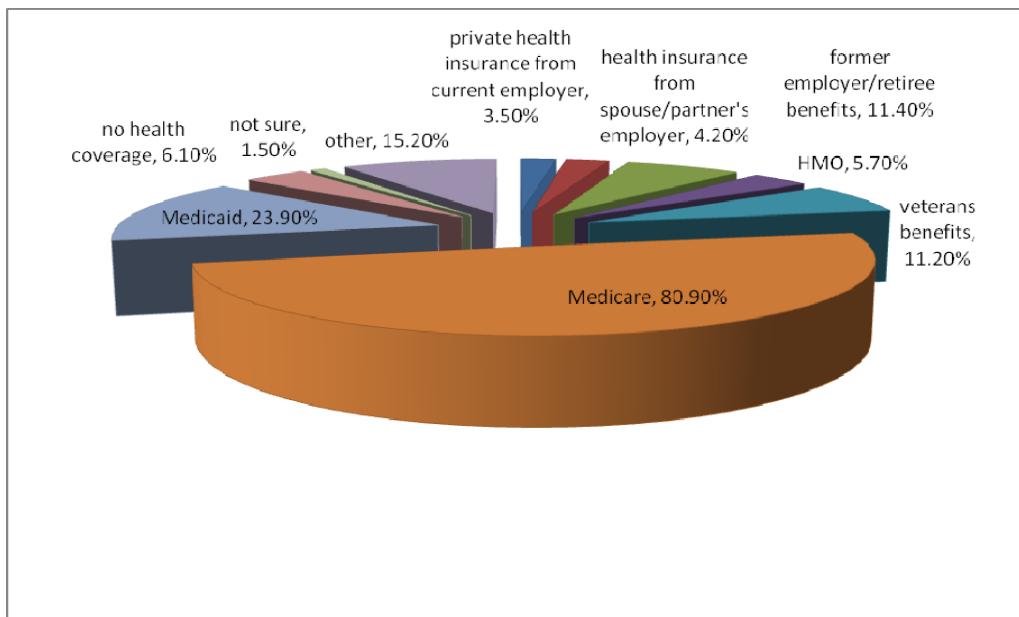
Respondents in nursing homes or assisted living facilities consume a significant amount of legal resources in order to qualify for Medicaid long-term care coverage. Many complete legal documents to qualify for coverage or protect a spouse's assets. Others must appeal improper denials or need help understanding the complicated Medicaid eligibility rules. Although state government administers the Medicaid program, it relies on third parties to guide applicants through these legal challenges.

Health Related

Health Insurance

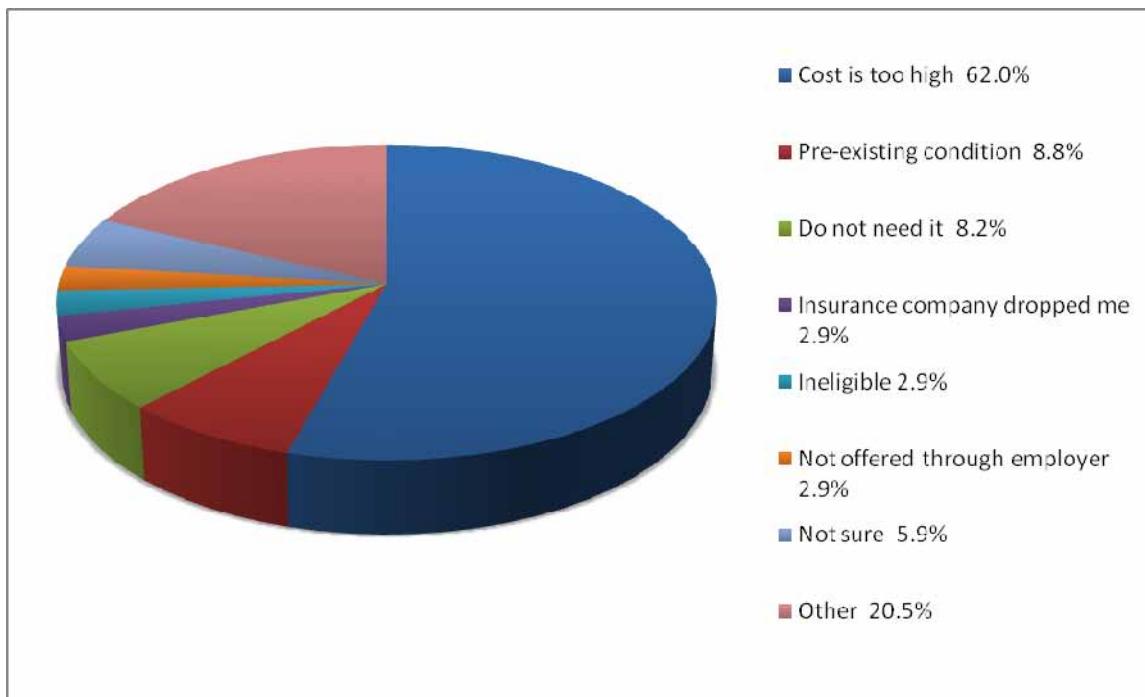
The great majority, 94%, of respondents have health care coverage. Medicare was the largest healthcare provider covering over 80% of respondents. Medicaid, the second largest health care provider, covered 24% of respondents.

