

# Assessment of the Legal Needs of Older Adults in North Carolina

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A collaboration of the UNC Institute on Aging, the NC Division of Aging and Adult Services and Legal Aid of NC



## Report to the North Carolina Division of Aging and Adult Services Legal Needs of Older Adults in North Carolina

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A special thank you goes to the North Carolina Bar Association (NCBA) Elder Law Section for their support of this project. This is North Carolina's first survey specifically designed to identify the unmet legal needs of North Carolina seniors with limited resources. The NCBA Elder Law Council generously donated the funds necessary to publish this important first report.

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Many older adults are vulnerable to threats to their health, dignity, wealth, and independence. Both older adults and their caregivers are often unaware that these threats may include legal rights issues and can be addressed through legal intervention. Even if they are aware, they are often worried about the cost of such services. Given the increasing proportion of older adults in North Carolina, it is imperative that legal organizations and state government collaborate to address this lack of knowledge and work to ameliorate barriers to accessing needed legal services. This report summarizes a study of older adults and their problems as they relate to potential legal needs. This study was commissioned by the North Carolina Division of Aging and Adult Services in collaboration with the Legal Aid of North Carolina. The University of North Carolina Institute on Aging was contracted to develop and field the survey and describe the findings. The survey was modeled on the work of other states – particularly on the work of the Utah Division of Aging and Adult Services in collaboration with the Borchard Foundation Center on Law and Aging.

## **Methodology**

While there are likely unmet legal needs across all socio-economic levels, the study team chose to focus the study on those older adults that are, on average, more socially and economically vulnerable. To this end, the study team chose the Home and Community Care Block Grant participant database maintained by the NC Division of Aging and Adult Services as the sampling frame. Established in 1992 by the NC General Assembly, the Home and Community Care Block Grant includes funding from the Older Americans Act, Title XX Funds, and other state appropriations intended to support home and community based services. This list was judged to be the best sampling frame available for the study as it includes lower income older adults who have accessed a wide range of services (e.g., family caregiver support, senior center congregate meals) and are more socially and economically vulnerable than the average older

North Carolina resident. The study team drew a simple random sample of 2000 individuals from the Home and Community Care Block Grant participant list (age 60 or older). Participants with invalid mailing address information were removed without replacement from the sample. Further, postcards notifying the sample members of the survey were sent to both advertise the study and test the validity of the addresses. After this process, the sample was winnowed down to 1,730 valid contacts. Due to budgetary limitations, the team implemented only one mailing and one postcard reminder with no added incentives included for participation. The survey achieved a 14% response rate with a total achieved sample of 242 older adults. In order to assess potential non-response bias, the demographic data from the sampling frame was compared to that of the survey respondents (See Table 1). Despite differences in data collection methodologies, the demographic data are quite similar. Given this, we believe the respondent data is likely representative of Home and Community Block Grant participants.

To supplement the survey, the study team also conducted two focus groups with older adults involved with two organizations (one senior living center and one assisted living community). This population was targeted as they are under-represented in the Home and Community Care Block Grant sampling frame. The main purpose of these focus groups was to supplement the study by externally validating the survey instrument and identifying whether there were other major issues that could not be detected through our survey methodology. Focus group participants were verbally walked through the survey sections to identify any missing needs or problems. Focus groups lasted approximately 1 hour. They were audio-taped and transcribed and reviewed for content.

The demographic characteristics of the survey respondent sample confirmed our assumption that Home and Community Block Grant participants are typically socially and economically vulnerable. Forty-nine percent of the sample have yearly household incomes of less than \$20,000. Forty-five percent of respondents live by themselves. Further, 55% of respondents have an educational achievement of high school or below. A full 44% of respondents are widowed.

**Table 1. Sampling Frame (N=101,977) vs. Respondent Demographic Characteristics (N=240)**

	Sampling Frame	Respondents
Age (Mean, Standard Deviation)	78(9.3)	76(9.0)
Percent Black	28%	21%
Percent Female	67%	74%
Percent living alone	43%	45%

The survey consisted of six substantive sections and one demographic characteristics section. The six substantive sections were: Healthcare Coverage, Income and Government Benefits, Housing, Consumer Issues, Internet Assistance, and Legal Needs. Findings for this report are organized according to those survey headings.

### Healthcare Coverage

Ninety-nine percent of older adult respondents indicated that they had health insurance from some source. By far the most often cited coverage was Medicare (89%) followed by employer/retiree benefits (23%). As more than one type of coverage is possible, respondents were permitted to check all that apply (See Table 2).

