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FIGHTING SENIOR POVERTY THROUGH LAW

Advancing Equity for Older Adults in Practice: Tools & Beyond

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About Justice in Aging

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on populations that have traditionally lacked legal protection such as women, people of color, LGBTQ+ individuals, and people with limited English proficiency.

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Justice in Aging's Commitment to Advancing Equity

To achieve Justice in Aging, we must:

- Advance equity for low-income older adults in economic security, health care, housing, and elder justice initiatives.
- Address the enduring harms and inequities caused by systemic racism and other forms of discrimination that uniquely impact low-income older adults in marginalized communities.
- Recruit, support, and retain a diverse staff and board, including race, ethnicity, gender, gender identity and presentation, sexual orientation, disability, age, and economic class.

Want to receive Justice in Aging trainings and materials?

Join Our Network!

Go to justiceinaging.org and hit **"Sign up"** or send an email to info@justiceinaging.org.

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About the Minnesota Elder Justice Center

Mission: Mobilizing communities to prevent and alleviate abuse, neglect and financial exploitation of older and vulnerable adults.

Work: Public Awareness; Professional Education; Public Policy; and Direct Service.

Values: MEJC is committed to being an anti-racist organization, and creating an environment that promotes the understanding of and appreciation for the value of diversity, equity, inclusion and cultural humility.

MINNESOTA ELDER JUSTICE CENTER

Who is in the room?

Equity for Older Adults

Why Equity Matters Specifically in Serving Older Adults

- Aging services providers must deeply understand the importance of advancing equity generally.
  - Race as a social construct
  - Structural racialization
- Aging does not protect from discrimination or related disparities witnessed across all ages.
- In fact, the effect of discrimination based on certain identities can be exacerbated over a lifetime.
  - Ageism
  - Intersectionality

Older Americans Act

- Approximately 1,000 OAA-funded legal service providers nationwide
  - Services for those 60 years old and older
  - Means testing prohibited
- Targeted to "older individuals with economic or social needs"
  - Without means testing, targeting often occurs via prioritized issues.
- Example: Nursing home advocacy

NCLER & Justice in Aging: Advancing Equity Cohort

- Program for legal services programs & partners committed to advancing equity in their outreach and services delivery to older adults, with a focus on community partnerships
- Individualized technical assistance on an equity-focused project
- Opportunities for group discussions, guest presentations, and resource sharing
- Launched in 2022; 2023 cohort begins this summer

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Putting Strategies Into Practice

Strategies to Advance Equity in the Delivery of Services

- Evaluate and collect data
- Address service gaps
- Develop partnerships
- Review representation and assistance strategies

