



# THE LEGAL SERVICES SENTINEL

Volume 2, Issue 2  
Summer 2007

## Legal Services of North Dakota Senior Edition

### Senior Legal Helpline

Legal Services of North Dakota (LSND) and the Aging Services Division of the North Dakota Department of Human Services are partnering on a project to develop an enhanced senior legal services delivery system. This system will allow seniors to have telephone access to senior legal services programs provided by LSND, the State Bar Association of North Dakota (SBAND), and the University of North Dakota School of Law Clinic Education Program through one simple toll-free number. LSND will promote the use of the helpline with particular efforts toward Native American, immigrant, and rural and disabled seniors.

If you are age 60 or older, are assisting someone who is 60 or older with a legal question,

legal problem or need directions on where to find legal help, Call Monday through Friday 8 a.m. – 5 p.m. Central Time

**1-866-621-9886**

**This service is free!**

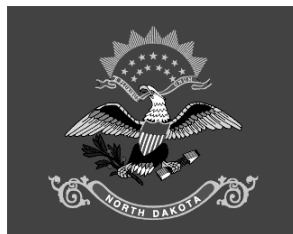


Inside This Issue:	
From the Top	2
Elder Law	3
SBAND Legal Services	3
Senior Medicare Patrol	3
Indian Trust lands/Wills	4
AARP—80,000 Strong	5
Identity Theft	6
Impact of SSA	7
SHIC—Making Sense	8
Dementia	9
Health Maintenance	10
Defining Senior	11
Foster Grandparents	12
New Arrivals	13
Elderly Immigrants	15
LSND Board	17
LSND Staff	17
Senior Companion	18
Outreach Calendar	19

### Pride in North Dakota

North Dakotans have a certain pride about their state, and this issue features pictures of special things of North Dakota. Can you find within these pages the following items:

- State Bird: Page \_\_\_\_\_
- State Flower: Page \_\_\_\_\_
- ND Quarter: Page \_\_\_\_\_
- State Flag: Page \_\_\_\_\_
- State Fish: Page \_\_\_\_\_
- Old Four Eyes: Page \_\_\_\_\_
- ND License Plate: Page \_\_\_\_\_
- State Capitol Bldg: Page \_\_\_\_\_
- Iron Crosses: Page \_\_\_\_\_
- Earth Lodges: Page \_\_\_\_\_
- ND Elevators: Page \_\_\_\_\_



# A View from the Top

By Jim Fitzimmons, LSND Executive Director

This, the third issue of the Legal Services of North Dakota Sentinel, covers multiple topics facing elderly North Dakotans. Funding from the Bush Foundation and the Aging Services Division of the North Dakota Department of Human Services (through an Administration on Aging grant) made this publication possible.

As you read through the Sentinel, you will see that a wide variety of organizations that provide help and assistance to elderly North Dakotans contributed information they thought was important for seniors and their families to be aware of.

I want to thank those organizations as well as our Editor Audrey Solheim, Attorney Ed Reinhardt, and Paula Messmer (now with the Dacotah Foundation) who were responsible for putting this publication together. Also thanks to Lynne Jacobson, of Aging Services, for her advice.

I would like to again point out that Legal Services of North Dakota operates a Senior Legal Helpline throughout the state of North Dakota. There is information in the Sentinel that explains the helpline in more detail. Funded by the North Dakota Department of Human Services, Aging Services Division, with an

Administration on Aging grant, LSND's Senior Legal Helpline is located in Minot, North Dakota and is under the direction of Attorney Richard LeMay. Rich has a dedicated staff of four who assist him regularly with the operation of the helpline. Thanks to modern technology, our attorneys in Bismarck and New Town are also able to serve as "attorney for the day" in this important effort.

One of the benefits of the LSND senior helpline is the immediate access to information. When someone calls the helpline on an issue Tom Masa is not real familiar with, he can access an LSND attorney almost immediately via cell phone, IP phone, email, popup, or just walking down the hall to Carrie Francis on days Rich LeMay is not available.

One of our goals is to try and provide accurate information in a timely fashion. Modern technology has made that possible. For seniors, they just need to call the toll-free number **1-866-621-9886** and talk on the phone. They don't have to push buttons or worry about the technology. That is all taking place on our end. I just wish my credit card and cell phone companies still operated like that. Have a nice summer.



Native American Earth Lodges

# Elder Law Issues

by Carrie Molander, SBAND

The State Bar Association of North Dakota's Civil Legal Assistance program helps North Dakotans of all ages gain access to legal services. Among those with some of the most challenging problems are the elderly.

MeDonna Fryer, Civil Legal Assistance Specialist for SBAND, says health care, wills and guardianships are among the issues about which the elderly contact her. "One client had been moved out of the hospital, sent directly to a nursing home without being consulted, and was told she would never return to her home," recalls Fryer. "Another was estranged from her children and had been assigned a guardian, whom she didn't know and would not listen to her concerns. There was no communication; she felt her home had become a prison."

In another case, an elderly immigrant who lacked proficient English skills was seeking a divorce and didn't know where to turn. Fryer says she worked with him through an interpreter to put him in touch with a lawyer who was able to help.

"This man didn't even have his own transportation," she says, "and the lawyer offered to go to his home for meetings. The kindness of many of the lawyers who work with these clients is very touching. There is a real spirit of caring among them."

SBAND Civil Legal Assistance consists of the Volunteer Lawyer Program and the Lawyer Referral Program. "In most of the contacts we get from the elderly, these people do not know where to turn. They are reaching out for help," says Fryer.

