

ELDER ADVOCACY PROGRAM

A COMMUNITY RESPONSE TO ELDER ABUSE

A partnership between Center for Elder Law & Justice, the New York State Unified Court System, and Chautauqua County Department of Health and Human Services

Nicole K. Parshall, Esq.

Amanda G. Chase, Social Worker



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INTRODUCTIONS

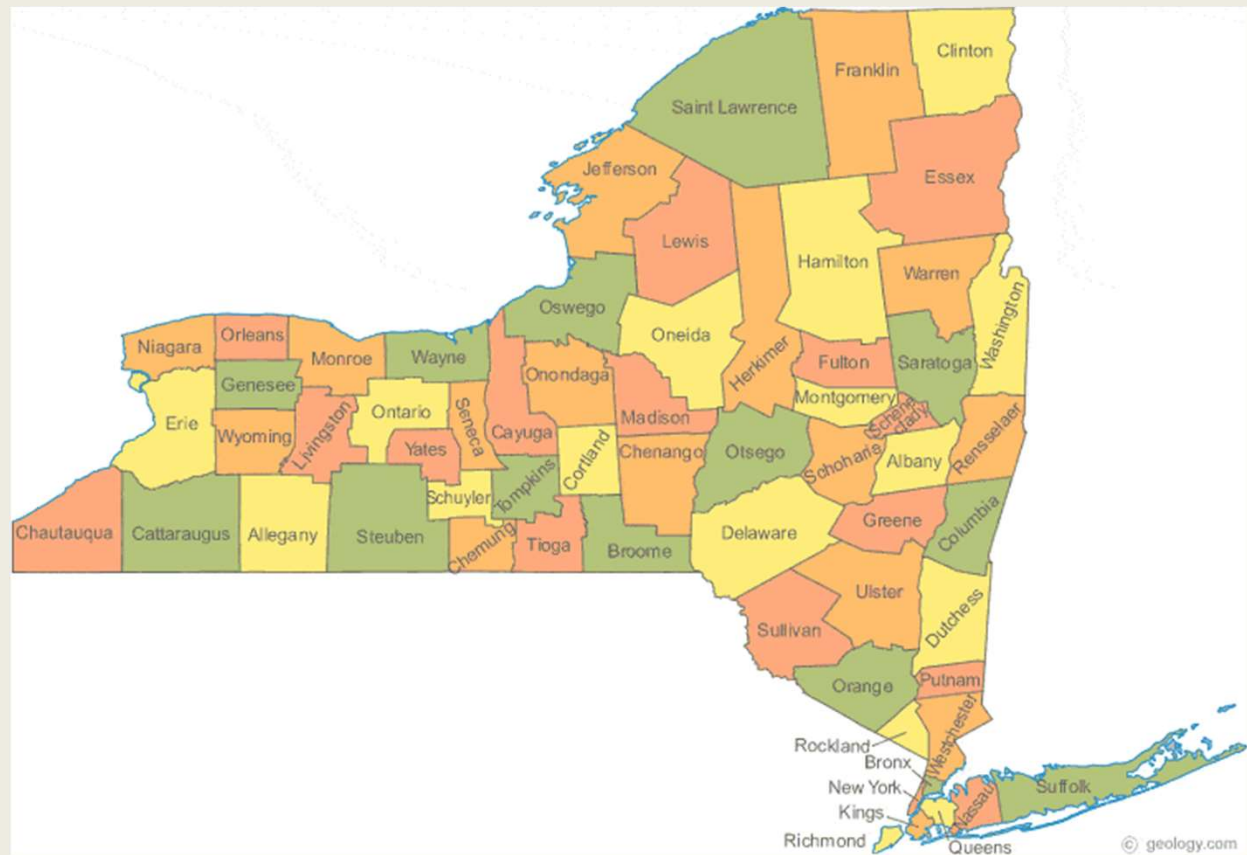
- Nicole K. Parshall, Esq.
 - Program Director of the Elder Advocacy Program
 - Center for Elder Law and Justice, Elder Abuse Prevention Supervising Attorney
- Amanda G. Chase, Social Worker
 - Elder Advocacy Program and Center for Elder Law and Justice, Social Worker
 - Chautauqua County EMDT Coordinator
 - Chautauqua County Council on Elder Abuse Coordinator

