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**Final Technical Report to the National Institute of Justice on  
“A Multi-Site Assessment of  
Five Court-Focused Elder Abuse Initiatives”**

Award No. 2007-IJ-CX-0107

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The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association except where otherwise indicated, and, accordingly, should not be construed as representing the policy of the American Bar Association.

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- In-Home Emergency Protective Order Initiative of Jefferson County, Kentucky: Sandra Hamilton and Shannon Gadd, both of whom directed the Victims of Crime Program at ElderServe, Inc.;
- Elder Abuse Temporary Order of Protection Project of Kings County, New York: Jennifer DeCarli, executive director, New York City Family Justice Center in Brooklyn; and
- Elder Justice Center of Palm Beach County, Florida: Shantay Hightower, elder justice coordinator and Charles Trotta, manager of court services.

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## ABSTRACT

We assessed the five court-focused elder abuse initiatives in existence when our study began to examine how they handle elder abuse cases and determine whether they improve the criminal justice response to those cases. The initiatives were the:

- “Elder Protection Court” in Alameda County, California;
- “Elder Justice Center” in Hillsborough County, Florida;
- “Elder Justice Center” in Palm Beach County, Florida;
- “In-Home Emergency Protective Order Initiative” in Jefferson County, Kentucky;
- “Elder Temporary Order of Protection” Initiative in Kings County, New York.

Our goal was to provide judges, court administrators, policymakers, and funders with evidence-based knowledge about the structure, process, and outcomes of these initiatives so they can make informed decisions about supporting similar initiatives in their communities.

Guided by a multidisciplinary advisory committee, we:

- reviewed research literature;
- identified and surveyed key informants;
- identified key stakeholders from an array of disciplines;
- developed four question sets for stakeholder interviews;
- created a case file review sheet;
- conducted five site visits at which we interviewed 92 stakeholders, including three victims, and reviewed 68 court case files;
- coded and analyzed (qualitatively and quantitatively) stakeholder interview and court case file data; and
- developed findings and arrived at conclusions.

We found that the initiatives improved handling of elder abuse cases and enhanced the criminal justice response to elder abuse in several ways, including:

- facilitating greater access to justice and better court outcomes for victims through court accommodations, increasing judges’ and other professionals’ knowledge about elder abuse, and providing emotional support throughout the court process;
- providing services to courts or to victims that enhance victim safety and prevent further abuse;
- connecting victims with services that may help address underlying problems and prevent future court cases;
- providing services to courts or to victims that may facilitate prosecution of elder abuse cases; and
- handling elder abuse cases more efficiently and with fewer delays.

We also found that the initiatives do almost nothing to self-assess their impact and outcomes and should strengthen evaluation and data collection efforts.

Each initiative does a better job of handling elder abuse cases than do courts and communities without such initiatives. Given the extent of elder abuse now, its anticipated

## **ABSTRACT**

growth, and its devastating effects on victims, we recommend that judges, court administrators, service providers, policymakers, and funders in other communities give serious consideration to implementing similar efforts.

## **EXECUTIVE SUMMARY: “A MULTI-SITE ASSESSMENT OF FIVE COURT-FOCUSED ELDER ABUSE INITIATIVES”**

### **Brief Description of Project and Initiatives**

Researchers from the American Bar Association Commission on Law and Aging and the University of Kentucky College of Public Health/Department of Gerontology assessed the five court-focused elder abuse initiatives in existence when the study began. As the initiatives varied in their purpose and structure, we coined that term to describe them generally. We defined the term to mean either (1) a court or a court-based program or (2) a program conducted in partnership with a court, both of which serve victims or potential victims of elder abuse. The five initiatives included:

