



SeniorLAW Center

Protecting The Rights of Older Pennsylvanians

Testimony before the
Pennsylvania House Aging and Youth Committee

Elder Abuse and Older Adult Protective Services Informational Hearing

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SeniorLAW Center

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Good morning. My name is Karen C. Buck, Esq. and I have the privilege of serving as Executive Director of SeniorLAW Center. As advocates for older Pennsylvanians, we appreciate your interest in elder abuse and its devastating emotional and economic impact on older Pennsylvanians, their families, our Commonwealth and communities.

Our work at SeniorLAW Center is protecting the rights of older Pennsylvanians. As the only nonprofit organization solely dedicated to providing legal protection to Pennsylvania senior citizens, we are proud to serve over 8,000 Pennsylvania seniors each year, including free services to seniors in each of Pennsylvania's 67 counties through our Pennsylvania SeniorLAW HelpLine. We are pleased to serve seniors in every corner of the Commonwealth, including constituents of every member of this Committee.

Through free legal representation, education and advocacy, we provide a voice, an advocate, and access to justice for Pennsylvania's seniors 60 and older. We save homes, provide protection from abuse and exploitation, promote access to health care and dignity at end of life, enable grandparents to raise grandchildren in loving homes and out of foster care, and promote healthy lives of independence and dignity.

Our legal services staff of attorneys and advocates works collaboratively with pro bono volunteers and over 100 nonprofit partners to provide access to justice for thousands of seniors each year. Our programs include Pennsylvania's only statewide legal service for seniors -- the Pennsylvania SeniorLAW HelpLine. Our work encompasses a wide universe of issues, including the primary areas of housing, protection from violence, abuse and financial exploitation, kinship care (grandparents and other elders raising young children), consumer protection, health care, advance planning and economic security. We make home, hospital and hospice visits, serve seniors in their communities and their own languages, and make our services truly accessible to those who need us.

SeniorLAW Center focuses its efforts on elders with the greatest economic and social need: those living in poverty or on low fixed incomes, minorities, those facing physical and mental health disabilities, the homebound and isolated, those at end of life, and those facing language and cultural obstacles. Our long-term vision is to build awareness and visibility of seniors, their legal needs and their impact on all of our lives, and to continue to find creative, long-term responses to those needs with highly effective, holistic, and collaborative programs and services.

SeniorLAW Center provides a wide array of special programs serving elders, including those who are victims of abuse, fraud and exploitation:

PENNSYLVANIA SENIORLAW HELPLINE: 877-PA SR LAW

The Pennsylvania SeniorLAW HelpLine is Pennsylvania's only statewide legal service for seniors. The HelpLine is a free, confidential telephone legal service that provides legal advice, information, and referrals for seniors (60 and older) throughout the Commonwealth of Pennsylvania through a toll-free line staffed by knowledgeable and experienced SeniorLAW Center staff and volunteer attorneys. The HelpLine is now open 4 days a week, 10:00 a.m. - 2:00 p.m. serving seniors in every one of Pennsylvania's 67 counties. HelpLine attorneys provide legal advice, information and referral services on a wide range of civil legal issues. Seniors can access an attorney from the privacy and comfort of their homes, particularly essential for those who are disabled, isolated, and/or face mobility or transportation problems. SeniorLAW Center also created the first Legal Resource Directory for Older Pennsylvanians, a county-by-county guide of legal assistance for seniors.

FOCUSED HELPLINE SERVICES FOR VICTIMS

Through ARRA funding from the Pennsylvania Commission on Crime and Delinquency, the HelpLine also provides special, targeted services for senior victims, including those who are facing domestic, economic, consumer, or other forms of abuse or crimes against the elderly. Working with partners across the Commonwealth, these services provide confidential, in-depth legal counseling, information, advice and referrals for senior victims, easily accessible by telephone.

PROJECT S.A.F.E. (Stop Abuse and **Financial** Exploitation)

Project S.A.F.E.'s goal is to end and prevent various forms of elder abuse, including domestic violence and financial exploitation of the elderly, through direct legal services, representation, advocacy, educational workshops, and professional training, outreach, and partnerships. This program addresses protection from physical, emotional and sexual abuse, as well as many forms of financial exploitation, including abuse of power of attorney, credit card fraud and identity theft.

Ms. V. was a 79- year-old victim who lived with her adult daughter and adult disabled son. Senior's 42- year-old daughter was a substance addict and being treated at outpatient clinics. The incident in question took place when Daughter returned from the clinic on a Saturday afternoon. Daughter refused to feed senior or allow her access to kitchen. Daughter beat senior over a 3- day period with a belt, broomstick and the choker of a dog collar. Senior suffered broken ribs, broken nose, bruises about the face, eyes, forehead, and a swollen leg and ankle. Senior was left on an outside step on Monday afternoon, where a passerby noticed her and called police. SeniorLAW Center received a call from the police

after daughter was arrested, secured an Emergency *Protection* from Abuse Order and arranged for senior to *testify* from her hospital bed, where she remained for 4 days. *SeniorLAW* Center represented senior at the hearing where a Final Protection from Abuse Order was entered for 36 months, assisted senior in removing daughter as a signatory on all bank accounts and revoked power of attorney, and arranged other living arrangements for senior and disabled adult son.

