

Legal Assistance State Performance Report FAQ

General Questions about SPR Updates

What changes has the Administration for Community Living (ACL) made to legal assistance state performance reporting?

ACL has updated the state performance reporting requirements for legal assistance providers. Starting as of Federal Fiscal Year 2022 (October 1, 2021 – September 30, 2022), ACL will gather more information about the services performed by Older Americans Act-funded legal assistance providers and the people to whom those services are provided. This will allow ACL, legal assistance providers, Area Agencies on Aging (AAA), and State Units on Aging (SUA) to gain a better understanding of and tell a more comprehensive story about the individuals who are served through Older Americans Act-funded activities. These new data will be submitted to ACL by AAAs or SUAs (at state option), via the Older Americans Act Performance System (OAAPS), the new reporting tool for the redesigned State Performance Report (SPR). The new legal assistance data elements are described further below in the “Questions About Legal Assistance Data Elements” section.

What is the role of legal assistance providers, AAAs, and SUAs in reporting the new legal assistance data and submitting the report to ACL?

Legal assistance providers are required to collect specified SPR data on their activities and produce a report. Legal assistance providers will submit an annualized report for each reporting period on their SPR data to their Area Agency on Aging (AAA) or State Unit on Aging (SUA), according to their state’s policies. The AAA or SUA (at state option) is responsible for submitting legal assistance SPR reports to ACL via OAAPS. Legal assistance providers are not permitted to directly submit SPR data directly into OAAPS.

When are legal assistance providers required to collect and report the new SPR data elements?

The new legal assistance SPR data collection and reporting timeline is as follows:

- Legal assistance providers are required to collect the new SPR data from October 1, 2021 through September 30, 2022, which is Federal Fiscal Year (FFY) 2022.
- Legal assistance providers will produce an SPR data report for FFY2022 and submit it to their AAA or SUA, based on their state's policy, between October 2022 and January 2023.
- AAAs/SUAs will upload FFY2022 legal assistance data reports into OAAPS by January 31, 2023.

Important note: AAAs/SUAs—in coordination with AAA-contracted legal assistance providers—have the opportunity to submit practice data for FFY 2021 (October 1, 2020 through September 30, 2021) into OAAPS in January 2022, if data is compiled, aggregated, de-identified, and appropriately formatted by legal assistance providers. This is a strictly voluntary option, and AAAs/SUAs will need to coordinate with their contracted legal assistance providers to assess the ability of the legal assistance providers to provide a report with some or all of the new SPR data elements for this time period. ACL can offer technical assistance about this option.

General information about the changes and reporting timeline is available on the [OAAPS pilot website](#). Designated OAAPS users are encouraged to log into the OAAPS pilot site at this time to review the layout and information about the new SPR reporting requirements. Legal assistance providers are not designated OAAPS users.

What is the state performance reporting period?

The state performance reporting period for legal assistance data is the Federal Fiscal Year (FFY), from October 1st through September 30th. For example, the first reporting period is FFY 2022 which commences on October 1, 2021 and ends on September 30, 2022).

Where can I find more information and resources about collecting and submitting new SPR data into OAAPS?

ACL has created an [OAAPS pilot website](#) that houses information and resources about new SPR data requirements and the OAAPS platform. It provides information that will be helpful for legal assistance providers who will be collecting the SPR data. It also provides information for AAAs/SUAs who will be submitting SPR data to OAAPS. The site also contains information about submitting practice SPR data through the website and other useful information. The website contains Guides and Other Reference Materials,

and it also includes links to Recorded Trainings, FAQs, and Technical Documents. These resources are not password protected and are available to all parties at this time, including legal assistance providers.

Please note that because the OAAPS system is also the platform for reporting other data types, many of the resources are not related or specific to legal assistance. Several resources specific to Legal Assistance are referenced in the FAQs below.

If technical assistance related to legal assistance SPR is required, contact the OAAPS Help Desk: ACL-OAAPS-PILOT@icf.com.