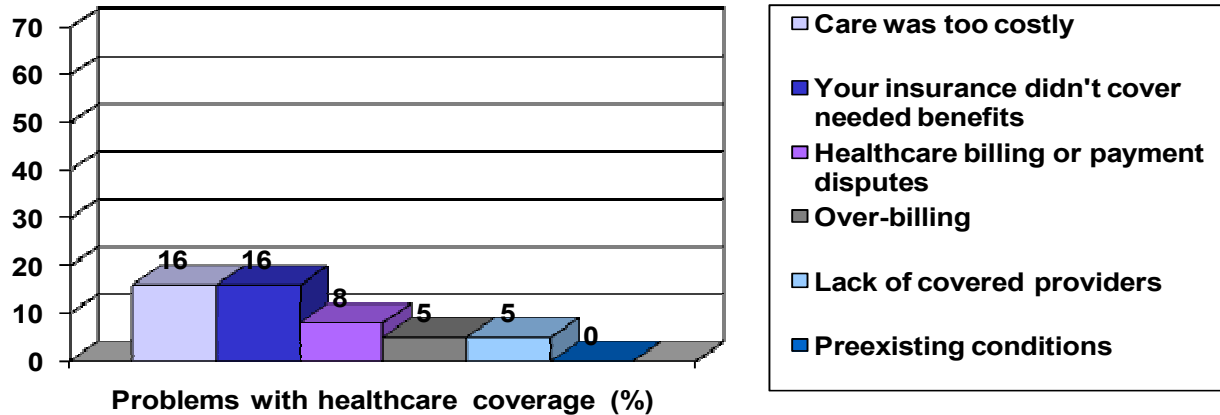
**Table 2. Healthcare Coverage: What is the source of your healthcare coverage? (N = 240)**

	% Yes
Medicare	89
Former employer/retiree benefits	23
Medicaid	19
Individual insurance policy you purchase yourself (such as COBRA)	13
Veterans or military benefits	11
Spouse/partner's employer	5
Current Employer	1

Most respondents (65%) reported no healthcare coverage problems. However a substantial minority of respondents cited that “care was too costly” (16%) or that their “insurance didn’t

cover needed benefits” (16%) (See Figure 1). Given the average age of the respondent group (76 years), it is perhaps not surprising that no one reported coverage problems related to preexisting conditions.

**Figure 1. Coverage Problems: Have you had problems with your healthcare coverage? (N=234)**



**Income and Government Benefits**

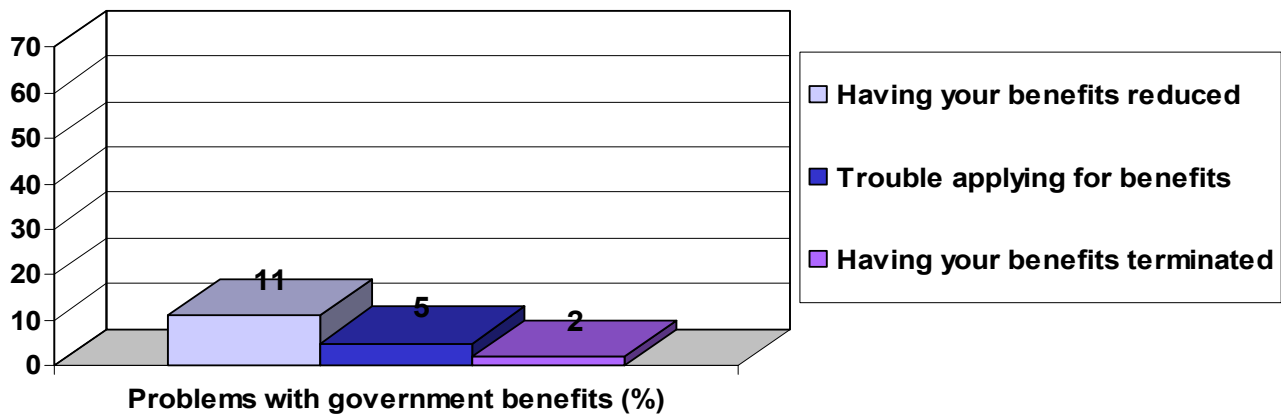
As is to be expected given the age of respondents, 97% reported that they receive social security benefits. Ten percent are receiving food stamps and six percent of respondents live in subsidized housing. Ten percent of older adult respondents in our sample receive veteran benefits.