She says the greatest satisfaction of working with the people who contact the SBAND Civil Legal Assistance program is being able to gain their trust and provide help. "It is very gratifying if they can find hope and believe in our legal system."

SBAND Civil Legal Assistance can be reached at 1-866-450-9579.

## Senior Medicare Patrol

by Linda Madsen, ND SMP

In July 2006, the North Dakota Center for Persons with Disabilities (NDCPD) at Minot State University was awarded the Senior Medicare Patrol (SMP) project. This is a three-year grant funded in part through the U.S. Administration on Aging (AoA). SMP projects train retired professional volunteers to help their peers become better health care consumers.

The SMP project provides products and services to ND seniors that promote understanding of Medicare and Medicaid program benefits. Volunteers work to educate North Dakota seniors about the importance of reviewing their Medicare notices to identify billing errors, as

well as potentially fraudulent activity. Program volunteers also encourage seniors to make inquiries to the SMP project when such issues are identified, so that the project may ensure appropriate resolution or referral.

If you are interested in one-on-one or group training sessions, becoming a volunteer, or would like further information about what you can do to protect yourself, your family, and your neighbors from Medicare and Medicaid fraud and abuse, contact Linda Madsen, Project Director or Heather Lee, Training and Volunteer Coordinator at 1-800-233-1737.

# Indian Trust Lands and Wills

By Legal Services of North Dakota

For many years the Bureau of Indian Affairs assisted Native Americans with the preparation of wills. The focus of this effort was trust lands held by Native Americans as a result of the General Allotment Act and later inheritance. Despite these efforts, Indian trust land has been fractionated to the point where it has become a serious problem in Indian country. Unfortunately some tracts of land have hundreds, even thousands of heirs. Utilization of the land is severely restricted and the income to the owners is minimal.

In April of 2006, the Bureau of Indian Affairs officially stopped writing wills and accepting new wills to store for safekeeping. The Bureau of Indian Affairs still assists Native Americans

with gift deeding trust lands, life estates, and the sale of trust property.

Legal Services of North Dakota now writes trust land wills for low-income Native American clients. LSND tries to provide help for people who want to make provisions to leave their interests in Indian trust lands to others following their death.

Anyone with questions on Indian trust land wills can contact Legal Services of North Dakota at:

Central Intake:	1-800-634-5263
Senior Helpline:	1-866-621-9886
Spirit Lake:	1-701-477-3710
Turtle Mountain:	1-701-477-3710
Fort Berthold:	1-701-627-4719



Summer Rodeo

# AARP: 80,000 Strong in North Dakota

By Lyle Halvorson, AARP ASP Communications

AARP is the leading nonprofit, nonpartisan membership organization for people age 50 and over in the U.S. The association has more than 80,000 members in North Dakota and 38 million nationwide.

AARP is dedicated to enhancing the quality of life for people as they age. AARP's mission is to lead positive social change while delivering value to members through information, advocacy and service. AARP also provides many member benefits, products and services.

The North Dakota state office focuses on advocacy, member education, and communications, including:

- Advocating on legislative and consumer issues.
- Engaging members in community service.

AARP North Dakota's priorities include:

*Divided We Fail* – Demanding solutions to affordable health care and retirement security issues from candidates, elected officials, and business and civic leaders.

*Home- and Community-Based Services* – Balancing our system of long-term care so North Dakotans have more choices, including resources and supports that allow people to live in their own homes and their own communities longer; and making access to services consumer-friendly so families have reliable, consistent information on all care choices available.

*Retirement Security* – Educating individuals about the need to save more and effectively manage adequate retirement assets.

*Prescription Drugs* – Educate members on the wise use of prescription drugs and support legislation to make prescription drugs more affordable.

*50+ Workers* – Educating employers on the value of recruiting and retaining workers ages 50 and older.

*Livable Communities* – Working to address issues surrounding the housing and mobility needs of North Dakota's aging population.

## **Ongoing Community Service Programs**

*Driver Safety Program* – Classroom driver improvement course specifically designed for motorists 50 and older. Classes are held across the state on an ongoing basis.

*Tax-Aide* – Free tax return preparation for middle- and low-income taxpayers.

## **Volunteering with AARP**

AARP's commitment to volunteer service first grew from the vision of founder, Dr. Ethel Percy Andrus. Her motto, "to serve, not to be served," helped shape AARP's volunteer efforts as a means of achieving a positive impact on society. In North Dakota, volunteers engage in advocacy efforts and community service programs such as Day of Service, Tax-Aide, Driver Safety, Faith in Action and the ombudsman program. To learn about these and volunteer opportunities, contact the state office.

## **Member Services and Discounts:** AARP

members can take advantage of many services and discounts, including:

- Automobile and homeowners insurance
- Medical, dental, vision and long-term care insurance; Life insurance
- Travel discounts; Investment programs
- Credit card services, Motoring plan
- Legal services

The full menu of member benefits can be found at [www.aarp.org](http://www.aarp.org).

For more information on AARP North Dakota, go to [www.aarp.org/nd](http://www.aarp.org/nd). The AARP North Dakota state office is located at 107 W. Main Ave., Suite 125, in Bismarck. The telephone number is 866-554-5383; or e-mail [aarpnd@aarp.org](mailto:aarpnd@aarp.org).

