

Elder Abuse Prevention Project of Greater Boston Legal Services

Direct Client Advocacy

Outreach to providers and groups of elders

Create community based prevention coalitions

Utilize all forms of media to raise awareness



The Elder Abuse
Prevention
Project of
Greater Boston
Legal Services



Prevalence of the Problem

If you work with older adults, you work with victims of elder abuse

Legal Issues

Housing - eviction defense

Financial Exploitation - recovery of money/property

Revoking Powers of Attorney

Restoration of public benefits

Intimate partner violence in later life

Essential Partners

Adult protective services
Senior centers
Housing Authorities
Law enforcement
Aging network providers
Healthcare providers
Financial Institutions
DPPC - for individuals under 60



Best Practices

- ~ Community members work together on prevention
- ~ Multi-disciplinary teams exist in every town and city
- ~ “No wrong door” for referrals and help



Eviction Defense

Eviction from public or subsidized housing due to self neglect or presence of others in violation of the elder's lease



Example #1

Hoarding Issues - Eviction commences

Ideally, APS is involved

Work as a team

Try to reduce harm quickly

Request Reasonable Accommodation and create a service plan

Example #2

Granddaughter moves in

Steals meds and money from elder

Has no home; no money; no job; substance abuse disorder

A multi-disciplinary team creates options for the elder and granddaughter

Financial Exploitation

Attempt to stop the exploitation

Civil litigation for possible recovery of assets

Referral for possible criminal prosecution

Assist with possible transfer of asset problems for long term care Medicaid

Coalition Successes

- ~ Outreach and trainings by coalition members
- ~ Focus on non-traditional partners - hairdressers; pharmacists; faith communities
- ~ Use of local media to get the word out
- ~ Create a “no wrong door” between helpers
- ~ Keep moving forward!

Prepared by the Elder Abuse Prevention Project of Greater Boston Legal Services

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Legal Responses to Elder Abuse:

The Role of Adult Protective Services

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National Adult Protective Services Association

About NAPSA

- Mission - To strengthen adult protective services programs in order to improve the safety and independence of older persons and adults with disabilities who are victims of abuse, neglect, self-neglect, or financial exploitation.
- The national voice for APS programs and professionals
- 800+ members from every state
- Hosts the only national annual conference on elder and vulnerable adult abuse and APS

Annual Conference & Summit

27th Annual NAPSA Conference

PROTECT | PREVENT | EMPOWER

August 29 – 31, 2016

7th Annual Summit on Elder Financial Exploitation

September 1, 2016

Philadelphia, PA

More info at...

www.napsa-now.org/conference

Let's Play...

True

Or

False?

How much do
you know about
APS?

Highlights from the 2012 Baseline
Survey of APS at [www.napsa-
now.org/baselinesurvey](http://www.napsa-now.org/baselinesurvey)

True

Or

False?

Most APS programs investigate cases of abuse involving individuals age 18+

TRUE

Only 14% of programs DO NOT investigate cases of abuse involving those 18-59 (n=51)

True

Or

False?

Half of APS Programs
DO NOT investigate
abuse in nursing
homes.

TRUE

45% investigate in nursing homes
59% investigate in assisted livings
69% investigate in board/care homes
41% investigate in DD facilities
39% investigate in MH facilities

True

Or

False?

Most APS programs
have centralized
(state-level)
intake/reporting.

FALSE

Only half (50%) of APS
programs have centralized
intake (n=50)

Why We Cannot Prosecute Our Way Out Of the Elder Abuse Problem

The social services that adult protective services provide and/or locate resources for are indispensable.