Figure 1. Senior Health Insurance Coverage in Idaho.



Sixty-four percent of respondents with healthcare coverage say they have not experienced problems with their coverage.

Figure 2. Why Respondents Lacked Health Insurance.



One respondent commented, "In this great country we live in it is just awful the cost of health insurance. Many seniors have the same problems. Something must be done."

Although most respondents had insurance, the majority (52%) are extremely or very concerned about their ability to find and keep affordable, quality healthcare coverage. Nineteen percent are somewhat concerned about keeping affordable health insurance.

Commentary:

Many seniors who lack medical insurance have not yet reached age 65. Thus, they do not qualify for Medicare nor are their medical problems severe enough or their assets depleted sufficiently to qualify for Medicaid. This suggests a need for cooperation amongst low-income health care providers, especially in rural areas, where health care resources for low-income seniors are very limited.

Medicare Part D

Over one-half of respondents (56%) are enrolled in the Medicare Part D prescription drug program. Another five percent of respondents plan to enroll in Medicare Part D (presumably when they can qualify at age 65). Twenty- two percent are not enrolled and do not plan to enroll. Seventeen percent of those who participate in Medicare Part D encountered problems when they enrolled in the program.

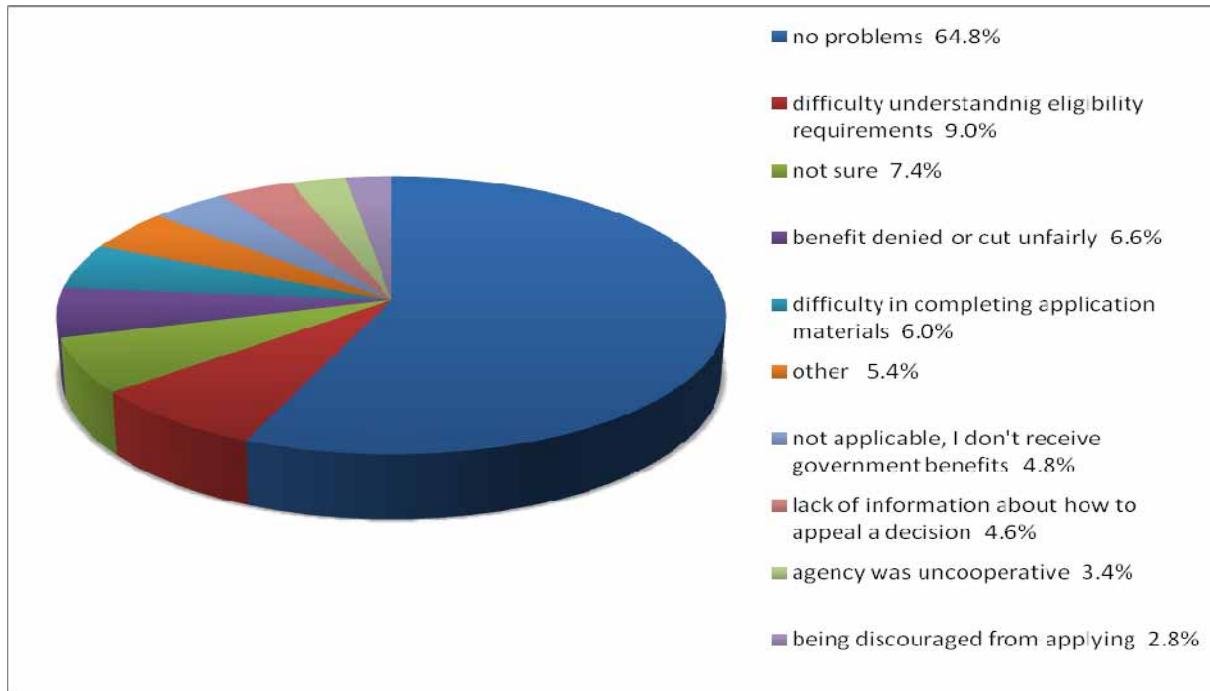
Commentary:

The fact that almost one-fifth of Medicare Part D participants experienced problems enrolling in the program indicates there is a need for program education. It is very possible that one reason 22% of respondents have not enrolled or do not plan to do so is because they are confused about the eligibility criteria or application process, such as how to choose a prescription drug formulary.

