ELDER JUSTICE REFORM EFFORTS IN PENNSYLVANIA

27th Annual National Adult Protective Services Association Conference
PANELISTS

- Teresa Osborne, Secretary Pennsylvania Department of Aging
- Honorable Paula Francisco Ott, Chair Advisory Council on Elder Justice in the Courts
- Zygmont A. Pines, Esq., Co-Chair Advisory Council on Elder Justice in the Courts
- Cherstin Hamel, Director Office of Elder Justice in the Courts
PRESENTATION OBJECTIVES

• Provide Information Regarding Pennsylvania’s Elder Justice Reform Efforts

• Discuss Steps Pennsylvania is Taking to Help Recognize, Report and Respond to Elder Abuse

• Identify Reform Efforts and Promising Practices Other States are Using to Address Elder Abuse and Financial Exploitation
U.S. CENSUS DATA ON PENNSYLVANIA

• As of July 1, 2015, More Than One in Six Pennsylvania Residents Were Aged 65 Years and Over (Nearly 2.2 Million)

• Pennsylvania Ranked Sixth Nationally in Persons Aged 65 Years and Over in 2015

Penn State Data Center
Research Brief, June 23, 2016
Comparison of Reports Received, Investigated and Substantiated by Fiscal Years 2012-2015
PA DEPARTMENT OF AGING
SUBSTANTIATED TYPES OF ABUSE
IN FY 2014-2015

What Types of Abuse are Occurring?

- Self-Neglect: 44.9%
- Caregiver Neglect: 18%
- Financial Exploitation: 14.0%
- Emotional Abuse: 11.9%
- Physical Abuse: 3.8%
- Sexual Abuse: 1.1%
ELDER FINANCIAL ABUSE AND EXPLOITATION

Senior Financial Abuse and Exploitation Costs Americans $36.48 Billion Per Year

(truelinkfinancial.com, January 28, 2015)
ELDER FINANCIAL ABUSE AND EXPLOITATION

• Theft or Diversion of Funds or Property by Family Members – 79%
• Theft or Diversion of Funds or Property by Caregivers – 49%
• Financial Scams Perpetrated By Strangers – 47%

PENNSYLVANIA DEPARTMENT OF AGING’S ELDER JUSTICE REFORM EFFORTS
ELDER LAW TASK FORCE’S ELDER JUSTICE REFORM EFFORTS

• Why the Elder Law Task Force Was Formed

• Membership of the Elder Law Task Force

• Mission of the Elder Law Task Force
ELDER LAW TASK FORCE’S ELDER JUSTICE REFORM EFFORTS

• Work of the Elder Law Task Force: Report and Recommendations

• Applicability of the Elder Law Task Force’s Recommendations to Younger Adults With a Disability
IMPLEMENTATION OF THE ELDER LAW TASK FORCE’S RECOMMENDATIONS

Office of Elder Justice in the Courts (OEJC)

- Purpose of the OEJC
- Contact: Cherstin Hamel, Director cherstin.hamel@pacourts.us (717)231-3300
IMPLEMENTATION OF THE ELDER LAW TASK FORCE’S RECOMMENDATIONS

Advisory Council on Elder Justice in the Courts

• Purpose of Advisory Council
• Advisory Council Membership
IMPLEMENTATION OF THE ELDER LAW TASK FORCE’S RECOMMENDATIONS

• Getting the Word Out About the Recommendations

• Establishing Elder Justice Collaborations
STEPS PENNSYLVANIA IS TAKING TO HELP RECOGNIZE, REPORT AND RESPOND TO ELDER ABUSE
PENNSYLVANIA DEPARTMENT OF AGING’S ELDER ABUSE PREVENTION EFFORTS
ADVISORY COUNCIL ON ELDER JUSTICE AND THE COURTS’ ELDER ABUSE PREVENTION EFFORTS

• Elder Abuse Bench Card for Judges

• Elder Abuse Trainings for Judges
ADVISORY COUNCIL ON ELDER JUSTICE AND THE COURTS’ ELDER ABUSE PREVENTION EFFORTS

- Trainings for Family/Lay Guardians and Guardianship Service Providers (Attorneys, Health Care Institutions and Financial Institutions)

- Elder Investment Fraud & Financial Exploitation Prevention Program - Legal
ADVISORY COUNCIL ON ELDER JUSTICE AND THE COURTS’ ELDER ABUSE PREVENTION EFFORTS

• Preservation of an Elder Victim’s Testimony (PA Crim. Procedural Rule 500)

• Documentation of an Elder Victim’s Age on the Criminal Complaint by Police
• Considering Certification and Bonding of Guardians

• Creation of Statewide Guardianship Forms
ADVISORY COUNCIL ON ELDER JUSTICE AND THE COURTS’ ELDER ABUSE PREVENTION EFFORTS

• Development of Interdisciplinary Teams/Collaborations with Local Elder Abuse Task Forces

• Proposal for Establishing Emeritus Bar Admission Status for Pro Bono Legal Services for Elders
ADVISORY COUNCIL ON ELDER JUSTICE AND THE COURTS’ ELDER ABUSE PREVENTION EFFORTS

• Philadelphia “Elder Court” Pilot Program

• Examining the Adoption of the ABA’s 29 Guidelines for Access to Justice
PENNSYLVANIA DEPARTMENT OF AGING’S ELDER JUSTICE EFFORTS ANTICIPATED OVER THE NEXT YEAR
ADVISORY COUNCIL ON ELDER JUSTICE IN THE COURTS’ EFFORTS ANTICIPATED OVER THE NEXT YEAR

- Judicial Bench Books on Elder Abuse and Guardianship
- Development of a Statewide Orphans’ Court Case Management System
HOW NAPSA CAN ASSIST PENNSYLVANIA’S ELDER JUSTICE REFORM EFFORTS

What Reform Efforts and Promising Practices to Address Elder Abuse and Financial Exploitation are Occurring in Your State?