**Table 3. Government Benefits: Do you receive any of the following government benefits? (N= 232)**

	% Yes
Social Security	97
Food stamps	11
Veteran benefits	10
Subsidized housing	6

While the majority state they have had no problems with government benefits (83%), eleven percent report having their benefits reduced, 5% report having trouble applying for benefits and another 2% report having their benefits terminated (See Figure 2).

**Figure 2. Problems:** In the past three years, have you had any of the following problems with government benefits? (N=229)



**Housing**

Housing problems may include such things as disputes about rent or the terms of a lease, problems with reverse mortgages, unsafe living conditions, disputes with contractors over home repairs, and finding affordable housing. A majority of respondents report that they own their own house (57%) or are currently still paying their mortgage (15%). Only four percent of respondents were residing in an assisted living, nursing or group home at the time of survey. A total of 27% of respondents report renting or living with others. As older adults could potentially fit into more than one group, they were given the option to check more than one category.

**Table 4. Housing: Do you currently rent or own your residence? (N=241)**

	% Yes
Own	57
Rent	21
Paying a mortgage	15
Live with others	6
Assisted living/nursing home/group home	4

In terms of housing, approximately 20% of respondents experienced problems with housing (See Table 5). The two most common problems were serious problems with cockroaches, mice,

rats, bedbugs or other bugs (8%) and problems making mortgage payments (8%). On the other hand, no one reported losing their home against their wishes.

**Table 5. Housing Problems: Have you experienced any of the following problems in the last 3 years? (N=224)**

	% Yes
Serious problem with cockroaches, mice, rats, bedbugs or other bugs	8
Problems making mortgage payments	8
Contractor's repair or remodel not done properly	6
Utilities lacking, such as heat, hot water, or electricity	4
Mortgage cost increased	2
Threatened with foreclosure, foreclosed on, or gave up home	2
Major repairs not done by landlord	1
Considered yourself a victim of predatory lending practices, such as falsification of a loan application, change in interest rate at closing, pressure from a mortgage broker, etc.	1
Lost home against my wishes	0

### **Consumer Issues**

Consumer problems may include such things as fraud, scams, and unwanted requests to purchase goods or services. This may also include credit card issues, mortgage issues, and the ability to make payments. A large number of respondents (50%) report having had consumer issues in the last three years. The most common problems are telephone service (11%) and home repair/improvement (10%).



**Table 6. Consumer Issues: In thinking about your experiences as a consumer in the last three years, was there ever a time when you felt that you were cheated or defrauded in the following areas? (N=229)**

	% Yes
Telephone service	11
Home repair/improvement	10
Auto/car related	6
Insurance products/services	6
Health Care	4
Investments	4
Medical supplies/equipment	4
Internet/Email	3
Mail order	2

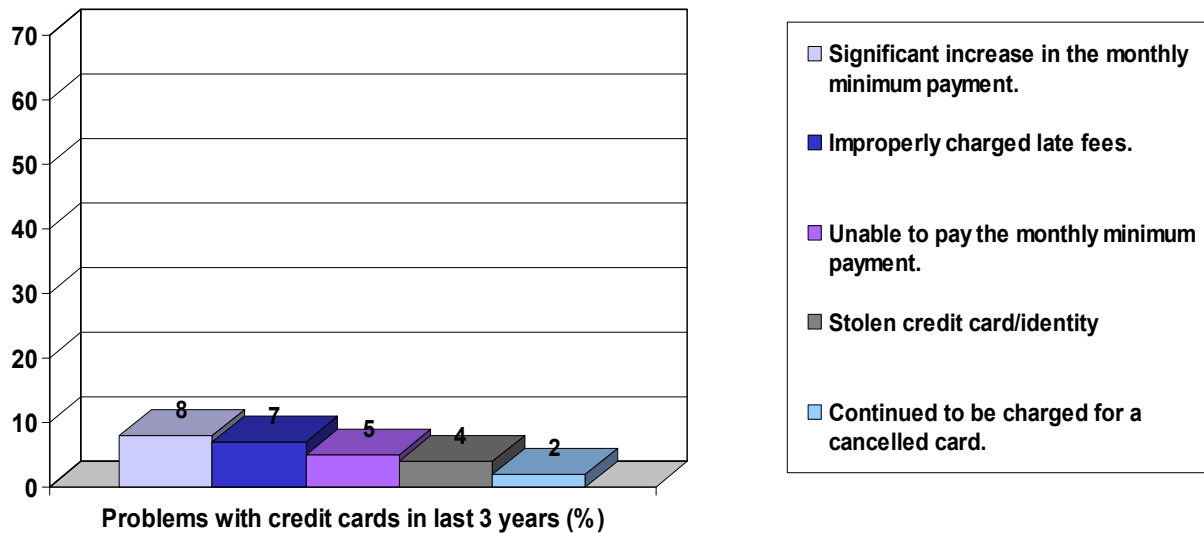
Of those who reported that they experienced consumer issues (60 respondents), the largest proportion of respondents were contacted by telephone (43%), followed by mail (22%). Fewer were solicited through a magazine, newspaper or flyer (7%).

