The US Department of Justice and the National Center on Elder Abuse estimate that at least one in 10 Americans experience elder abuse each year. Elder abuse can take many forms, including neglect, financial exploitation, psychological or emotional abuse, or physical and sexual abuse. Abuse is more common in some subpopulations. For example, approximately 47 percent of those with dementia experience mistreatment, and African American men over the age of 60 are more likely to experience financial exploitation than non-African Americans (23 percent compared to 8.4 percent). Legal aid providers can help intervene and prevent abuse from occurring, protect a victim after abuse occurs or is suspected from further harm, and seek redress against an abuser. This civil legal help can include preparing and reviewing powers of attorney, revoking legal documents, obtaining a separation or divorce, petitioning for protection orders, bringing eviction or other removal proceedings against an abuser or preventing eviction of the victim, guardian or conservator issues, and other civil actions involving fraud and restitution.

Page 1 of this research brief provides some research highlights; pages 2-3 a narrative overview; pages 4-6 several featured federal resources; page 7 other helpful resources; and pages 9-12 summaries of the curated studies. All endnotes (page 8) are to sources not included in our summaries section.

RESEARCH HIGHLIGHTS:

- A report commissioned by the Legal Services for the Elderly (LSE) and Maine’s Office of Elder Services (The University of Maine Center on Aging, 2010) found that between 45 and 86 percent of low income elderly people have unmet legal needs, ranging from healthcare and government benefits to directives and guardianship.
- In 2007, the Los Angeles Superior Court partnered with Bet Tzedek Legal Services to embed lawyers in multidisciplinary service teams. “Since [the collaboration’s] inception, over 1,500 individuals have been assisted in obtaining conservatorships or restraining orders involving elders and dependent adults. Most of these individuals could not afford the cost of an attorney and were able to obtain the needed legal services with the assistance of the self-help clinic” (Morris, 2010).
- A 2008 assessment of civil legal needs by the Nevada Supreme Court Access to Justice Commission found that unmet legal needs of seniors were concentrated in counties with less civil legal aid lawyers (The Nevada Supreme Court Access to Justice Commission, 2008).
- “Differences in the rate of substantiated cases between other counties reflect major variations throughout the state in the level of effort expended to investigate and resolve allegations of elder abuse. These variations indicate the potential for many seniors or their family members to need legal assistance to address incidents of elder abuse and neglect because they cannot rely on governmental services to respond in a thorough and timely manner in all parts of the state” (The Nevada Supreme Court Access to Justice Commission, 2008).
NARRATIVE OVERVIEW RE: ASSISTING ELDER ABUSE SURVIVORS

Elder abuse has many legal definitions, but it is generally organized into three domains: 1) Abuse, either physical, sexual, or psychological/emotional; 2) Neglect, including abandonment and withholding assistance for Activities of Daily Living (ADL); and 3) Financial exploitation.5

The US Department of Justice and the National Center on Aging estimate that approximately 10 percent of older Americans over the age of 60 experience elder abuse.6 However, researchers believe the true prevalence may actually be much higher, and that it will likely increase over the coming decades as the population ages, caregiving responsibilities shift within families, and more seniors enter long term care.7 Elder abuse tends to be underreported because victims may fear retaliation, they may lack the physical or cognitive ability to report an incident, or they do not want to get the abuser in trouble.8 One study in New York found that for one self-reported case of elder abuse approximately 24 others were unreported.9 Another study from 2016 found that 50 percent of vulnerable adult victims of financial exploitation were unaware they had been exploited at all.10

Prevalence of abuse and mistreatment is also higher within certain populations. For example, approximately 47 percent of those with dementia experience abuse, and African American men over the age of 60 are more likely to experience financial exploitation than non-African Americans (23 percent compared to 8.4 percent).11

Elder abuse is associated with increased risk of injury, hospitalizations, and disability, poor psychological outcomes, and significant financial losses due to exploitation and increased medical costs.12 A study from 2009 found that seniors who have been abused have a 300 percent higher risk of death compared to those who have not been mistreated or abused.13

DATA AND STUDIES SHOW LEGAL AID HELPS:

In a legal needs assessment of older adults in Maine prepared for The Legal Services for the Elderly (LSE) and Maine’s Office of Elder Services (2010), researchers found that between 45 and 86 percent of low income elderly people have unmet legal needs ranging from healthcare and government benefits to directives and guardianship.14 One study found that elder abuse is more concentrated in counties where there is less access to civil legal service providers (The Nevada Supreme Court Access to Justice Commission, 2008). When individuals can access power of attorney, conservatorship, directives, and guardianship, it can prevent others from exploiting them.

