

May 2024 APS TARC Podcast Transcript

Partnerships between Nevada APS and Legal Aid Center of Southern Nevada

Introduction

Andrew Capehart: Welcome to the Adult Protective Services Technical Assistance Resource Center podcast. We come to you with the goal of sharing promising practices and innovations from the APS field, and to highlight what is achievable with new ideas and partnerships to help you envision what may be replicated in your program. Let's join our host, Jennifer Spoeri APS TARC subject matter expert and guests in conversation.

Discussion

Jennifer Spoeri: Welcome to the APS TARC podcast. Today we're going to be speaking with Tammy Sever, former Chief of APS in Nevada, and Robin Tejada, the current Chief of Nevada APS, and Debra Bookout, the Directing Attorney of the Guardianship Advocacy Project at the Legal Aid Center of Southern Nevada. To kick us off, can you tell us how this project came to be and how it was funded?

Tammy Sever: Well, good morning. So, a prior and Disability Services Division Advocacy Attorney, Jennifer Richards identified the opportunity of collaborating with Legal Aid Center of Southern Nevada as a sub grantee. When we were, um, discussing the possible use of some grant funds that were coming our way. We wanted to be able to refer the under 60 population to free legal services, and APS did not have an identified resource for clients who had other legal needs such as housing, eviction, entitlement, needs and debt collections. While discussing the ARPA 2 spend plan, our team came up with overall goals and outcomes for a project with the Legal Aid Center of Southern Nevada. The goals and outcomes are: provide assistance, consultation, and representation to legal matters to maintain rights and improve quality of life of vulnerable adults, increase access to Legal Aid services for vulnerable adults and APS clients. And reduce the number of APS cases related to legal matters.

Jennifer Spoeri: That was the genesis of how the project began. And Tammy, just to clarify, you wanted to be able to refer the under 60 population to free legal services because the statute just came about in what, 2018?

Tammy Sever: 2019 is when we officially became Adult Protective Services. Prior to that, we were Elder Protective only being able to serve those 60 and over. I want to clarify, we also refer, as a whole, vulnerable adults. But when we're talking sometimes about the 18 to 59, that's what we're referring to also.

Jennifer Spoeri: Gotcha. Well, thank you for explaining the genesis of how it all began. So, what's the referral process for APS workers to refer their clients to this program?

Tammy Sever: So, we developed a referral form. We have the client demographics area or areas of law that's being requested, and the APS worker provides a narrative prior to the referral being sent to the Legal Aid

Center of Southern Nevada. The Social Services Manager reviews for accuracy and appropriateness and then the referral is then emailed.

Jennifer Spoeri: Okay and is there any training for the workers on this program that really said, hey, these are the kind of cases we're looking for to refer. Or you probably had an in service or something.

Tammy Sever: Yeah, we discussed, as we were working on this project, to our staff, you know, what we were looking, to be able to do. and then the referral form does give really clear, pardon me?

Jennifer Spoeri: It walks them through, sorry. Yeah. Okay, great, thank you. So, what kind of legal interventions have been utilized? Maybe you could share some success stories.

Tammy Sever: Certainly, I will give you a success story. One of our Social Workers had a case where we had a over 60 client, and she was living with her daughter and granddaughter. However, the daughter was abusive, and our client wanted her daughter out of the home. Our client did not have transportation to be able to go down to our court houses to get a temporary protective order, or even to start the eviction process. So, we made a referral to Legal Aid, and it was really exciting for us to know that they will go to the client. And that's what they did. They made a home visit, and they were able to help her with the TPO and eviction paperwork. They filed it for her, and she was able to get her abusive daughter out of her house and live how she wanted to be living abuse free.

Jennifer Spoeri: That's amazing. And a TPO is a Temporary Protection Order, or what is that acronym? Okay. Yes, we have our alphabet soup here and that's amazing that the Legal Aid did a home visit because oftentimes, our clients can't leave the house, or are too afraid, or bed bound. So, that's a pretty incredible service.

Tammy Sever: Very exciting for us to know.

Jennifer Spoeri: Yeah, definitely. And Debra, I'm sure you have some success stories from your angle as a Legal Aid Attorney.