# New Law Puts Freeze on Identity Theft

By Lyle Halvorson, AARP

“Robbery without using a gun.” That’s how David Feakes of Fessenden describes identity theft — and he should know. Ten years ago, a man living 180 miles away in Moorhead, Minn., stole Feakes’ identity.

How did the thief do it? In 1997, he read a newspaper obituary for Feakes’ brother that included his mother’s maiden name. With that one crucial piece of information, the thief was able to get a copy of Feakes’ birth certificate, which he used to obtain a driver’s license with Feakes’ name (but the impostor’s photo) as well as Feakes’ bank account numbers. He used the numbers to complete a credit application for a new pickup. The impostor also opened a checking account at a bank in Sioux Falls, S.D., and proceeded to write more than \$20,000 in bad checks.

Feakes only began to realize how serious the problem was when he went Christmas shopping and his checks were refused. “It was very humiliating,” he said. He has since made countless telephone calls, written scores of letters and spent about \$2,000 to clear his name. Yet even a decade later, the theft affects him: Feakes is an avid hunter, but if he tries to buy a hunting rifle, the background check shows him as a convicted felon.

Identity theft is an epidemic. Every day an estimated 27,000 Americans become targets. That’s almost 19 new victims every single minute and nearly 10 million annually.

This year, North Dakota became the 27th state to pass a law that lets consumers restrict access to their credit files to stop thieves from opening fraudulent accounts in their name.

North Dakota Attorney General Wayne Stenehjem called the law the most important piece of consumer legislation approved by the 2007 Legislature.

AARP North Dakota was a strong advocate for the measure. Said Linda Wurtz, AARP North Dakota’s advocacy director, “This legislation will help every person in North Dakota, not just AARP members, protect their credit.”

For a \$5 fee paid to each of the three credit reporting companies (Equifax, Experian and TransUnion), consumers have the option to place a “freeze” on their credit files, restricting access to their information unless they personally lift the freeze using an identification number or password. Businesses will generally refuse to open new accounts without first looking at your credit report or score — so if you request to have your credit files locked, an impostor won’t be able to apply for credit or open a new account in your name.

“There are a lot of people out there looking to get hold of your information,” Feakes said. “Once they get it, they can run almost anywhere with it.”

To learn more about protecting yourself against identity theft, go to [www.ag.nd.gov](http://www.ag.nd.gov) and click on the Consumer Protection link. Or, call the North Dakota Attorney General’s Consumer Protection Division at 701-328-3404, or toll-free at 800-472-2600.



# Impact of Social Security Administration

By Howard I. Kossover, SSA Public Affairs Specialist



Social Security benefits have a huge impact across North Dakota and the nation. As of December 2005, eighteen percent (18%) of the entire North Dakota state population, all people – all ages, and 94.3% of those age 65 and over received a monthly Social Security benefit.



*Western Meadowlark*

This compares nationally to 15.9% of the entire population and 90.3% of those age 65 and over. This includes SSA retirement, survivors, and disability benefits.

Combining all three benefit types, this amounts to 114,712 people receiving benefits and \$98,652,000 coming into the North Dakota economy every month. While important for all of North Dakota, this monthly income takes on additional significance in our more rural counties, especially where there has been significant outward migration.

Including the retiree as well as eligible spouses and children, about 72% of the people receiving Social Security in North Dakota as of December 2005 received retirement benefits, payable from age 62. This figure does not include elderly widows and widowers receiving survivor benefits because of the death of a spouse.

Social Security also administers the separate, income and resource based, Supplemental Security Income (SSI) program for people at least age 65, disabled children and disabled adults.

As of December 2005, approximately 1,812 North Dakotans age 65 or older received SSI each month. Some of these people also received Social Security benefits.

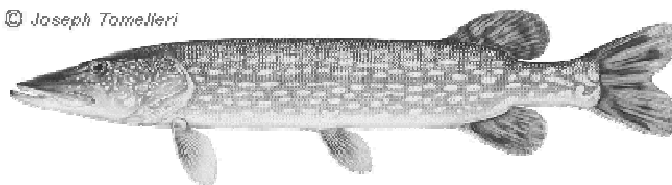
Visit the Social Security Administration website, [www.socialsecurity.gov](http://www.socialsecurity.gov), or go directly to:

[http://www.ssa.gov/policy/docs/statcomps/oasdi\\_sc/index.html](http://www.ssa.gov/policy/docs/statcomps/oasdi_sc/index.html) for information about Social Security benefits in North Dakota by county and in other states.

SSI data is at [http://www.ssa.gov/policy/docs/statcomps/ssi\\_sc/index.html](http://www.ssa.gov/policy/docs/statcomps/ssi_sc/index.html).

You can contact the Social Security Administration in several ways. Visit the SSA website at [www.socialsecurity.gov](http://www.socialsecurity.gov) for general information. Call the SSA national toll-free number 800-772-1213 (TTY 800-325-0778) between the hours of 7:00 am – 7:00 pm for information about your benefits or to make an appointment, or you can contact your local office.

© Joseph Tomelleri



**State Fish: Northern Pike**

**Scientific Name: *Esox lucius***

# Making Sense of Medicare

Cindy Sheldon, Director, SHIC Program

Let's face it—Medicare can be complicated and confusing. However, the Senior Health Insurance Counseling (SHIC) program is ready to help Medicare beneficiaries understand everything they need to know about Medicare, Medicare Part D, Medicare Advantage plans, and long-term care insurance.