Questions about Legal Assistance Data Elements

What are the new legal assistance data elements?

The new legal assistance data elements include the total number of cases opened, total number of cases closed, levels of service (for closed cases), case types (for closed cases), and a range of client demographic characteristics. These legal assistance data elements are among those already collected by legal assistance providers for representation purposes. Information about the data elements is outlined in the “Legal Assistance SPR Guidebook,” available in the [Resources](#) section of the OAAPS website.

Which cases are included in the annual open case count?

The annual open case count includes the total number of cases that are open as of the close of business on the last day of the reporting period, September 30th, regardless of when those cases were opened.

Are legal assistance providers required to report a count of cases and a count of clients?

Yes. ACL’s data reporting requirements include a count of cases opened, a count of cases closed, and an unduplicated count of clients served during the reporting period, October 1st through September 30th (the Federal Fiscal Year). ACL recognizes and expects that many legal assistance clients will receive legal services related to more than one legal issue during the reporting period, resulting in multiple cases for a single client. Each of these cases will be captured in the case count, but the client will only be counted once in the client count.

For more information about these and other data elements, please refer to the “Legal Assistance SPR Guidebook,” available in the [Resources](#) section of the OAAPS website.

What levels of service are legal assistance providers required to report?

Providers are required to classify closed cases into one of the three categories that best reflects the level of service in each case: (1) advice, (2) limited representation, or (3) representation. Levels of service are defined in the “Legal Assistance SPR Guidebook,” available in the [Resources](#) section of the OAAPS website.

How are legal assistance providers required to report poverty status?

Providers are required to report a client’s poverty status as either “at or below poverty” or “above poverty” based on the Federal poverty guidelines issued by the Department of Health and Human Services (HHS). Incomes “at or below poverty” are those at 100% of the Federal poverty guideline and lower. The Federal poverty guidelines are updated and issued annually and available here: <https://aspe.hhs.gov/poverty-guidelines>.

How are legal assistance providers required to report gender?

ACL requires legal assistance providers to report on a client’s gender according to three SPR categories: (1) Female, (2) Male, or (3) Other. However, ACL recognizes that some providers may collect data on more expansive gender categories. Providers should report on gender in a manner that reflects the client’s self-reported inner sense of their own gender. Therefore, data on transgender women and transgender men may be reported as “female” and “male,” respectively. Nonbinary clients and other clients who do not identify with the terms “female” or “male” may be included in the “other” category. Providers may exercise discretion in determining gender categories, as long as that discretion is applied consistently.

How do ACL SPR data case types compare to Legal Services Corporation (LSC) case types?

ACL SPR data case types align with Older Americans Act priority areas, and as a result, do not align exactly with LSC data codes. In addition, some ACL case types do not have corresponding LSC data codes. Therefore, ACL *recommends* that legal assistance providers determine the case type using the definitions ACL has established. ACL case types are defined in the “Legal Assistance SPR Guidebook,” available in the [Resources](#) section of the OAAPS website.

Providers may also refer to the “LSC Codes Cross Walk to ACL SPR Case Types Guide” for guidance on how LSC case types and data codes may relate to SPR data case types, available in the [Resources](#) section of the OAAPS website.

Questions about Legal Assistance Data OAAPS Submissions

What is OAAPS?

The Older Americans Act Performance System (OAAPS) is ACL’s new system for collecting information about Older Americans Act (OAA) program participants, services, and expenditures under Title III of the OAA and other programs. Legal assistance is one of the many sections of this system. States; AAAs; and American Indian, Alaskan Native, and Native Hawaiian organizations provide information on these activities to ACL through OAAPS. Additional information can be found on the [OAAPS website](#).

What is the legal assistance service type in OAAPS?

Legal assistance is categorized as a **Restricted Service** type in OAAPS, and as such, the system will segregate these data from other Title III, VI, and VII SPR data. Restricted services are those provided using OAA funds in whole or in part for which demographic and consumer characteristics are reported in aggregate, and consumer, personally identifiable information (PII) is not shared or recorded at other than the provider level. Legal assistance providers must aggregate and de-identify data to ensure there is no disclosure of PII.