Debra Bookout: So, one of the recent referrals we, we got was sort of a perfect example of how this grant should work, and how we partner together to identify legal needs that, in this case, could actually help with avoiding guardianship. That was one of the considerations, I think, with the grant back in the day. So, this case, the referral was regarding a couple, an older couple who might be at the beginning stages of some forgetfulness or memory loss and were, continuously having trouble with accessing their funds online, they would get tripped up.

They couldn't remember passwords and then they would get blocked out and are maybe a little bit stubborn and asking for help. And so, when that happened, more than once, they got behind on their rent because they couldn't access their benefits. And so, they were facing eviction again and APS reached out to us, with the referral and we were able to immediately jump in and, we believed that it was a lockout situation.

It actually wasn't a lockout situation. But there is a pending eviction, and we were able to get in, interview the client. So, if you're a client and prepare an answer for them. In APS had made a referral to the Rep Payee Program through the Public Guardian's Office, which would give them some assistance on the financial side of things, which really is a great way to avoid guardianship often when finances is really the main problem. And so that's in the process, they're on that wait list. And then we have a court hearing on the eviction with an Attorney to represent them on the eviction.

And then our hope for this case would be that we continue to counsel them about other things like powers of attorney. Where their family member could be an agent to help them when they need it in the future. Right now, it looks like it's just financial, so that case, I think, is a really good example. And also, the one that Tammy just told you about a really good example of the collaboration and how, how it works. We are able to respond very, very quickly, and we can do in person visits.

Jennifer Spoeri: Yeah, that's important when it comes to an eviction process as well. So, he's acting quickly. Yeah, yeah, and just to clarify, I guess this couple was not sitting on a ton of finances because right a program only access social security funds, right?

Debra Bookout: This is just social security, and their issues arose because of where the money was going into the account And they were not really tech savvy so anyway, it's sort of a cascading situation.

Jennifer Spoeri: I get it. I struggle with tech and passwords every day. So, thank you, Debra. That's really a great success story. So, Robin, let's switch gears here and say, hey, how are APS client rights and wishes kept in consideration?

Robin Tejada: Sure, I think that a tenant of APS practice and investigations is to respect the rights of client's rights to self-determination. And so, even before referral goes over to Legal Aid, we discuss it with the client, the appropriateness of it, and also their desire to work with Legal Aid. So, just a step-by-step process of working with the client to explain the process and to make sure that that is something that they want a referral to be made for.

Jennifer Spoeri: Yeah, that is great because the Legal Aid is so much better informed at the outset with the client permission existing, right? Debra, anything to add about this?

Debra Bookout: Yeah, as Attorneys, we take direction from our client, right? And so, it's the same with these referrals. If we establish a relationship with a client and the examples that Tammy and I just talked about, if our client, for example, didn't want to move forward with the Rep Payee Program, or move forward with the eviction answer, or even a TPO, whatever it might be, we take direction from our client, even though we might not agree with that ultimate decision. There are times when there may be a variety of legal remedies for the client. Um, in Tammy's case, it was a TPO, an eviction.

It could have been something else. Um, and maybe the client didn't want to move forward on any of those remedies or just chose one over the other. It really is what the client wants, not what we want or what we think is in their best interests. We are not guardians; we are Attorneys and Advocates. So, we take direction and input from our clients and that's how we move forward.

Jennifer Spoeri: Gotcha. Yeah, you were explaining a case where there were many different legal remedies and the one that you would have chosen was not the one that the client chose, but it's their choice. So, that's pretty incredible. Something APS does every day. So, what advice would you give other APS programs that would like to replicate this program? Robin, share your wisdom.

Robin Tejada: Absolutely, I think this can be replicated within states or individual counties, and it needs to be based on strong collaboration and clear communication with the Legal Aid Providers, understanding each other's rules, and identifying those collaborations, whatever that looks like in your individual community, because each Legal Aid Center can be different.

Jennifer Spoeri: Absolutely, anything from the Legal Aid side of things, Debra, know what APS program you're getting involved in.

Debra Bookout: Well, yeah, I agree with, with Robin. I think that what's important for both APS, and the legal services organizations to understand is. You know what each organization does. So, you have to identify one who your partners are and then what they do. And, and obviously our roles are very different, right? We're not always going to agree with an APS investigation, right? And they're not always going to agree with the position we might take on behalf of our client. But that doesn't change the working relationship and the respect that we have for their role.

but first you have to identify who your partners are. And I think sometimes not a lot of other states or counties do the guardianship work that we do. However, it's as we just talked about. This is not just about guardianship; this is about other legal services that we provide as a Legal Aid Organization. So, under for APS to understand what those services are. They have to know who their partners are in the community. Who are their legal services organization and then what services do they provide. Without that information, any kind of collaboration really won't work because APS won't know what cases to refer.