**Table 7. Consumer Contact: How did the company or individual contact you? (N=60)**

	% Yes
Telephone	43
Mail	22
Product/service advertised on TV/radio	12
Email	10
Door-to-door	8
Magazine, newspaper, or flyer	7

A total of 26% of respondents report some issue with credit cards. This is particularly significant given that 55% of respondents report not having a credit card. The most common issues are with significant increase in the monthly minimum payment (8%) and improper charge of late fees (7%) (See Figure 3).

**Figure 3. Credit Card Problems: In the past three years, have you had any of the following problems with any of your credit cards? (N=240)**

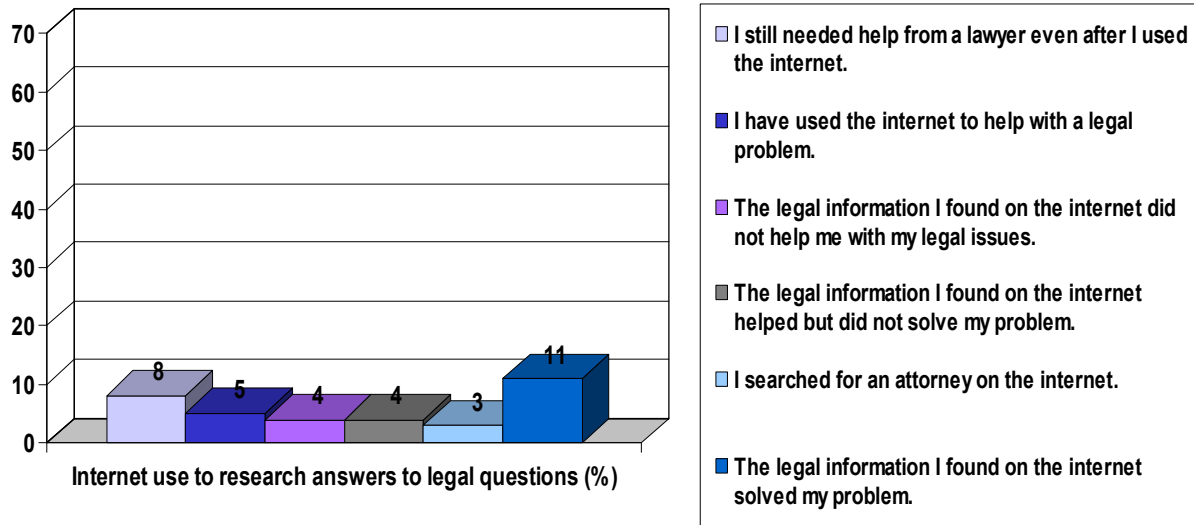


When asked specifically about other consumer issues, two percent of respondents reported filing for bankruptcy in the past three years while another two percent report that they are considering filing for bankruptcy. Only a little more than one percent report that they have had property repossessed in the last three years. However, a full 20% of respondents report having a problem with a bill collector (like harassing phone calls or repossession threats, etc.).

### **Legal Research and Legal Advice**

While many younger adults have turned to the internet to answer their legal questions, the vast majority of older adult respondents (83%) indicate that they do not use the internet to research answers to legal questions.

**Figure 4. Internet Research: Please indicate how you have used the internet to research answers to legal questions. (N=211)**



The difficulty in assessing legal need of older adults is often problems that have the potential to be resolved through legal intervention may not be recognized as such by older adults themselves. As evidenced by a finding that many of the respondents stated they did not have a need for legal advice, despite the fact that the survey revealed 18% of respondents reported problems with government benefits, 20% reported problems with housing, 34% acknowledged problems with credit and a full 26% of the 45% of respondents who have credit cards reported issues with credit card problems.

In order to get at this multi-faceted problem, the survey asks about perceptions of legal needs from several different angles in the survey. For example, ten percent of respondents report that they have needed legal advice (See Table 8).