Here are a few tips that may be helpful:

**The Donut Hole** - Right now, some people with Medicare Part D plans may be in the 'donut hole' or about to enter the 'donut hole'. The term 'donut hole' is used to describe the portion each beneficiary has to spend out of their pocket before they will be eligible for coverage again from their Part D Plan. It is important to know that help may be available for beneficiaries in this situation. Certain Prescription Assistance Programs (PAPs) may assist Medicare beneficiaries with free or reduced-cost prescriptions. Not all prescriptions are covered and all beneficiaries may not be eligible.

**Low Income Subsidy** - Medicare beneficiaries with limited incomes, who are eligible for the Low Income Subsidy (LIS) may sign up for a Part D plan at anytime during the year and may be eligible for reduced premiums, deductibles and co-payments. For 2007, income/asset limits are single-\$15,315/\$11,710 and married—\$20,535/\$23,410. Applications to receive the extra help are available from the Social Security Administration: Call 1-800-772-1213 or visit their website at [www.socialsecurity.gov](http://www.socialsecurity.gov)

**Dual Eligibles** - Medicaid eligible beneficiaries or individuals who are LIS eligible must remember to contact their Part D plan if they experience any substantial changes in their income that may affect their eligibility. If eligibility is lost, beneficiaries are not automatically dis-enrolled from their plan and may be responsible for premiums that they previously were not paying.

**Medicare Advantage Plans** - Advantage Plans are different than traditional Medicare--they affect payment of medical claims and alter the beneficiary's out-of-pocket expenses. If a beneficiary decides that a Medicare Advantage Plan is right for them, they must contact their supplement plan and Part D plan to ensure they are dis-enrolled. In addition, the beneficiary should verify whether they can be re-admitted to the supplement and Part D Plan if the Advantage Plan is not satisfactory for them.

**Open Enrollment** – Every year between November 15 and December 31, Part D recipients have an opportunity to switch plans. During this time period, beneficiaries can either use the "Plan Finder" at [www.medicare.org](http://www.medicare.org), call 1-800-MEDICARE or SHIC to submit their current prescriptions and determine which plan may suit them best.

See SHIC, page 9





# Early Recognition of Dementia

By Kristi Pfliger Keller

Western ND Regional Center—Alzheimer’s Ass’n—MN ND Chapter

We have all experienced what we jokingly refer to as a “*senior moment*.” Forgetting where you parked your car, encountering an acquaintance and being embarrassed by an inability to recall his or her name, or walking into a room and forgetting the task that spurred your reason for being there in the first place. These are all experiences to which most of us can relate.

However, one of the biggest myths surrounding “forgetfulness” is that it is a natural part of aging. Our body and its processes slow down as we age and it may take us a bit longer to remember or recall information. But, excessive forgetfulness is not normal and should warrant further investigation from a trained medical professional.

Some of the warning signs of memory loss include disorientation to place or time, difficulty performing familiar tasks, problems with language, and changes in mood, behavior, or personality. It is crucial that a person concerned with memory loss receives a thorough diagnosis. Medical records show that over 200 different types of dementia exist – and Alzheimer’s disease is just one of those types. Memory loss can be caused by nutritional deficiencies, depression, untreated thyroid conditions, reactions to medications, and much more.

The Alzheimer’s Association MN-ND chapter provides individuals and families affected by Alzheimer’s disease and related disorders with information, education and resources that help enhance quality of life and ease caregiver stress.

The Alzheimer’s Association can be reached in Bismarck at 701-258-4933 or our 24 hour 7 day a week Information HelpLine at 1-800-232-0851. On-line resources can be located at [www.alzmnndak.org](http://www.alzmnndak.org).

*Continued from page 8—SHIC Making Sense of Medicare*

**Read Your Mail and Review Paperwork—**It is important to review all correspondence. Medicare, your prescription drug plan, a supplement, etc. may be sending you important information about billings, co-pays, disenrollments, etc. Failure to read your mail and to respond to it in a timely manner may cause the loss of your insurance plan or increase the costs of your monthly premiums or have other negative effects. SHIC volunteers and other outreach workers may be available to assist you with reviewing your weekly paperwork.

The SHIC program is able to assist any beneficiary who needs help understanding any of the topics discussed above or any other Medicare issue. The service is totally free and completely confidential, and no one involved will ever try to sell you anything. Contact the program at 1.888.575.6611 or by email at [ndshic@nd.gov](mailto:ndshic@nd.gov).



# Health Maintenance Program

By Carlotta F. Ellis, SW District Health Unit

The Health Maintenance program at Southwestern District Health Unit heartily endorses the need for our senior participants to make healthy choices for continued independence in their day-to-day lives.



The program's purpose is to provide health screenings, education, information and referral services to senior citizens over age 60. Nurses provide monthly screening clinics in

communities in every county of the southwestern region. Screenings include: blood pressure, pulse, weight, blood sugar, hemoglobin, urinalysis, colo-rectal cancer, foot care, medication set up, immunizations, education sessions and home visits to homebound persons. Services are provided on a suggested donation basis.

The nurses help the participants assess their health status and provide education and counseling. If the assessment indicates a need for further follow up by the participant's health care provider, they are referred and/or assisted in making that connection. They are also a resource for referrals to other providers in the community that can enable them to stay independently in their home as they age.