How will legal assistance data be reported to ACL through OAAPS?

Legal assistance providers will collect the required data through their various legal case management systems. Legal assistance providers must then de-identify and aggregate their data *before* submitting reports to their AAA or SUA. Consistent with legal ethical obligations, client identifying information must not be included in the data provided to the AAA or SUA. Legal assistance providers submit their SPR data to their AAA or SUA (at state discretion), and the AAA or SUA is responsible for submitting legal assistance data to ACL through OAAPS.

Are legal assistance providers required to submit their data to the AAA or SUA in a specific format?

Legal assistance providers will need to prepare data for submission to OAAPS by de-identifying the data to preserve client confidentiality, aggregating the data, and

organizing the data into categories that correspond with the required SPR data elements (e.g., service level, case type). This may be done by customizing a legal case management system to automatically aggregate the data into the newly required fields, or this may be done manually.

ACL recommends that legal assistance providers submit their de-identified, aggregated data to their AAA/SUA in a report format that is compatible with OAAPS. ACL has created an Excel tool, the Legal Assistance Provider SPR Tool (LAPST), to assist legal assistance providers with producing SPR data reports that meet the formatting requirements of OAAPS.

The LAPST is available for legal assistance providers to download and use. The LAPST and additional information about how to use it, including an instructions guidebook and FAQs, are available [here](#).

Legal assistance providers should coordinate with their AAA/SUA regarding the required format in which they will submit reports that are ready for upload into OAAPS. Providers may use any system to produce the report that preserves client confidentiality, in accordance with lawyers' legal and ethical duties.

Do Aging Network case management vendors need to customize their case management systems to accommodate legal assistance SPR data?

No. Legal assistance providers generally use their own legal case management systems to collect the required legal assistance data. The providers will de-identify and aggregate their data prior to submission to their AAA/SUA.

General instructions on how AAAs/SUAs can upload the legal assistance (restricted service) data can be found among the OAAPS Resources, particularly the "State Performance Report (SPR), Upload Template Guide 3.2." The entire upload template forms can be found at the end of the [Resources](#) page. The AAA or SUA can upload elements related to legal assistance only, using the merge option if they have more than one report to submit, and only the legal assistance fields will be updated.

How frequently is the new legal assistance SPR reporting required?

ACL requires annual data reporting, with the reporting period commencing on October 1st and concluding the following September 30th. SUAs and/or AAAs may request or require more frequent reporting.

How should legal assistance providers report legal services provided with supplemental caregiver funding (Title III-E)?

Legal services provided with supplemental caregiver funding under Title III-E are reported as “Registered Services.” This differs from the legal assistance “Restricted Service” category (see explanation provided in previous FAQ).

A “Registered Service” is a service provided using OAA funds in whole or in part for which demographic and consumer characteristics are reported in aggregate. The consumer demographic elements to be reported for Title III-E data for registered services are:

- Relationship
- Age
- Geographic distribution
- Gender
- Ethnicity
- Race
- Minority status

Regardless of whether legal assistance programs are reporting on registered services or restricted services, no disclosure is permitted of any information that could reveal the identity of legal assistance clients.

Legal and/or financial consultation is only reported as one “Service Domain” of many under supplemental services to caregivers, which is not reported in this section of OAAPS.

Can the Title III Legal Assistance Excel Tool be uploaded into OAAPS?

No, this **tool** cannot be uploaded into OAAPS. However, when used by contracted legal assistance providers, it will generate a report called The Legal Assistance Data Upload Template that is fully formatted, with data de-identified and aggregated, that can be uploaded into OAAPS. An upload will be accomplished by submission through the “Upload a new file” button under “Manage Uploads”. If there is more than one legal assistance provider in a state (as is often the case), each provider’s legal assistance data upload template may be separately uploaded. State Units and Territories may also choose to combine all legal assistance data upload templates through submission of additional templates through the “merge” button.

