

# [Representing Clients in Guardianship](#) [Actions: Winning the Case for Supported](#) [Decision Making](#)

Supported Decision-Making is an alternative to guardianship where older adults and people with disabilities work with trusted friends, family members, and professionals to help them understand the situations they face and the choices they must make so they can make their own decision, without the need for a guardian.

This webinar will help you learn how to “win the case” for Supported Decision-Making at three critical stages: (1) when helping the people you work with access supports and services to live independently; (2) when a petition for guardianship has been filed; (3) and when the person you're working with is under a guardianship.

Speakers: **Jonathan Martinis** (Legal Director, Quality Trust for Individuals with Disabilities and Project Director, National Resource Center for Supported Decision-Making) and **Dr. C. Rick Ellis** (Licensed Clinical Psychologist and Forensic Psychologist at Spectrum Psychological and Forensic Services).

This webinar is a sequel to [The Fine Art of Balancing Protection with Self Determination](#) (September 22, 2015).

Additional sponsorship for this Webinar is provided by a grant from the Administration on Aging/Administration for Community Living. This webinar is part of a series of National Elder Rights Training Project/Elder Abuse Prevention webinars for the National Legal Resource Center.



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## [The Fine Art of Balancing Protection with](#) [Self Determination](#)

Research shows that empowering individuals to actively participate in personal decision making improves life outcomes and can reduce the risk of abuse and exploitation. There is a risk of abuse and exploitation in all models of decision making for persons with differing abilities. An overly protective response to situations where a person with varying levels of capacity may be at risk can stifle self-determination and empowerment. Protection needs to be carefully balanced with protecting human and constitutional rights. Adults have a basic right to make choices, good or bad, and determine the course of their lives. An overly aggressive, or inappropriate protective response to limited capacity can itself be a form of abuse. This session will talk about recognizing the signs

and signals of abuse, neglect (self-neglect) and exploitation, tools to maximize communication with persons with differing abilities, and promoting self-determination and choice through supported approaches that mitigate against risk and empower individuals. The session will explore the application of the Supported Decision Making model to assist persons in making choices, increase access to positive life outcomes, and reduce the risk of harm.

Presenters: **David Godfrey** (Senior Attorney, American Bar Association Commission on Law and Aging) and **Jonathan Martinis** (Legal Director, Quality Trust for Individuals with Disabilities)

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## [Helping Elders and Communities of Color to Pay for Voice and Internet Service: An Overview of the Federal Lifeline Program](#)

Come and learn about the federal Lifeline program, which was established to ensure that low-income households are connected to the modern communication network. Learn about the importance of this program for elders and communities of color as the program, which focuses on helping households afford phone service, is in the midst of a “reboot” to include internet access. This session will cover the basics about the Lifeline program as well as the current rulemaking to modernize the program to include broadband service. We will also touch on other federal initiatives to connect low-income households, including elders and communities of color, to affordable, essential voice and internet service.

Speakers: **Michael J. Scurato**, Vice President, Policy (National Hispanic Media Coalition); **Julie Nepveu, Sr.** Attorney (AARP Foundation Litigation) and **Olivia Wein**, Lead Telecom Project Attorney (National Consumer Law Center)

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## [The Benefits and Challenges of Older Adults Aging in Place in Manufactured Housing Communities](#)

Thousands of older adults with modest financial resources live in manufactured housing communities. These naturally occurring retirement communities provide a safe physical and socially active environment that enable older adults to successfully age in place. Elders, however, risk displacement when the community is closed or rents are increased beyond an affordable level. This webinar will discuss the benefits and challenges that older adults face as residents of manufactured housing communities as well as policies and practices that can support their community.

**Presenters:** Ishbel Dickens (Executive Director, National Manufactured Home Owners Association), Andrée Tremoulet (Research Associate and Adjunct Assistant Professor, Portland State University), Odette Williamson (Staff Attorney at National Consumer Law Center)

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## [U.S. Department of Justice and Fraud Schemes Targeting Older Americans](#)

Attorneys from the Department of Justice's Consumer Protection Branch will describe fraud schemes targeting older Americans, including Jamaican lottery scams and large-scale psychic schemes. The crimes, perpetrated through mass mailings and telemarketing, affect hundreds of thousands of U.S. consumers. Presenters will describe how the scams contact victims, the manner in which they operate and the Consumer Protection Branch's interception and prosecution efforts. The webinar will also address tips on how to avoid the scams and improve prevention efforts.