Public Entitlements

Over ninety-five percent of respondents participate in at least one public entitlement program. Most seniors receive Social Security income as well as health insurance through the Medicare program. Many seniors who move into an assisted living facility or nursing home must eventually apply to the Medicaid program to pay for long term care costs.

Figure 3. Obstacles to obtaining public entitlements:



Consumer

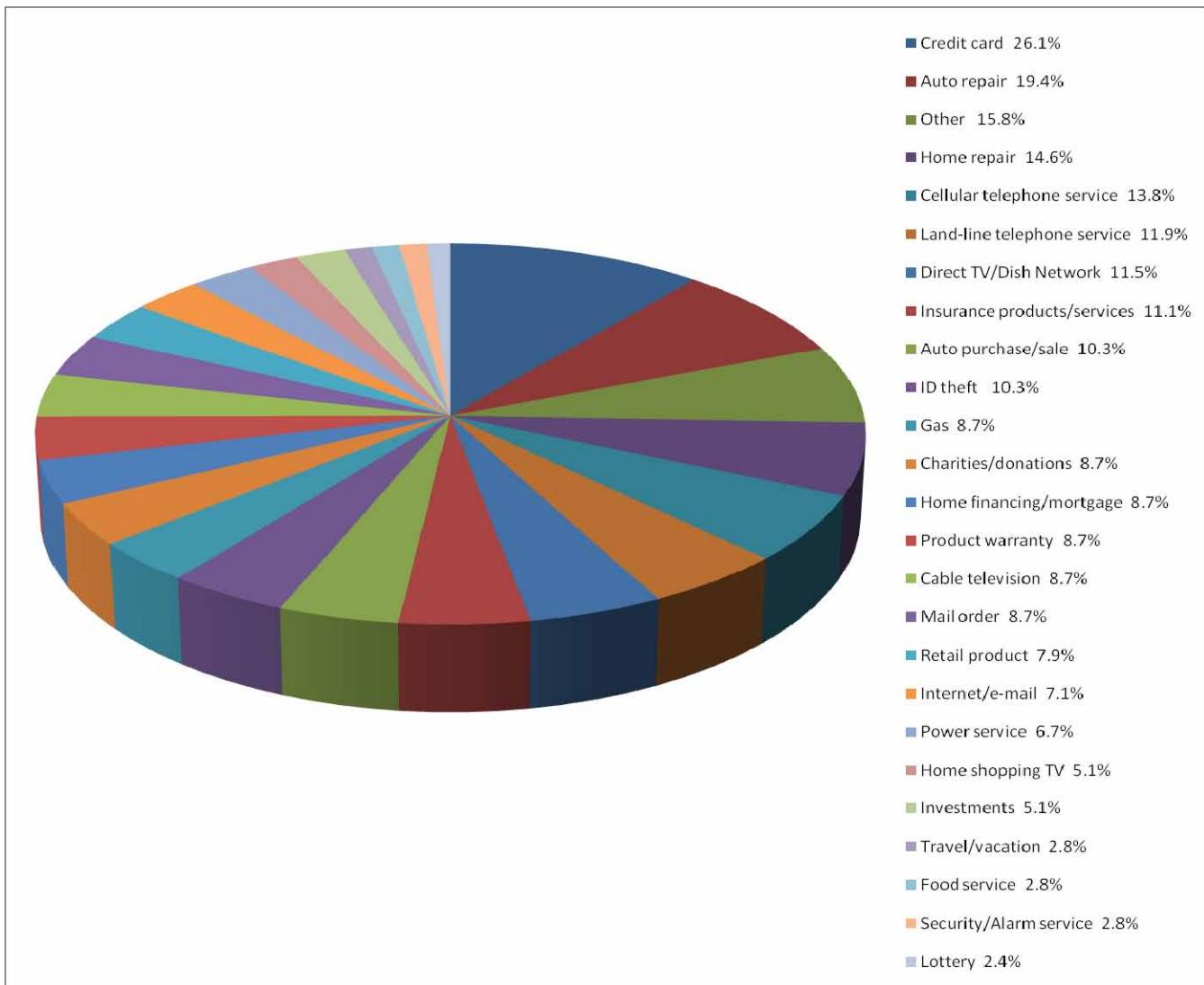
Respondents identify consumer issues as a major source of legal problems. Close to one in three respondents feel they have been the victim of a consumer fraud or swindle. Another twenty-two percent of respondents were not sure if they had been a victim. Forty percent had contract problems. Almost three-fourths of respondents reported problems with telemarketers.

One respondent stated, "I feel like every time I turn around someone is trying to take everything I have worked my whole life for or try to charge me more than I should be charged."