- The “Elder Protection Court” (EPC) in Alameda County, California, is a special civil and criminal docket for elder abuse cases, including elder abuse protection order cases, in the Superior Court of Alameda County.
- The “Elder Justice Center” (EJC) in Hillsborough County, Florida, is a program of the 13<sup>th</sup> Judicial Circuit Court that provides residents aged 60 and older with assistance—but not legal advice—in completing court documents, such as applications for protective orders, referrals to legal and social services programs in the community, and case management services in guardianship matters. The EJC staff also monitor guardianship cases. They act as advocates for older crime victims and, if desired by the victim, can help older criminal defendants by providing referrals to diversionary programs such as mental health or substance abuse treatment programs.
- The “In-Home Emergency Protective Order Initiative” (IEPOI) in Jefferson County, Kentucky, helps medically fragile/homebound victims of abuse aged 60 and older to obtain emergency protective orders and longer-term domestic violence orders by telephone without having to leave their home. The initiative is a partnership of several agencies: ElderServe, Inc., a nonprofit provider of aging services that administers the initiative; the Circuit Court Clerk’s office; the Family Court; the county’s adult protective services (APS) office, and the Jefferson County Sheriff’s office.
- The “Elder Temporary Order of Protection” Initiative (ETOP) in Kings County, New York, is sponsored by the New York City Family Justice Center in Brooklyn. The initiative assists eligible victims of domestic violence who are 60 or older and unable to travel and appear in court personally or for whom it is a great hardship due to infirmity or disability in obtaining temporary orders of protection. Social workers and lawyers from the New York City Department for the Aging and the Jewish Association for Services for the Aged Legal/Social Work Elder Abuse Program are available to provide emergency counseling, direct services, and other information regarding services for the elderly. The Family Court and its Clerk’s Office also play significant roles in the initiative.
- The “Elder Justice Center” (EJC) in Palm Beach County, Florida, is a program of the Board of County Commissioners of Palm Beach County, Florida. It is housed in the main courthouse of the 15<sup>th</sup> Judicial Circuit Court. The EJC helps residents aged 60 and older who are arrested for certain crimes, are involved in guardianship proceedings, or who need other assistance with court-related matters. The program

## **EXECUTIVE SUMMARY: “A MULTI-SITE ASSESSMENT OF FIVE COURT-FOCUSED ELDER ABUSE INITIATIVES”**

provides assistance—but not legal advice—in completing court documents such as applications for protective orders or other forms, guardianship investigations or monitoring upon request of the probate judge, referrals to legal and social services programs in the community, and accompaniment to civil and criminal hearings. In certain criminal cases, the EJC seeks to identify older criminal defendants who may have dementia or other cognitive problems and provide information to the court so that it can make informed decisions about diverting defendants from jail into mental health or substance abuse treatment programs.

### **Purpose and Goal**

Our purpose was to examine how these initiatives handle elder abuse cases and to determine whether they improve the criminal justice response to elder abuse. Our goal was to provide judges, court administrators, policymakers, and funders with evidence-based knowledge about the structure, process, and outcomes of these initiatives so that they can make informed decisions about whether they should support similar initiatives in their communities.

### **Methods**

A six-member multidisciplinary advisory committee composed of experts representing the judiciary, court administration, prosecution, law enforcement, and APS guided us as we:

- collected and reviewed salient research literature;
- identified and surveyed a key informant from each initiative to learn more about the initiative’s history and processes;
- used the snowball sampling technique to identify key stakeholders from an array of disciplines, including the judiciary, court administration, prosecution, public defenders, legal aid lawyers, private practitioners in elder law and criminal defense, long-term care ombudsmen, aging services, domestic/family violence services, and victims;
- developed four question sets for stakeholder interviews;
- created a case file review sheet;
- conducted five site visits during which we interviewed 92 stakeholders, including three victims, and reviewed 68 court case files;
- coded and analyzed stakeholder interview and court case file data; and
- developed findings and arrived at conclusions.

With input from our advisory committee members and National Institute of Justice (NIJ) grant manager, we developed six data collection instruments. These included:

- an 84-question Internet survey for key informants;
- a general set of 39 questions used for a majority of the key stakeholders;
- a truncated set of 31 questions used for judges not directly involved in the initiatives;
- a truncated set of 18 questions used for the courts’ chief judges;

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- a completely different six-question set used for victims of elder abuse; and
- a court case file review sheet that collected information on victim demographics and characteristics, perpetrator demographics and characteristics, specific charges, and case resolution, and that was used to ensure that the researchers consistently assessed the court case files.

The University of Kentucky Institutional Review Board (IRB) reviewed and approved our key stakeholder interview questions and informed consent documents. The interview questions were quickly and easily approved by the IRB and the NIJ human subjects protection officer. The consent document proved more complicated, however. Ultimately, we obtained approval for two consent documents. The first was for all stakeholders. The second was for victims. It informed them of the conflict that we faced between our legal obligation to report suspected elder abuse in some of the states we were studying and the Department of Justice’s confidentiality regulations, the implications of being the subject of a report to APS, the possibility that such a report might result in law enforcement involvement and criminal prosecution of the abuser, and their right to decide whether to authorize us to make a report if they told us that they were currently experiencing elder abuse.