HOMEOWNERS ASSISTANCE PROGRAM

Addressing the needs of low-income elderly homeowners, enabling them to maintain their homes and remain in their communities, helping them to lead safe, independent lives and expand their long-term care options through the provision of focused legal, educational and advocacy services. This program addresses fraudulent deed conveyance, home repair contractor fraud, and other forms of economic exploitation which puts seniors at risk of losing their homes.

SERVING OLDER VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT

SeniorLAW Center and CARIE (Center for Advocacy for the Rights and Interests of the Elderly) worked together with funding through PCCD and VAWA to focus attention on older victims of domestic violence and sexual assault in Philadelphia. While ARRA funds for this project have ended, we continue to help older victims of domestic violence and sexual assault. We formed a local leadership task force to raise awareness, visibility and responses to domestic violence and sexual assault of seniors, with special focus on older women.

SENIOR VICTIM ADVOCATES TECHNICAL ASSISTANCE PROJECT

SeniorLAW Center and CARIE also collaborate to provide training and technical assistance to elder victim advocates throughout Pennsylvania with support from PCCD. As a result of PCCD's interest in serving older victims of crime, and the dynamic work of PCCD's Senior Citizen Advisory Committee, *Zen* grants have been awarded to local victim services organizations over the past two years. Sharing our decades of experience serving older victims, this project has provided support, resources, best practices and technical assistance for those organizations as they begin or strengthen their focused services to older victims. In addition to in-person site visits, *SeniorLAW* Center and CARIE hold monthly training webinars for the aging and victim services network, including:

- ✿ Fraudulent Deed Conveyance: The Theft of Senior's Homes
- ✿ Scams, Schemes & Frauds Impacting Older Adults and How to Avoid Being a Victim

- ✚ Health Care Fraud and Scams: The Impact on Elders
- ✚ Financial Exploitation of the Elderly
- ✚ LTC Ombudsman-institutional abuse
- ✚ Protection from Abuse Orders in PA and Special Needs of Elder Victims of Domestic Violence

In addition, CARIE and SeniorLAW Center will hold four regional elder abuse conferences across Pennsylvania in May and June 2012, bringing together diverse professionals to address elder justice, in Lancaster, Mercer, Bucks and Centre Counties.

SeniorLAW Center's other programs have focused services for grandparents and other elders raising relative children in kinship care; Asian, Hispanic and other cultural, racial and language minority seniors, older tenants facing eviction, loss of utilities and uninhabitable living conditions; and older consumers in a wide array of consumer protection problems.

Pennsylvania has more than 2.4 million senior citizens, the 4th largest percentage in the nation, with an over-85 age population growing at 10 times the general population. 20% of all Pennsylvanians are now 60 or older, and by the year 2020, that number will grow to 25% -- more than 3 million people.

Seniors are the victim population most vulnerable to physical and financial abuse. These victims are the oldest, those with lowest income, and women. Philadelphia, with its predominantly poor and female elder population, is home to the largest of these victim populations. Senior citizens are targeted and especially vulnerable to many types of violent and devastating crimes, especially seniors who are low-income and living in an inner city, such as Philadelphia. Elders are particularly susceptible to fraud, domestic violence, economic crimes and abuse, ranging from physical violence to financial exploitation, neglect of basic needs, and psychological injury.

- Almost **90%** of elder abuse involves a perpetrator who is a family member -- 2/3 or perpetrators are adult children or spouses.
- Those **80** years and older are abused and neglected 2-3 times their proportion of the total elderly population -- and Pennsylvania's over-85 age population is growing at 10 times the general population.
- Those with the lowest income have highest incidence of abuse: elders living on incomes less than \$15,000 account for 75.6% of physical abuse and 77.7% of the financial abuse.

- Female elders are abused at a rate higher than their proportion in the aging population.
- Elders are more vulnerable to theft: About 1 in 5 of personal crimes against the elderly were thefts compared to about 1 in 33 for persons age 12-49
- Elder abuse is vastly underreported: While research suggests that up to 10% of older adults experience abuse (higher rates for those with dementia), only 1 of 14 cases of elder abuse or neglect is ever reported to authorities.