And then once that's identified and once the Legal Services Organization understands what APS's role is, then you have a much better foundation to build a good partnership moving forward. I do think it's replicable in other states, or counties, but, of course, there have to exist those organizations to have that collaboration and not every county has a Legal Services Organization. But if it's there, and there's an APS organization there, then I think anybody could replicate this. It takes some work, though.

Jennifer Spoeri: And even without funding, right? I mean, even without funding, you can kind of create a referral system. The funding always helps, and ARPA 2 dollars certainly helped. And this is a great highlight to use your funds for something like this. So, thank you. So, let's talk stats here. How many, and I guess it can go

back to Tammy on this one. How many vulnerable adults have been involved in this program? How many people have benefited from it?

Tammy Sever: So, since the start of the project in July of 2023, 493 vulnerable adults have been served. And when I say vulnerable adults, I'm talking about those 60 and over and also the 18 to 59 population. And as in most new projects, once you start, you kind of realized, oops, we, you know, we've kind of forgot to add a little bit of something. And one of the things that we kind of were not thinking of is we kind of forgot that we needed to collect the data for the age groups.

So, that didn't start until November. So, from October to December 2023, 151 clients served were over 60. 33 were between the ages of 18 to 59. Now, this last quarter from January to March of 2024, kind of had a, we had a flop with those numbers. And 59 clients were the 60 years and older, and we had 102 clients were under the age of 60. So, between that 18 and 59.

Jennifer Spoeri: That's interesting. The word's gotten out. Yep. Whatcha all doing public awareness campaigns on this project? That's fantastic. Well, to close, what do you attribute the success to of this program to? Like, what's the bottom line, the takeaway, the moral of the story? Why is this so successful?

Robin Tejada: I think it's successful because APS and Legal Aid are on the same page. We have different roles and different ways of looking at things, but through communication and mutual respect, you know, the, the most important thing in all of this is the client, right? And preserving their rights and making sure that they're safe and well taken care of. And I just think identifying that we're on the same page to help the client. I think that's been part of the success. You know, we might not always agree on what should be done for the client, but just having that mutual respect and clear communication that we are on the same page and we're both entities are working towards helping the client.

Debra Bookout: Gotcha. And I agree, this is Debra. I would agree with Robin that I think what makes this work is because of the relationship that APS and Legal Aid has, and has developed over the years, the recognition that we have that the client's interests are the ones it is most what's at stake, um, not our egos and our positions, but the clients. And so, because that's the focus of our representation for this particular client and their focus is investigating whatever the issues are for that client. The reality is it's all about that client. And so, we understand that we understand our roles are different, but just understanding what the goal is, and it's all about that client that really helps us to be successful and also just really helps nurture the relationship we already have.

And that's, I think more than anything, is what has contributed to the success of the partnership is because we really do have a good working strong relationship with each other.

Jennifer Spoeri: Yeah, and you have the, ultimately the client's best interest at heart and their, it's their decision so really that collaboration with the common goal in mind is so critical.

So, thank you so much for your time today. This is such an innovative, yet some simple program, you know there's civil legal service providers across the country, but this is actually really creating those relationships and a referral mechanism to help the APS clients, hopefully use the less restrictive alternatives and maintain their autonomy and self-determination. So, bravo to you all for supporting adults' rights and for collaborating in such a great way. And I'm sure our listeners are going to take away lots of tips here and be sure to give out, be sure to give them your information if anybody has any questions going forward but hope you all have the good rest of the day.

Andrew Capehart: Thank you. Thanks so much for listening. The APS TARC is a project of the Office of Elder Justice and Adult Protective Services at the Administration for Community Living Administration on Aging Department of Health and Human Services, and is administered by WRMA, Incorporated a TriMetrix Company in partnership with the National Adult Protective Services Association. Contractors' findings, conclusions, and points of view do not necessarily represent the official policy of the Federal Government. To give us feedback on this podcast or reach out to us, please visit our website at apstarc.acl.gov.