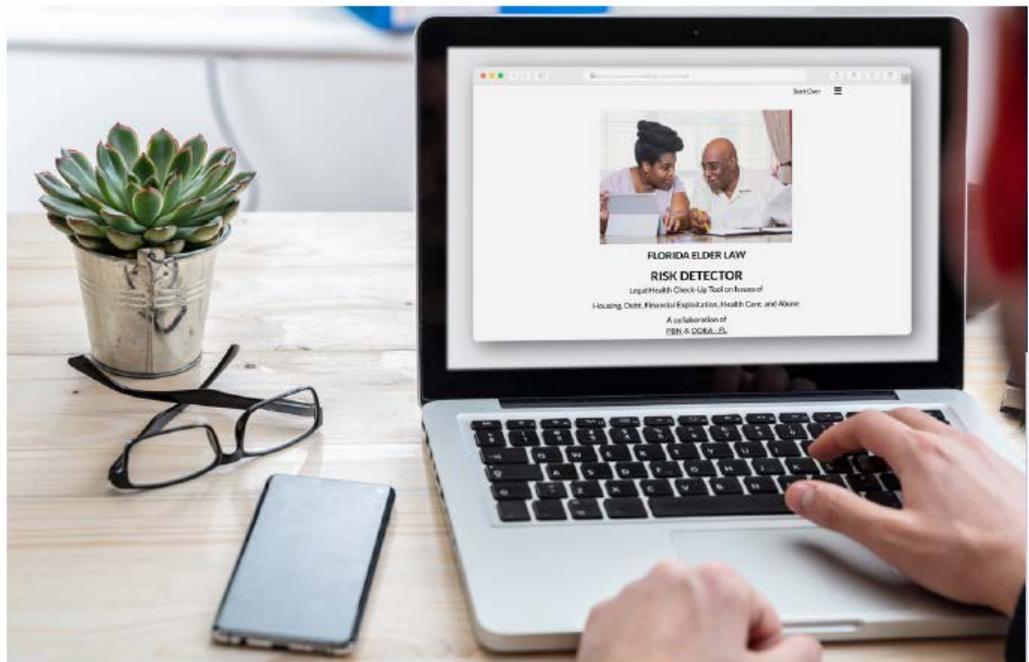


# FLORIDA'S ELDER LAW RISK DETECTOR



2021

A project of  
The Florida Department of Elder Affairs

Improving access to legal services for Florida's most vulnerable adults by streamlining referrals from service providers in the field to the appropriate legal aid program.

# Florida’s Elder Law Risk Detector

## TABLE OF CONTENTS

WHAT IS THE FLORIDA ELDER LAW RISK DETECTOR? ..... 1

IDENTIFYING COMMUNITY PARTNERS..... 1

LAUNCHING AND PROMOTING USE OF THE RISK DETECTOR IN THE COMMUNITY ..... 2

BEST PRACTICE PROGRAM PROTOCOLS ..... 2

REPORTING ..... 3

APPENDIX ..... 4

## WHAT IS THE FLORIDA ELDER LAW RISK DETECTOR?

The Risk Detector helps service providers (community partners) evaluate potential risks to a senior’s well-being and flags potential legal issues. In a 10 to 20 minute evaluation, the service provider completes an interview with their client using the app’s clear and concise prompts about the elder’s possible risk areas. These risk areas include housing, debt, health care, financial exploitation, and elder abuse. The app then provides an assessment report about level of risk and identifies red flags. With the senior’s consent, the completed report is automatically sent to the partner agency and to either the senior’s local legal services program or to the Florida Senior Legal Helpline. The report serves as a detailed referral to the legal services program for follow-up with the interviewee within 1 to 2 business days. The app is available to use on computers and mobile devices.

## IDENTIFYING COMMUNITY PARTNERS

The multi-disciplinary community partnership model improves access to legal services, particularly for the most vulnerable. In order to identify potential partners that will use the Elder Law Risk Detector to make referrals to your legal aid program, start by scheduling a meeting with your Area Agency on Aging (AAA). This key partner will be able to best assist you in identifying traditional aging service providers that are in a position to help seniors identify legal issues and to use the Risk Detector to make meaningful referrals to your office. If you have a multi-disciplinary coalition in your community focused on aging advocacy, that’s another great place to start promoting the Risk Detector. Other key partners include:

- Local and Regional APS staff
- Regional Long-Term Care Ombudsman Office
- Law Enforcement and Victim Advocates
- Financial Institutions
- Community Health Care Providers
- Senior Centers

## LAUNCHING AND PROMOTING USE OF THE RISK DETECTOR IN THE COMMUNITY

There may have been a launch event in your community already to promote the Risk Detector. If not, a launch event can be a great way to start getting partners excited about this new referral tool and to get their buy-in to start using it. You can find a set of training slides in the Appendix that you can adapt and use.