According to the American Bar Association Commission on Law and Aging, there are several ways lawyers can help end elder abuse:15

- Counsel individuals in how to update power of attorney to include provisions to minimize the risk of financial exploitation and misuse of authority
- Screen and assess seniors who may be experiencing elder abuse
- Help victims file lawsuits against their abusers to end abuse, seek compensation, and/or recover assets
- Collaborate with social service providers, law enforcement, and other agencies to better identify and remedy elder abuse
- Help private agencies develop policies to more effectively prevent, detect, and stop elder abuse
- Develop more responsive laws, regulations, and policies
Civil legal help can also include preparing and reviewing powers of attorney, revoking legal documents, obtaining a separation or divorce, petitioning for protection orders, bringing eviction or other removal proceedings against an abuser or preventing eviction of the victim, guardian or conservator issues, and other civil actions involving fraud and restitution.\textsuperscript{16}

When risk factors are identified quickly, legal and social service providers can respond quicker and more accurately (Mosqueda et al., 2016). For example, they can work with older Americans to set up financial and health plans while they are at risk for abuse before any abuse takes place. For example, by identifying that a caregiver cannot physically care for an individual, legal aid providers can set up a health directive before the situation becomes neglectful or abusive. When older Americans have access to self-help services, they are more likely to have their cases resolved quicker in the court (Morris, 2010).

Legal services play a significant role in reducing and preventing elder abuse. As James M. Cole, former Deputy Attorney General, said at the 2012 White House World Elder Abuse Awareness Day event:\textsuperscript{17} Legal services programs have a unique opportunity to prevent and remedy elder abuse, especially the scourge of financial exploitation. For example, they can help prevent mortgage foreclosures resulting from a family member’s theft of a senior’s life savings; they can counsel worried older clients about legal options for responding to debt brought on by a financial scam, or better yet counsel them on how to avoid the scam in the first place; they can advise clients on how to revoke a power of attorney that is being used by someone unscrupulous to exploit them; and they can offer elders a safer future by representing abused clients in obtaining a protective order.
FEATURED FEDERAL RESOURCES:

U.S. Department of Justice, *The Benefits of Referring Elder Abuse Clients for Civil Legal Assistance webinar*

This hour-long webinar discusses how civil legal assistance can aid seniors in recovering from being abused or mistreated. The speakers inform participants of the ways civil legal services can help seniors recover from being abused, and how and to whom to make referrals for civil legal assistance without breaching professional ethics (e.g., confidentiality).


U.S. Department of Justice, *Elder Justice Neighborhood Map*

In June 2019, the Elder Justice Initiative (EJI) launched the Elder Justice Neighborhood Map, an online directory that allows users to identify organizations that provide elder abuse services in their state. Users can select their state from a dropdown menu and explore a list of providers in services including legal aid, crime victim compensation, housing, food, and transportation.


U.S. Department of Justice, *Rural and Tribal Elder Justice Resource Guide*

This Resource Guide from the Elder Justice Initiative (EJI) contains information from the U.S. Department of Justice and Department of Agriculture’s summit on rural and tribal elder justice held in November 2018. The document contains statistics, research, and infographics on elder abuse; links to federal resources on issues like housing, broadband, transportation, health and nutrition, and housing; and community outreach materials containing tips on how increase prevention and intervention in elder abuse cases in rural communities and within Tribal settings

Highlights:

- “In partnership with the US Department of Agriculture, the Summit reflects the Department of Agriculture, the Summit reflects the Department’s commitment to ensuring that our state and local partners have the most current resources and robust support to combat elder fraud and abuse in their communities” (p. 6).

- “Reflecting on justice, social services, and public health frameworks, we [the US Department of Justice] chose to partner with the US Department of Health and Human Services’ Administration for Community Living, the American Bar Association’s Commission on Law & Aging, the National Adult Protective Services Association, and the National Association of Area Agencies on Aging to identify
  - evidence-based and promising practices to respond to elder abuse;
  - existing federal and state resources; and
  - gaps in knowledge, resources, and responses” (p. 6).

The SPR database contains information on the supportive service programs offered under Title III of the Older Americans Act and the Title VII Elder Rights program, including state-level expenditures for elder abuse prevention and legal assistance services, between 2005 and 2018.


Office for Victims of Crime Training & Technical Assistance Center, Online Elder Abuse Training for Legal Service Providers
The Office for Victims of Crime’s (OVC) Training & Technical Assistance Center (TTAC) offers online capacity-building trainings in a number of focus areas. The Online Elder Abuse Training for Legal Service Providers is a 4-hour training of information, tools, and resources to identify and respond to elder abuse. The training contains four modules: Domestic Violence and Sexual Assault, Financial Fraud and Exploitation, Practical Ethical Strategies, and What Lawyers Need to Know.