Principal areas where fraud/swindle occurred:

The three major areas identified for fraud/swindle were credit cards (26%), auto repair (19%), and home repair (15%).

Figure 4. Areas in which fraud/swindle occurred:



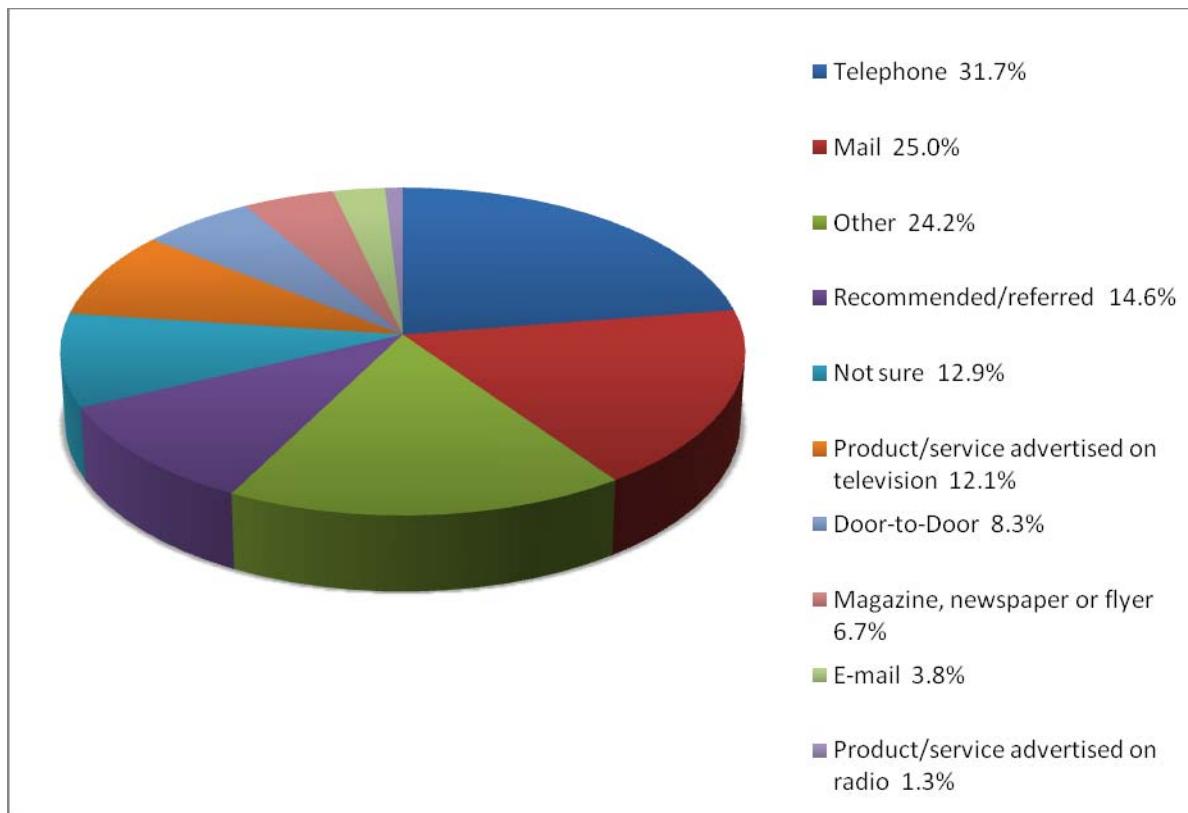
Commentary:

A review of the situations in which consumer fraud occurred in figure 4, above, demonstrates the problem plagues respondents in all income brackets. One respondent stated, “there are so many out there to rip us off and use us and take us for all they can.”

Means of conducting fraud/swindle:

Among those victimized by consumer fraud, one-third reported the swindler used the telephone while twenty-five percent used the mail.

Figure 5. Points of contact used for fraud/swindle



Almost one-half of respondents (49%) were extremely or very concerned about becoming the victim of a consumer fraud or swindle. Almost one-third were somewhat concerned about becoming the victim of a consumer fraud or swindle.