Are legal services data uploaded separately?

Yes, there is an option to use an Excel tool that generates an OAAPS compatible report. This template includes only the fields relevant to Legal Assistance.

How will legal services be handled under NFCSP? It is a supplemental service?

States/territories have the flexibility to set boundaries around the exact services that are provided within each supplemental service domain. Thus, it is possible for a state/territory to classify legal services under NFCSP as a supplemental service and it may be appropriate to report under “legal and/or financial consultation.”

I understand recording legal services for Title III-B with the newly developed Legal Assistance tool and NFCSP legal services is to be reported as a supplemental service under the legal and/or financial domain. Supplemental services, which include legal services, are registered services according to OAAPS documentation. Legal services consumers, however, cannot be registered due to confidentiality concerns. Since no identifying information can be associated with legal services consumers, we have no way to know whether a legal services consumer also received another type of registered caregiver service such as respite. As a result, an unduplicated count of NFCSP registered consumers does not seem possible when legal services are included. Can ACL provide guidance as to how to report unduplicated counts of NFCSP registered services that include NFCSP legal (supplemental) services?

NFCSP legal services funded through Title III-E should be reported in the Supplemental Services section in the New SPR in OAAPS. They should not be reported in the new legal assistance tool. The new legal assistance tool should be used to report legal assistance services funded through Title III-B. The reporting for NFCSP legal services has not changed. Please continue to collect and report the NFCSP legal services as you have done in the past.

What is ACL doing to assist legal assistance providers, AAAs with whom the providers contract, and State Units on Aging to get ready for legal assistance SPR reporting and submission?

ACL’s specialized elder rights team has been working with many legal assistance providers, their AAA contracted partners and SUAs on legal assistance SPR. They have provided a comprehensive package of TA materials. The team is available to respond to any and all questions about legal assistance SPR data elements and also the processes for data submission, including the ACL-created tool for providers to de-identify,

aggregate and format their data for submission into OAAPS by AAAs or SUAs. Please submit questions through the [OAAPS Help Desk](#).

Legal service data into OAAPS: Once our data is uploaded, can we use and run reports and comparisons with our data (and other states' data) and download information from OAAPS, or is the system one-way (upload only)?

State users cannot download other states data, but they can download their own state's previous uploads. State users can run and download reports for their own state, and ACL users can run reports for any or all states.

I am working on a side by side comparison document for the SRT/OAAPS. I have completed the draft of the document and placed legal assistance services in Title III Services (excluding Title III-E)-Non-Registered Services section. The document is split into categories to "chunk out" the information a bit and make it more readable. The categories are: Title III Services (Excluding Title III-E)—Cluster 1 Registered Services, Title III Services (Excluding Title III-E)—Cluster 2 Registered Services, Title III Services (Excluding Title III-E)—Non-Registered Services, Title III-E, Family Caregiver Support Program (Group 1 requiring demographics and assessments and Group 2 requiring aggregate counts and demographics), and Title III-E—Kinship Caregiver Support Program (Group 1 requiring demographics, assessment and application and Group 2 requiring aggregate counts and demographics).

a. When meeting with our NAPIS/OAAPS vendor, they insisted that Legal Services Assistance, for OAAPS, is a registered service. I cannot find this anywhere in the documentation and where would it go? The definition for Title III Services (Excluding Title III-E)—Cluster 2 Registered Services is: Cluster 2 Registered Services are services provided for older adults under OAA TIII for which ADL and IADL limitations are NOT reported although client level data and demographics are required. These services are: assisted transportation, congregate nutrition, and nutrition counseling. (NSIP congregate meals only requires number of meals for those recipients meeting the criteria.) Is this the where it fits as a registered service? Or is it under the Title III Services (Excluding Title III-E)-Non Registered Services where the definition is: Non-Registered Services are services provided using OAA funds in whole or in part for which demographic and consumer characteristics are NOT reported to ACL/AoA. The services for older adult recipients under TIII-C include Nutrition Education services. Please let me know how ACL is categorizing Legal Services Assistance.

