

# Legal Services

# for the Elderly

## Legal Assistance available under the Older Americans Act

Since 1975, the Older Americans Act has authorized funding for legal assistance. As the state agency responsible for the administration of the Older Americans Act in South Dakota, the Department of Social Services' Division of Adult Service and Aging recognizes the need to provide legal assistance to elderly people.

## Eligibility

- ✓ Individuals 60 years and older.
- ✓ Legal issue must be recognized as a priority.

## Types of Legal Assistance

Adult Services and Aging contracts with two legal service programs to provide legal assistance to elderly people. Each legal service program has its own policy regarding the types of cases accepted and may be different for each program.

Legal service programs cannot accept fee generating cases and usually do not handle criminal cases.

The legal skills furnished by the programs include counseling and advice, negotiations, advocacy at administrative hearings, litigation and appeals.

The following information explains the types of assistance available:

### Advance Directive

- ✓ Informs those who care for individuals how they want to be treated in a medical crisis.
- ✓ Draft documents to assist individuals and families in making health care decisions when unable to make them during a medical crisis.

### Age Discrimination

- ✓ Consult a lawyer to find out if legal rights have been violated due to denial of credit, insurance or employment because of age.

### Consumer Problems

- ✓ Provide advice on the meaning of legal terms, rights of the buyer, and warranties contained in purchase contracts.

### Guardianship

- ✓ Provide legal assistance to the individual who wants to file a petition for guardianship.
- ✓ Ensure individuals are given notice and opportunity to be heard prior to appointment of a guardian.

### Housing

- ✓ Provide a lawyer for landlord-tenant disputes, eviction, etc.
- ✓ Help start grievance procedures and inform a tenant of his or her rights to appeal.

### Insurance

- ✓ Explain common insurance policy terms, such as: Partial limitation, coinsurance, insurable interest, insurable value, waiting period and waiver.
- ✓ Ensure the individual gets what he or she wants to purchase.

### Public Benefits

- ✓ Establish a client's eligibility for various government benefits, such as: Supplemental Security Income (SSI), Fuel Assistance, Food Stamps, Medicare, Medicaid, Social Security, Unemployment Benefits and Worker's Compensation.
- ✓ Provide help with appealing denials, suspensions, refusals to pay claims, reductions in benefits or in checking clerical errors.

### Wills

- ✓ Prepare a will as well as inform the individual of the consequences of any decisions he or she may make.



## Legal Services Developer

The department's Legal Services Developer is charged with annually developing and negotiating effective legal services for older citizens with contracts for legal services with East River Legal Services and Dakota Plains Legal Services.



As a staff member of Adult Services and Aging, this person also provides legal advice on problems referred by the Long-Term Care Ombudsman and informs people and groups of changes in federal, state and local laws. The Legal Services Developer may conduct workshops throughout the state on the legal aspects of Medicare, wills and other issues.

## For More Information or Referral

**Department of Social Services**  
Division of Adult Services & Aging  
700 Governors Drive  
Pierre, SD 57501-2291  
605-773-3656

**SD Lawyer Referral Service**  
222 East Capitol  
Pierre, SD 57501  
1-800-952-2333  
(M-F: 9 a.m. – 5 p.m.)

## Legal Services Programs

**East River Legal Services**  
335 North Main Avenue #300  
Sioux Falls, SD 57104-6038  
1-800-952-3015 or 605-336-9230

**Dakota Plains Legal Services**  
PO Box 727  
Mission, SD 57555-0727  
1-800-658-2297 or 605-856-4444

\*\*\*Dakota Plains Legal Services also has branch offices in Pine Ridge, Eagle Butte, Fort Thompson, Rapid City, Sisseton, and Fort Yates, N.D.

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the web at:

[www.dss.sd.gov/  
elderlyservices/services/  
legal](http://www.dss.sd.gov/elderlyservices/services/legal)

South Dakota  
Department of Social Services  
**Adult Services and Aging**

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