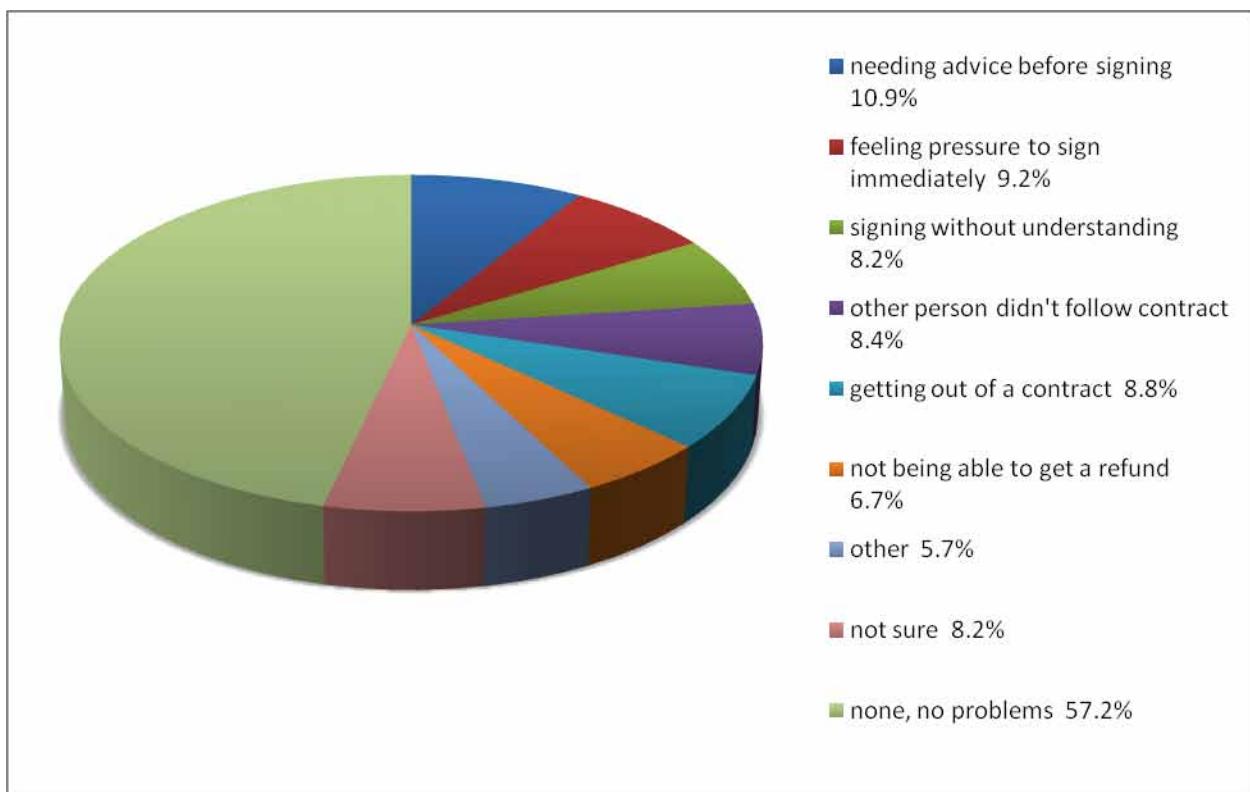
Telemarketer problems

Respondents said telemarketers were rude and deceptive. Almost three-fourths reported telemarketers continued to call after being told not to call back. Over one-third complained of high pressure tactics. Rude behavior was a problem (26%). Twenty percent of respondents reported telemarketers were deceitful about the products and services they sold.

Contract Problems.

Over forty percent of respondents reported contract problems.

Figure 6. Contract problems



Onerous Contract Terms

Seventeen percent of respondents obtained a loan with excessive fees or high interest rates. Over one-fifth complained of extreme credit card interest rates. Eleven percent reported improper late fees. Other problems included a significant increase in monthly minimum payments (9%) and improper billing charges (6%).

Debt Collection

A quarter of respondents complained of problems with bill collectors. Sixteen percent of respondents declared or considered declaring bankruptcy since becoming seniors. One respondent reported, "Can't pay medical bills that Medicare doesn't cover, so if they take me to court I'll probably lose my house which is all I have."