We conducted pre-arranged visits of two to three days duration at each of the five study sites. During those visits (or shortly thereafter by telephone if a stakeholder was not available during the visit) we interviewed 92 key stakeholders—89 professionals and three victims. We reviewed 68 court case files that had been closed during a common one-year period (June 1, 2007, to May 30, 2008) that we selected based on input from the key informants. In Alameda County we also observed EPC proceedings.

All interviews were tape recorded, transcribed, and analyzed in detail by the two researchers according to standard qualitative methods. Data from the court case file reviews were coded, entered into a spreadsheet, and analyzed using descriptive statistics.

### **Results**

In 1995 an American Bar Association (ABA) study demonstrated substantial support for these suppositions: (1) some incidents of elder abuse that should be considered by the courts are not being tried because of a variety of barriers (attitudinal barriers held by victims about the courts and the pursuit of legal remedies and systemic barriers in or related to the courts); and (2) cases involving elder abuse that are considered by the judicial system could be handled more effectively in many instances (Stiegel 1995).

As part of that study, the ABA developed *Recommended Guidelines for State Courts Handling Cases Involving Elder Abuse* (hereafter “guidelines”) (Stiegel 1995). Subsequently, researchers at Florida International University (FIU) created recommendations for adapting the U.S. Department of Justice Bureau of Justice Assistance’s *Trial Court Performance Standards with Commentary* (Bureau of Justice Assistance 1997) to an aging society in three contexts: guardianship, self-service, and criminal cases involving elder abuse and domestic violence (hereafter “standards”) (Rothman, Dunlop, and Seff 2006).

## **EXECUTIVE SUMMARY: “A MULTI-SITE ASSESSMENT OF FIVE COURT-FOCUSED ELDER ABUSE INITIATIVES”**

The five court-focused elder abuse initiatives were implemented to address some of the barriers identified by the ABA in 1995. The ABA guidelines and FIU standards formed the theoretical foundation of our study and guided our plan to assess the five initiatives.

Overall, the five initiatives accomplished 87.5% of the relevant ABA recommended guidelines (21/24) and 100% of the FIU standards (15/15). Specifically, we found that:

- Each of the initiatives enhances access to justice for elder abuse victims, albeit in varying ways and to varying degrees.
  - Victims are provided accommodations either in getting to court or in dealing with the court process by each of the initiatives.
  - At all of the study sites—including the EJC in Palm Beach County, which provides services to elder abuse victims, as well as help to older criminal defendants—victims receive emotional support, guidance in understanding and maneuvering through the court process, and other forms of help including linkages or referrals to other services.
  - Access to justice is enhanced in all of the initiatives because the judges and court staff involved in them become more knowledgeable about elder abuse and sensitive to the challenges that victims face in pursuing justice. Also, the court’s increased focus on elder abuse through its involvement in the initiative often has an auxiliary effect of informing other judges and court staff about elder abuse.
  - Access to justice is enhanced in all of the initiatives because the prosecutors and their investigators, public defenders and criminal defense lawyers, civil lawyers, law enforcement officers, social workers, and others involved in the initiatives also become more knowledgeable about elder abuse and sensitive to the challenges that victims face in pursuing justice.
  - Most stakeholders believed that more elder abuse cases are heard by the court as a result of the initiative even though there were no data at any initiative to support that supposition.
- Each of the initiatives acts to preserve or enhance victim safety in one or more ways. Efforts to determine whether an abusive situation has stopped or whether a perpetrator has been held accountable could be strengthened, however.
- Each of the initiatives links or refers elder abuse victims (and sometimes other older persons in court on other matters) to other services in their communities.
- Each of the initiatives fosters or could foster prosecution of elder abuse cases in one or more ways, including enhancing judicial awareness of elder abuse, helping victims obtain orders of protection, and detecting abuse by guardians.
- Accommodations or assistance provided by the initiatives appears to expedite court proceedings.
- As delays in court proceedings are often especially detrimental to elder abuse victims, the initiatives attempt to prevent or minimize them.
- Despite the fact that multiple courts/court divisions may hear elder abuse cases involving the same parties, none of the initiatives fully addresses the issue of intra-court coordination.

