

**ADMINISTRATION FOR COMMUNITY LIVING
MODEL APPROACHES TO STATEWIDE LEGAL ASSISTANCE SYSTEMS
FUNDING OPPORTUNITY ANNOUNCEMENT
FREQUENTLY ASKED QUESTIONS**

On April 16th, 2013, the ACL/AoA hosted a teleconference for all those interested in the 2013 program announcement entitled “*Model Approaches to Statewide Legal Assistance Systems - Phase II*”. An overview of the key concepts of the FOA was provided, with a substantial amount of time reserved for a question-and-answer period.

Below are some of the questions that were posed either during the recent teleconference, previous Model Approaches teleconferences, or through general inquiry. Additional questions and answers may be posted as they are received by ACL/AoA staff.

If you have a question that is not listed below, please feel free to contact ACL/AoA staff assigned to the 2013 Model Approaches program, as indicated below:

- ACL./AoA/ Office of Elder Rights:
Omar Valverde
(202) 357-3514
omar.valverde@acl.hhs.gov

For questions pertaining to budget items, such as in-kind contributions, match requirements, and cost reimbursement procedures, please contact:

- Off ACL./AoA/ Office of Grants Management:
LaDeva Harris
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LaDeva,Harris@acl.hhs.gov

Q1. Can some salary for the State Legal Assistance Developer be included in the Model Approaches budget?

Response: Yes, this is an acceptable expense to include in your proposed budget as long as there is justification for what the Developer would do in the time paid for by the project that goes beyond what the Developer does during time that is already being paid for by the state.

Please note that funding awarded under the Model Approaches program

should be used to supplement, not supplant, the Developer's time paid by the State Office. Please also note that the Developer's time can be used as match, as long as the Developer is not being paid with federal funds.

Q2. The Funding Opportunity Announcement (FOA) states that Model Approaches applications must be submitted on-line at <http://www.grants.gov>. What should we do if there are problems with submission on grants.gov?

Response: You should first call or email the grants.gov helpdesk to see if they can solve the problem (phone: 800 518-4726; e-mail: support@grants.gov). Grants.gov will assign you a case number. Please be sure to keep this number for future reference. If the problem cannot be resolved with grants.gov, you must call or email ACL's Grants Management Specialist, LaDeva Harris, before the deadline for receipt of applications at 11:59 PM Eastern time on Tuesday, May 28, 2013 (phone: 202 357-3437; e-mail: LaDeva.Harris@acl.hhs.gov, with a copy to omar.valverde@acl.hhs.gov, referencing the case number.

Q3. The FOA indicates that the application is to include a detailed plan for direct and ongoing collaboration between the Legal Assistance Developer (LAD) and the senior legal helpline (or the entity that proposes to become the SLH entity), low-cost service delivery mechanisms, and other mandatory or discretionary partners/collaborators. If a state does not have an existing senior legal helpline, how can we include a detailed collaboration plan in our application?

Response: If a state does not have an existing senior legal helpline with which to collaborate, the application should include a description of how the LAD, the entity that proposes to become the SLH and any existing low-cost delivery mechanisms (and other key partners) will collaborate in planning and developing a statewide senior legal helpline that is integrated with the broader legal and aging service delivery system, and should outline plans for ongoing collaboration once the SLH is established.

Q4. The FOA indicates that awards will be approximately \$178,500. Can an applicant ask for more than \$178,500?

Response: The \$178,500 is approximate, but applicants should stay as close as possible to that figure and should clearly demonstrate in the Budget Justification why a lower or higher amount is needed, and how it will be used.

Q5. Can travel money for attendance at the National Aging and Law Conference be included in the budget?

Response: Yes, allocation of travel resources for this purpose is strongly encouraged, as a means of furthering the integrative goals of the project.

Q6 The FOA requires a legal capacity study from a grantee state. We plan to submit a proposal for the grant and hope to have the capacity assessment requirement waived as our state has recently completed a needs study. What is the process for determining if this is sufficient?

Response: We are unable to comment on an existing legal capacity assessment at this point (prior to applications being submitted), but this is something which would be open to negotiation during the cooperative agreement discussions following a grant award. In other words, in your application you can discuss the capacity assessment already completed, and then indicate that you would be willing to work with AoA to “enhance” it, if ACL should see such a need.

Please note that NLRC partner TCSG will be providing in-depth guidance on conducting legal capacity assessments, including the issuance of a best practices document during the first program year.

Q12. How does ACL define hotline/helpline? For example, does it include an on-line helpline?

Response: In considering helplines, you need to consider, among other things, what type of helpline is likely to reach your state’s target populations. An on-line helpline that depends on users being computer-savvy and having access to the web is unlikely to be accessible to many in the target groups. To explore this further, you may wish to contact the Center for Elder Rights Advocacy (keith@ceraresource.org) and The Center for Social Gerontology (phommel@tcsq.org).

Q13. In numerous places, the FOA refers to a Legal Assistance Developer. What is this?

Response: All states are required under both Titles III and VII of the Older Americans Act to have a legal assistance developer (LAD) to provide state leadership in developing legal assistance programs for older persons (Sec. 307(a)(13). See also Chapter 4 of Title VII of the OAA Sec. 731(1)-(6). Visit <http://www.tcsq.org/bpnotes/december04/contentsdec04.htm> and then click on “download” for an in-depth discussion of LADs. Leadership by the state LAD is essential to the vision of model approaches. True and sustained coordination and integration of the overall legal delivery system cannot be achieved without strong leadership by the developer.