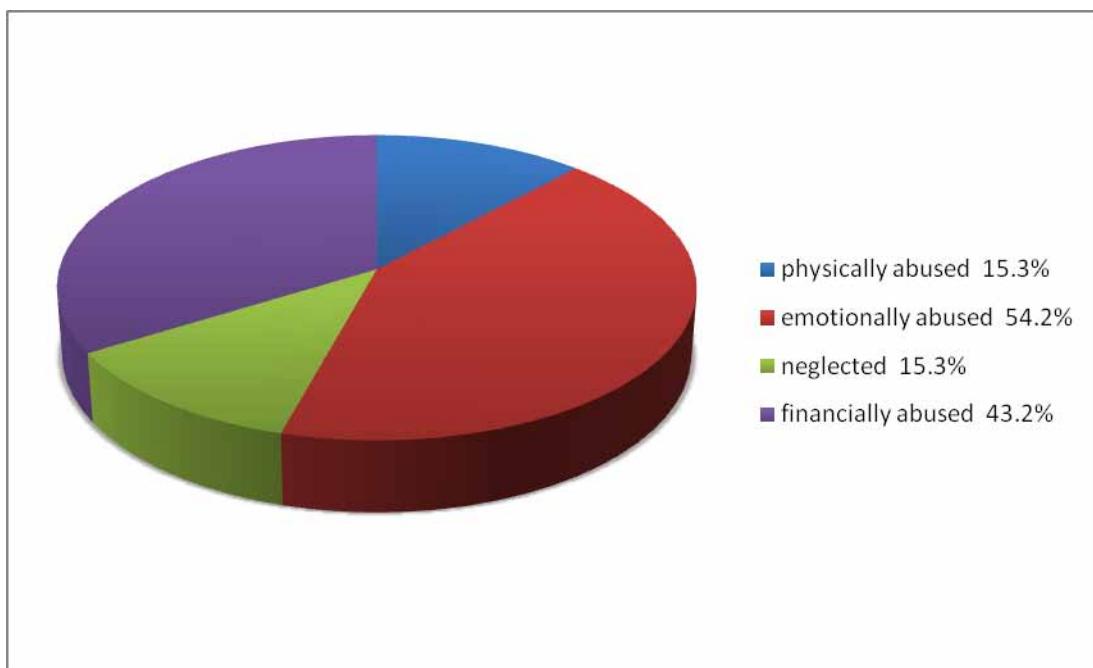
Family

One-fourth of respondents reported needing advice concerning a family law matter since becoming a senior. The two biggest family law problems were division of property or debts (11%) and custody of child/ren or grandchild/ren (5%).

Senior Abuse

Respondents reported a variety of physical, emotional and financial abuse.

Figure 7. Senior Abuse/Exploitation



Twelve percent indicated that someone had used their money or property without permission.

The majority of those abused (59%) did not seek help. Sixty-three wrote comments explaining why they did not seek help. Of these, fifteen indicated they did not know to whom to go or could not find anyone to help them. Four said they could not afford help. Eight indicated the abuser was a family member. One did not report an abuser, "Because it was my son and I had my granddaughter living with me and he threatened to not ever let me see her again." Another reported, "The emotional and financial abuser is my brother. I do not want to lose ties to my niece and nephew."

Legal Needs

Legal Problems and Issues of Concern

Overall Legal Problems

The survey addressed several areas of need including: health insurance, government benefits, housing problems, consumer issues, family problems, abuse issues, and estate planning. Survey respondents experienced a wide range of legal needs.

Fig. 7: Problems Reported	
Legal Problems	Percentage
Telemarketers	77%
Salesperson	44%
Contract	35%
Credit Card	34%
Estate and Advance Planning	34%
Health Insurance	32%
Government Benefits	28%
Consumer fraud	28%
Abuse (physical, emotional, financial, neglect)	28%
Bill Collecting	25%
Family	19%
Unsatisfactory Work on Home	19%
Loan problems	17%
Medicare Part D	17%
Filed or considered bankruptcy	16%
Problem with landlord	14%
Improper use of property/identity	12%
Theft	
Auto Repair	9%

Legal Issues of Concern

Seniors were asked to name the top three legal issues that were of concern to them. The top issues are paying for long-term care (47%),

government benefits (46%), and estate planning (34%).

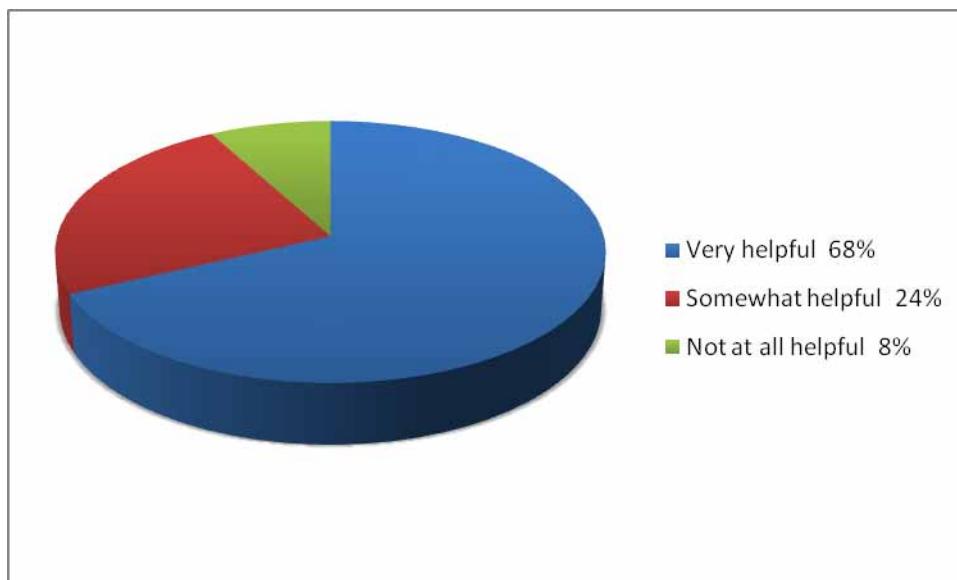
Experience and Perception of Lawyers

Experience with Lawyers

All of the respondents had used Idaho Legal Aid Services within at least two years before completing the survey. In addition, thirty eight percent had paid for legal counsel since becoming a senior.