- Housing
- Material Needs
- Medical Services – both in and out of the home
- Public Assistance – Medicaid & Medicare
- Transportation
- Mental Health Services

How APS and Legal Services Work Together

APS could not do their job without the help of:

- Legal Aid
- Prosecutors
- Probate Courts
- Private Attorneys

About Multidisciplinary Teams

Legal Services are an integral part of multidisciplinary teams (MDT) across the US. MDTs often include:

- APS
- Prosecutors
- Law Enforcement
- Financial Services
- Healthcare
- Aging Services
- Community Legal Services

About Self-Neglect

- The most common allegation reported to APS across the US (Teaster et al., 2004)
- Result in repeat reports to APS more frequently than other forms of abuse (Wangmo et al., 2014)
- Are very difficult and complex to resolve
- Are very time-consuming and usually involve rapport building
- Are sometimes left unresolved when capacity is established
- And are not investigated in every state in the US, but are in the vast majority

About Self-Neglect

- A dangerous public health problem that increases:
 - Risk for hospitalization (Dong, et al., 2009)
 - Emergency department visits (Dong, et al., 2009)
 - Risk for subsequent elder abuse (Dong, et al., 2009)
 - Institutionalizations (Lachs, 2002)
 - Early mortality (Dong et al., 2009; Lachs, Williams, O'Brien, Hurst, & Horwitz, 1996)

APS & Legal Responses to Self-Neglect

- Some programs may utilize these legal services to intervene:
 - Court orders to gain entry to the home
 - Court orders to impose intervention when it is declined and is necessary
 - Guardianships
 - Powers of attorney

Promising Practices



Doing More with Less:
Replicable, Innovative and
Cost-Saving Measures in
Adult Protective Services

available at

www.napsa-now.org/promisingpractices

About the Project/Report

- Project funded by the Administration for Community Living grant-funded National APS Resource Center at NAPSA
- Project aim was to investigate cost-effective and promising practices in APS
- Over 40 programs/practices were submitted from across the US
- Team of peers selected the programs to focus on

Programs Selected

The following programs were profiled in the report:

- **New York City Human Resources Administration**
- **Philadelphia Corporation for Aging**
- Maryland Department of Human Resources
- Fairfax County (VA) Dept. of Family Services
- Sacramento (CA) County Senior and Adult Services
- Alaska Division of Seniors & Disabilities Services
- Massachusetts Disabled Persons Protection Commission
- Florida Department of Children & Families
- **New York City Elder Abuse Center at Weill Cornell**

NYC Human Resources Administration

- Largest metropolitan APS office in the US
- Receives more than 1500 reports each month
- 220 Caseworkers in seven borough offices (North Manhattan, South Manhattan, North Brooklyn, South Brooklyn, Bronx, Queens, Staten Island)
- Averages 7,000 active APS cases at any given time

Prevention Services Program (PSP)

- Begun over 10 years ago
- Enrolls clients whose cases have been investigated and then stabilized/mitigated
- Uses volunteer “Contact Person” for each client who reports to the caseworker on client status monthly
- PSP Caseworker visits client on a quarterly basis
- Each PSP caseworker maintains a caseload of up to 55 clients
- PSP caseworkers work exclusively with PSP clients (i.e. do not investigate new reports) for an indefinite period

Benefits of PSP

- Can stabilize cases known for coming back to the system repeatedly
- Less restrictive than guardianship
- Helps decrease incidence of eviction, which accounts for >50% of APS cases reported in NYC

Philadelphia Corporation for Aging

- Area Agency on Aging based APS program
- Staff of 20 investigators with 2000 APS cases per year
- Only investigates cases of those age 60+

Financial Exploitation Prevention Taskforce

- Private & public members
 - Local prosecutors
 - APS
 - Financial Institutions (i.e. banks)
- Education, awareness, collaboration and systemic issues (primary emphasis)
- Also engages some case review when necessary (secondary emphasis)

Financial Exploitation Prevention Taskforce

- Presentations by experts (example - “gypsy scams” presentation by law enforcement)
- Group discussed bank branch closure impact on older adults
- Establishes relationships among agencies

New York City Elder Abuse Center at Weill Cornell Medical College

- Coordinates and facilitates three multidisciplinary teams in NYC
- Comprised of APS staff, prosecuting attorney, local banks, other community partners
- Systemic issues and cases are discussed
- Team facilitator (from Weill Cornell) ensures:
 - Logistics are coordinated
 - Feedback is constructive
 - Confidentiality is maintained
 - Professional boundaries are maintained

Project Findings

- APS clients are remarkably similar in every location. Based on the home visits conducted, APS clients seem to be very much alike although in different parts of the country
- APS services are also fundamentally similar, although they may be provided through different administrative structures with varying levels of resources
- All rely on highly skilled social workers, are client-focused, resourceful in problem-solving, persistent, and trying to provide the most effective services in the most efficient manner possible

