Issue #7

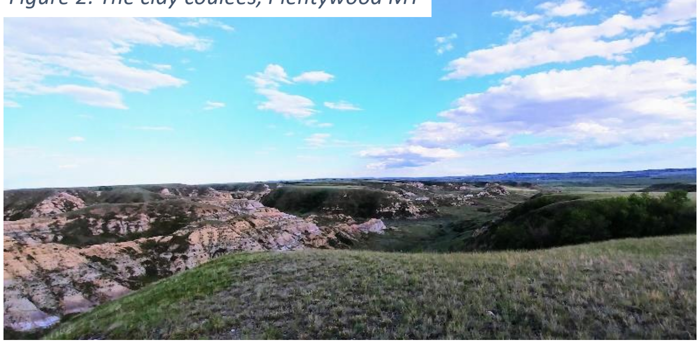
Senior Defense Newsletter

Figure 1: Gates of the Mountains Wilderness Area, Helena MT

The Senior Financial Defense Grant is a project undertaken by the Legal Services Developer Program within the Senior and Long-Term Care Division at the state of Montana. Its goal is to effectively address the needs of victims of financial exploitation in Montana, through victim services, enhanced reporting, training, and education. This newsletter is going out to committee members, former trainees, and friends of the project. Whatever your role, we are thrilled to involve you in this important endeavor and welcome your feedback and participation.

This is the 7th quarterly newsletter. Whether you signed up at a training, clinic, or at a presentation, we are happy you have taken an interest in our project and we are excited to tell you about our recent progress.

Figure 2: The clay coulees, Plentywood MT



Guardianship Webinar Series

Our series of webinars addressing guardianships in Montana, and in the United States as a whole, has concluded. The webinars were funded by the Senior Financial Defense Grant, as adults under guardianships are common victims of financial exploitation. The webinars were hosted by the State Bar of Montana and were made available to bar members for a nominal fee. Participants from partner organizations, the Public Defender's Office, and any professionals that requested, were all permitted to attend for free. The webinars were accredited for Continuing Legal Education credits, totaling 7 hours if each webinar was attended. The webinars and their accompanying toolkit will be added to the DPHHS: Legal Services Developer Program's website shortly.

Kelly Moorse Memorial Documents Clinics

Unfortunately yet understandably, we were forced to cancel our first few legal clinics that we had planned for the 2020 season. After the governor released information on Phase 2 of the reopening, we were given the green light to continue our clinics. We quickly rescheduled the Plentywood training and clinic for June 11-12, which was a great success. We served 20 seniors initially, with another 3 being helped via phone clinics following the live clinic.

Our clinic was highly reviewed; volunteers unanimously reported that they were "extremely satisfied" with the clinic experience (no suggestions for improvement). Out of the 13 participants who evaluated our clinic, 10 answered "Extremely Satisfied" and 3 answered "Satisfied." Their suggestions for improvement were to urge participants to think more about how they want to distribute their estate (before the clinic) and to provide more time for participants at the end of their appointment, as they felt a little rushed. We will address these issues and make any needed changes before our next clinic.

One of the most exciting changes we've made to the clinic setup is a local router connection (doesn't need WiFi) that allows us to print wirelessly to the clinic copiers. This allows us to replace the cumbersome individual ink jets which were constantly problematic and expensive to maintain. The new system utilizes our copiers which run off toner as opposed to ink, lowering our costs.

Figure 3: Backcountry bathtub (water tank for cattle), MacDonald Pass MT

The other changes we have made to our clinic process are in response to COVID-19. We are conducting stationary appointments, meaning we bring the notary to the seniors, bring them their printed and copied documents, and provide snacks in individually packaged bags. In this way, seniors don't have to move to different stations, limiting the risk of possible exposure or spread. We are also utilizing plexiglass sneeze guards, wearing masks, providing hand sanitizer at each station, and sanitizing the stations in-between appointments. We hope to purchase disinfecting UV lights for our cell phones and electronics, and we plan to utilize live-transcribing apps so that those that are hard-of-hearing will have a visual aid (masks and sneeze guards only makes hearing more difficult).

Our next clinic is planned for July 22nd and 23rd, with a training planned the day before on July 21st, in Great Falls. For details about the clinic, check out the fliers posted on our website at https://dphhs.mt.gov/sltc/aging/legalservicesdeveloper. All of the same precautions will be taken to prevent the spread of the COVID-19 virus, and we are monitoring the active cases in Cascade County. If it is deemed too dangerous to host the clinic, we will have to cancel or postpone.

The Emigrant clinic will be hosted at the Emigrant Town Hall on August 19-20 and the Helena Clinic will be hosted at the First Presbyterian Church on September 9-10. Information about both clinics will be available on our website or can be requested from the Project Coordinator (Richard.heitstuman@mt.gov).