**Table 8. Advice: Have you needed legal advice regarding... (N=233)**

	% Yes
None	91
Division of property	5
Child or grandchild custody	2
Divorce	1
Separation	1
Enforcing alimony	1

Twenty-seven percent of respondents report actually using the services of a lawyer. After this question, respondents were asked “for what?” Respondents were able to write-in text responses. These responses were reviewed for themes. One particular theme was prevalent and was therefore coded. Respondents most often (40%) reported that they used the services of a lawyer in relation to wills and/or a power of attorney. This finding was echoed through the focus groups. The theme of estate planning, wills, living wills and powers of attorney was the only additional area of need identified in the focus groups but not assessed directly in the survey.

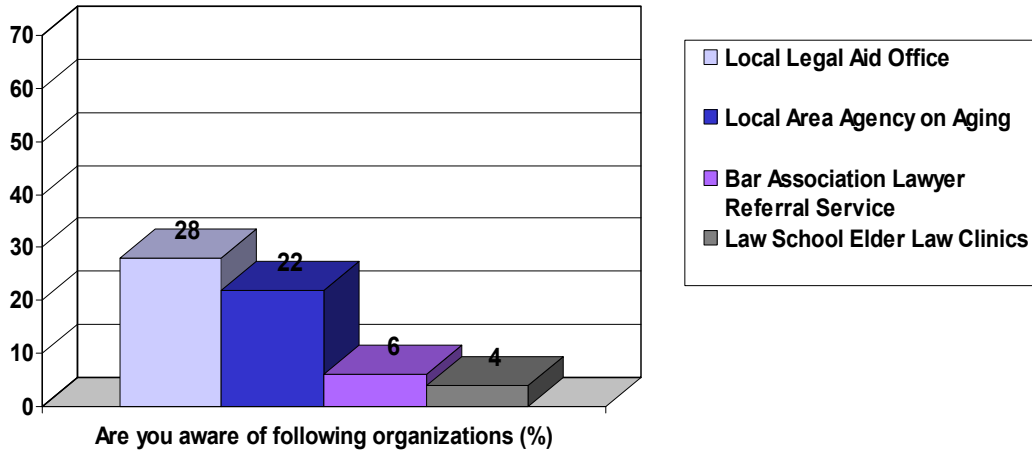
To understand how respondents make decisions about seeking the services of a lawyer, respondents were asked whether they have thought about needing a lawyer in the past three years. Thirty percent of respondents report thinking that they needed a lawyer in the past three years but chose not to seek one. When asked why they did not see a lawyer, most (69%) reported worrying about the cost (See Table 9). Other common problems for socially and economic vulnerable older adults were also cited such as transportation problems, health problems and lack of legal knowledge (i.e., “I didn’t know where to get a lawyer”).

**Table 9. Reasons: Why didn’t you see a lawyer? (N=67)**

	% Yes
Worried about the cost.	69
I didn't know where to get a lawyer.	21
I thought nothing could be done about the problem.	19
I wasn't sure the problem was legal	19
Transportation problems	16
I felt I could solve the problem myself.	13
I was embarrassed, afraid, or intimidated to see a lawyer.	12
Health problems	12
The problem was too minor	9
I was advised not to see a lawyer.	4

North Carolina has several organizations that assist elderly and low-income residents with legal needs. Respondents were asked whether they were aware of any of these organizations. Most (63%) did not know about any of these agencies (See Figure 5).