Project Findings

- Multi-disciplinary cooperation is at the heart of APS work, whether it is accomplished formally through established multi-disciplinary teams, or done informally
- Faced with ever increasing caseloads as well as increased case complexity APS staff have worked to insure that services to clients are affected as minimally as possible
- APS must focus on helping their staff cope with the increased workloads and the difficult nature of APS work



Thank You

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THE PROTECTION AND ADVOCACY SYSTEM

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THE PROTECTION AND ADVOCACY SYSTEM

The Protection and Advocacy System protects and advocates for the rights of all people with all types of disabilities.

There is a P&A in every state and territory of the United States. P&A's operate under several different Federal Laws, including 42 U.S.C. § 10801 et. seq. (PAIMI), 42 USC § 15041 et. seq. (PADD), Public Law 106-170 (PABSS), and 29 U.S.C. § 794(e) (PAIR).

Although originally focused on institutional abuse and neglect, amendments in 2000 expanded P&A authority into our communities as well.

The National Disability Rights Network is the P&A's membership association and is a good resource for additional information.

P&A's have special Federal access authority similar to, and sometimes more powerful, than State APS systems. For example, many courts have ruled that P&A's investigating abuse and neglect have a right to access so called 'peer review' documents.

P&A's have a right to do outreach and monitoring at any place that provides treatment or services to people with disabilities, after receiving a complaint, establishing probable cause of abuse or neglect, or at the invitation of the person with the disability.

DISABILITY RIGHTS VERMONT AND VERMONT'S APS

DRVT and APS recognized many years ago that both organizations serve similar constituents and both organizations are not funded sufficiently to effectively respond to the full demand for its services.

DRVT often refers callers to APS immediately when we are informed of information that would qualify as abuse, neglect or exploitation of a vulnerable adult. DRVT often receives referrals from APS for callers they are not able to serve or for whom additional services are required.

THE APS ADVISORY SUBCOMMITTEE

Both DRVT and Vermont Legal Aid have a place on the APS Advisory Subcommittee and in this way stay connected to APS's circumstances and able to keep APS informed of issues coming to our attention.

DRVT and VLA contribute to discussions on policy and practice changes within APS, including file review and quality assurance efforts.

DRVT and APS have held meetings between our staff to make personal connections and foster collaboration when working in the field.

DRVT and APS have collaborated on providing supports to survivors of abuse, neglect and exploitation, including doing joint interviews, coordinating obtaining relief from abuse orders, and coordinating to assure SSA benefits continue to flow when the abuser is also the Repayee.

The VOCA grant and PABSS grant are especially useful in providing more case management rather than pure legal advocacy to joint clients with APS.

P&A CAN ASSIST APS IN OBTAINING BETTER RESULTS

Recently, under VOCA related grants, DRVT participated in a county-wide training of law enforcement officers on how best to interact with survivors of domestic or sexual violence in order to support the survivor and make it more likely they will participate effectively in the prosecution of their perpetrator.

Part of this training involved reemphasizing the elements of and the need to charge the criminal offense of abuse of a vulnerable adult, and how and when to refer those survivors to APS and DRVT for additional assistance.

DRVT also is able to represent survivors of abuse and neglect when their perpetrators are charged criminally, often as a result of an APS investigation and substantiation.

OLMSTEAD ISSUES

The Olmstead decision interpreted the ADA and regulations to require that people with disabilities receive services in the most integrated setting appropriate to their needs.

While traditionally not a focus of APS in terms of abuse, neglect or exploitation, the P&As and our constituents consider unnecessary institutionalization to be a serious and insidious harm.

Consider working with your APS and P&A system to focus on Olmstead violations as part of your abuse and neglect prevention and investigative functions.

COLLABORATION IS THE WAY TO GO

Overall the P&A's and APS systems will both be stronger and provide better services and information to decision makers with more collaboration between our organizations. Having joint staff meetings and trainings, creating MOU's regarding issues like communication, information sharing and coordinating activities, and community outreach and training services done together, will strengthen our common systems to make vulnerable adults safer and fuller members of our society.