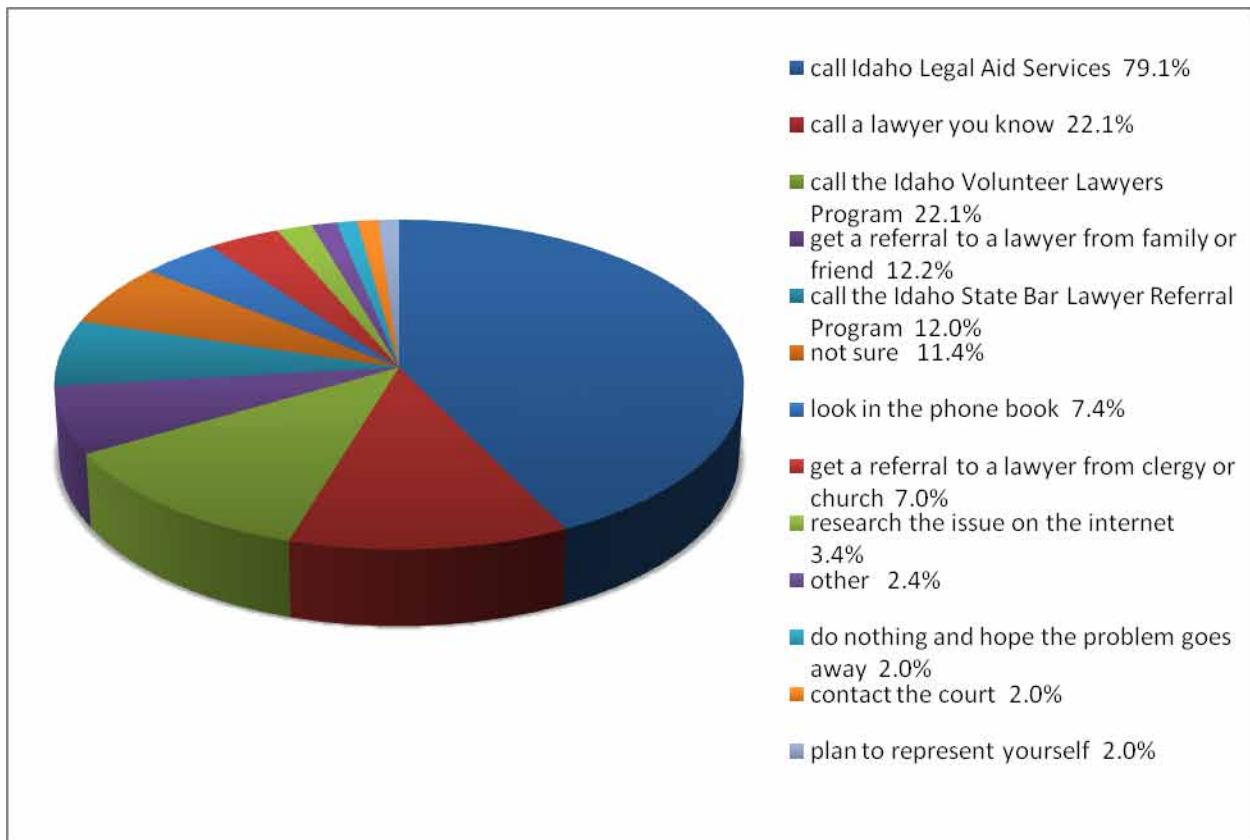
Most seniors who have used an attorney found the services to be very helpful (68%) or somewhat helpful (24%). Eight percent said their lawyers' services were not at all helpful.