Other relevant trainings for elder abuse legal service providers include Online Elder Abuse Training: Ethical Issues and Practical Strategies and Identity Theft Victim Assistance Online Training. A login is required to view and register for these trainings.

Access these and other trainings at: US Department of Justice, Office for Victims of Crime. Training & Technical Assistance Center (June 2019), available at https://www.ovcttac.gov/

U.S. Department of Justice, Office for Victims of Crime Vision 21 Report
Vision 21: Transforming Victim Services (TVS) outlines a comprehensive and systematic approach to change how we meet victims’ needs. TVS grew out of a series of meetings that were sponsored by OVC. The discussion and research focused on the role of victim assistance, how to better serve victims, addressing issues in the field, and identify emerging issues in the field.

This report dedicates an entire chapter to meeting the holistic legal needs of crime victims. The TVS statement reads: “Every state will establish wraparound legal networks that will help ensure that crime victims’ rights are enforced and that victims of crime receive the broad range of legal services needed to help rebuild their lives in the aftermath of crime” (p. 9). This chapter summarized efforts made within the last decade to secure crime victims’ rights, the difficulties victims face in navigating the justice system, and ways that legal networks can better address crime victims’ needs.

Highlights:
• “A staggering 42 percent of victims never report serious violent crime to law enforcement. We need to know why. Stakeholders described a maze of overlapping, complex legal issues facing victims; for example, a single victimization can involve immigration status, civil legal assistance, administrative law remedies, and rights enforcement” (p. vi).
• “Victims of crime all too often face a perplexing maze of coexisting, overlapping, and complex legal issues after their victimization. They must navigate multiple systems (i.e., the criminal, civil, and administrative justice systems), each with its own requirements and processes. One case of victimization may produce myriad legal issues for the victim, including orders of protection, victims’ rights enforcement, compensation, employment, housing, home foreclosure, spousal support, and child custody, visitation, and dependency” (p. 12).
• “Serving crime victims in indigenous communities presents a special challenge to all members of the victim service community, particularly providers of legal services. American Indian and
Alaska Native populations suffer significantly higher crime rates than the rest of the Nation—a fact that underscores the urgency of finding ways to deliver services more successfully or, in the case of legal assistance, to deliver services at all” (p. 12).

- “Compounding the lack of legal representation for crime victims is the absence of a single point of entry through which victims of all types of crime may access services to address the wide range of legal needs they may have as the result of their victimization” (p. 14).
- “A coordinated, collaborative, and holistic legal response has the potential to serve victims far better through an inherent capacity to provide the type of legal assistance needed at any given time. A network approach would also ensure that victims are connected to community legal resources that can help them address their administrative, civil, and other legal issues” (p. 14).

HELPFUL RESOURCES:

- Some states, like California, have commissions on aging. These commissions often publish reports detailing how elder abuse affects state residents.\(^1\)

- The National Center on Law & Elder Rights (NCLER) has partnered with California and Connecticut to create guides for civil legal aid attorneys working on cases involving financial exploitation of older adults. NCLER has also published helpful overviews of the legal basics of elder abuse and financial exploitation, as well as the Elder Justice Toolkit which contains information on civil legal remedies, practice tips, and sample proceedings.\(^1\)

- The National Center on Elder Abuse is a program of the U.S. Administration on Aging, with grants awarded to the following agencies to carry out the Center’s activities: NCEA Information Clearinghouse - Keck School of Medicine of the University of Southern California and NCEA National Indigenous Elder Justice Initiative - University of North Dakota’s Center for Rural Health. NCEA’s resources include reports, webinars, and podcasts, national data on prevalence and consequences of mistreatment, and state-level information on agencies, laws, and statistics related to elder abuse.\(^2\) The University of Southern California’s NCEA website contains a list of publications related to elder abuse, including fact sheets on cultural issues, prevention and intervention, state laws and policies, and risk factors.\(^3\)

- Justice in Aging hosted a webinar in August 2019 overviewing the Older Americans Act programs and structure, practices of connecting legal services with the aging and disability network, and highlights from Legal Services of North Dakota’s service model.\(^4\)

- Justice in Aging hosted a webinar series in 2017 on Legal Assistance Developers (LADs) and the importance of developing and implementing statewide standards for providing legal services to seniors.\(^5\)

- Legal Services Corporation has collected client success stories here.\(^6\)

- For more information about civil legal aid messaging, communications, and story-telling, go to the Voices for Civil Justice and All Rise for Civil Justice websites.\(^7\)