Also in the Appendix is a flyer that you can distribute to your community partners. Sustainability of the Risk Detector as a referral tool for your program will depend on ongoing promotion of the tool between your partners.

**The 2017 LSC Justice Gap Study reports that of senior households, 56% had at least 1 civil legal problem in past year. 10% had 6+ problems in past year. Common problem areas: Health (33%), and Consumer /Finance (23%), and Income Maintenance (13%).**

**Seniors seek professional legal help for 19% of problems. Top reasons for not seeking legal help: didn't know where to look (22%), and decided to deal with problem on own (21%).**

## BEST PRACTICE PROGRAM RESPONSE PROTOCOLS

- Have one designated screener who receives the referrals through a special Risk Detector (RD) e-mailbox. Please note that this email address will not be published to the general public and won't show up in the Risk Detector
- The designated screener should be required to check the RD inbox at least once/day. If they see a referral, they will first review the report to see if there are any special instructions – which is an option in the app – about scheduling/calling the vulnerable adult (such as safe contact methods and times).
- The screener should call the applicant no later than two business days from the date the referral is received in the inbox.

- During scheduling, the screener should upload a PDF of the RD report to the application and enter “Risk Detector” in the “Referred From” field in LegalServer so the number of RD referrals received can be tracked.
- If possible, designate one attorney to provide intake for RD applicants. The designated attorney should provide one-hour appointment slots. While most applicants will be >60, the RD is designed to assist any “vulnerable adult” (a person 18 years or older whose ability to perform activities of daily living or to provide for their own care or protection is impaired; see Fla. Stat. 415.102(28)). During and after intake, the case should be handled and referred in the same manner as any other intake.

## REPORTING

Beginning in 2021, DOEA will be asking OFLAP providers to collect and report data on the number of referrals received from the Elder Law Risk Detector. Please ensure your LegalServer site is modified to collect and report this information. The first collection of such data will be in February 2022 when the 2021 annual OFLAP data report is due.

## APPENDIX

1. Training Slides that can be adapted to local program outreach and training
2. Elder Law Risk Detector Flyer
3. Data Storage FAQ
4. Recorded Training from the 2020 Florida Conference on Aging:  
[HTTPS://VIMEO.COM/473029231](https://vimeo.com/473029231)



# Overview of Florida's Elder Law Risk Detector

1

Department of  
**ELDER AFFAIRS**  
STATE OF FLORIDA

Sarah Halsell, Esq.  
State Legal Services Developer  
Florida Department of Elder Affairs  
[halsellsk@elderaffairs.org](mailto:halsellsk@elderaffairs.org)

2

## 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

3

## 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



4



## 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

5



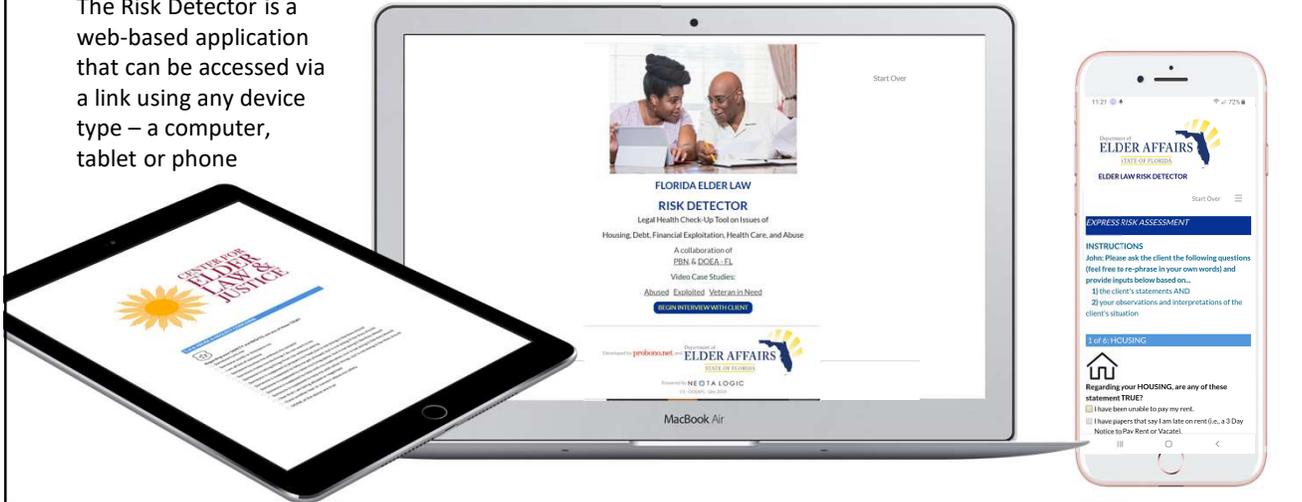
## What community partners can use the Risk Detector?

