

Legal Services and Disaster Assistance for Older Adults

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Legal aid organizations are quickly mobilizing to help older adults impacted by recent hurricanes, wildfires, and volcanoes. Older adults are at an increased risk of disease and death during disasters due to a higher prevalence of chronic conditions, physical disabilities, cognitive impairments, and other functional limitations.¹ Potential limitations in mobility and access to transportation can further exacerbate the challenges older adults face during emergencies.² The Legal Services Corporation's Disaster Task Force has released [a report](#) with recommendations for providing disaster legal aid, and there are many additional resources available to legal aid programs looking to help older adults during and after a disaster.

National Disaster Legal Aid Resource Center

The [National Disaster Legal Aid Resource Center](#) is a centralized resource for legal aid and pro bono attorneys across the country working on legal issues related to all types of disasters. The center is a collaborative effort of Lone Star Legal Aid, the American Bar Association, the Legal Services Corporation, the National Legal Aid and Defender Association, the Texas Legal Services Center, and Pro Bono Net, and includes valuable guides and trainings, such as:

- [Disaster-Related Manuals & Resources by Jurisdiction](#): State-by-State manuals for active disasters, and an archive of resources from other publications
- [Disaster Training](#): Training on FEMA Assistance & Appeals, Disability Rights, Veterans, Housing, Mortgages, and Foreclosures
- [Plain Language Info Sheet](#): Adaptable information sheets for agencies to use when helping disaster survivors

Administration for Community Living: National Preparedness Month

September is [National Preparedness Month](#). ACL created several downloadable materials [with tips](#) on emergency preparation for older adults, people with disabilities, and community-based organizations. The [poster](#) is free to download and available to the public for use.

Federal Emergency Management Agency (FEMA): Disaster Legal Services

In collaboration with the Young Lawyer's Division of the American Bar Association (ABA), volunteer attorneys provide survivors with legal counseling and advice. The [ABA](#) and this FEMA [Fact Sheet](#) provides more information about the program.

1 Centers for Disease Control and Prevention. Identifying Vulnerable Older Adults and Legal Options for Increasing Their Protection During All-Hazards Emergencies: A Cross-Sector Guide for States and Communities. Atlanta: U.S. Department of Health and Human Services; 2012. [cdc.gov/aging/emergency/pdf/guide.pdf](https://www.cdc.gov/aging/emergency/pdf/guide.pdf).

2 Id., citing *We Can Do Better: Lessons Learned for Protecting Older Persons in Disasters*. Washington, DC: AARP; 2006. [assets.aarp.org/rgcenter/il/better.pdf](https://www.aarp.org/rgcenter/il/better.pdf).

Centers for Disease Control: Identifying Older Adults and Legal Options for Increasing their Protection

This [CDC guide](#) offers public health officials, the Aging Services Network, emergency management personnel, and other partners' strategies to improve planning and protection for older adults during emergencies. The guide includes a summary of relevant legal authorities that form the basic foundation for disaster preparation, including relevant sections (306-307) of the Older Americans Act.

Medicare & Medicaid

Centers for Medicare & Medicaid Services (CMS)

CMS provides information on waivers and flexibilities for hospitals and healthcare facilities, [special enrollment opportunities](#), lost medical equipment, and other issues that beneficiaries may have. This information and additional resources are available on the agency's [Emergency Preparedness and Response Operations page](#).

Medicaid and CHIP (MAC) Learning Collaborative

The [Disaster Preparedness Toolkit for State Medicaid Agencies](#) is a toolkit geared for state agencies on strategies to employ during a disaster, such as allowing self-attestation for Medicaid eligibility, increasing eligibility levels for specific categories, adopting presumptive eligibility for eligible populations, and extending redetermination timelines. The [full toolkit](#) includes relevant legal authority and state examples for each strategy.

Medicare's Guide to Receiving Care in a Disaster or Emergency

Medicare has several informational sheets on receiving care and services during a disaster, with guidance on:

- [Getting care and drugs in a disaster or emergency](#)
- [Getting prescriptions in disaster or emergency](#)
- [Seeing your doctor in a disaster or an emergency](#)
- [Replacing lost equipment in a disaster](#)

Consumer Protection: Avoiding Fraud and Handling Debt Issues

Older adults can be targets for fraud, and unfortunately, during times of crisis, potential for fraud and identity theft can increase. Older adults should be alert for phony requests for post-disaster donations and identify theft. Additionally, individuals may face debt issues as a result of a disaster due to loss of income or lack of access to their accounts. Here are some fraud protection and consumer protection resources:

- US Department of Justice: [how to report fraud](#) and [identity theft](#)
- Federal Trade Commission: [phone scams and what to do](#), [10 things you can do to avoid fraud](#), [email phishing](#), and [identity theft](#)
- Better Business Bureau: [finding trusted contact information for charities](#)
- Department of Homeland Security: [information on helping disaster survivors](#)
- National Consumer Law Center: [Weathering the Financial Storm After a Natural Disaster](#)

Housing: Helping Older Homeowners

Older adults in disaster areas may face housing-related issues. Here are some resources for assisting with housing-related matters:

- The [National Center on Law and Elder Rights](#) produced a webinar training on [Assisting Older Homeowners after a Natural Disaster](#). Attorneys from the National Consumer Law Center and Lone Star Legal Aid presented advice for attorneys working with older adults as they recover post-disaster. The webinar [recording](#) and [Chapter Summary](#) have more information.
- National Consumer Law Center: [Obtaining Mortgage Relief for Survivors of Disasters: A Practice Guide for Advocates](#).
- Consumer Financial Protection Bureau: [Your Reverse Mortgage After a Natural Disaster](#).

Please contact ConsultNCLER@acl.hhs.gov for free case consultation assistance. Sign up for our email list and access more resources at NCLER.acl.gov.