WHO WE ARE

- Center for Elder Law and Justice
 - Areas of practice
 - Foreclosure
 - Consumer
 - Guardianship
 - Health Care Advocacy
 - Housing
 - Kinship Care
 - Long Term Care Resident Advocacy
 - Medlaw Partnership
 - Older New Americans & Refugees Legal Services
 - Senior Legal Advice Hotline
 - WNY Coalition Pooled Trusts
 - Elder abuse prevention
 - Elder Advocacy Program

WHERE WE ARE

- New York State
- Chautauqua County
 - Demographics





OUR STORY

CREATING THE ELDER ADVOCACY PROGRAM

2015 – 2017 ELDER ABUSE CASES

- January 2015 – December 2017
 - 13 elder abuse cases opened by CELJ

INITIAL COLLABORATIONS: 2017

- Chautauqua County received funding through Lifespan of Greater Rochester to develop and implement an Elder Abuse Enhanced Multidisciplinary Team.
- Chautauqua County and CELJ collaborate to provide civil legal representation for E-MDT cases.
- CELJ participates on the NYS Judicial Committee for Elder Justice and in conversation with Judge Kaplan decided to expand remote filing of temporary orders of protection in Chautauqua County.
- CELJ and Chautauqua County DHHS meet to discuss partnership in application for ACL Elder Justice Innovation Grant.

OUR INITIAL PROPOSAL TO ACL: SUBMITTED AUGUST 2017

- To create a new, replicable elder court model for rural, low resource areas
 - Providing legal representation
 - Arranging for accessibility accommodations
 - Utilizing remote video conferencing
 - Developing a flagging system to identify elder abuse cases and to directly link the courts to the project
 - Connecting with E-MDT and member stakeholders

GRANT AWARDED OCTOBER 2017: ELDER JUSTICE NAVIGATOR PROGRAM

- A pilot project in Chautauqua County, New York, funded by an Elder Justice Innovation Grant awarded by the Administration for Community Living
- In **partnership** with Chautauqua County Department of Health and Human Services (DHHS) and the New York State Unified Court System (NYS-UCS)
- One of only five grants awarded nationally, and the only one to go to a non-university

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* ACL Elder Justice Innovation Grant Award Number: 90EJIG0011-01-00

CREATION OF COURT COLLABORATION TEAM

- Data collection
- Flagging system
- Creation of court survey and analysis of results
- Chautauqua County Magistrate's Association

INITIAL CHALLENGES AND WORKING SOLUTIONS

Challenges:

- Concerns about neutrality
- IT flagging too difficult
- Data limited

Working Solutions:

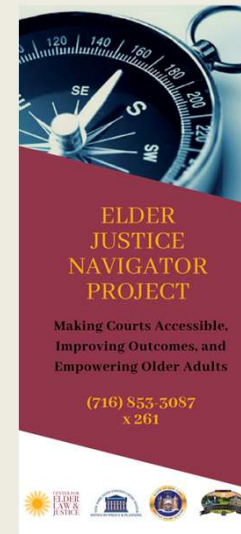
- Creation of modified flagging system
- Development of EJNP referral system
- Suggestion that we connect with law enforcement and the DA's office for data and project referrals. Court likely to be end point, not referral source.

COURT TRAININGS

- Three trainings conducted and 28 individuals in attendance
- Family Court, Surrogate's Court, County Court, and City Court Judges in attendance
- Trainings conducted in conjunction with Protective Services for Adults

CREATION AND DISTRIBUTION OF EJNP MATERIALS

- Desk guide: A tool for identifying elder abuse, locating substantive law, practical considerations for courts, and community resources
- Internal court signage explaining identification of elder abuse and EJNP referral process
- Rack cards and business cards
- Referral Criteria Poster
- Referral Forms
- Referral Information Spreadsheet
- Court Display Boards



INITIATING COMMUNITY COLLABORATIONS

- **Protective Services for Adults**
 - Data
 - Referral process
 - Case collaboration
 - Case review meetings
- Increasing participation on E-MDT
- Creation of Chautauqua County Council on Elder Abuse (CEA)
 - CEA members participated in EJNP training

