

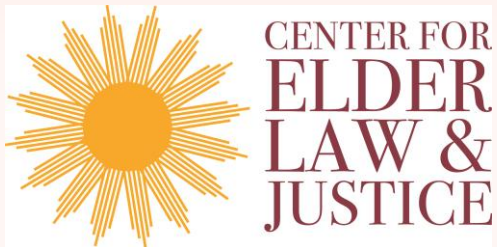
ELDER ADVOCACY PROGRAM

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

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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
- Kayleah Feser, LMSW
 - Elder Advocacy Program and Center for Elder Law and Justice, Social Worker
 - Chautauqua County EMDT Coordinator
 - Chautauqua County Council on Elder Abuse Coordinator



OUR STORY

A JOURNEY FROM THE ELDER JUSTICE NAVIGATOR PROJECT TO THE
ELDER ADVOCACY PROGRAM

INITIAL COLLABORATION

- 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 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: 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

*Points of view or opinions do not necessarily represent official ACL or DHHS policy.

* 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:

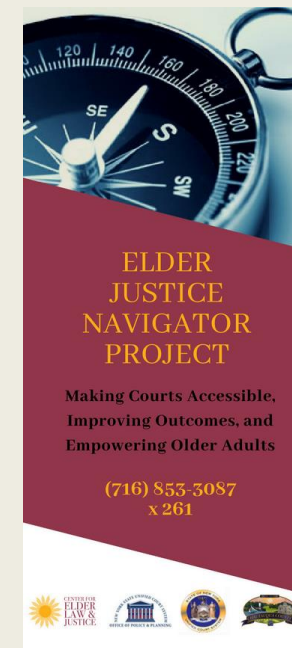
- Creation of modified flagging system
- Development of EJNP referral system
- Suggestion that we connect with law enforcement and the DA's office for data and project referrals. Court likely to be end point, not referral source.

COURT TRAININGS

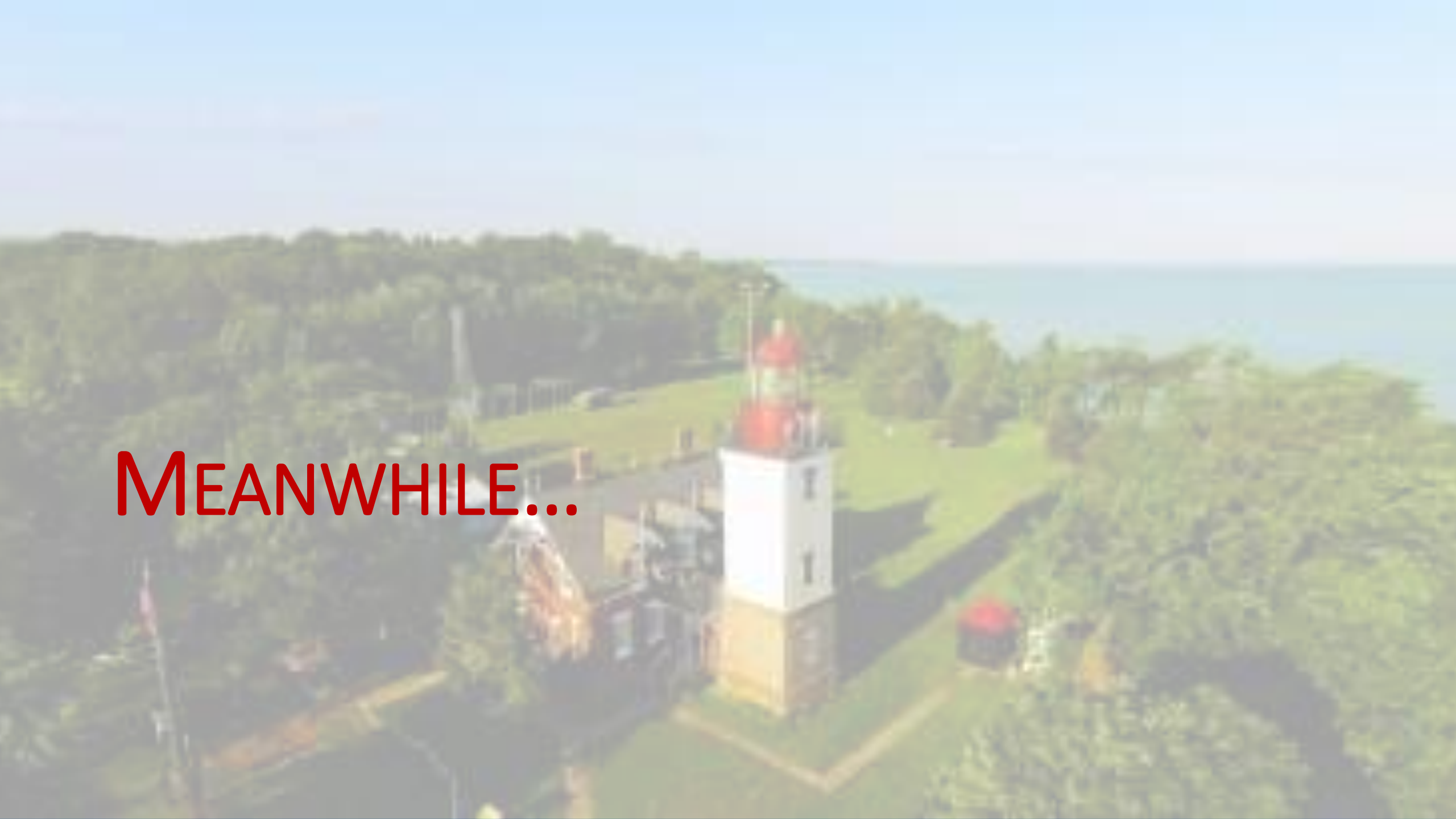
- Three trainings conducted and 28 individuals in attendance
- Family Court, Surrogate's Court, County Court, and City Court Judges in attendance
- Trainings conducted in conjunction with Protective Services for Adults

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



MEANWHILE...



INITIATING COMMUNITY COLLABORATION

- Protective Services for Adults
 - Data
 - Referral process
 - Case collaboration
 - Case review meetings
- Increasing participating with E-MDT
- Creation of Chautauqua County Council on Elder Abuse (CEA)
 - CEA members participated in EJNP training
- Joint presentation with Office for the Aging to M&T Bank

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

- Held at Chautauqua County Court House in July 2018
- 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

ELDER ABUSE CASE REFERRALS: DATA

- January 2015 – December 2017
 - 13 elder abuse cases opened by CELJ
- January 2018 – June 2018
 - 4 referrals made to the project
- July 2018 – September 2018
 - 9 referrals made to the project

EVOLUTION OF THE PROJECT

REFERRING AGENCIES TO DATE:

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

NEW TRAININGS PLANNED:

- Protective Services for Adults
- Office for the Aging
- Meals on Wheels
- Chautauqua Adult Day Program
- City of Dunkirk Safety Committee
- Resident councils at various Adult Care Facilities
- Ombudsman 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



- The EAP is a one-stop referral destination for elder abuse survivors, community stakeholders and allied professional suspecting abuse of an older adult
- EAP coordinates 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.*



*The EAP expects to lower the age of eligible older adults to 55 and over in the future.

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



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

Miscellaneous

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

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

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



SUCCESSSES BY THE NUMBERS

A total of 37 cases have been opened by the Elder Advocacy Program since January 1, 2018.

SUCSESSES, CONT'D

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



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

CONTACT INFORMATION

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