Figure 8. Senior experience with lawyers



Future Legal Help

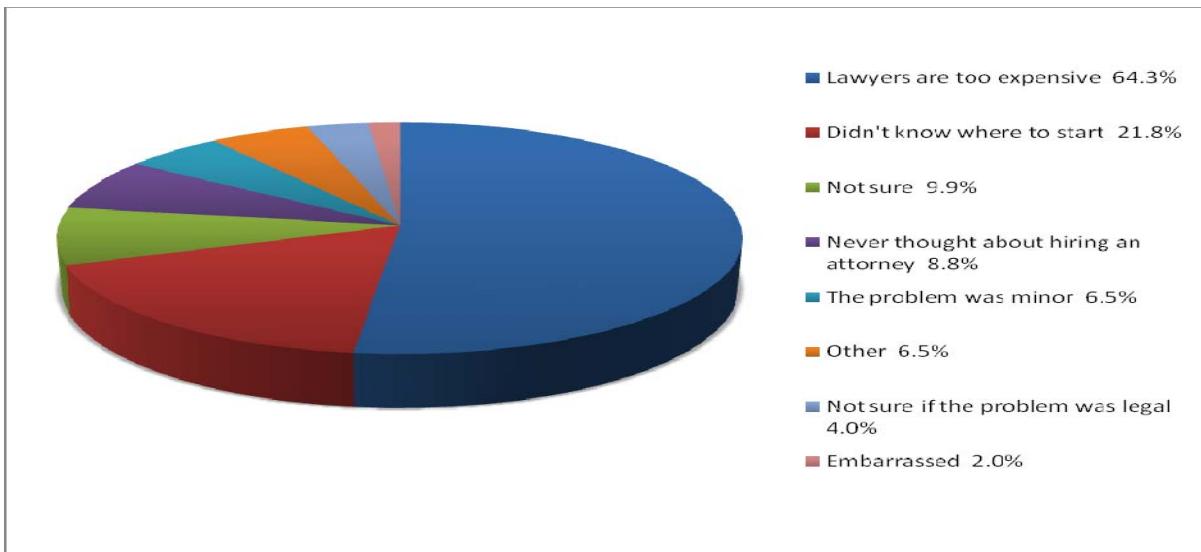
Figure 9. If you needed legal help in the future would you:



Barriers to Legal Services

All respondents had previously used Idaho Legal Aid Services and a substantial percentage (38%) had also used a private attorney since becoming a senior. Respondents were asked about why at times they needed but had not used a lawyer.

Figure 10. If you thought about using a lawyer but didn't, why not?



One respondent asked for “reasonable rates for advice and some way to have a recommendation the lawyer is good.”

Needed Services

Most Needed Services

Seniors were asked to name the services that would be most helpful. The most requested services are free or low cost attorneys (70%), a free senior hotline (66%), a wills and estate planning service (39%), and a free legal guidebook for seniors (36%).

Comments

One respondent stated, “seniors cannot afford legal help when they are on fixed income so they have to roll with the punches the best they can. We lose!”

“I hope that some kind of legal services will become available at low or no cost to those of us who cannot afford to hire an attorney when we need assistance.”

“Too confused right now to know what to do.”

“It would be a big help to have help filling out legal forms.”

Key Recommendations and Conclusion

The survey results indicate the existence of significant barriers and gaps in service for Idaho seniors seeking legal assistance, particularly those who are low-income and those who reside in rural areas. To help alleviate these barriers and gaps, existing services must be expanded and more focused, and new services must be added.

Existing/Expanded Services

More Lawyers

According to respondents the most needed addition to Idaho's legal delivery system is additional free or low cost attorneys (70%). Idaho is one of three states (along with Wyoming and South Dakota) that do not fund civil legal services for low-income persons. Idaho Legal Aid Services has embarked on a project to obtain funding from the state of Idaho to enable the program to hire additional attorneys.

Senior Legal Hotline

Two-thirds of respondents indicated Idaho needs a free senior hotline. Idaho Legal Aid Services operates a Senior Legal Hotline with funds from the Idaho Commission on Aging. The partners have funds from the Administration on Aging to operate the Senior Legal Hotline for one more year. (Ask Jim about funding sources)

Sarah, what information do you want included here? At this point ILAS has no funds to continue the senior hotline beyond the grant period. The only funds we could direct to sustaining the hotline are from our general LSC grant which limits services permit service to persons with incomes below table 1 of the federal poverty guidelines.

More Focused Senior Legal Services

Consumer law

More needs to be done to prevent the abuses perpetrated by unscrupulous telemarketers and salespersons. Seniors need more

education on consumer law, especially how to get rid of unwanted telemarketers.

Medicare Part D

Seniors need more education to understand the new Medicare Part D program.

Estate Planning

Attorneys are needed to help with a variety of estate planning needs, especially the creation of wills and advance directives.

Marketing

One respondent said that “Getting the word out so people like me know there is help out there if needed. Just knowing where to turn.” However, informing seniors about the availability of legal services is pointless if there are no services available due to a lack of funding. Seniors have clearly indicated that legal services are a priority for their happiness and well-being.

New Services

Wills and Estate Planning Clinics

Thirty-nine percent of respondents requested creation of wills and estate planning clinics. Existing senior legal services providers will be contacted about the feasibility of holding wills/estate planning clinics in locations across the state.

One respondent said, “We have a series of seminars in our area called ‘Your doctor speaks’ covering a variety of medical issues. Similar legal seminars would be well received I think.”

Senior Legal Needs Guidebook

Thirty-six percent of respondents requested a legal guidebook. Funding needs to be located to generate, print, and distribute copies of an Idaho Senior Legal Needs Guidebook.