- 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

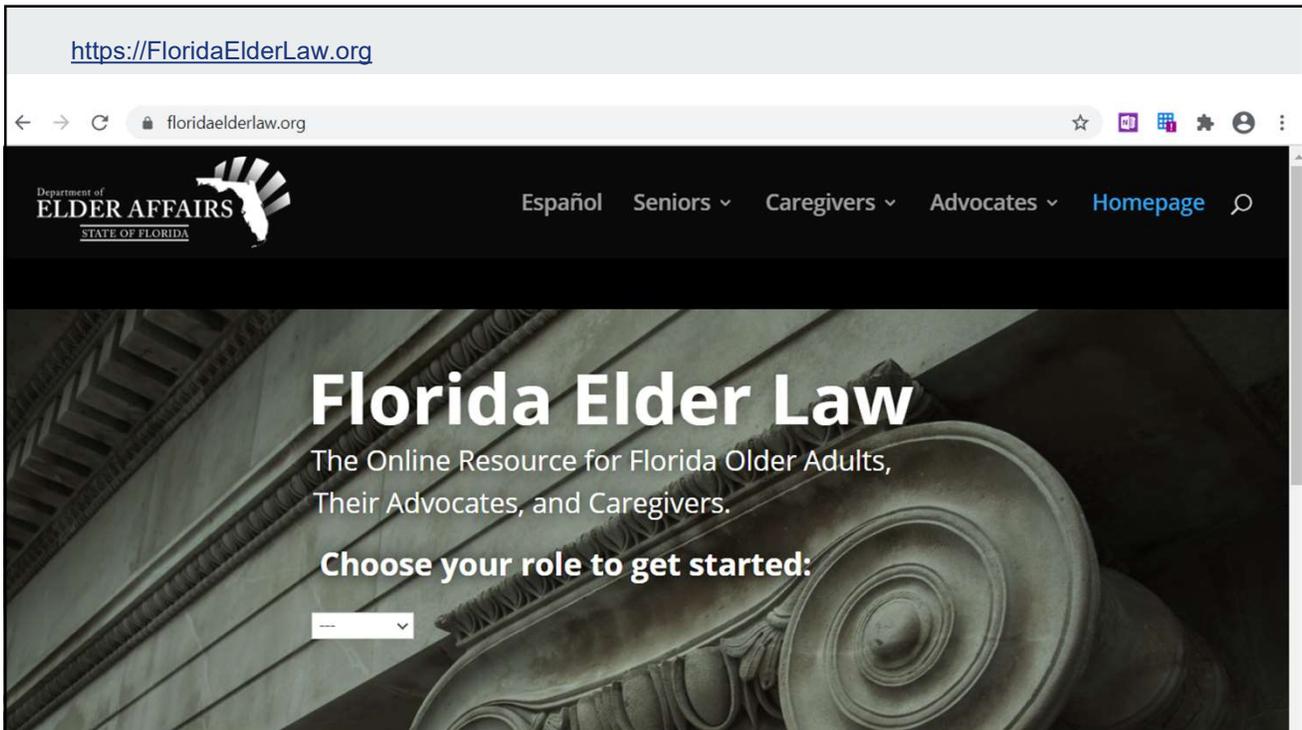
6

## 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



7



8



## 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).

9



## 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.

10



## 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

11



## 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.

12



## 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 your local Legal Services 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](mailto:halsellsk@elderaffairs.org)