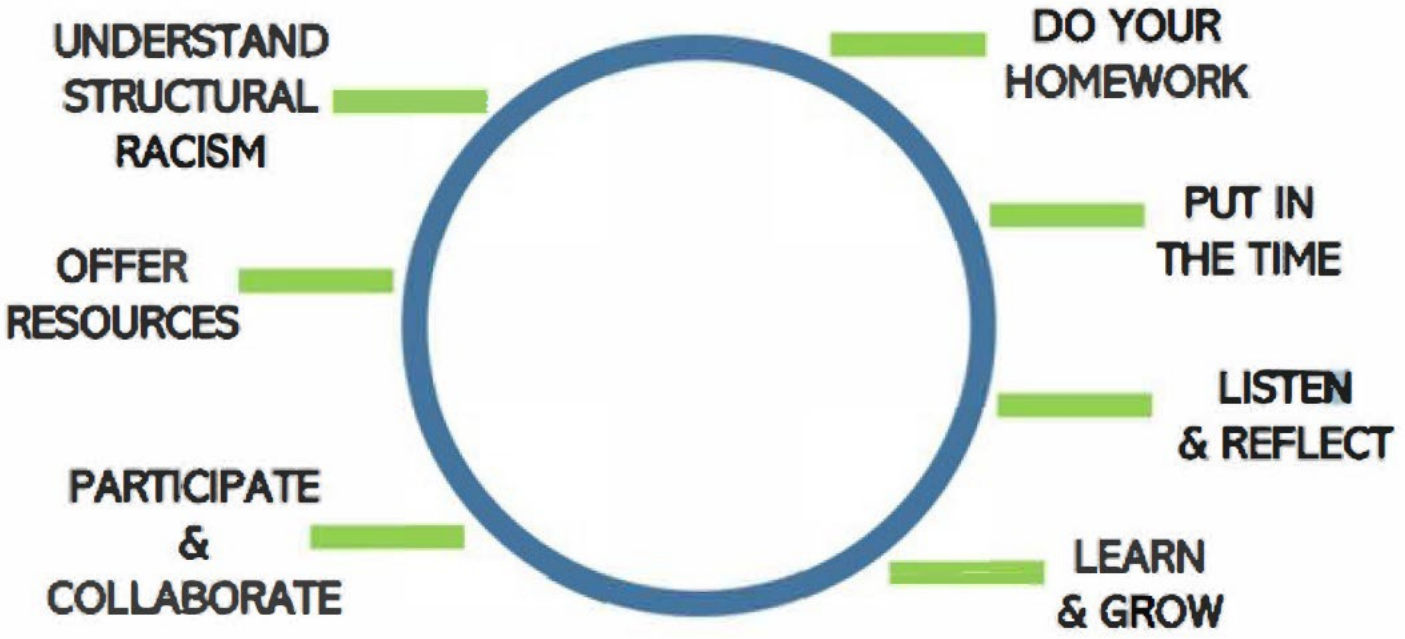
Data

- Review client demographic data to compare with demographics of the service area
- Collect data that may be missing
  - Age, race, sexual orientation and gender identity, language, and more
  - Intersectional
  - Collect in a way that builds trust with clients
- Disaggregate data among types of services or cases

Inequitable Service Gaps

- Review screening and intake processes
- Consider new outreach strategies
  - Avoid solely or primary digital outreach
  - Co-locating services and equitable scheduling
  - Recognize power dynamics
- Intentional language access measures

Community Partnerships



JustLead: Building Community-Legal Partnerships

Review Representation and Assistance for Equity

- Staff process and involvement:
  - Discuss how racial justice and other equity issues intersect with work of teams/programs/departments
  - Provide opportunities to share concerns and ideas about how to advance equity for older adult clients. Consider what follow-up happens
  - Offer training and other opportunities to staff
- Consider case acceptance methodology and its impact on specific groups of older adults who have been marginalized

2022 Advancing Equity Cohort

- Applicants identified
  - A proposed project
  - Known relevant demographic data
  - Anticipated team members
- The application specifically identified to applicants their option to include team members outside their own organization.
  - Area Agencies on Aging
  - Other community partners

