



# **PURSUIING ELDER JUSTICE:**

**SERVING DIVERSE OLDER VICTIMS OF  
DEADLY AND DEVASTATING CRIME,  
ABUSE AND FINANCIAL EXPLOITATION**

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# ELDER JUSTICE:<sup>2</sup> GOALS FOR OUR SESSION

1. Elder Abuse is a national crisis affecting every community.
2. Older victims have special needs and challenges (but are unique and diverse individuals).
3. How and why PA made elder justice a priority and progress through VOCA.
4. Ideas for elder justice victim services programs and best practices to take home.

“IF ELDER ABUSE HAPPENED TO ME,  
MICKEY ROONEY, IT CAN HAPPEN  
TO ANYONE.”



\$2.8 Million

Imprisoned  
in his own home



# BROOKE ASTOR

# AN AMERICAN ELDER ABUSE CRISIS

- **Pervasive:** 1 in every 10 older persons affected
  - Estimated to affect at least 5 million older Americans each year
  - Every socioeconomic sector, every community
- **Deadly:** Victims 3x more likely to die prematurely
- **Devastating:** Financial exploitation will cost older Americans and families at least **\$2.9 billion**
- **Costly:** The direct medical costs to elders as result of violent injuries: \$5.3 billion

**UNACCEPTABLE**

**For every one case of  
elder abuse that  
comes to the  
attention of a  
responsible entity...**

**1**

**another forty-three  
cases never come  
to light.**

**44**

# WHO ARE ABUSERS?

- ***Abusers can be:***
  - Intimate Partner
  - Adult Children
  - Grandchildren
  - Other relatives
  - Caretakers
  - Strangers



# ELDER ABUSE CAN BE...

**PHYSICAL**

**SEXUAL**

**FINANCIAL**

**EMOTIONAL**





# AN AGE FOR JUSTICE



# ELDER ABUSE

## A Global and National Crisis

- United Nations
- World Elder Abuse Awareness Day/Month
- Elder Justice Act & other federal legislation
- Presidential Proclamations
- U.S. Senate Special Committee on Aging
- Progress! but...

# Funding and services for elder victims

## Still woefully behind

# ELDER ABUSE

## A Pennsylvania Crisis

## PA Commission on Crime and Delinquency

# ELDER ABUSE

**How and why did PCCCD  
make Elder Abuse and  
Elder Justice A Priority?**

# ELDER ABUSE

## Painting A Picture of Pennsylvania's Aging Population

# SENIOR DEMOGRAPHICS<sup>15</sup> IN PENNSYLVANIA

**2.9 million seniors**

**Fourth largest** aging population in U.S. by percentage

24.2% of all PA households include 1 or more seniors

**1 in 4 Pennsylvanians** will be senior by 2020

# ELDER ABUSE

## Elder Abuse Oversight & Numbers in Pennsylvania



# ELDER ABUSE

**The Uniqueness of it all in  
Pennsylvania**

# ELDER ABUSE

**Knowing this, VSAC's  
response**

# ELDER ABUSE

**How has VOCA helped  
PA's aging population?**



## Our Mission

We seek justice for older people by using the power of the law, educating the community and advocating on local, state and national levels.



- **Nonprofit organization** of 34 attorneys and advocates, serving over 5,000 seniors/year to promote access to justice
- **Legal representation, education, advocacy for PA seniors**
- All our services are **free**
- Seniors in greatest social and economic need
- **Over 10 special projects:** homeowners rights, tenant rights, veterans, life planning, medical-legal partnership, kinship care, court-based programs, PA SeniorLAW HelpLine, and elder abuse and victim services
- **Statewide, local and national advocacy**



# ELDER JUSTICE VOCA INITIATIVES

## Project S.A.F.E.

### (Stop Abuse and Financial Exploitation)

- Launched in 1996, one of the first civil legal services programs in the country to serve victims of elder abuse
- Broad-ranging Legal and Supportive Services for Diverse Victims



# ELDER JUSTICE VOCA INITIATIVES

## **PROJECT S.A.F.E. provides:**

- Free legal representation and counsel to end abusive situations for older victims
- Free legal representation and counsel to stop financial exploitation and to seek restitution for older victims
- Community education and outreach to identify older victims
- Partnerships with victim services colleagues, law enforcement, aging network, protective services, the courts and others
- Home, hospital and nursing home/long-term care visits
- Victim Compensation (VCAP)
- Holistic connections to supportive services: financial, health, housing, more
- 8 Community Clinic and Intake Sites in diverse neighborhoods



# ELDER JUSTICE VOCA INITIATIVES

## **KEEPING ELDER VICTIMS OF FINANCIAL ABUSE S.A.F.E.**

Expanded services to Bucks, Montgomery, Delaware and Chester counties (primarily rural and suburban regions)

Providing emergency legal advocacy, representation and interventions for elderly victims of financial exploitation, including protection from and remedies to address complex financial exploitation, identity theft, fraud and other crimes.





## ELDER JUSTICE VOCA INITIATIVES

# JUSTICE AND ECONOMIC SECURITY FOR OLDER VICTIMS

Further expanding our services in all five counties to address **ancillary legal issues resulting from the abuse and/or exploitation** which bar these victims from being independent and safe, including opening more community-based offices in rural and suburban counties.



# ELDER JUSTICE VOCA INITIATIVES

## **KEEPING ELDER VETERANS AND LIMITED ENGLISH PROFICIENT VICTIMS S.A.F.E.**

Enhanced services to Elder Veteran Victims (particularly those suffering from mental health issues and PTSD) and to LEP Victims experiencing elder abuse and/or financial exploitation who face barriers to accessing the justice system.