MEMORANDA OF UNDERSTANDING

New York State Unified Court System executed 6/1/18

Chautauqua County Department of Health and Human Services executed 9/7/2018



LAUNCH OF ELDER JUSTICE NAVIGATOR PROJECT: JULY 2018

- Held at Chautauqua County Court House Speakers:
 - NYS Senator Catherine Young
 - Administrative Judge for the 8th Judicial District, Honorable Paula Feroletto
 - County Executive George Borrello
 - Representative from DHHS
 - Karen Nicholson, CELJ CEO
 - Nicole Parshall, CELJ
- In attendance were judges, law enforcement, DA's Office, APS, OFA, and other community stakeholders, as well as local media

DATA: JANUARY 2018 – SEPTEMBER 2018

- Pre-Launch: January 2018 – June 2018
 - 4 cases opened
- 3 Months Post-Launch: July 2018 – September 2018
 - 9 cases opened

REFERRING AGENCIES AS OF SEPTEMBER 2018

- Law Enforcement
- Office for the Aging
- Protective Services for Adults
- The Salvation Army

EVOLUTION OF THE PROJECT

NEW TRAININGS HELD

- Protective Services for Adults
- Office for the Aging
- Meals on Wheels
- Chautauqua Adult Day Program
- Law Enforcement

RE-ENVISIONING OF PROGRAM MODEL

- Met with Child Advocacy Program
- Recognizing ourselves at single point-of-entry for community members and stakeholders

REBRANDING

- NCEA and FrameWorks Institute
- Elder Justice Navigator Program becomes Elder Advocacy Program

NUTS AND BOLTS OF THE ELDER ADVOCACY PROGRAM

- Act as a **SINGLE POINT-OF-ENTRY** for survivors of elder abuse
- With the aim of identifying and addressing survivors' full range of needs, reducing harm, and **empowering** survivors
- While addressing systemic barriers to our justice and social systems, and improving court and long-term outcomes for survivors
- And coordinating a community response to elder abuse, by bringing a trauma-informed, team approach to allegations of abuse



WHO IS AT THE TABLE?

- Referral Sources:

- Law enforcement
- APS
- DA's office
- Courts
- The Salvation Army
- Office for the Aging
- Ombudsman Program
- Senior living facilities
- Survivors and survivor's family members

- Project Partners:

- E-MDT
- Law enforcement
- APS
- DA's office
- Courts
- Office for the Aging

REFERRAL CRITERIA

- Any older adult appearing in any of the Chautauqua County courts is eligible for referral to the project.
- The project aims to assist individuals 60 and over.



OUR INTAKE PROCESS:

EAP Social Worker and Attorney conduct a **Global assessment** of survivor's legal and non-legal needs, including:

- Civil Legal Representation on current civil matter or future elder abuse-related case(s)
- Review by County EMDT
- Assistance engaging with law enforcement
- Assistance with courtroom accessibility
- Assistance with finances
- Medical
- Social
- Other community services



CONNECTING SURVIVORS WITH DIRECT SERVICES

- **Civil Legal representation by Center for Elder Law and Justice**
 - **Family Court Orders of Protection**
 - **Power of Attorney drafting or revocation**
 - **Execution of Health Care Proxy**
 - **Special Proceedings under Power of Attorney statute (GOL)**
 - **Civil complaints to recover money**
 - **Evictions or Ejectments**

DIRECT SERVICES, CONT'D

- **Case review by the Chautauqua County Elder Abuse Enhanced Multi-Disciplinary Team**

- Coordinated investigation by team members with the aim of:
 - Preventing future harm
 - Criminal prosecution
 - Restitution
- Utilization of a forensic accountant
- Access to a geriatric nurse practitioner



DIRECT SERVICES, CONT'D

• Assistance with Law Enforcement

- Support and assistance in making initial contact with police
- Follow-up with law enforcement once report filed
- Advocacy regarding wishes of survivor
- Assistance contacting and following up with Victims' Assistance Program
- Assistance **to** police in obtaining bank records, communicating with survivor and perpetrator



DIRECT SERVICES, CONT'D



- **Assistance with courtroom accessibility**

- Travel Fund to assist older adults with the cost of transportation to and from court
- Provision of **accessibility devices**, such as wheelchairs, hearing amplifiers, and document magnifiers
- Availability of **Court Support Person**
- **Advocacy** for appropriate court calendaring and case handling
- **Remote Electronic Filing and Video Conferencing for** petitions for Temporary Orders of Protection in Family Court