- For a more comprehensive repository of legal aid related research, go to the National Legal Aid & Defender Association’s LegalAidResearch website.\(^8\)

- The Center for Victim Research is continually adding to their Research Syntheses on the state of the field for multiple victimization types and their Library, which includes a public collection of over 1,000 resources.\(^9\)

- The American Bar Association maintains a list of legal needs and impact studies for most states.\(^10\) Their 2011 Access Across America report compiled a state-by-state portrait of services available to assist the U.S. public in accessing civil justice.\(^11\)
Endnotes

6 Supra note 1.
11 Supra note 3.
16 Supra note 6 at 6.
22 https://vimeo.com/356485794
25 See https://voicesforciviljustice.org/ and https://www.allisforciviljustice.org/
26 https://legalaidresearch.org/
SUMMARIES OF KEY STUDIES


Mosqueda and colleagues, who study geriatrics and family medicine, used data from the Elder Abuse Forensics Center and applied it to a model including three domains: how vulnerable the older adult was (such as having a physical impairment that limits mobility), their level of dependence on others for caregiving, and contact with others (such as the amount of social isolation the individual experiences and the quality of the relationship between the older individual and caregiver). Using this model, they identified risk factors for elder abuse and then referred them to organizations and individuals who could help. Risk factors included emotional distress and/or mental illness, impaired physical function, impaired cognition, cultural norms, social isolation, and low-quality relationships. This study received funding from five National Institute of Health grants.

Methodology:
The researchers examined common themes and risk factors among the more than 1,000 cases of elder mistreatment investigated by the California Elder Abuse Forensics Center in Orange County. Based on common themes they developed the Abuse Intervention Model (AIM), which can assist with developing a care plan to prevent or mitigate elder abuse.

Highlights:
- “Ten percent of older adults experience elder mistreatment, and it is much more common in older adults with dementia. It is associated with higher rates of psychological distress, hospitalization, and death and, in the United States, costs billions of dollars each year. Although elder mistreatment is relatively common and costly, it is estimated that fewer than 10% of instances of elder mistreatment are reported. Given these data, there is a great need for research on interventions to mitigate elder mistreatment, and a practical model or framework to use in approaching such interventions” (p. 1879).
- “In this paper we present a new model to examine the multidimensional and complex relationships between risk factors informed by theories of elder mistreatment, research on risk factors for elder mistreatment and 10 years of experience among personnel at the Orange County, California Elder Abuse Forensics Center who have investigated more than 1000 cases of elder mistreatment” (p. 1880)
- “Identifying risk factors can help professionals further investigate and address the salient and modifiable risk factors to mitigate mistreatment. … When high frequency risk profiles are identified, a ‘toolkit’ of interventions specific to that profile could be developed and deployed” (p. 1882).
- They present the story of Ms. Smith: her husband has moderately advanced Alzheimer’s and had limitations with bathing, toileting, and dressing. Ms. Smith, who has osteoarthritis, could not assist her husband with his hygiene needs and was also being isolated from her support system because she spent the majority of her time caring for her husband. Using this template to identify risk factors, a social worker referred her to a psychotherapist to manage stress, assisted with hiring an in-home caregiver, referred her to a caregiver course to reduce conflict and assist her when caring for her husband, and finally, referred her to Legal Aid Society to make a financial plan for their needs. They met with an attorney to develop a healthcare directive and financial plan.
They performed a needs assessment through conducting focus groups with older adults and compared their results to six other states that had performed needs assessments on older populations. They found that between 45 and 86 percent of low-income elderly people have unmet legal needs, ranging from healthcare and government benefits to directives and guardianship. NOTE: This Needs Assessment is included here because readers may find it helpful to describe the general legal needs of older adults that may also be relevant to victims of elder abuse.

Methodology:
They analyzed six needs assessments of states similar to Maine. These states are Kentucky, Michigan, Nevada, North Dakota, Ohio, and Utah.

Highlights:
- Of the services provided by Maine Legal Services, 26.3 percent were related to health insurance, 23.5 percent were related to personal finances, 15.4 percent were related to housing, 8.9 percent was related to estate planning, 8.2 percent was related to Power of Attorney and Healthcare Advance Directives, and the rest were under 4 percent. (p. 9). This statistic reflects national trends.
- Only 2.2 percent of Maine Legal Services worked on abuse or neglect cases, but other studies in Maine have reported an elder abuse rate of 6-12 percent (p. 3). They compare this to other states, such as Kentucky, which found that 12 percent of respondents reported abuse, like emotional abuse, financial abuse, physical abuse, and neglect. Also, nearly one-third of those surveyed reported depression and social withdrawal, or anxiety and anger, which are indicators of abuse (p. 17).
- In Michigan, just over 25 percent of lower-income older adults have a living will or patient advocate, compared to 43 percent of those with higher incomes. When asked how well their knew their rights, 56 percent of higher income adults said they did, compared to one-third of lower income adults (p. 16).