Correct under the current system and data requirements, legal assistance is included among non-registered services. Under OAAPS and with the new data elements (for which collection will begin in October 2021 or submission in January 2023), legal

assistance will be in a new category called “restricted services.” This new category was created to ensure that the legal assistance data on demographic and consumer characteristics are aggregated and de-identified, to prevent disclosures of personally identifiable information, and to prevent aggregation with other Titles III, VI, or VII SPR data.

b. How are other states uploading data, and have best methods been identified yet? Specifically, are legal service providers uploading directly to OAAPS or are they reporting service data to AAAs with the AAAs doing the data input into OAAPS? Our current plan is to have AAAs handle data input once they verify services are compatible with IIIB funding.

Legal service providers will not have access to OAAPS. Only SUAs and AAAs will have access to OAAPS and are responsible for reporting data into the system. In regards to whether or not AAAs should be responsible for reporting data into OAAPS, this is up to the discretion of the SUA.

c. If our central state unit on aging uploads data into OAAPS, does our uploaded data override/correct data that may have been input previously, correctly or incorrectly, by a partner (by a Legal Service Provider or AAA perhaps)?

Legal service providers will not have access to OAAPS. The user uploading the data selects if they want the new values to overwrite previous values or add the new values together with the old values (merge). Users can always re-download files that were previously uploaded, so this can be used to access old files and revert their data if needed.

d. I just watched the Title III New SPR OAAPS System Orientation webinar held on April 6, 2021. I went to the OAAPS website and looked for the SPR Tool. I would like to put in some data and work with the different sheets. Is the Tool available?

Please contact the OAAPS Technical Assistance (TA) Help Desk at ACL-OAAPS-PILOT@icf.com for the Legal Assistance Provider SPR Tool (LAPST). The LAPST is also be available on OAAPS, along with other helpful resources, such as the LAPST guidebook and legal assistance SPR FAQs. We encourage you to check this website for periodic updates to the resources.

e. We use Legal Server. There is a drop down for race, but you can only choose one. How is that addressed in data collection? And Current Living Situation has many, many options, so I think I need to limit to the three choices you specified, correct?

It is possible that some legal assistance providers may need to modify/customize their case management systems in order to capture the newly required information. It is our understanding that these customizations can be made to legal case management systems like Legal Server to change the race drop-down to allow multiple selections, group the living situation options so that they can be aggregated into ACL's categories, etc. We suggest you discuss this with your case management system vendor to better understand available options.

f. Does the legal provider, me, just turn over zip codes and race, and the SUA takes the step of figuring out if rural or whether minority? Or do I take that step?

Your question really highlights one of the main benefits of the LAPST tool. Legal assistance providers are only allowed to provide aggregated, de-identified data to the AAA/SUA in order to protect client confidentiality. Accordingly, legal providers will need to make the determinations regarding the race, zip codes, minority status, and other demographics and characteristics of clients. Recognizing that, at least initially, legal assistance providers like yourselves may not have customized functionality within your current case management systems to achieve de-identification and aggregation, the tool was designed to help bridge that gap and provide some assistance with aggregating your data into an OAAPS-compatible report to submit to your AAA/SUA (at state's option).

In preparation for Legal Assistance data collection under OAAPS, we wanted to confirm a few items. We are thinking that it would be wise to present our AAAs with the Legal Assistance Data Elements tab (within the ACL Legal_Assistance_Upload_Template_Tool.xlsx) as the required Legal Assistance data elements for OAAPS. I am not sure of the legal case management systems in play, so this is a good way to ensure providers/AAAs collect and record the required data for FFY 2022. We are prepared to do so, but wanted to confirm usage of the tabs referenced above.

It sounds like you are referencing an older version of the Legal Assistance Provider SPR Tool (LAPST), but it has much the same look and feel as the version with which you are familiar.