DIRECT SERVICES, CONT'D

• Assistance with Finances

- Connection with Adult Protective Services for **representative payee** assistance
- Advice and counsel, and advocacy as appropriate, regarding **guardianship** by trusted individual or through Adult Protective Services
- **Advocacy** to banks and financial institutions
- **Budgeting** assistance
- Connection to Office for the Aging for additional services



DIRECT SERVICES, CONT'D

• Assistance with Medical Needs



- Connection with in-home care providers through Office for the Aging
- Referrals to Geriatric Psychiatrists for capacity evaluations
- Advocacy to Dept. of Social Services on Medicaid applications and denials
- Referrals to WNY Coalition Pooled Trust, a supplemental needs trust managed by CELJ, People, Inc., and Key Bank

DIRECT SERVICES, CONT'D

• Assistance with Social Needs and Activities of Daily Living

- Referrals to Office for the Aging/NY Connects, Adult Day Services, and community programs for connection with:
 - Community centers and social groups to decrease isolation
 - Friendship Line to decrease isolation of home-bound older adults
 - Meal provision through Meals of Wheels
 - Provision of in-home assistance with household chores and ADLs



INCREASING AWARENESS OF ELDER ABUSE AND THE EAP THROUGH:

- Education of:
 - Community Members
 - Allied Professionals
 - Community Stakeholders
- Making the EAP Accessible
 - Translation of materials into Spanish



EAP TRAININGS CONDUCTED OR SCHEDULED:

Courts

- Family
- Surrogates
- Supreme
- County
- City
- Justice

Law Enforcement

- Local Police
Departments
- State Police
- Sheriff's Office
- District
Attorney's
Office

Other Government Agencies

- Adult Protective
Services
- Office for the
Aging
- Meals on
Wheels
- Dunkirk City
Council

Miscellaneous

- Financial
Institutions
- Council on
Elder Abuse
- Adult Day
Services
- Ombudsman
Program

ANTICIPATED TRAININGS

- Assisted and Skilled Nursing Facilities – staff and residents
- Independent Living facilities
- First Responders
- Faith Communities
- Hospitals
- Private Practice Medical Professionals

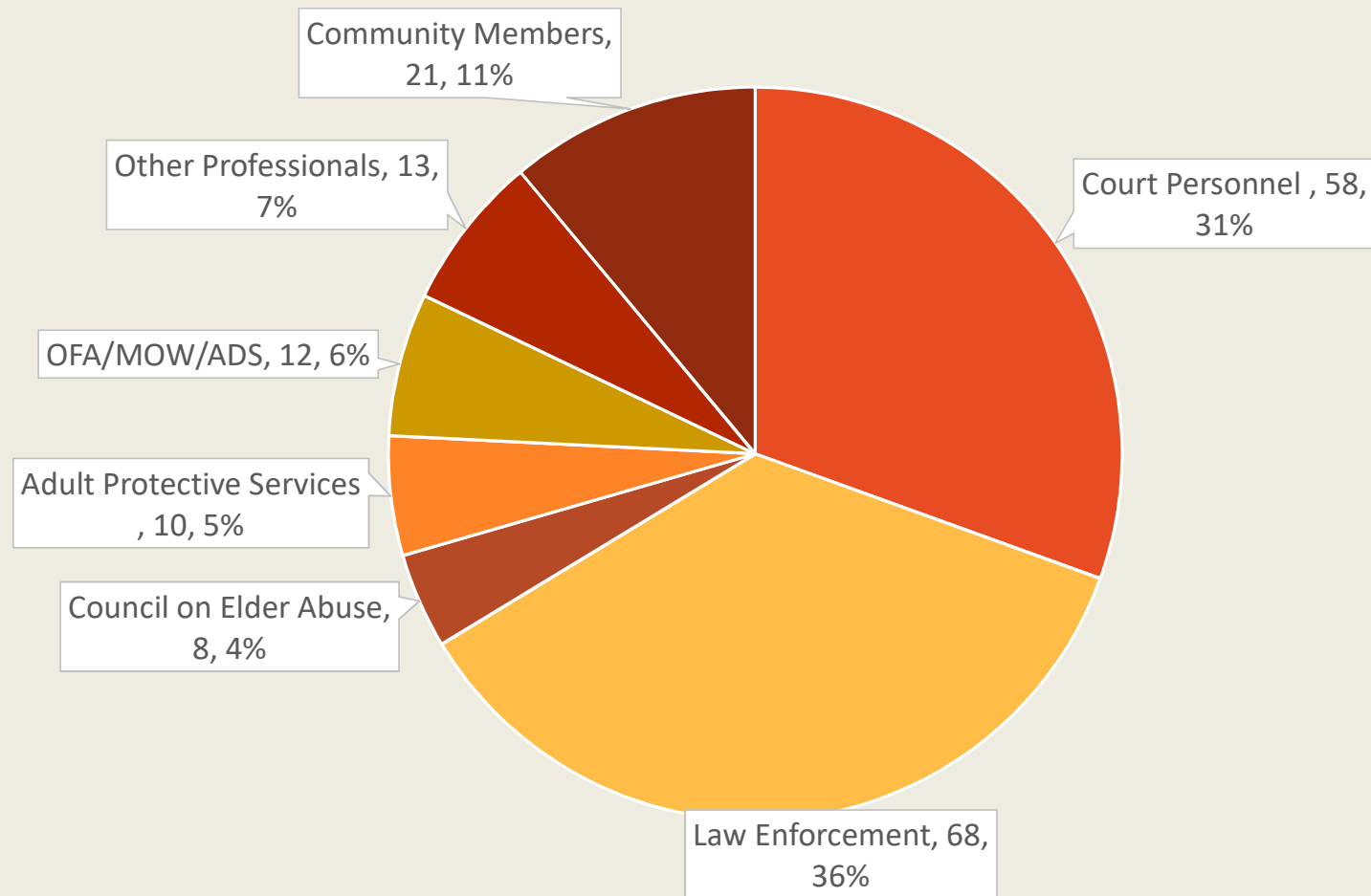
TRAININGS COVER THE FOLLOWING:

- Types and dynamics of elder abuse
- Risk factors for survivors and perpetrators
- Factors affecting willingness to report
- Financial exploitation
- The aging process – Physiological, Psychological, Dementia
- Capacity
 - In various contexts
 - Considerations for courts
 - Capacity assessments

TRAININGS, CONT'D

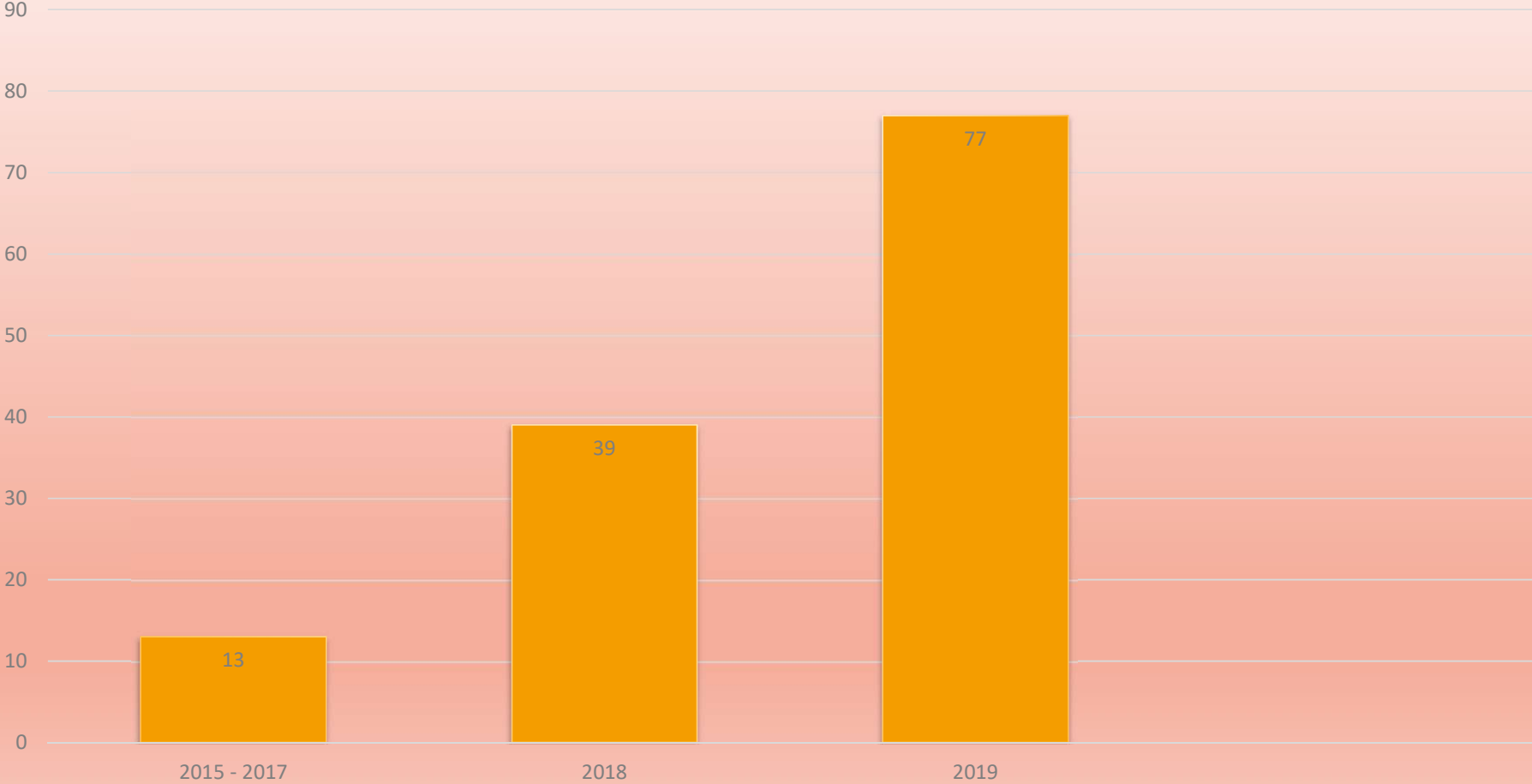
- Elder abuse and the courts
 - Appointing counsel
 - Undue influence; warning signs
 - Power of Attorney abuse
- Court responses to elder abuse
 - Case handling
 - Communicating with older adults
 - Alternative methods of obtaining testimony
 - Crafting effective orders in criminal and civil court
- Enforcing orders
- New York State laws concerning elder abuse

