Overview of Florida’s Elder Law Risk Detector
Training Objectives:

- Learn WHAT the Risk Detector is, WHERE to access it, and HOW to use it.
- Learn how legal services can help your clients
- Improve access to available legal services for the most vulnerable elderly by making effective referrals
What is the Elder Law Risk Detector?

- The Risk Detector is a web-based legal health “check-up” tool that allows groups serving seniors 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 currently screens for legal issues or vulnerabilities related to housing, health care, consumer, abuse, and financial exploitation.
- The Risk Detector does not provide legal advice and its use does not form an attorney-client relationship between any parties.
How Can the Risk Detector Help?

- By fostering the creation of partnerships to serve communities who are often difficult or costly to reach through traditional on-site legal services.

- By empowering social workers, nurses and allied professionals to issue-spot legal needs and providing them with an easy way to make a referral from anywhere (e.g. from a phone call, home visit or outreach event).

- By connecting seniors currently facing a legal issue with timely legal assistance and resources to help them resolve it, and by removing the stigma of contacting an attorney.
What community partners can use the Risk Detector?

- Area Agencies on Aging
- Lead Agencies
- Senior Centers
- Social Workers
- Ombudsman Programs
- APS Investigators
- Housing Counselors
- Community Health Care
- Medical staff
- Victims Advocates
- Law Enforcement
- Family Caregivers
- Financial Institutions
How does the Risk Detector work?

The Risk Detector is a web-based application that can be accessed via a link using any device type – a computer, tablet or phone.
What steps does the legal aid provider typically take after receiving a report?

- Remember that completing a Risk Detector screening and submitting a report does not create an attorney-client relationship or guarantee the case will be accepted by the legal aid program. However, it does ensure a meaningful referral and expedite the application process.

- The referral of a senior via the Risk Detector will be handled like any other electronic referral.

- An assigned Intake Specialist will call the referred client within 2 business days (It is imperative that Legal Services have a good contact number for the applicant and that the applicant is aware that Legal Services will call them).
What steps does the legal aid provider typically take after receiving a report?

- The Intake Specialist will complete a full application for services over the phone. If the senior meets eligibility requirements and has a legal matter within the legal aid program’s service priorities, an appointment will be scheduled.

- The Intake Specialist will schedule an appointment for an attorney to call the senior to conduct a full interview, give initial legal advice, and determine the level of service needed.
How can Legal Services of North Florida help your clients?

Elder law encompasses many different areas of law that affect individuals 60 years of age and older.

Legal Services of North Florida provides representation to low-income and vulnerable individuals in civil matters and provides civil legal assistance throughout 16 counties in the Florida Panhandle to Seniors.

The Florida Legal Aid Enhancement Project at LSNF may provide counsel, advice or full representation to your senior client.

For more information on FLEAP, please contact:
Paul F. Flounlacker, Esq.
Legal Services of North Florida
Florida Legal Aid Enhancement Project
Elder Access Attorney
850-701-4229 or pflounlacker@lsnf.org
How can Legal Services of North Florida help your clients?

The Florida Legal Aid Enhancement Project at LSNF may represent your senior client with legal issues including:

- Recovery from disasters
- Denial of Health Benefits
- Assistance with Wills, and other simple Estate Planning – Probate matters, Beneficiary Deeds, Powers of Attorney, and Health Care Directives
- Cease Predatory Lending
- Medicaid/Medicare Eligibility and Coverage
- Home and Community Based Medicaid Waiver
- Nursing Home discharge and conditions issues
- Preventing homelessness from foreclosure on Conventional and Reverse Mortgages
- Issues of Identity Theft – including Financial Exploitation and Consumer scams
- Domestic Violence Victim Advocacy
- Assistance with Guardianships
- And others

APPLY HERE:
Legal Services of North Florida
www.lsnf.org or 850-385-9007
More FAQs about the Risk Detector

- **When should I use the Risk Detector?** The tool can be used with any client after obtaining their express permission to 1) conduct the guided interview and 2) share the report with the legal services provider in order to facilitate the referral for any issues identified. The community partner will need Internet access and device such as laptop or mobile phone to use the tool on.

- **Who should I use the Risk Detector with?** Clients who might have a current legal issue or be vulnerable to one, or who would benefit from a warm hand-off instead of a verbal referral.

- **Is there anyone I should not use with the Risk Detector app with?** Clients without decision-making ability, or who do not want to be contacted by legal services, or with immediate emergency needs that exceed the scope of a civil legal aid office can assist with, or clients with concerns that may be better suited for referral to a social worker or case manager.
FAQs about the Risk Detector

- Do I need to ask all of the screening questions included in the Risk Detector? Use your discretion. Although not required, screening for all issue areas is the most holistic approach. We strongly encourage screening for abuse, neglect and financial exploitation. Feel free to rephrase questions in your own words, if needed.

- Will the legal aid program always call the senior back? Yes, they will always try to call the referred senior, regardless of risk level, even if the senior doesn’t appear to be eligible or have an issue within the legal aid program’s case priorities.

- What happens if the legal aid program cannot accept the case? If there is a conflict of interest, the senior will be informed and no service will be provided. If there is no conflict, but for some other reason, Legal Services cannot accept the case, the senior will receive legal advice at a minimum and referral to another organization that can provide legal assistance if one exists for the assistance needed.
FAQs about the Risk Detector

- What if my client has an emergency that needs to be addressed prior to the ‘2 day response time’? Call Legal Services of North Florida’s office directly and do not use the Risk Detector app.
- Who should I contact if I have general questions about the Risk Detector? Sarah Halsell, State Legal Services Developer, halsellsk@elderaffairs.org
Florida Legal Risk Detector Data Storage FAQs

If you have questions about data protection, such as:

- What software powers the Risk Detector?
- What data is stored, and where?
- Who has access to the stored data?
- What about ethical obligations of the Community Partners using the Risk Detector with regard to client confidentiality?

Email Sarah Halsell at halsellsk@elderaffairs.org to request the FAQ on Data
A Word about Mandatory Reporting

- This is not training on the mandatory reporting obligations under chapter 415, Florida Statutes.
- This tool does NOT satisfy mandatory reporting obligations. None of the information in the final report is sent to APS. It only goes to the civil legal provider.
- If in the course of the guided interview, the ‘user’ becomes aware of a reportable issue, they must report to APS.
- If the senior feels unsafe and is nervous about getting a call from civil Legal Services, this is NOT the tool to use. Please call Legal Aid directly.
- This tool also does NOT generate a report to law enforcement.
Take the app for a Test Run!

- FloridaElderLaw.org
- Click on ‘Advocate’ or ‘Caregiver’
- Click on the Risk Detector
- Go with the Express Option

**Important** – Please use ‘Jane Doe’ language when testing the application so that an actual referral is not generated.
Questions?

Thank you! Please feel free to contact me with any questions / feedback:

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