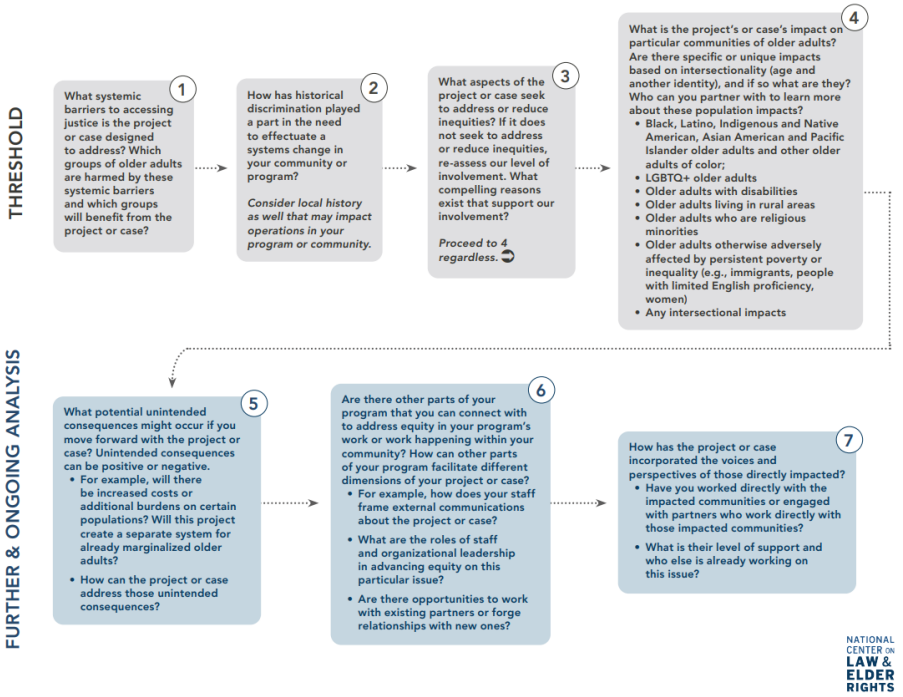
Example Projects: 2022 Equity Cohort

- Legal Services of Alabama
  - Sought to improve outreach and service delivery to marginalized communities in Alabama on heir property issues
- Community Legal Services
  - Conducted outreach to and collaboration with Black and Hispanic older adults in Philadelphia on Medicaid estate recovery
- Southern Minnesota Regional Legal Services
  - Worked on developing an online legal risk detector to reach Spanish speaking and Indigenous older adults in the region
- Bet Tzedek Legal Services
  - Organized volunteer and pro bono resources to reach communities of color in LA on caregiving and kinship care issues

Equity Analysis Tool

Equity Tool for Service Providers

- **Purpose**: Framework to analyze projects, policies, and cases for equitable impact
- Flexible usage
- Focus on partnerships



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Ways to Use the Tool

- Development/Program Design
  - Program management and development staff use the Tool in designing projects for grant applications
- Team Meetings
  - Tool is a part of regularly occurring meetings, such as intake or case accessible meetings and guides team conversations for new and existing issues
- Individual Work and Program-Wide Information Sharing
  - Attorneys have discretion in how to use the Tool in their individual work, but share their findings and resources with the entire program
- Intra-Team and Cross-Team Collaboration
  - Staff partners with colleagues with similar expertise and/or collaborate with colleagues in other issue areas and apply the Tool

Examples of Items to Analyze

- Intake procedures
- Service delivery routes/plans
- Outreach plans
- Advocacy efforts
- Partnership opportunities
- Grant opportunities

Example Analysis: SMRLS

What systemic barrier to accessing justice was the project designed to address?

Completing intake for legal services requires

- access to a telephone or SMRLS office
- knowledge of having a legal problem

Example Analysis: SMRLS

Which groups of older adults are harmed by these systemic barriers?

Older adults

- lacking transportation
- lacking independent telephone access
- lacking information about their rights and legal services

Example Analysis: SMRLS

Which groups did SMRLS want to benefit from the project?

Spanish-speaking and Indigenous older adults

Legal Risk Detector Development

Inspiration: State funding; others' success

Who was in the room?

- Staff members of a respected non-profit that had developed legal risk detectors for other legal services providers in other states
- Respected project leaders for Minnesota's civil legal services providers
- A segment of one provider's elder law team

Legal Risk Detector Development

Who was not in the room during development?

- Spanish speaking and Indigenous older adults
- Community partners serving Spanish speaking and Indigenous older adults

We developed a tool that depended upon engagement from community partners without involving those community partners until after the tool was built.

Example Analysis: SMRLS

What potential unintended consequences might occur if SMRLS move forward with the project or case?

- Expanded access among groups already possessing access
- Reduced capacity to target to the groups the project was intended to benefit

“What good is technology if it is not accessible, engaging, or meaningfully beneficial to the targeted end user?”