13



## 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](mailto:halsellsk@elderaffairs.org) to request the FAQ on Data

14



## 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

15



## Take the app for a Test Run!

- FloridaElderLaw.org
- Click on 'Advocate' or 'Caregiver'
- Click on the Risk Detector
- Test both the Standard and Express Pathways

***Important – Please keep the pre-populated 'Jane Doe' language when testing the application so that an actual referral is not generated.***

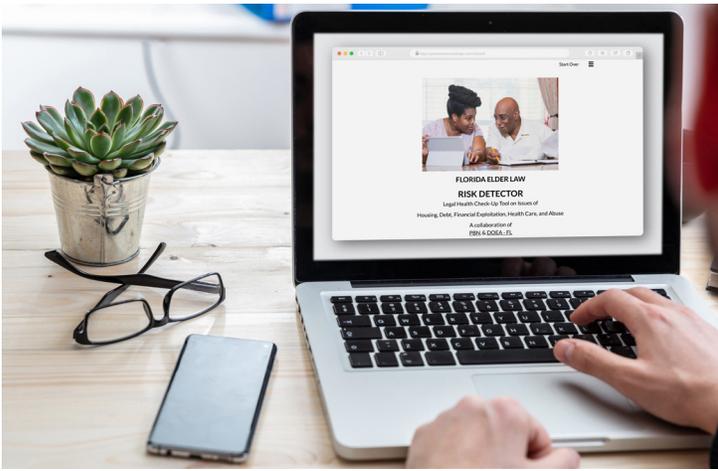
16



## Questions?

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

Sarah Halsell, Esq.  
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850-414-2366  
[halsellsk@elderaffairs.org](mailto:halsellsk@elderaffairs.org)



# Florida Elder Law RISK DETECTOR

## Where can the Florida Elder Law Risk Detector be accessed?

**FloridaElderLaw.org**, which you can bookmark on your smartphone, tablet, or computer.

## What is the Florida Elder Law Risk Detector?

The Risk Detector helps service providers (community partners) evaluate potential risks to a senior's well-being and flags potential legal issues. In a 10-20 minute evaluation, the service provider completes an interview with their client using the clear and concise prompts on the app to identify the senior's possible risk areas.

**These risk areas include housing, debt, health care, financial exploitation, and elder abuse.**

The Risk Detector then produces an assessment report about level of risk and identifies red flags. The completed report is automatically sent to both the community partner agency and, if the senior consents, the local Legal Aid program in the senior's county. This serves as a detailed referral to Legal Aid for follow-up with the senior applicant within 2 business days. The Risk Detector is available to use on computer and mobile devices and offers intuitive service.

## Why use the Florida Elder Law Risk Detector?

The Risk Detector guides the service provider through a comprehensive evaluation of a senior's needs with the hope of resolving future legal problems for elders. The Risk Detector also saves the senior an extra step by directly sending the report to a local Legal Aid program for follow up, and will facilitate an ongoing relationship between community partner agencies and local Legal Aid programs.

If the senior would prefer to contact civil legal services on their own, please give them the number for the **Florida Senior Legal Helpline: 1-888-895-7873**

## How to Use

The service provider is the only person completing the questions in the app, using information the senior provides. The service provider explains that any information provided in the Risk Detector evaluation will be sent to Legal Aid for follow-up, confirms the senior's consent for the referral based on the provider's agency protocols, and emphasizes that this evaluation does not provide legal advice or establish an attorney-client relationship.

The service provider will ask the senior the listed questions but should feel free to re-phrase the questions in their own words. Any inputs provided should be based on both the senior's statements AND the provider's observations and interpretations of the senior's situation.

It is important to try to cover every question in the app since the repetition may elicit a memory that was not immediately apparent for the senior. This tool seeks to identify known, unknown, and unexpressed risks to the senior's well-being.

## Standard and Express Versions

The service provider may choose between either the standard or express versions of the app. Depending on the number of possible issues, the express version may take 10-15 minutes, while the standard version may be closer to 10-20 minutes.

The standard version offers more detailed questions and allows documents and photos to be uploaded that may help Legal Aid provide services more accurately and immediately. However, the express version seeks to accommodate service provider's time limitations.