Presenters:

**Rich Goldberg** (Assistant Director, U.S. Department of Justice, Consumer Protection Branch); **Kate**

**Drenning** (Trial Attorney, U.S. Department of Justice, Consumer Protection Branch); **Ann Entwistle** (Trial Attorney, U.S. Department of Justice, Consumer Protection Branch)

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## [Debt Relief Services Aren't Just for Kids Anymore](#)

Older adults are increasingly entering retirement with large amounts of unsecured debt. Whether student loans or credit cards, the pressure of trying to pay these bills on a limited income makes older adults susceptible to debt relief scams. Debt relief services advertise supposedly painless ways to make your bills go away. But they often leave their customers in deeper trouble. This webinar will survey some common debt relief scams and the laws regulating them.

Presenter: **Andrew Pizor**, Staff Attorney at the National Consumer Law Center

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There is no charge for this webinar.

If you have any questions email [trainings@nclc.org](mailto:trainings@nclc.org)

After registering, you will receive a confirmation email containing information about joining the webinar.



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## [Supporting Grandfamilies](#)

Grandfamilies or kinship families are raising 2.5 million children, and a fourth of all children in

foster care. Grandparents, other extended family members and close family friends step forward, often at a moment's notice, to raise these children. Research shows that the children fare well. They have more stability, less trauma, and a greater sense of stability than children raised by non-relatives. Although there are many benefits, acknowledged through federal law and its preferences for relative placements and connections, there are still many challenges. Relatives are often not told of their placement and legal options, and the benefits and services that can correspond with those options. They also may have trouble accessing school enrollment and health care for the children. This webinar will address the strengths and challenges of grandfamilies both inside and outside the foster care system. We will explore relevant federal laws, state care and custody options, and benefits and services. Attendees will come away with practical tools and resources to better serve grandfamilies.

Presenters: **Ana Beltran**, Special Advisor and Attorney, Generations United. Moderated by **Jerry Battle**, Staff Attorney at the National Consumer Law Center

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## [Part 1: Litigation and Other Strategies to Help Reverse Mortgage Surviving Spouses](#)

Advocates representing widows or widowers that were left off of a reverse mortgage loan taken out by their spouses have been struggling to keep foreclosure at bay. While the Plunkett litigation is ongoing, HUD has long promised a solution addressing this issue for all non-borrowing spouses. With the issuance of Mortgagee Letter 2015-03, it is clear that for most surviving spouses, HUD is extending only the "Mortgagee Optional Election," wherein the mortgage servicer may assign the mortgage to HUD only if the spouse passes the Principal Limit Factor test. However, surviving spouses who have obtained a court order declaring the HUD regulation invalid as to them have been offered the alternative "Hold Election," where the servicer can delay foreclosure indefinitely and then assign the loan to HUD when it reaches 98% of the Maximum Claim Amount. This alternative does not require a spouse to pass the Principal Limit Factor test. Hear from attorneys who are litigating these cases about crafting pleadings, litigation strategy, and opportunities to resolve these cases in a way that keeps widows in their homes. We will also explain how to calculate the Principal Limit Factor test in order to determine whether the Mortgagee Optional Election is a viable option for your client.

**Presenters:** Sarah Bolling Mancini (National Consumer Law Center), Odette Williamson (National Consumer Law Center), Rachel Scott (Atlanta Legal Aid Society, Inc.)

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## [Involuntary Transfer and Discharge from Nursing Homes: Prevention, Advocacy, and Appeals](#)

Discuss strategies and best practices for preventing and advocating for residents facing involuntary discharge from a nursing home. Consider how those strategies, best practices change/stay the same if the resident is in assisted living. Review best practices for supporting residents and families, identifying legal support, appealing discharge notices, and more.



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## [Exploring Ethical Challenges of Legal Services Working on Elder Abuse Issues](#)

Increasing national focus on elder abuse and a push for greater legal services involvement, particularly in the area of financial exploitation, have led to a number of difficult ethical challenges. This webinar will examine: Ways in which ageist attitudes have shaped states elder abuse laws and how these attitudes - often unconscious - affect our approach to elder abuse, especially when clients are of questionable capacity; The critical need to establish and put in place, clear policies/protocols to guide involvement in abuse/exploitation cases and to ensure adherence to professional responsibilities, before legal programs get involved; and applying the policies/protocols and dealing with ethical challenges while working with elders and their families/third parties in the field.

**Presenters:** Penny Hommel, Co-Director, The Center for Social Gerontology, Jaye Martin, Executive Director, Maine Legal Services for the Elderly and Denis Culley, Staff Attorney, Maine Legal Services for the Elderly



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