Ashlee Wisdom

cofounder of Health In Her HUE

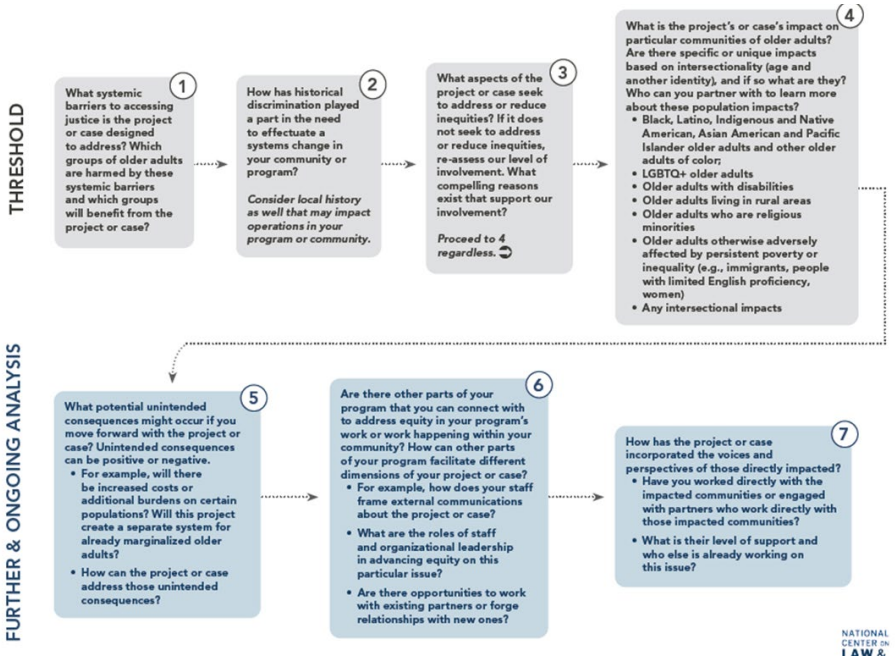
Moving Forward

- SMRLS has tabled used of the built tool, awaiting renewed funding and further development of relevant partnerships.
- MEJC is investing time in relationship-building among the communities unrepresented as service recipients.
  - Traveled to meet in person with elder advocates of the Leech Lake Band of Ojibwe
  - Participated in Latine Day at the Capitol

Your Turn

Instructions

- Identify a partner or a small group.
- Choose a project of your own or SMRLS's project.
- Apply the Equity Analysis Tool



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Debrief Application of the Tool

- As you worked, who did you imagine applying the tool to your chosen project?
  - An objective outsider?
  - A team member?
  - A manager?
- To what extent did the tool help you develop new steps or insights for the project?

Additional Resources

Self-Evaluation Worksheet

Strategies for Legal and Aging Services to Advance Equity: Self-Evaluation Worksheet

NATIONAL CENTER ON LAW & ELDER RIGHTS

WORKSHEET • December 2021

Denny Chan, Directing Attorney for Equity Advocacy, Justice in Aging
Sahar Takshi, Staff Attorney, Justice in Aging

Many organizations serving older adults may struggle with how to center equity in their work. While there cannot be a one-size-fits-all approach to advancing equity, Justice in Aging, through the National Center on Law and Elder Rights, has created a list of preliminary questions and strategies for legal and aging services to consider as they strategize ways to advance equity in their delivery of services to older adults. This list is not intended to be an all-encompassing, exhaustive document, but aims to highlight key considerations for organizations when conducting a self-assessment. This worksheet not only facilitates goal setting at the current organizational level, but also encourages self-evaluation of the organization's current and past efforts.[1]

Evaluating Client Demographics and Equitable Delivery of Services

Review the demographics of the older adults your organization currently serves—for example, reviewing intake data will allow you to identify gaps or over-representations. It is especially valuable to review your organization's demographic data in the context of the population demographics in your region, as well as the need for services in specific populations within your region. Make identifying intersections of specific populations a priority as opposed to viewing each population in a silo. This section has some threshold questions and activities to consider.

1. **Evaluate external data: What are the demographics of the older adult population in your organization's service area?**
   - » For this step, consider using census data,[2] Area Agency on Aging reports, and other sources of community data. Some key factors to evaluate include race, age categories, gender, zip code/region, and language spoken.
2. **Collect data: Is your organization collecting demographic data on its older clients?**
   - » Your organization may already be collecting information on age, race, sexual orientation and gender identity, language(s) spoken, and financial information in its intake process. You can also learn this and other demographic information (e.g., household size/make up) through conversations with clients or follow up surveys. To build trust with clients, clearly inform clients about how the information they share is protected and why it is important to provide demographic information, and consider saving sensitive questions for after your initial interaction.

1 This evaluation activity is focused on equity in service delivery, and is not meant to capture an organization's internal efforts to implement diversity, equity, and inclusion in staffing and internal policies. The Shriver Center on Poverty Law and Management Information Exchange provide resources on internal DEI work and management strategies.