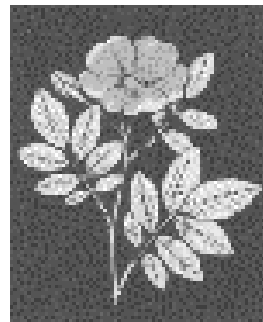
Independence for adults as they age relies on a balance of important elements such as: making good choices as a consumer; living a

healthy lifestyle that emphasizes nutrition, participation in physical activity, preventing less healthy choices, and actively participating in one's health care with access to tools necessary to make healthy informed decisions. Putting all these elements together helps all adults maintain the dignity they deserve by providing more opportunities to live longer independently while contributing to communities they cherish.

For more information about Health Maintenance clinics in your community, contact your local county public health nurse's office.

All seniors age 60 and over are very welcome to attend and participate in the Health Maintenance Program activities.

Adams:	567-2720
Billings/Golden Valley:	872-4533
Bowman/Slope:	523-3144
Dunn :	764-5513
Hettinger:	824-3215
Stark:	483-0171
or Toll Free:	1-800-697-3145



State Flower—Prairie Rose



# How Do You Define “Senior”?

By Howard I. Kossover, SSA Public Affairs Specialist

Whatever your definition, senior or not, Social Security is here for you. Changes have taken place since FDR’s signature created Social Security in 1935, but the Retirement, Survivors, and Disability programs of today are vital to all ages, nationally and in North Dakota, in helping to replace earnings. Most people hope for a planned retirement; this is often when people consider applying for their first Social Security benefits. Social Security Retirement can start at age 62, with benefits potentially payable to family members such as eligible children, disabled adult children, and spouses.

However, Social Security is for much more than Retirement. Survivor’s benefits are available when someone dies and Disability benefits exist for those unable to work. The Social Security Administration (SSA) agency also administers the income based Supplemental Security Income (SSI) program for those at least age 65, disabled children and disabled adults. In addition, SSA enrolls people in Medicare and administers the “extra help” portion of Medicare Part D (Prescription Drug Coverage). These all have specific requirements. Detailed information is on the website, [www.socialsecurity.gov](http://www.socialsecurity.gov)

How do you define service? Prefer online applications? Online you can complete your Social Security retirement application, make address changes and take other actions. Medical providers can transmit information to support a disability claim electronically. Also online are calculators to estimate future SSA benefit amounts, information for employers such as how to report wages electronically, and the always popular baby names section.

*Prefer telephone service?* Call the SSA national toll-free number, 800-772-1213 (TTY 800-325-0778), for information, to update your address, or to make a telephone appointment with a local representative to file for benefits.

*Prefer face to face?* Visit your local office as desired. Appointments are recommended if you want to complete an application for monthly benefits.



S  
U  
S  
C  
E  
N  
E



# Foster Grandparent's Program

By Paula Messmer, Director Foster Grandparent's Program  
Dacotah Foundation

Every day in communities across America, Foster Grandparents are the people children in need depend on for love, wisdom, and support.

In schools, hospitals, drug treatment centers, correctional institutions, Head Start and day care centers, Foster Grandparents even the odds for children who have special needs. Foster Grandparents give their experience and their talent to improve the lives of children in need. Foster Grandparents help children develop the skills, confidence, and strength to succeed in life. Foster Grandparents make their neighborhoods stronger by helping children with special needs achieve their goals. This is a federally funded program at no cost to you.

The children who need Foster Grandparents gain:

- The individual attention they might not otherwise receive;
- Confidence from the Foster Grandparent's faith in them;
- Tutoring to help them succeed in school;
- The advice and life skills they need to lead productive lives;
- and
- The life-changing opportunity to know the consistent love of a Foster Grandparent.



During the 2006-2007 school year, there were 63 Western North Dakota Foster Grandparents who logged over 45,000 volunteer hours helping children succeed in school. The following sites in Western North Dakota are already receiving the benefits of having one or more Foster Grandparents at their site: [www.seniorservice.org/westernnd\\_fgp](http://www.seniorservice.org/westernnd_fgp)

## Giving The Gift Of Experience

If you would like to learn more about getting the Foster Grandparent Program set up at your site, please contact:

Phone: 701-223-4517 Toll-Free: 1-888-603-8376  
Fax 701-255-5775 email: [westndfgp@btinet.net](mailto:westndfgp@btinet.net)



Child with  
Grandparents

# New Arrivals Welcome

By Cass County Social Services

North Dakota welcomes new residents from many different countries each year. Some of these individuals arrive as refugees and are placed here with the help of designated resettlement agencies as well as many other community service agencies. Each new arrival comes with their own unique set of circumstances and it is the responsibility of the various service agencies to assess these needs, orient the individual to the community in which they find themselves, and to provide short-term basic needs until barriers can be identified and a plan can be developed for self-sufficiency. This becomes more challenging when the individual is older and approaching what we would consider to be retirement years.

New arrivals are eligible for resettlement funds from the Federal Government which are managed by the local resettlement agency. These funds are to be used to pay, among other things, the deposit and rent of an apartment, utilities, initial food and household supplies, and possibly mass transportation fees. On-going cash assistance may be available through the resettlement agency for no more than 8 calendar months from date of arrival with the expectation that more permanent funds, either through employment or a disability determination, will be in place by the end of that time period.

During the initial period, the resettlement case manager for the individual also assists them with their application at the county social service office for the Food Stamp Program, Health

Care Coverage, and Low Income Heating Energy Assistance Program. If there is an identified disability or if the individual is over 65, they will also complete the process of applying for SSI through the Social Security Administration. The local Housing Authority will accept their application for housing assistance and their name will be placed on a waiting list.