As you observe, generally legal assistance providers use legal case management systems to collect their data. These case management systems are designed to meet the special

case management needs of lawyers, including the stringent requirement in every state that lawyers must preserve the confidentiality of all client-specific information and may not disclose the identity of their clients or any client-identifiable information. We suggest you ask your State legal assistance providers that contract with your State AAAs which legal case management system or systems they are using.

We have been working on a comprehensive set of guidance materials on SPR for legal assistance, which are now available on the [OAAPS Resources](#) website. You could share all of these or start with the LAPST and the Legal Assistance SPR Guidebook, which has additional information about the definitions of each data element. We also encourage you to review these resources to ensure that you are familiar with the changes, the timeline, etc.

Collecting legal assistance data:

a. What are ACL expectations for collecting client demographic data for legal cases when the benefits counselor (BC) is calling the SUA Legal Services Center Hotline (an 800 toll free line) for assistance on behalf of the BC client? Context is SUA Legal Services Center Hotline data export shows Health Insurance Counseling Assistance Advocacy Program (HICAP) as the value in the “assigned office” field and all the client demographic data (age, race, ethnicity) is either not captured or reflects the BC’s demographics.

It appears these services are provided by the HICAP or State Health Insurance Assistance Program (SHIP). Accordingly these services, including HICAP referrals for legal assistance, would be reported into the SHIP data reporting system. A referral to legal assistance does not constitute delivery of legal assistance. Questions about how to report SHIP data elements should be directed to ACL’s Office of Health Information and Counseling (OHIC), as the SHIP Program is managed by that Office.

b. What are the ACL expectations for collecting hours from the SUA Legal Services Center intake specialist doing discovery work with potential client before a legal case is created? Context is that this intake discovery work is not currently tracked in the SUA Legal Services Center’s Legal Server software.

Legal assistance program personnel work on intake and case acceptance activities should be captured in legal assistance State Performance Reporting units of service. More information may be found in ACL’s resource materials on legal assistance SPR data collection and reporting, found here:

<https://www.oaaps-pilot.acl.gov/app/Resources/otherRefMats>.

c. What are the ACL expectations for SUA Legal Services Center legal cases and the value of service level (options are advice, limited representation, representation)? Context is Legal Attorney with SUA Legal Services Center comments about using example of Qualified Income Trust (QIT) and long term / Medicaid eligibility where BCs are getting assistance from SUA Legal Services Center hotline and not providing formal legal advice that would normally be limited to attorneys only.

Legal assistance data should only be collected and reported for legal assistance cases. The Older Americans Act defines legal assistance as “legal advice and representation provided by an attorney to older individuals with economic or social needs; and includes to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and counseling or representation by a non-lawyer where permitted by law. We have highlighted for emphasis that any legal assistance provided by a benefits counselor would be required to be “under the direct supervision of an attorney” and accordingly would be captured for SPR purposes in the SPR data collection of the program for which the supervising attorney works.

d. Should the list of open / closed legal cases include cases provided to the caregiver community, that is normally funded with Title III-E caregiver funds?

No, services that are funded under the Older Americans Act Title III-E should be reported using the data elements required for Title III-E services. For example, one option under supplemental services is legal/financial consultation, and the level of detail required under Title III-B legal services is not required for this category.

Regarding monitoring and payment for legal assistance, our AAAs need a way to monitor their legal assistance providers during the year and make payments based on services provided. Is there a way within the tool where data can be generated by service dates? Could the state /AAA require legal services providers to forward the “Legal Assistance Data Elements” worksheet within this tool on a monthly basis? Can this tool be used during the year rather than just a year end report? If date fields do not exist within this tool and it is purely meant as a year end report, how does ACL recommend AAAs and SUAs monitor the work legal services providers do? Would it mean they would have to maintain another system for this?