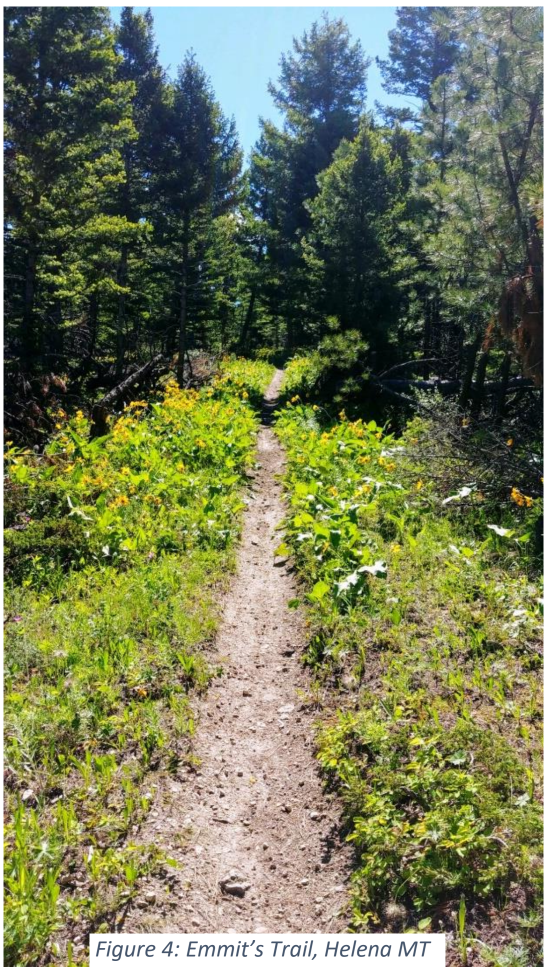


Figure 4: Emmit's Trail, Helena MT

New Document Templates

We have added to our collection of legal tools by digitizing two new templates, the Affidavit of Death and the Affidavit for Collection. Though these aren't frequently needed documents in the clinic setting, we do come across situations requiring them. They will also prove useful for the legal professionals that run the Legal Services Developer Program's Legal Advice Hotline.

Memos for the Public and Professionals

While we were unable to host all of the legal clinics, this doesn't mean we stopped working for the seniors of Montana. We produced multiple memos for seniors and the professionals that work with them. The first was a memo called "Resources for the Public During the COVID-19 Outbreak," which talked about the services provided by the Legal Services Developer Program, Adult Protective Services, Montana Legal Services Association, Montana Coalition Against Domestic and Sexual Violence, and the COVID-19 Hotline. This was sent out via the home-delivered meal programs across the state.

The next memo was titled "Scams Related to COVID-19: Protect Yourself from More than the Virus." This was shared with the Area Agencies on Aging to be distributed to senior centers. It provided the details of common scams that pop up during disasters.

The next memo, called "Stimulus payments belong to the recipient, not the nursing home," was intended for Ombudsman and the family of patients in nursing homes/assisted-living facilities. The memo provides information on Electronic Impact Payments (EIPs) and nursing homes'/assisted-living facilities' obligation to release them to the recipient rather than keeping them to cover facility costs. It also details how a Representative Payee might deal with a Payee's EIP.

The final memo is intended for seniors and is called "Haven't received your stimulus payment?" It details how to find out the status of one's stimulus payment as well as what to do if one wasn't received. Both memos were shared with the Ombudsman program as well as with the Area Agencies on Aging Directors.

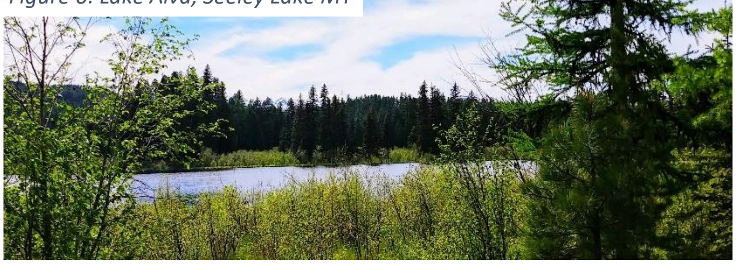
Figure 5: Mnt. Helena Ridge, Helena MT

If you would like a digital copy of any/all of the memos created by our program, please reach out to the Project Coordinator (Richard.heitstuman@mt.gov). Please share them with whomever you think could benefit from them.

A New Team Member

We are excited for our current AmeriCorps Member, Ryce Pierzina, to start her next chapter in life. We will be sad to see her go however, as she proved herself to be a reliable and important part of our team. Luckily, we have found another fantastic individual to fill the position. We have offered the job to Akemi Nakagawa, an AmeriCorps Member who will be starting with the project this fall. We are excited to work with her and see what new perspectives she brings to the project.

Figure 6: Lake Alva, Seeley Lake MT



The State of Affairs

Unfortunately, wherever money goes, crime is sure to follow. The recent wave of Electronic Impact Payments (EIP) has attracted scammers as well as greedy businesses. It is important that seniors and their families know their rights with regards to their EIPs.

Nursing homes and assisted living facilities should deposit the EIP in the recipient's account. They cannot keep the payment, as it is an advanced tax credit; it is not income or an asset that can be counted. Seniors and their families have the right to ask nursing homes and assisted-living facilities if the senior in question has received their EIP and what they plan to do with it.

EIPs cannot be counted when determining the eligibility for any federal assistance programs, including Medicaid and Social Security, for 12 months.

For more information about EIPs, check out the IRS's recent memo, IR 2020-121.

The SSA has advised that EIPs belong to the recipient, even if they have a representative payee (RP). They suggest RPs discuss the EIP with the recipient and find out how they would like to use it. The RP has no obligation to assist with the EIP, nor do they have the right to spend or retain it.

For more information about EIPs and representative payees, check out the SSA's article, https://www.ssa.gov/coronavirus/#reppayee.

The IRS has tools available to assist individuals with the EIP process. To find out the status of your EIP, use the My Payment tool at https://www.irs.gov/coronavirus/get-my-payment.

If you did not file taxes in 2018 or 2019, use the Non-Filer Tool to enter your information.

Go to https://www.irs.gov/coronavirus-tax-relief-and-economic-impact-payments for more information.

Until Next Time

That's all for now. The next newsletter will be sent out in October of 2020. If you need to contact the Senior Financial Defense Grant for any reason, you can reach out to the Project Coordinator, Richard Heitstuman, at Richard.heitstuman@mt.gov or you can call the Legal Services Developer, Katy Lovell, at 406-444-7787.

Figure 7: Helena from the Wakina Sky Trial, Helena MT