Individuals who arrive in the US as refugees may be found eligible for Food Stamps, Health Care Coverage, and LIHEAP indefinitely as long as they are within the program guidelines and continue to complete the necessary paperwork with their local social service agency. Initial Cash Assistance ends with the start of employment or at the end of the 8<sup>th</sup> calendar month. There is no on-going cash assistance through the county social service office unless there are minor dependent children in a single parent household, or in the case of a two-parent household where one is aged or disabled.

SSA determinations of disability, or if the individual is 65 or older, would be the prerequisite for any benefit to be paid through the Supplemental Security Income program. Once found eligible for SSI, the individual with refugee status may receive benefits for no longer than seven years. If at that point they have not passed their citizenship test to become a naturalized citizen, they are no longer eligible for a SSI benefit, thus ending their source of cash assistance.

*(continued on page 14)*

*The Legal Services Sentinel is published by Legal Services of North Dakota*

*PO Box 1893, Bismarck, North Dakota 58502-1893. (701) 222-2110.*

*This publication is funded in part by grants from the Aging Services Division of the NDDHS and the Bush Foundation.*

*James Fitzsimmons, Publisher*

*Ed Reinhardt, Consultant*

*Audrey Solheim, Editor*

*(continued from page 13)*

Learning the English language is one of the largest barriers older refugees face when trying to prepare for the citizenship test. English classes are available but, for many reasons, may not always be accessed. Applying for and receiving a waiver for this requirement is an extremely difficult venture. Generally speaking, severe medical conditions such as that of a traumatic brain injury are the situations when a waiver is approved. Even then, an interview is required but an interpreter is allowed to facilitate the process.

North Dakota has experienced several situations over the years where individuals have lost their eligibility for SSI at the seven-year mark. One gentleman, under the age of 65 and therefore also not eligible for Health Care Coverage, was left without any income. He was referred to the Experience Works program for older workers and has been able to work part time earning enough for the basic incidentals he requires in life. He is living in low-income housing, which establishes his rent based upon his income. He continues to be eligible for the Food Stamp Program and his county worker has submitted medical information to the State Medical Review Team in an attempt to reinstate his Health Care Coverage. In the mean time, he receives his basic medical care at a federally subsidized clinic.

Another gentleman who is over 65 arrived recently with his ten children, one of whom is under 18. At the end of their 8 months of resettlement activity, the only known remaining income from an existing source will be the father's SSI. It is expected that the children, except for the youngest, will all be gainfully employed by that time.

They are living in two adjacent apartment units that are not subsidized. The youngest child and the father will continue to be covered by Health Care Coverage. Food Stamp eligibility will be dependent upon the declared household composition and the earnings of the members. An interpreter is still necessary during interviews as this is a family of limited English speakers. The father is requesting that one of his children be paid to take care of his special needs through the Home and Community Based Services program. The application for these services is being processed by a social worker in the adult services unit of his county office.

As individuals age, Home and Community Based Services are being requested more frequently as an alternative to nursing home care. And, most frequently family members with whom they are familiar and who speak a common language are being requested to be the provider of this care. These requests are considered on a case by case basis.

Serving refugees of all ages can be a rewarding challenge for service providers across North Dakota. Working with individuals with limited English skills is especially challenging.

Important correspondence from agencies can repeatedly go unanswered. This means a loss of benefits, with additional time and energy needed from everyone to reinstate those benefits. Understanding new social systems, new health systems, and new legal systems can be overwhelming and not easily understood by limited English speaking individuals. Patience and perseverance are qualities understood in all languages.

# Elderly Immigrants and America's Legal System

By Darci L. Asche, Lutheran Social Services

*Omar and Fatima came to the United States in 1990, after escaping with little more than their lives from the civil strife occurring in their home country, and after enduring ten long years in a refugee camp. Omar carried shrapnel in his leg, and Fatima suffered severe depression after their ordeal. But, finally they were safe, and anxious to start a new life.*

*Coming as refugees to the United States was a big risk. Neither had English language ability. Omar had completed only six years of education, and Fatima had none. Omar was a farmer before the war, and Fatima worked hard, long hours caring for their home and children. Both were over 60 years old and in this new country without their children, one who decided to stay behind, one who had accepted resettlement in Australia, and another, who remained missing. How were they going to take advantage of the opportunities available in the U.S.? Fortunately, both qualified for SSI, so their medical and financial worries were eased. The couple began the process of integrating into the community, enjoying social and religious activities with others coming as refugees. They both struggled to learn to speak English, as learning a new language for someone their age was difficult, and the opportunity to practice outside of the classroom was limited. Their ESL instructor emphasized the need for them to learn to read, write, and speak English in order to apply for citizenship, but it was impossible. As the seven-year maximum time for eligibility drew near, both Omar and Fatima visited their*

*physician to ask for a medical waiver for the English portion of the citizenship examination.*

*It was time to file for citizenship. Because Omar and Fatima were on public assistance, they were eligible for a waiver for the filing fee, which if they had been required to pay it, would have totaled nearly \$700.00 for the two of them. Additionally, they were required to pay \$70.00 each for fingerprints, and somehow they managed to come up with the \$140.00 to pay for that part of the application. Both were extremely nervous the day of their interview. Accompanying them was their legal representative and an interpreter. After several questions, and examination of the physician's request for a waiver for the English portion of the test, the examiner determined that neither Fatima nor Omar qualified. Without the waiver, they would be required to pass the English portion of the citizenship interview. Their applications were denied, and subsequently both lost their SSI benefits, leaving them with no safety net.*



Hjemkomst  
Immigrant Ship

*(Continued on page 16)*

*(Continued from page 15)*

Unfortunately, this story is true. Fortunately, people like Omar and Fatima have access to legal assistance through the Immigration Project of Legal Services of North Dakota. They are not alone as they attempt to navigate the complicated legal processes of appeals in their immigration cases.