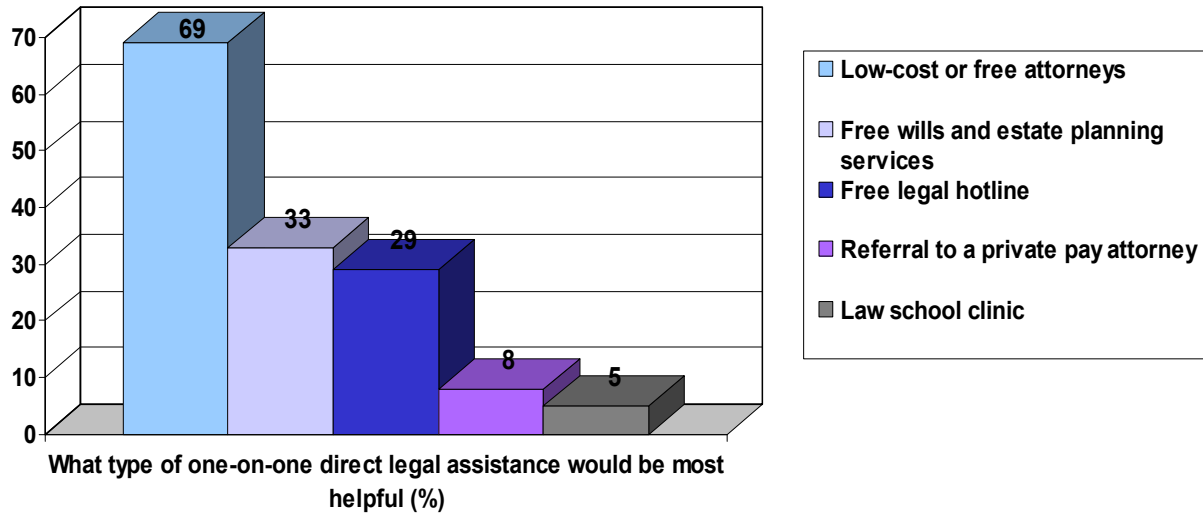
**Figure 5. Organizations: Prior to receiving this survey, were you aware of any of the following organizations? (N=226)**



### Legal Assistance

Just as it is clear that older adults in North Carolina are by and large not accessing legal information via the internet, it is clear that older adults prefer face-to-face contact with low cost or free attorneys (See Figure 6). Over the phone is preferred less often than face-to-face interaction with attorneys. Internet access is preferred by very few respondents (4%) (See Table 10).

**Figure 6. One-on-one help: When one-on-one direct legal assistance is needed, what would be the most helpful? (N=203)**



**Table 10. Preferred Access: What is your preferred method of accessing legal information? (N=224)**

	% Yes
Face to face	86
Over the phone	20
Via internet	4

Respondents were also asked to self-identify areas where they felt they would like legal assistance. When asked what types of legal assistance would be most helpful, respondents were most likely to cite a need for assistance with estates (32%) and health-related issues (18%). Very few needed assistance with family matters (2%) (See Table 11).

**Table 11. Helpful Areas: Which of the following areas would legal assistance be most helpful? (N=231)**

	% Yes
I have no legal assistance needs	39
Estate (wills, trusts)	32
Health related (Medicaid or Medicare, improper billing)	18
Guardianship or Power of Attorney	17
Benefits (Social Security, Veteran's Administration)	16
Consumer (home improvement, shoddy goods or services)	9
Abuse, exploitation, or fraud	5
Housing (landlord-tenant, foreclosures, evictions)	4
Employment (worker's compensation, discrimination)	3
Family matters (divorce, custody, child support)	2

When asked to choose among several low cost resources, respondents thought that free handbooks on common legal problems (53%) and free legal hotline (53%) would be the most helpful (See Table 12). Again, web-based resources were not preferred.

**Table 12. Helpful Information: What legal information and assistance would be most helpful to you? (N=182)**

	% Yes
Free handbook on common legal questions	53
Free legal hotline I could call to talk to a lawyer	53
Free legal seminars in my area	24
Free consumer fraud seminars in my area	18
Website with legal information	16
Self-Representation Materials	14

## **Discussion**

According to the Commission on Law and Aging of the American Bar Association, many older Americans do not recognize that some of their problems are legal in nature; as a result they do not seek help. In general, this finding is substantiated through the findings of this study. Across the multiple areas of potential legal problems (e.g., health care, income and benefits, housing, consumer issues), many respondents indicate that they have had problems but most fail to recognize they are likely legal in nature. While 27% did actually report using the services of a lawyer in the past three years, most received legal assistance in very limited areas such as powers of attorney and wills. There appears to be a significant need for education of seniors on recognizing that many of their problems may have legal remedies. However, once legal rights are recognized, we must acknowledge the significant unmet need of legal assistance.

No one area of potential legal problems stands out as being the area of most need. It appears that a minority of respondents have problems across the substantive areas of healthcare, income and benefits, housing and consumer issues. All of these idiosyncratic needs add up to be substantial unmet need among North Carolina's older adult population.

Outside of not considering their problems legal in nature, the most common reasons older adults in the sample did not seek legal advice was concern about cost and not understanding where to get a lawyer. Direct face-to-face and over the phone contact can be the highest costing means of providing public information. For this population, however, it remains likely to be the most effective. Further, even where there are no-cost and low cost legal services available, knowledge of these resources is a barrier to access. Whatever methods are considered for improving information and access to legal services, older adults in the survey are recommending as direct a contact as possible. This is a group that still does not readily use the internet as a source for information. Public education regarding the legal nature of some of their problems and how to access legal advice needs to travel through more traditional channels (e.g. face-to-face, over-the-phone and in written hard copy form) to provide information directly to older consumers.