Q14. What are ways to achieve sustainability for Model Approaches initiatives given the poor economic situation in many states?

Response: Applicants are required to state in your proposal how you will seek to achieve sustainability beyond the grant period. It is important to recognize that vital components of legal service delivery systems (such as SLHs and other low cost mechanisms) which are effectively integrated into the broader service delivery tapestry stand a greater chance of survival beyond the 3-year project cycle than do service delivery components which stand alone. In a truly well integrated legal service delivery system, all vital components within a system are more likely to be viewed as indispensable to the systemic whole in the eyes of stakeholders, policy makers, and potential funding sources. In addition, the grantees will be able to present data illustrating expanded access to target populations as a result of well integrated systems, thus making arguments for sustainability even stronger. In the process of implementing well integrated service delivery systems that have inherent survival value, applicants should commit in their plans to concurrently and proactively seek alternate sources of funding for vital components within systems currently relying on Model Approaches funding.

In previous Model Approaches projects, vital components of legal service delivery systems such as SLHs have been sustained after the project period in various states such as FL, PA, OH, ID, and NV.

Q15. How should outcomes be measured for the Model Approaches Phase II project?

Response: The comprehensive implementation of a Model Approaches - Phase II legal service delivery system should result in measurable improvements in statewide legal service delivery for older persons most in need who are experiencing challenges resolving priority legal issues. *At a minimum*, applicants should describe achievable and measurable outcome(s) for each objective under Model Approaches - Phase II as outlined in the *Documenting Outcomes of Legal Service Delivery System* section of the FOA (pages 42-45). Applications may present additional outcomes measures associated with the objectives of the Model Approaches - Phase II legal service delivery system, as appropriate.

Q. 17 Who typically serves on application review panels ?

Response: The reviewers selected for the Model Approaches review process typically have a strong background in the delivery of legal services. Each review panel includes 3 reviewers and one facilitator.

- Q. 18 Is project summary/abstract included in the 20 page limit for the Project Narrative?

Response: Applicants may submit the abstract as a separate item not inclusive of the 20 page limit for the Project Narrative?

- Q. 19 Are applicants and subsequent grantees held accountable for non-federal match and from what sources may match be derived?

Grantees will be held accountable for projected commitments of non-federal resources in their application budgets and budget justifications, even when the projected non-federal commitment exceeds the required amount of matching or cost share. A grantee's failure to provide the required matching amount will result in the disallowance of federal funds. *However, lack of supporting documentation at the time of application submission will not exclude the application from competitive review.*

There are two types of match: 1) non-Federal cash and 2) non-Federal in-kind. *In general, costs borne by the applicant and cash contributions of any and all third parties involved in the project, including sub-grantees, contractors and consultants, are considered matching funds.* Volunteered time and use of facilities to hold meetings or conduct project activities may be considered in-kind (third party) donations. Examples of non-Federal cash match includes budgetary funds provided from the applicant agency's budget for costs associated with the project. ACL encourages you to not exceed the minimum match requirement. Applications with a match greater than the minimum required will not receive additional consideration under the review. Match is not one of the responsiveness criteria as noted in Section III, 3 Application Screening Criteria.

- Q. 20. Can the non-federal match requirement for this funding opportunity be waived? If so, how should the waiver be justified by the applicant?

Response: ACL continues to view the condition of the nation's economy as a possible factor in the applicant's ability to meet non-federal match requirements. Therefore, ACL may waive the matching requirement where severe hardship is documented by the applicant. If an applicant concludes that they will not be able to meet the minimum matching requirement, a written justification must be provided which explains why the match cannot be met through cash or in-kind contributions. The written justification must be signed by an authorized representative and submitted with the application through <http://www.grants.gov>. *ACL will review the request and contact you should additional information or justification be necessary.*

As indicated, a request for reduction or waiver of the match requirement may be made as long as a detailed justification is presented. However, this

request must be approved by the Assistant Secretary for Aging, and this decision would be made in conjunction with the approval of grant awards. Applicants are encouraged to make this hardship determination during the application phase; waiver requests made after awards have been issued will be reviewed on a case-by-case basis.

Q. 21. What are the required partnership and/or collaborations under Model Approaches Phase II ?

Response: Under the FOA, the entity housing the LAD **must** partner and/or collaborate with the following 6 entities:

- A senior legal helpline (with funding allocation of no less than \$75,000 and not more than \$85,000)
- At least one Aging and Disability Resource Center
- At least one entity involved in administering programs that assist people with Alzheimer's and their care givers,
- Adult Protection Services
- LTC Ombudsman
- A state court or other entity that has oversight responsibilities regarding persons under guardianship and/or conservatorship.

Q 21 Can the partnerships and/or collaborations required under this grant take the form of regional pilot projects that are less than statewide in scope?

Response: Yes. It is expected that successful pilot projects of a regional nature demonstrating tangible outcomes may be emulated in other regions of the state after the grant period has ended.

Q 22 What states have received grants to establish WINGS?

Under the FOA, partnerships may also be formalized with *Working Interdisciplinary Networks of Guardianship Stakeholders* (WINGS) established by a state's highest court to (1) identify strengths and weaknesses in the state's current system of adult guardianship and less restrictive decision-making options; (2) address key policy and practice issues; (3) engage in outreach, education and training; and (4) serve as an ongoing problem-solving mechanism to enhance the quality of care and quality of life of adults under guardianship/conservatorship.

The National Guardianship Network (NGN) awarded WINGS incentive grants and technical assistance in Oregon, Texas, New York and Utah. In addition, there are two existing WINGS groups in Ohio and Missouri.