In northwest Minnesota and North Dakota, minority populations are traditionally a blip on the census reports. These areas have now become new homes to a wide variety of international refugees. Lutheran Social Services has sponsored thousands of refugees in Fargo-West Fargo-Moorhead. In the past ten years, several thousand families from war-torn and devastated countries have joined the community. A prominent Somali population has emerged. Other refugees are from Iraq, Afghanistan, Kurdish lands, Rwanda, Colombia, Liberia, Sudan and Bosnia.

Across the country, legal services are responding to the new faces of low-income clients and bridging a gap between populations newer to the U.S. and the justice system. According to the 2000 U.S. Census, nearly 17 percent of the immigrant population is poor. For the very recent arrivals, these figures rise to 23.5 percent.

For immigrants, the legal system is overwhelming, incomprehensible and inaccessible due to cultural and language barriers. While their needs are high, trust is low. Based on their experiences in their countries of origin, legal systems may have been dysfunctional or non-existent. Combined with poverty, limited English and a lack of legal knowledge, the needs are great.

Nationwide, legal service programs are designing programs to meet the increasing need. Volunteer students with bi-lingual capabilities are being trained to conduct interviews with potential clients. Community programs are being implemented for outreach by law school students. These multi-lingual legal programs will provide the wide range of free services available to all elders: free legal advice, information, referral services, legal education, advocacy and individual representation of elder abuse, financial exploitation, consumer protection, housing, and landlord/tenant problems. Services focus on the needs of those who are low-income or otherwise vulnerable because of disability, language, age, frailty, or isolation.



North Dakota Grain Elevators

The areas of need for legal services for elderly immigrant clients are the same as the needs of other elderly, however the delivery of those services requires a tailoring by agencies. Additionally, immigration status and what that means for eligibility for public benefits is a crucial topic, both for legal service providers, and for those who advocate for the needs of the most vulnerable.



# Staff

## LSND Attorneys

Carrie Francis, Minot  
Jim Fitzsimmons, Bismarck/New Town  
Brad Peterson, Bismarck  
Rich LeMay, Minot  
Ed Reinhardt, Bismarck  
Linda Catalano, Fargo  
Bob Will, New Town  
Thomas M. Jackson, Bismarck  
Jennifer Nelson, Bismarck/CAWS  
Berta Anstrom, Fargo  
Anita Sunde, Fargo  
Sheree Weisz, Fargo  
Kelsee Macintosh, Fargo/RACC

## Summer Law School Interns

Jordan Schuetzle (UND) Bismarck  
Jean Lengowski (UND) SBAND/Bismarck  
Sarah Palm (UND) Minot

## LSND Secretaries

Kiley Hart, Fargo  
Audrey Solheim, Bismarck  
Kathy Foltz, Minot  
Audrey Wingerter, Bismarck

## Central Intake Office

**1-800-634-5263**

## Senior Hotline

**1-866-621-9886**

Administrative Office  
(701) 222-2110

## LSND Other

Keith Engbrecht, Fiscal Adm., Bismarck  
Gale Coleman, Technology, Minot  
Clarine DeGroot, Office Mgr., New Town  
Lois Luchsinger, CI Intake, Minot  
Willa Rhoads, PAI, Bismarck  
Jane Will, Accounting Assistant, Bismarck  
Amy Zietz, CI Intake, Minot



LEGAL SERVICES  
*of North Dakota*

## LSND Paralegals

Rhonda Belgarde, Belcourt  
Stacey Fetzer, Bismarck  
Vickie Fox, New Town  
Debbie Kraft, Minot  
Tom Masa, Minot  
Paulette Throntveit, Fargo

---

---

# Board

Edna Schultz  
Steele, ND  
Hon. Diane Johnson  
Mandan, ND  
Veronica Kirkaldie  
New Town, ND  
Al Lerberg  
Parshall, ND  
Alan McDonagh  
Grand Forks, ND  
Paul Murphy  
Carrington, ND

Jeanne McLean  
Grand Forks, ND  
Gary Ramsey  
Dickinson, ND  
Lisa Tomlinson  
Minot, ND  
Dr. Larry Gorospe  
Belcourt, ND  
Lynn Gifford  
Fargo, ND

Wade Enget,  
President  
Stanley, ND  
Robert Manly,  
Vice President  
Fargo, ND  
Mary Kay Kelsch,  
Secretary/Treasurer  
Bismarck, ND  
Laurel Forsberg  
Williston, ND

# Senior Companion Program of ND

By Sonja Michelson, Lutheran Social Services

The Senior Companion Program offers opportunities for volunteers age 60 and older to provide companionship and assistance to older adults who want to continue living in their own homes. Senior Companions are paid a tax-free stipend of \$2.65 per hour. They also receive travel reimbursement, on-the-job supplemental insurance coverage and other benefits.

Companions usually visit 4 to 5 different clients each week. They are assigned to give special assistance to each client based on that person's individual needs. For example: Companions can ease loneliness by making regular visits. Companions also assist the client with various types of recreational activities such as continuing work on old hobbies (or creating new ones), playing cards, reading, and writing . . . and more!