AAAs monitoring practices and procedures related to their contracted legal assistance providers, as well as SUA monitoring of AAA performance, is out of scope for ACL’s SPR initiative. However, SUAs and AAAs may wish to consult with legal assistance providers as to how legal assistance SPR data might provide opportunities for effective program monitoring, as well as what frequency of reporting best balances the need to report

sufficient data for effective monitoring with the burden on providers, who like everyone else are stretched thin responding to urgent matters, particularly during COVID.

AAAs are expected to have systems in place for monitoring and paying their contracted legal services providers, and the changes to being implemented by ACL to legal assistance reportable data elements do not require that existing monitoring processes change. AAAs and SUAs may choose to enhance those processes though reference to the SPR data legal assistance and - other Title III-B providers - will be reporting. ACL has no requirements regarding the intersection of program monitoring and data reporting.

The Legal Assistance Provider SPR Tool is not designed for monthly reports or reports based on service dates. Service dates could be quite challenging for legal assistance providers, since some cases are opened and closed upon one encounter with a client, however, most remain open for a period of time during which representation is underway. While the LAPST tool could be modified to generate more frequent reports, ACL does not provide customization and we caution against this practice. For instance, it might lead providers or AAAs to add up their monthly reports to produce an annual report, when this would lead to multiple errors.

How do we obtain an unduplicated count of Supplemental Services consumers under the legal domain if we are not supposed to collect identifiable information on these consumers?

The reporting of unduplicated count of Supplemental Services clients in the Title III-E section in OAAPS has not changed from the current SPR to the new SPR. While domains, including Legal and/or Financial Consultation have been added, there is no change to the expectation that unduplicated clients are reported. Supplemental Services that fall under this domain should not be reported in the Title III-B Legal Services section of OAAPS.

Can you confirm how legal data collection [Title III-B Legal Assistance and Title III-E Supplemental Services' Legal and/or Financial Consultation] has and has not changed from the Current SPR to the New SPR?

Reporting the unduplicated count of Supplemental Services clients in the Title III-E section in OAAPS, including clients who now may be reported under the Legal and/or Financial Consultation domain, has not changed from the Current SPR to the New SPR. There are changes to reporting of Legal Assistance provided to Older Adults, as outlined in OAAPS Resource materials.

How should the preparation of a will be categorized in the closed case type?

It depends on the type of the will. Testamentary wills—or legal documents that transfer wealth and other assets upon death would generally be reported by a legal assistance provider in the “other/miscellaneous” SPR category, as they do not fall not a more specific case type category. However, there may be exceptions, such as when a testamentary will is prepared to mitigate abuse or financial exploitation. In such an instance, a case handler might categorize it in the “defense of guardianship or protective services” or “abuse/neglect” category.

Documents that articulate a client’s wishes for health care to be provided or withheld in the future event of their inability to directly communicate those wishes, sometimes known as “living wills,” would be reported in the “defense of guardianship or protective services” category.

We recommend you refer to the Legal Assistance SPR Guidebook on the [OAAPS Resources](#) site for additional guidance on the types of cases that may be reported in each of the SPR case type categories.

There were some errors found on the Excel Tool as follows: When you enter Reporting YR, unique ID, and leave DOB blank the count shows up in Age Characteristics, 'under 85 or above'. When you have a blank cell for Geography; Legal Assistance Data Elements Client Characteristics: Geographic Distribution-Total Geographic Distribution Missing should show one count and it does not. Therefore, we have taken your tool and modified it to lock cell/prevent user error. Please provide feedback.

As instructed, either age or DOB must be entered. If neither, there may be errors. “” is not, by default, Missing. Only the actual work Missing is. This is explicitly stated in the instructions.

We have received questions from our AAAs regarding Powers of Attorney (POA). We have reached out previously to clarify how best to report POA in OAAPS. We received a quick and thorough response that was very helpful. Part of the response we received from ACL is below:

Creating Powers of Attorney and similar advance planning documents support the autonomy rights of older persons and accordingly falls into the priority case types, including “defense of guardianship”. Preparation and execution of testamentary wills are not among the priority case types; however, the Act does not prohibit this practice. Therefore, while some of the activities you describe are not considered

priorities, providers are not prohibited from providing these services and do not need to discontinue these services.