**CONTINUED**

## Follow-Up Procedure

Legal Aid will follow up with the client within 2 business days of a submitted assessment. The senior applicant will be contacted directly by Legal Aid staff. The senior applicant will be screened for income and case eligibility. Additionally, Legal Aid staff will screen for any conflicts of interest. If the senior applicant is not eligible or a conflict exists, Legal Aid will try to refer the applicant to an agency or organization that may be able to assist.

If the case is an immediate emergency, please contact Legal Aid directly and do not use the Risk Detector. Contact information can be found at [FloridaElderLaw.org](http://FloridaElderLaw.org).



## Is There Anytime The Risk Detector Should Not Be Used?

You should not use the Risk Detector app with the following types of clients:

- Clients without decision-making ability,
- Clients who do not want to be contacted by Legal Aid,
- Clients with immediate emergency needs, or
- Clients with concerns that may be better suited for referral to a social worker or case manager.

## Attorney-Client Relationship

This application does not provide legal advice and its use does not form an attorney-client relationship between any parties. The tool can be used with any senior after obtaining their express permission to 1) conduct the guided interview and 2) share the report with Legal Aid in order to facilitate the referral for any issues identified.



## Confidentiality

Legal Aid receives all information submitted in the report, which is sent to a single email and then referred to the appropriate screening or legal intake staff. The participating community partner agency should handle this application according to their standard referral policy.

The person making the referral must confirm that the contact information the client provides is safe to use for Legal Aid follow-up. If it is not, please provide the client's preferred safe mode of contact or the service provider's contact information instead.

Please use professional discretion when determining whether certain questions are appropriate if another person is with the senior during the screening process. It may be necessary to follow-up in private with the senior.

To access the Florida Elder Law Risk Detector, go to [FloridaElderLaw.org](http://FloridaElderLaw.org) and click on 'Advocate'.

For more information about legal services for seniors, visit:

[FloridaElderLaw.org](http://FloridaElderLaw.org)



## Florida Elder Law Risk Detector Data Storage FAQs – March 2020

For more questions or more information, please contact:  
Sarah Halsell, [halsellsk@elderaffairs.org](mailto:halsellsk@elderaffairs.org)

- **What software powers the Risk Detector?**

The Risk Detector uses web-based software called Neota Logic System (NLS). NLS is provided as a platform-as-a-service (PaaS) and is hosted by Amazon Web Services (AWS), a secure, enterprise-level cloud services platform. NLS is designed and configured at AWS for security, fault tolerance, high availability, and easy scaling to assure good performance at high levels of use. Most Neota Logic clients are large law firms and financial institutions with high security requirements that Neota Logic meets. Neota Logic and Pro Bono Net have a partnership to leverage the NLS software in support of access to justice initiatives, including the Risk Detector program.

- **What data is stored, and where?**

Currently, the Legal Risk Detector saves a small amount of data from each session via the Neota Data Storage (NDS) feature. For the Florida Risk Detector pilot, this will include the organization conducting the screening, the date of session, the type of session (Express or Standard), name of community partner user and client, client age, county, the relevant risk, and the final report generated by the app, which is stored as mime file and can be downloaded as PDF document. This saved data is encrypted during transmission between a client/browser and NLS (HTTPS/TLS) and also “at rest” (encrypted while it sits in NDS).

- **Who has access to the stored data?**

Neota Logic and Pro Bono Net system administrators have access to the NDS-stored data for the limited purposes of support and maintenance through a password-protected log-in. The purpose of this access is similarly limited to technical/project support and reporting on anonymous, aggregated data.

- **What about ethical obligations of the Community Partners using the Risk Detector with regard to client confidentiality?**

The Risk Detector is very similar to any other referral mechanism used by Community Partners, or other government or non-profit organizations that wish to refer a client to free, civil legal services. Community Partners can choose how much client information they want to divulge (e.g. Community Partners are able to leave some client information out of the Legal Risk Detector screening if they are concerned with sharing any of the information requested). However, keep in mind the following: 1) the legal services organization that receives the referrals will need enough information to follow up with the individual client, and therefore

you must be clear in your training if the legal services organization requires certain information to be provided; and 2) as long as the Community Partner is properly trained, the Community Partner will be making the client aware that one of the main purposes of the Legal Risk Detector is to connect the client to free, civil legal services, and that in order to do so, the Community Partner must provide some basic client information and problem description to the legal services organization (i.e. the Community Partner should be obtaining the client's consent).