Clients receive this service free of charge. Senior Companions receive the satisfaction of helping others as well as the tax-free stipend, providing that they meet income eligibility guidelines.



Iron Crosses

If you would like to learn more about how you can help older adults remain independent, please call Becky Telin, Lutheran Social Services Office, (701) 838-7800. You can avoid a long distance service charge by calling 1-800-450-1510.



## Story From The Field

By Elaine, Senior Companion

Henrietta is 101 years old and she still remembers quite well. Henrietta was a schoolteacher in ND and she taught me when I was in the second grade around 1937. She taught me to read and write, and now I am reading and writing for her.

She has been living in her own apartment at an Assisted Living residence for the past ten years. She has been a widow for many years. She has macular degeneration of the retina and this makes it difficult for her to do the things she likes to do. She uses a walker to get around. She is getting services from the North Dakota State Library where they send her stories on tape for her to listen to. She continues to take the Senior Transit to the hairdresser some Saturdays and goes to visit people in the nursing home. I go to see Henrietta on Tuesdays for two hours. She is very comfortable with me and we enjoy each other's companionship.

# Legal Services of NORTH DAKOTA Outreach Calendar

<u>LOCATION</u>	<u>TIME</u>	<u>DAY</u>
Belcourt, Belcourt Retirement Home	10:00 a.m.-11:00 a.m. CT	Every Tuesday of Each Month
Bismarck, Bismarck Senior Center	2:30 p.m.-4:30 p.m. CT	2nd Wednesday of Each Month
Bowman, Pleasant Manor Community Room	8:30 a.m.-10:30 a.m. MT	Second Tuesday of Each Month
Dickinson, Sunset Senior Center	1:00 p.m.-3:00 p.m. MT	Last Wednesday of Each Month
Devils Lake, Senior Center	10:00 a.m.-2:00 p.m. CT	2nd Thursday of Each Month
Fargo, YWCA Shelter	2:00 p.m.-5:00 p.m. CT	2nd & 4th Wednesday of Each Month
Fort Totten, Spirit Lake Tribal Courthouse	10:00 a.m.-2:00 p.m. CT	Each Friday of Each Month
Glen Ullin, City Hall	9:00 a.m.-11:00 a.m. CT	Last Wednesday of Each Month
Grand Forks, Red River Community Action	11:00 a.m.-2:00 p.m. CT	Every Thursday of Each Month
Jamestown, James River Senior Citizen Center	10:30 p.m.-2:30 p.m. CT	3rd Thursday of Each Month
Linton, Emmons County Courthouse	2:00 p.m.-4:00 p.m. CT	Last Tuesday of Each Month
Mandan, Golden Age Senior Center	2:00 p.m.-4:00 p.m. CT	3rd Tuesday of Each Month
Minot, All Saints Episcopal Church	11:30 a.m.-12:30 p.m. CT	3rd Thursday of Each Month
Minot, Christ Lutheran Church	11:30 a.m.-12:30 p.m. CT	3rd Tuesday of Each Month
Minot, Commission on Aging	1:00 p.m.-2:00 p.m. CT	3rd Thursday of Each Month
Minot, Faith United Methodist Church	11:30 a.m.-12:30 p.m. CT	1st Monday of Each Month
Minot, First Lutheran Church	11:30 a.m.-12:30 p.m. CT	1st Friday of Each Month
Minot, Immanuel Baptist Church	11:30 a.m.-12:30 p.m. CT	1st Wednesday of Each Month
Minot, Manor Care	2:30 p.m.-4:30 p.m. CT	2nd Wednesday of Each Month
Minot, Milton Young Towers	1:00 p.m.-2:00 p.m. CT	4th Wednesday of Each Month
Moorhead Immigration Law Center	10:30 a.m.-2:30 p.m. CT	4th Tuesday of Each Month
Mott City Hall	12:30 p.m.-2:30 p.m. MT	Second Tuesday of Each Month
Rolla Senior Center	11:30 a.m.-12:30 p.m. CT	2nd Monday of Each Month
St. John, Birchwood Manor	10:00 a.m.-11:00 a.m. CT	1st Wednesday of Each Month
St. Michael, Senior Center	10:00 a.m.-11:00 a.m. CT	2nd Friday of Each Month
Valley City, S Central Senior Services	10:00 a.m.-3:00 p.m. CT	3rd Friday of Each Month
Washburn, McLean County Courthouse	9:30 a.m.-12:00 p.m. CT	1st Tuesday of Each Month
Watford City, McKenzie County Social Service	11:15 a.m.-12:00 p.m. CT	2nd Monday of Each Month
Watford City, Good Shepherd Home	1:00 p.m.-1:30 p.m. CT	2nd Monday of Each Month
White Shield, White Shield Complex Building	3:00 p.m.-4:30 p.m. CT	3rd Wednesday of Each Month
Williston, Heritage Center	1:00 p.m.-2:30 p.m. CT	1st Thursday of Each Month
Williston, Williams County Courthouse	10:00 a.m.-12:00 p.m. CT	1st Thursday of Each Month
Wishek, Wishek Senior Center	10:00 a.m.-12:00 p.m. CT	Last Tuesday of Each Month

**Legal Services of North Dakota**

1025 N 3rd Street

PO Box 1893

Bismarck ND 58502-1893



**LEGAL SERVICES**  
*of North Dakota*

**Senior Legal Helpline**  
**1-866-621-9886**