Victims of crime who are also elderly need focused, integrated and accessible services and systems to meet their special needs. Elderly victims of crime may face multiple additional obstacles which merit additional resources, including:

- physical and mental health challenges associated with aging
- disproportionate poverty levels
- hearing, vision and other physical disabilities
- isolation
- problems of mobility, access, and transportation
- struggles for autonomy and independence
- dependence on caregivers and family members for their care and survival
- memory or cognitive impairment for those facing dementia or other cognitive illnesses
- language and cultural obstacles, as elderly immigrants face the challenges of finding help in a new culture, language and system.

Victim advocates and service providers need to be aware of and sensitive to these special needs of the elderly victims of crime to effectively serve them. As greater and greater numbers of Pennsylvanians become elders, this need will reach crisis proportions. Economic crimes are especially devastating for those living on fixed incomes, particularly now in today's financial crisis and in the face of soaring heating costs, real estate taxes, uncertain medical coverage, and the price of prescription drugs. Older victims are less likely than younger women to call a domestic violence program, and there is no mandatory reporting of elder abuse in Pennsylvania except in care settings.

Recommendations

- Strengthen the protections for elder victims of domestic violence under Pennsylvania law, which does not presently fully recognize the dynamics of elder abuse in the home and does not include many individuals who perpetrate violence against elders. Expand the definition of household members to include others who commit violence or abuse against elders who may not be related to victim by blood or marriage, or through sexual or intimate relationship.
- Strengthen responses of law enforcement to financial exploitation of elders, providing tools of enhanced penalties, restitution, and funding to build capacity of those who address crimes against the elderly. Train law enforcement on the rights of elder victims and build sensitivity to elder victims' needs, including victims of violence in their own homes, and combat ageist and paternalistic attitudes.
- Support expedited procedures and responses in the legal system to serve senior victims of violence. Domestic violence is not only intimate partner violence. Reports are common of law enforcement and service providers continuing to refuse to recognize violence against elders in their homes by adult children, grandchildren and others as *domestic violence* requiring and deserving immediate protection. Many domestic violence shelters are not appropriate for or welcoming of senior victims. The wait time to file and receive a temporary protection from abuse order is often 3 to 4 hours or more, an experience which is emotionally and physically taxing on senior clients who are disabled, vulnerable, or in ill health.
- Train court staff and the judiciary on the needs and rights of senior victims: from family court to criminal court, security staff and intake workers, to courtroom staff and judges themselves. Senior victims are often ill-served by the systems that are to protect and serve them.
- Support training programs for medical professionals to be aware of elder abuse in order to improve care: older adults who have been abused have poorer survival when compared with those who have not been abused. Elder abuse training is severely lacking in the health care practice and in medical education. Physicians and health care providers are in an especially critical role with regard to the safety of elderly patients due to frequent contact with older adults as they manage medical problems. More than half of respondents to one survey to health care professionals reported *no formal training whatsoever* in elder abuse.
- Develop financial management programs for seniors to avoid financial exploitation and explore how banks can be more active in their detection and protection and more cooperative with advocates.

- Adequately support legal services and advocacy services programs which pursue restitution, protection, and safety specifically to address the special needs of senior victims. Funding for older victims is shockingly low in the United States; less than 1% of all federal funding for victims of domestic violence and abuse goes to elderly victims.
- Support and explore alternatives to guardianship, making guardianship an option of last resort in light of its extreme impact on individual rights and autonomy. Support guardianship monitoring programs and ensure duly executed powers of attorney are honored not subverted by the legal system. Fund legal services to represent consumers at all guardianship proceedings, not rely on ad hoc pro bono legal representation or pro bono guardianship service.
- Explore national recommendations for model acts, such as the Uniform Power of Attorney Act (UPAA), and create clear standards for agent conduct, strengthen responses for abusive activities of agents who violate their duties, and create resources of restitution for older victims of abusive agents.
- Create stronger protections for older homeowners to prevent and respond to fraudulent deed conveyance and other forms of exploitation against older homeowners, enabling elders to age in place and in their own homes and communities, at significantly lower expense than long-term care placement. Notification programs can alert older homeowners to conveyances or encumbrances placed on their homes.
- Explore best practices and victim services law enforcement partnerships, such as the Telephone Outreach Program (TOP), initiated in 2010 with the Philadelphia Police Department, SeniorLAW Center, and other domestic violence agencies. SeniorLAW Center receives copies of incident reports for domestic violence calls from each police district for victims 60 or older, contacts the victims by telephone with information about resources that they may not have otherwise been aware of, including but not limited to legal advocacy.

Conclusion

In the year 2020, it is expected that 1 in 4 Pennsylvanians will be a senior. Elder abuse will be an issue that affects us all in dramatic ways both personally and financially. Pennsylvania needs creative, strategic, multi-disciplinary and collaborative responses to the many forms of elder abuse. Preservation of dignity, autonomy and independence should be key in formulating these responses. We look forward to working with you to make Pennsylvania a national leader in pursuing elder justice.