NUMBER OF INDIVIDUALS TRAINED: 189

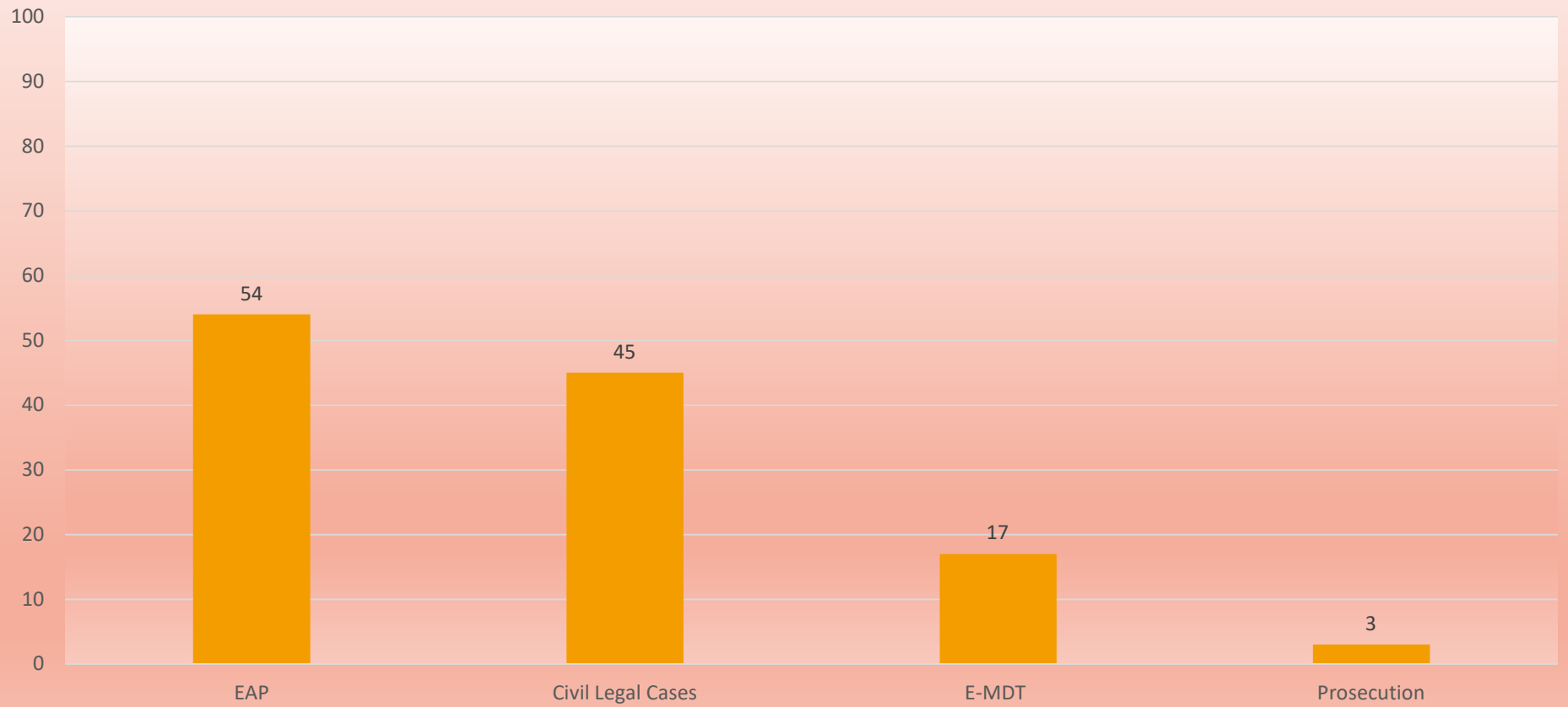


SUCCESS BY THE NUMBERS

NUMBER OF CASES OPENED PER YEAR



CASE DATA



SUCCESSSES, CONT'D

- **Increased buy-in from allied professionals**
 - Increase in referrals to EAP
 - Greater collaboration on cases
 - Broadened scope and reach of program



CHALLENGES

- Initial lack of court referrals
 - Broadening scope of project
 - In-Court displays
 - Continued outreach
- Inconsistent and sporadic referrals from APS
 - Informal policy instituted by APS for warm referrals
 - Formal policy instituted by APS for referrals to EAP
- Law Enforcement: Misunderstandings related to POA and civil versus criminal liability
 - Fostering relationships within the EMDT
 - Utilizing EMDT cases to educate members on POA and penal code
 - Increase in referrals



LESSONS LEARNED

- **Collaboration is Key**
 - Court Collaboration Team
 - EAP Participation in Adult Protective Services Case review
 - Creation of Council on Elder Abuse
 - Strengthening of EMDT by increasing participation
 - Memoranda of Understanding between:
 - EAP and APS
 - EAP and OFA



LESSONS LEARNED, CONT'D

- Plan for appropriate staffing levels to meet identified needs
- It's a long process
- Attorney – social worker relationship

A WORK IN PROGRESS

- Updated materials
 - Revised desk guide
 - Replication
-
- Materials and information for replication to be made available to the public and community organizations through a link on CELJ's webpage