# FINANCIAL EXPLOITATION

- Identity Theft
- Abuse of Power of Attorney/Fiduciary Status
- Bank Accounts
- Representative Payee
- Credit Card Fraud
- Telemarketer Scams
- Fraudulent Deed Conveyance
- Reverse Mortgage Scams



# CIVIL COURT ACTIONS

## FINANCIAL EXPLOITATION

- Civil Court
  - Ejectment
  - Conversion
  - Fraud
  - Breach of Fiduciary Duties under Power of Attorney
  - Undue Influence
  - Breach of Contract (contractor fraud, real estate fraud)
  - Unjust Enrichment
  - Identity Theft
  - Quiet Title Actions
  - Protection from Abuse (financial and physical abuse often present together)
- Orphan's Court
  - Removal of Agent under Power of Attorney
  - Guardianship action
  - Demand for Accounting of Guardian or Agent under Power of Attorney

## OUR PARTNERS

- **Aging Network/State Unit on Aging/Protective Services**
- **Law Enforcement** (DOJ, AGs, DAs, VAOs)
  - Criminal and Civil Justice Partnerships
- **Elder Abuse Task Forces & Roundtables**
- **Senior Legal Hotlines & HelpLines (NASLH)**
- **Victim Services Community**
- **Legal Services Community**
- **Veterans groups, Health Care, Nonprofit Ctty +++**

# OUR PARTNERS

## THE COURTS

- **State Supreme Court initiatives**
  - PA Supreme Court Advisory Council on Elder Justice in the Courts
- **Court-Based Access to Justice Projects**
  - First Judicial District Elder Justice Resource Center
  - Family Court DV Filing Unit Advocate for Older Victims

# SPECIAL CHALLENGES OF OLDER VICTIMS

31

## Impacts of Victimization are exacerbated by challenges of aging

- Mobility
- Lack of Transportation
- Physical and Mental Health Challenges
- Depression
- Increased rate of disabilities, homebound, bedbound
- Cognitive impairment especially later in life, including financial decisionmaking
- Language access and isolation of older immigrants

# SPECIAL CHALLENGES OF OLDER VICTIMS

32

## Impacts of Victimization are exacerbated by challenges of aging

- Social Isolation
- Dependence on another to provide care
- Financial Responsibility for adult child or spouse
- Diminished Financial Capacity
- Fixed income, high poverty rates
  - Financial health affects overall health
- Shelter: special importance, to age in place



BUT EACH SENIOR IS AN  
INDIVIDUAL

Ageism  
Paternalism  
Autonomy

# MEET RAY

**Brave. Resilient. Survivor.  
Triumphant.**

[Click here to read Ray's amazing story >](#)





# HOW DO WE ENSURE WE DO NOT REVICTIMIZE OR PENALIZE THE OLDER VICTIM?

- Empower/Autonomy vs. Protection
- Victim-centered responses

# SIGNS OF NEGLECT/ABUSE

- Inadequately explained fractures, bruises, welts, cuts, sores, or burns
- Unexplained sexually transmitted diseases
- Lack of basic hygiene, appropriate clothing
- Home lacks adequate facilities (plumbing, electricity, refrigerator)
- Says or hints at being afraid
- Perpetrator isolates the elder (doesn't let anyone in the home or speak to the elder)
- Perpetrator is verbally aggressive or demeaning, controlling, or uncaring
- Denial of medication or medical aids

# SIGNS OF FINANCIAL EXPLOITATION

- Client prevented from speaking to anyone privately
- Sudden depletion in assets with no explanation
- Sudden addition of person to accounts
- Sudden addition of person to deed
- Fraudulent deed transfer
- Client facing financial issues despite adequate income, e.g., mortgage foreclosure, tax sale, sheriff sale due to unpaid utilities.

# HEALTHY BRAIN AND FINANCIAL EXPLOITATION

- 35% (8.8 Million) Americans over age 71 suffer from one of the following:
  - Mild cognitive impairment (MCI)
  - Dementia
  - Changes in executive cognitive functions
- Damage to prefrontal cortex makes affected seniors less risk adverse
- Persons with MCI are 4 times more likely to make errors

# CRIMINAL CHARGES<sup>40</sup>

## FINANCIAL EXPLOITATION

- Deal in Proceeds of Unlawful Activities
- Theft by unlawful taking
- Theft by deception – false impression
- Theft by Receiving Stolen Property
- Theft by Failure to make required disposition of funds
- Forgery – Alteration of Writing
- Forgery – Unauthorized Writing
- Tampering with Record or Identification
- Securing Execution of a Document by Deception
- Theft Extortion
- Identity Theft
- Defiant Trespass
- **PARTNERSHIPS WITH SENIOR VICTIM & LEGAL SERVICES**



# ELDERS IN AMERICA

## SENIOR POVERTY

### 1 IN 10

- Higher for women than men
- Higher for Hispanics (3x) and African Americans (2.5x)
- By 2030, 72 million seniors in poverty in America
- **IMPACT ON VICTIMS**

# ELDERS IN AMERICA

- **Homelessness** among seniors is projected to increase 33% by 2020 and 100% by 2050
- **Food insecurity:** In 2013, 2.9 million households with seniors experienced food insecurity: expected to increase 50%
- Nearly 1 in 5 seniors approaching retirement have **no retirement savings at all**

# JOIN US IN OUR WORK IN ELDER JUSTICE

- **Have conversations about elder abuse**
- **Raise visibility and awareness**
- **Invest in the elders of your community**
- **Share your challenges and success**

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