

## **Legal Services under the Older Americans Act**

Clients eligible for legal services must be North Carolina residents 60 years of age or older, need legal assistance and not be excluded from receiving legal services under federal law, state law or prohibited otherwise.

Consistent with federal law, outreach efforts will be taken to offer legal services to the following groups of people:

- older individuals residing in rural areas;
- older individuals with greatest economic needs, with particular attention to low-income minority individuals;
- older individuals with greatest social need, with particular attention to low-income minority individuals;
- older individuals with severe disabilities;
- older individuals with limited English proficiency;
- older individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and
- older individuals at risk for institutional placement.

Priority is given to legal cases concerning priority legal services as mandated by the Older Americans Act. Priority legal services include income, healthcare, long term care, nutrition, housing, utilities, defense of guardianship, abuse, neglect or exploitation, and age discrimination.

The North Carolina Division of Aging & Adult Services does not provide any direct legal advice but contracts with legal services providers through their respective North Carolina Area Agency on Aging to offer legal assistance. You can determine who serves as your regional legal services provider by contacting your local [North Carolina Area Agency on Aging](#).

Finally, it should be noted that assistance for legal services under the Older Americans Act is offered providing there is funding for this program. Due to limited funding, additional resources are found below.

## **Income**

Topics under income include social security, pension disputes, and unemployment insurance (eligibility, termination, reduction, and overpayments).

### **Who should I contact if I have a question regarding my social security income?**

Your local social security office can assist you regarding your social security income. Information on how to apply for social security, set up direct deposit, or change your address can be found [here](#).

### **Who administers unemployment benefits in North Carolina?**

The North Carolina Division of Employment Security through the North Carolina Department of Commerce administers unemployment benefits. Information on how to apply for benefits, file an appeal and laws regarding unemployment benefits can be found on the North Carolina Division of Employment Security's [website](#).

## **Healthcare**

Topics under healthcare include Medicaid and Medicare (eligibility, termination, or reduction in benefits) and Veteran's Benefits.

### **Who should I contact if I have a question regarding Medicaid?**

Medicaid is a health insurance program administered by the State of North Carolina to assist those with health costs. The Division of Health Benefits administers the North Carolina Medicaid program. To qualify for NC Medicaid, you can go [here](#).

### **Who administers Medicare?**

Unlike Medicaid, which is administered by the State of North Carolina, Medicare is a federal program. North Carolina has established the Seniors' Health Insurance Information Program ([SHIP](#)) to assist North Carolina residents in navigating Medicare.

### **How can I receive more information about Veteran's Benefits?**

The North Carolina Department of Military & Veterans Affairs (NC DMVA) provides resources, services and events for North Carolina Veterans. More information about NC DMVA can be located [here](#).

## **Housing**

Topics under housing include eviction, habitability, foreclosure and predatory lending claims.

### **Who is the North Carolina Housing Finance Agency?**

The North Carolina Housing Finance Agency assists NC residents in obtaining affordable housing and maintaining in their homes. The [North Carolina Housing Finance Agency](#) assists both homeowners and renters.

### **Where can I find more information about evictions?**

The North Carolina Administrative Office of the Courts has developed answers to commonly asked questions. Information about evictions can be found [here](#).

## **Defense of Guardianship**

Topics under defense of guardianship include representation to oppose guardianship, limiting guardianship or documents to promote self-autonomy such as general (financial) and healthcare powers of attorney.

### **Where can I find more information about guardianships?**

The North Carolina Division of Aging and Adult Services collaborates with local county departments of social services for [guardianship services](#) in which an employee from the department of social services will often serve as a public guardian. Once guardianship is deemed appropriate, guardianship is obtained through the [North Carolina Court system](#).

### **What are the different types of guardianship?**

A general guardian has been appointed by the court to be in charge of both of the person and their finances, often referred to as their estate. A [guardian of the person](#) is in charge of the person's well-being and care. Finally, a [guardian of the estate](#) is in charge of the person's assets.

### **Where can I find more information about powers of attorney?**

There are two (2) types of powers of attorney. There is the general power of attorney which is when someone is appointed to take care of your finances during your lifetime when you are unable. Then, there is the healthcare power of attorney in which you appoint someone to take care of you when you are unable to make your own medical decisions. Many people also obtain a Living Will when executing powers of attorney. The [Secretary of State](#) provides additional information about the healthcare power of attorney and living will, including statutory [forms](#).

### **What are the pros and cons of powers of attorney?**

A power of attorney permits you to determine who should be in charge of your finances and medical decisions if you cannot make those decisions for yourself. In most cases, if a person has a valid general (financial) power of attorney and healthcare power of attorney, there is no need to obtain a guardianship. However, when you appoint someone to be in charge of your finances and medical decisions, you should determine which individuals are best suited for these positions as potential exploitation of your finances and neglect of the person can occur.

### **When does a power of attorney take effect?**

A power of attorney takes effect when you sign the document or when you are deemed incompetent. It is wise to discuss with your medical provider or attorney, if you have one, when it is best suited for your power of attorney to take effect. If your power(s) of attorney take effect when you are deemed incompetent, it is often stated that two (2) physicians, your attending physician and another physician, should make the determination you are unable to make decisions for yourself and place their opinions in your medical record before the power(s) of attorney take effect.