Morris, an elder law attorney, presented case studies that demonstrated how collaborations between county agencies and civil legal aid attorneys resulted in expedited conservatorships and elder abuse restraining orders. She found that, by having legal service providers on those teams, attorneys were able to identify legal issues and create a plan of action while working closely with social service providers.

Methodology:
Morris examined the Bet Tzedek Legal Services team’s collaborations with the Los Angeles Financial Abuse Specialist Team, Los Angeles County Hoarding Taskforce, Veterans Affairs Elders at Risk Team, and Los Angeles Elder Abuse Forensic Center on cases involving financial exploitation and self-neglect.

Highlights:
- “In 2007, the Los Angeles Superior Court, in conjunction with Bet Tzedek Legal Services, began the Self-Help Elder Law Clinic in order to streamline the process for filing conservatorships and
elder abuse restraining orders. Since its inception, over 1,500 individuals have been assisted in obtaining conservatorships or restraining orders involving elders and dependent adults. Most of these individuals could not afford the cost of an attorney and were able to obtain the needed legal services with the assistance of the self-help clinic” (p. 279).

• “The court has reported that clinic-assisted litigants have their cases resolved more quickly than pro pers [pro se litigants] who did not use the clinic. This outcome is beneficial for the elder client as well as for the courts—the cases go through the system efficiently without multiple continuances. Often, the judges or court investigators will recommend that litigants inquire at the clinics for additional help” (p. 279).

• “When [The Self-Help Elder Law Clinic] staff identifies litigants who have a particularly difficult situation, where the burdens on the family are great or they cannot communicate well in English, the litigant will be referred to Bet Tzedek for additional services and full legal representation. This referral system allows Bet Tzedek to effectively triage the cases and use their expertise for the people who need them the most, thereby utilizing funds to help as many people as possible” (p. 279).

• “… other communities may want to consider coordinating local legal services with the court system in order to streamline the process for the courts and litigants alike” (p. 280).


In 2007, as part of a statewide assessment of the civil legal needs of low and moderate income residents, the Nevada Supreme Court Access to Justice Commission contracted with Gene Kroupa & Associates, LLC (a research firm) and Social Entrepreneurs, Inc. (a management consultant firm) for three projects: a telephone survey, a needs assessment, and strategic planning. The Commission gathered input from residents, persons identified to have expertise related to civil justice issues (“key informants”), and resident focus groups. They found that elder abuse was a significant issue and was concentrated in counties that contained fewer civil legal aid lawyers.

Methodology:
1,000 Nevada residents from targeted geographic regions were interviewed by phone about their civil legal needs. The findings from these interviews were used to guide discussions with 20 key informants and 12 focus groups consisting of 6 to 13 residents each. The Commission also received demographic data from several counties in Nevada, the US Census, the State Bar of Nevada, and Legal Service Corporation (LSC) and non-LSC providers.

Highlights:
• Reports of elder abuse and neglect increased by over 28 percent (from 4,806 to 6,179 complaints) between 2004 and 2006. About 25 percent of the complaints were verified and investigated by law enforcement or other agencies. Over 62 percent of the complaints between 2006 and 2007 were filed by seniors over 76 years old, who are identified as members of an older age group more likely to be frail and vulnerable (p. 38)

• Elder abuse was five times as concentrated Washoe County (which includes Reno) compared to Clark County, despite having one fifth the number of residents over 65 (p. 37-38).
  – “Differences in the rate of substantiated cases between other counties reflect major variations throughout the state in the level of effort expended to investigate and resolve allegations of elder abuse. These variations indicate the potential for many seniors or their family members to need legal assistance to address incidents of elder abuse and neglect because they cannot rely on governmental services to respond in a thorough and timely manner in all parts of the state” (p. 37).
- Washoe County was one of three counties with the lowest number of low- or no-cost attorneys (p. 4).
- It is also the county with the lowest percentage of the elderly residents (p. 19).
- Focus group, key informant interviews, and additional research indicate that there is an insufficient number of low or no cost lawyers to address civil legal need cases in Nevada, specifically in Washoe County and Clark County.
  - “With more seniors, a growing immigrant population, and a growing number of homeless individuals and families, the demand on the legal system will only continue to increase” (p. 2).