2 The U.S. Census Bureau website allows you to view "quick facts" about demographics by state and county. If you are unfamiliar with pulling census data, the U.S. Census Bureau's Census Academy has information and tutorials for building data skills.

3. **Evaluate internal data: What are the demographics of the older adults your organization is currently serving?**
   - » Running reports from your case management system with similar demographic factors to the external data you collected can provide you with the information you need for comparison.
4. **Compare external and internal data: Where are the gaps?**
   - » For this step, compare the external data you collected with the internal data showing who you are serving. It may be helpful to create a chart or report to help you better visualize the information. Some considerations include:
     - Are there any populations that are clearly not being served? Any zip codes or regions?
     - Are there any intersectionalities that stand out?
     - Compare data depending on the type of service or case. There may be reasons why older adults are not served equitably across the portfolio of services the organization offers.

Addressing Gaps in Services

Your next evaluative steps and strategies will depend on the gaps you identify in your review of internal and external data above.

1. **Are there any changes that need to be made at the screening or intake stage?**[3]
   - » In your evaluation of internal data, you may have found that your data collection system or methods could use improvements. Consider what ways you can take an evidence-based approach to evaluating your client population—that might mean collecting demographic data upon intake, providing the option for self-reporting, or follow-up surveys. Clients may not be used to providing this information, so intake staff should work with clients to educate them on why this information is being asked and why providing it is important. Be sure to balance advantages to the organization through data collection against disadvantages to client populations in the privacy divide.[4]

3 See Justice in Aging, Special Report: How Can Legal Services Better Meet the Needs of Low-Income LGBT Older Adults? 8-9 (2016), justiceinaging.org/wp-content/uploads/2016/06/How-Can-Legal-Services-Better-Meet-the-Needs-of-Low-Income-LGBT-Seniors.pdf for best practices for the intake process.

4 Low-income families face the two-prong challenge of both hypervisibility and invisibility. Low-income individuals are over surveilled, through requiring information sharing for government benefits, monitoring to maintain those benefits, and often live in more heavily policed communities. However, this over surveillance frequently does not result in targeted outreach and greater access to government benefits. Organizations can begin to mitigate this unfair divide by (1) reviewing the type of information that is collected to ensure that it is useful/used; (2) ensure the safety of the data and privacy of the individuals, including using encryptions or other digital tools when collecting/sharing data, limiting administrative access to identifiable data, and properly destroying data and personal information when it is no longer needed or applicable; (3) communicating the purpose and privacy protocols for data collection to clients; and (4) implementing policies around data collection, training for intake and direct services staff, and routine review of those policies and trainings.

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JIA: Equity Toolkit

Trainings and Resources

− **NCLER Webinar: Advancing Equity For Older Adults Part 2: Putting Strategies Into Practice**

December 1, 2021

Recording
Slide Deck
Work Sheet: Strategies for Legal and Aging Services to Advance Equity: Self Evaluation Worksheet

\+ **NCLER Presentation: Combatting Bias in Legal services**

\+ **NCLER Webinar: Advancing Equity For Older Adults Part 1: An Introduction to Advancing Equity in Legal and Aging Services**

\+ **ASA Forum on DEI**

Tools and Issue Briefs for Advocates

Government Alliance on Race & Equity: Tools and Resources
Government Alliance on Race & Equity: Advancing Racial Equity and Transforming Government Resource Guide
Justice in Aging: How Can Legal Services Better Meet the Needs of Low-Income LGBT Seniors?
Justice in Aging: Older Women & Poverty
Massachusetts Healthy Aging Collaborative: Healthy Aging For All
NCLER Practice Tip Language Access Rights: Tips for Advocates of Limited English Proficient Older Adults
NCLER Elder Justice Toolkit: Cultural Competence (for attorneys)
NCLER Elder Justice Toolkit: Trauma-Informed Lawyering (for attorneys)

Thought Leadership

American Society on Aging: More than Ever, COVID-19 Needs a Racial Justice Response
Generations: The Intersectionality of Inequity in Aging
JAMDA: Addressing Systemic Racism in Nursing Homes: A Time for Action

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Questions?

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