**Please see attached copy of survey.**



## Healthcare Coverage

Healthcare affects all seniors across the state. The following questions are to measure if there is a particular pattern with insurance or healthcare systems that creates legal issues for seniors in North Carolina.

1. Do you currently have any kind of healthcare coverage, including health insurance or government plans such as Medicare or Medicaid?

- Yes
- No

2. What is the source of your healthcare coverage (Check all that apply)?

- Current employer
- Spouse/partner's employer
- Individual insurance policy you purchase yourself (such as COBRA)
- Former employer/retiree benefits
- Veterans or military benefits
- Medicaid
- Medicare
- Other (specify): \_\_\_\_\_

3. Have you had problems with your health care insurance (Check all that apply)?

- Care was too costly
- Over-billing
- Lack of covered providers
- Your insurance didn't cover needed benefits
- Preexisting conditions
- Healthcare billing or payment disputes
- Other (specify): \_\_\_\_\_
- None, no problems

## Income and Government Benefits

In this section, questions will be in the areas of benefits that seniors receive and any legal complications they have experienced in working with government policies and regulations.

4. Do you receive any of the following government benefits (Check all that apply)?

- Social Security
- Veteran benefits
- Subsidized housing
- Food stamps

5. In the past three years, have you had any of the following problems with your government benefits (Check all that apply)?

- Trouble applying for benefits
- Having your benefits reduced
- Having your benefits terminated
- None of the above

### **Housing**

Housing problems may include such things as disputes about rent or the terms of a lease, problems with reverse mortgages, unsafe living conditions, and disputes with contractors over home repairs, and finding affordable housing.

6. Do you currently rent or own your residence?

- Rent
- Own
- Paying a mortgage
- Live with others
- Assisted living/nursing home/group home

7. Have you experienced any of the following problems in the last three years (Check all that apply)?

- Problems making mortgage payments
- Threatened with foreclosure, foreclosed on, or gave up home
- Considered yourself a victim of predatory lending practices, such as falsification of a loan application, change in interest rate at closing, pressure from a mortgage broker, etc
- Contractor's repair or remodel not done properly
- Mortgage cost increased
- Utilities lacking, such as heat, hot water, or electricity.
- Serious problem with cockroaches, mice, rats, bedbugs or other bugs
- Major repairs not done by landlord
- Lost home against my wishes
- I had no problems with my housing

### **Consumer Issues**

Consumer problems may include such things as fraud, scams, and unwanted requests to purchase goods or services. This may also include credit card issues, mortgage issues, and the ability to make payments.

8. In thinking about your experiences as a consumer in the last three years, was there ever a time when you felt that you were cheated or defrauded in the following areas (Check all that apply)?

- Telephone service
- Investments

- Health Care
- Internet/Email
- Home repair/improvement
- Mail order
- Insurance products/services
- Auto/car related
- Medical supplies/equipment
- Other (specify): \_\_\_\_\_
- None of the above. Please skip to Question# 10.

9. How did the company or individual contact you?  
(Check all that apply)

- Telephone
- Magazine, newspaper, or flyer
- Door-to-door
- Product/service advertised on TV/radio
- Mail
- Email
- Other (specify) : \_\_\_\_\_

10. In the past three years, have you had any of the following problems with any of your credit cards (Check all that apply)?

- Unable to pay the monthly minimum payment.
- Significant increase in the monthly minimum payment.
- Improperly charged late fees.
- Continued to be charged for a cancelled card.
- Stolen credit card/identity
- Other (specify): \_\_\_\_\_
- I have no credit card.

11. In the past three years have you filed for bankruptcy?

- Yes
- No
- I am considering filing

12. In the past three years have you had any of your property repossessed?

- Yes
- No

13. Have you had a problem with a bill collector (like harassing phone calls, or repossession threats, etc)?

- Yes
- No

### **Internet Assistance**

Many legal assistance tools can be found online, however do North Carolina's seniors use the Internet as a tool to assist with legal needs?

14. Please indicate how you have used the internet to research answers to legal questions (Check all that apply)?

- I have used the internet to help with a legal problem.
- I searched for an attorney on the internet.
- The legal information I found on the internet helped but did not solve my problem.
- The legal information I found on the internet solved my problem.
- The legal information I found on the internet did not help me with my legal issues.
- I still needed help from a lawyer even after I used the internet.
- I do not use the internet.