We shared that response with AAAs and encouraged our AAAs to attend the Legal Services webinar recently held. During that webinar, it was mentioned that POA would be reported as “defense of guardianship”. However, one AAA that attended that webinar would still like some further clarification. Can you please clarify, are all POA to be reported under “defense of guardianship”? Could there be situations where a POA is not in defense of guardianship and would they report it somewhere else, for example, under Misc.

It is initially important to understand that legal assistance providers will assign case types to the matters they handle for their clients, and AAAs will not be involved in that process. Generally, as we previously advised, we have included preparation and execution of Powers of Attorney in the “protective services/defense of guardianship case category because the purpose of a POA is to preserve decisional autonomy and to mitigate the risk that an individual would ever need a guardian to be appointed.

We understand you have received questions from an AAA about whether legal assistance representation to prepare and execute a Power of Attorney would ever fall into a category of case type other than protective services/defense of guardianship, such that it would be reported in the “miscellaneous” category. In order to respond, we would need more information to better understand when and why the AAA questioner would think it more appropriate to characterize POA preparing and execution as a type of legal matter other than “protective service/defense of guardianship” AKA supporting decisional autonomy.

We are reluctant to contemplate characterization of a legal service such as preparation and execution of a POA from a specific case type category (“protective services/defense of guardianship”) to the catch-all “miscellaneous” category, which provides less than optimal data about the interventions undertaken by a legal assistance provider. With more information, we would be better equipped and pleased to offer a more fulsome response.

We currently got a list of de-identified clients from our provider that includes number of clients served and hours. It looks like we are going to need demographics when these changes are made. I would like to know more about what we need to collect so we can prepare our provider for the updates in the reporting requirements in time. If I remember correctly, it will be data starting October 2021 that we will put into this new system in January 2023, correct?

We have provided outreach and support to legal assistance providers as to the updated and expanded data elements and on how a legal assistance provider will report these data to AAA contractors or SUAs (at state's option), so hopefully your provider is already aware that these changes are coming. Please note that AAAs will not produce the legal assistance SPR data, which originates from client data that must be kept confidential by legal assistance providers. AAAs will receive de-identified, aggregated data reports from legal assistance providers, and our resources will allow them to format the reports such that they are ready for upload into OAAPS. Additional resources are available and you will be able to find them on the [OAAPS Resources](#) pages. You may share these resources with your legal assistance providers as you see fit.

What is the purpose of the Title III Legal Assistance Excel Tool?

This tool is used only by legal assistance providers contracted such as by Area Agencies on Aging to provide Older Americans Act Title III-B-funded legal assistance. It enables providers to de-identify, aggregate and format the data they are required to collect and report upon beginning in Federal Fiscal Year 2022 (October 1, 2021 through September 30, 2022). The tool will generate a report that is ready for upload into OAAPS.

AAAs, State Units and Territories are strongly encouraged to provide the tool to contracted legal assistance providers and to refer providers to ACL's elder rights team by contacting the OAAPS Help Desk (ACL-OAAPS-PILOT@icf.com) for more information, resources and training on the tool.

What is the Legal Upload Template? Is the "Row Level Data Template" what AAAs would have filled out and what can be uploaded into OAAPS?

The [Legal Assistance Provider SPR Tool](#) is a tool legal assistance providers may use to aggregate and de-identify their data before submitting it to the AAA or SUA. It has been updated, and the most recent version is on the website. Providers can use the "Case Data (for Providers Only)" sheet or the "SPR Data Points Form" depending on whether they have been able to aggregate their data independently. The AAA or SUA should only receive the completed "OAAPS Submission Form." The tool is not required but is a helpful tool we created and provided. Feel free to share it with your contracted legal aid providers, and you can review the reference materials and recorded materials. There are items specific to legal assistance in each of these sections which describe the data elements, demonstrate the tool, and provide additional background information.