 - Contact CELJ for further information

MOVING FORWARD

- Funding to sustain program:
 - Victims of Crime Act funding through NYS Office of Victim Services
- Expansion of program in neighboring Cattaraugus County
- Enhancement of program through addition of:
 - Elder Shelter System in both counties
 - Creation of Vulnerable Elderly Person Teams in area emergency rooms
- Replication
 - Materials to be publicly available in the coming months

CASE EXAMPLE

- Male, age 82
- Referred by APS
- March 2018 – Met perpetrator; perpetrator takes \$10,000 in cash as well as client's wallet and cell phone; perpetrator makes additional (30+) purchases with client's credit card
- May 2018 – Client represented by CELJ; case brought to E-MDT
- Client connected to SNAP, Meals on Wheels, and OFA
- August 2018 – POA and HCP executed; perpetrator arrested and charged with petit larceny; OOP granted
- September – Plea deal accepted and restitution ordered
- October 2018 – Restitution awarded
- April 2019 – Perpetrator reappears and case is brought back to the E-MDT; perpetrator convinces client to hand over more money and is arrested and charged with violation of OOP
- May 2019 – Credit report indicates perpetrator opened account in client's name
- June 2019 – Advocacy to law enforcement

CONTACT INFORMATION

Program Director Nicole K. Parshall, Esq.

(716) 853-3087 x 266

nparshall@elderjusticeny.org

Program Social Worker Amanda G. Chase

(716) 853-3087 x 261

achase@elderjusticeny.org