### **Legal Needs**

As the need for advance directives increases, the rising numbers of grandparents raising grandchildren and the need for financial advice increases as well, so does the need for attorneys as North Carolinians age. In this section, questions about access to an attorney will be the focus.

15. In the past three years, have you used the services of a lawyer?

- Yes
- No

For what: \_\_\_\_\_

16. Have you needed advice regarding (Check all that apply):

- Divorce
- Separation
- Division of property
- Child or grandchild custody
- Enforcing alimony
- None

17. Thinking about your experiences in the past three years, have you ever thought that you needed advice from a lawyer but did not go to see a lawyer?

- Yes
- No. Please skip to Question# 19.

18. Why didn't you see a lawyer? (Check all that apply)

- Worried about the cost.
- I felt I could solve the problem myself.
- I didn't know where to get a lawyer
- I was embarrassed, afraid, or intimidated to see a lawyer.

- I wasn't sure the problem was legal
- The problem was too minor
- Transportation problems
- Health problems
- I thought nothing could be done about the problem.
- I was advised not to see a lawyer.
- Other (specify) \_\_\_\_\_

19. North Carolina has several organizations that assist elderly and low-income residents with legal needs. Prior to receiving this survey, were you aware of any of the following organizations

- Local Legal Aid Office
- Local Area Agency on Aging
- Bar Association Lawyer Referral Service
- Law School Elder Law Clinics
- I did not know about any of these agencies.

20. Which of the following areas would legal assistance be most helpful (Check the most helpful)?

- Employment (worker's compensation, discrimination)
- Health related (Medicaid or Medicare, improper billing)
- Consumer (home improvement, shoddy goods or services)
- Guardianship or Power of Attorney
- Family matters (divorce, custody, child support)
- Benefits (Social Security, Veteran's Administration)
- Housing (landlord-tenant, foreclosures, evictions)
- Abuse, exploitation, or fraud
- Estate (wills trusts)
- I have no legal assistance needs
- Other (specify): \_\_\_\_\_

21. What legal information and assistance would be the most helpful to you (Check all that apply)?

- Free legal hotline I could call to talk to a lawyer
- Free handbook on common legal questions
- Website with legal information
- Free legal seminars in my area
- Free consumer fraud seminars in my area
- Self-Representation Materials
- Other \_\_\_\_\_

22. When one-on-one direct legal assistance is needed, what would be the most helpful?

- Low-cost or free attorneys
- Free legal hotline
- Referral to a private pay attorney
- Law school clinic
- Fee wills and estate planning services

23. What is your preferred method of accessing legal information?

- Face to face
- Over the phone
- Via internet
- Other: \_\_\_\_\_

### **About You**

The following questions are for classification purposes only and will be kept entirely Confidential.

24. Are you male or female?

- Male
- Female

25. What is your age as of your last birthday? \_\_\_\_\_ (in years)

26. What is your current marital status?

- Married
- Not married, living with partner
- Separated
- Divorced
- Widowed
- Never married

27. What is the highest level of education that you completed?

- Less than 8<sup>th</sup> grade
- 8<sup>th</sup>-12th grade (no diploma)
- High School graduate (or equivalent)
- Post-high school training (no degree)
- Some college or more

28. Which of the following best describes your current paid employment status?

- Employed full-time
- Employed part-time
- Self-employed
- Not employed

Retired

29. Do you care for an elderly or disabled person outside of paid employment?

- Yes. IF YES, how many hours per week \_\_\_\_
- No

30. Including yourself, how many people live in your home?

- 1
- 2
- 3
- 4
- 5 or more

31. Are you of Hispanic, Spanish, or Latino origin or descent? (Response is optional)

- Yes
- No

32. What is your race? (Response is optional)

- White
- Black
- Asian
- Native American/American Indian
- Other \_\_\_\_\_

33. What is your monthly income?

- Less than \$500 dollars a month
- Between \$500 and \$1000 a month
- Between \$1000 and \$1500 a month
- Between \$1500 and \$2000 a month
- Over \$2000 per month

34. What is your total yearly household income?

- \$10,000 - \$20,000
- \$20,000 - \$30,000
- \$30,000 - \$40,000
- \$40,000 - \$50,000
- \$50,000 - \$60,000
- \$60,000 - \$70,000
- \$70,000 and above

Please feel free to write any additional comments

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