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- Each initiative poses the possibility of conflicts of interest or other ethical problems. None are insurmountable, but they are issues that should be considered thoughtfully and continually by the initiatives and any communities that seek to replicate them.
- Only in Alameda County is the court providing leadership in the community on the subject of elder abuse. It does this by sponsoring an Elder Access Committee, similar to the family violence coordinating councils that courts lead across the nation. The juxtaposition in stakeholder support between the EPC and the other initiatives seems to demonstrate that judicial leadership, or at least a strong relationship between the court and the elder abuse stakeholders, is essential to an initiative’s success.
- Although there are no data to support their beliefs, stakeholders consistently suggested that by simply existing and placing some focus on elder abuse, each initiative enhanced both professional and public awareness about the problem and the court’s role in addressing it. For those initiatives that were involved in criminal cases, stakeholders suggested that an additional result was greater professional and public awareness of the criminal justice system’s involvement in elder abuse cases.
- Each of the initiatives had experienced significant transitions when key staff resigned, retired, or been reassigned. We were particularly curious about whether any of the initiatives had taken steps to institutionalize their efforts or whether stakeholders had any thoughts on how to accomplish that goal. Stakeholders suggested it is imperative to:
  - have ongoing support from and collaboration with the chief judge and court administrators, as well as other judges who have a high level of clout and credibility with their colleagues on the court;
  - have the support of key stakeholders from agencies outside of the court to address problems as they occur and help protect the initiative from being discontinued due to budget cuts or other reasons;
  - plan for transitions of significant staff and try to identify and groom successors before those transitions occur;
  - ideally, obtain a secure and stable source of funding; and
  - most importantly, have the initiative become indispensable to the court and community by fulfilling a critical responsibility of the court (such as monitoring guardianship cases).
- The initiatives do almost nothing to self-assess their impact and outcomes. They need to strengthen evaluation and data collection efforts to be able to provide evidence of the benefit that they deliver to the courts and to elder abuse victims.

### **Implications of Our Research**

Even in the absence of statistical data to support the many suppositions of the stakeholders about the benefits of their initiatives, we found their consistency—across the individual initiatives and across all five—to be compelling. It is telling that, as mentioned earlier, overall the five initiatives address and effectuate to some extent 87.5% of the relevant ABA recommended guidelines (21/24) and 100% of the FIU standards (15/15). There were issues and challenges at each initiative that they should address and that communities interested in replicating or adapting these ideas should consider, but we are convinced that each initiative



## **EXECUTIVE SUMMARY: “A MULTI-SITE ASSESSMENT OF FIVE COURT-FOCUSED ELDER ABUSE INITIATIVES”**

does far more to effectuate the goals of the ABA guidelines and the FIU standards than do courts and communities without court-focused elder abuse initiatives.

We believe that the initiatives, to varying degrees, do improve courts’ handling of cases involving elder abuse. We also believe that they do, directly or indirectly, foster improvements in the criminal justice response to elder abuse. Each of them enhances access to justice for elder abuse victims and helps protect their safety and prevent additional harm. Given the extent of elder abuse now, its anticipated growth, and the devastating effects that victims experience, these are clearly worthy goals. Judges, court administrators, service providers, policymakers, and funders in other communities should give serious consideration to supporting implementation of similar efforts, even in these times of limited resources. The five initiatives already demonstrate that these endeavors can be accomplished successfully with limited financial support, although it is obvious that they could accomplish much more if they had adequate resources.

The dearth of evaluation and the significant weaknesses in data collection pose real challenges to efforts to continue the existing initiatives and to replicate them in other communities. Policymakers and funders increasingly demand evidence that programs work and that money will be well invested. Especially in difficult economic climates, programs face great risk if they are unable to provide such evidence or to demonstrate that they will provide data for an evaluation of outcomes and impact.

### **Recommendations for Future Research**

#### **1. There Are Opportunities for Future Research on Court-Focused Elder Abuse Initiatives**

Limitations of our study—including the snowball identification technique that may have excluded stakeholders with less positive things to say about the initiative, the unanticipated reluctance of some stakeholders (often law enforcement officers) to be tape recorded, and the small number of victims interviewed—provide ideas for conducting additional, deeper research on these five initiatives. It would also be informative to assess how these initiatives change over time, as they gain more experience, develop more data, and, particularly, as individuals who helped to establish them retire or change jobs.

As similar initiatives are established in other communities (there is now another EPC in Contra Costa County, California), comparative analyses would be enlightening. We were able to make some comparisons between the two elder justice centers despite their differences and the two more comparable elder protection order initiatives. However, as we only learned of the ETOP in Kings County a few days before our grant proposal was due, we may have missed some opportunities comparison with the IEPOI in Jefferson County.

Having learned about the lack of evaluation and data collection by the initiatives through this assessment, it may be feasible to prospectively design an evaluative approach that addresses and accommodates that challenge.

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### **2. More Thinking Is Required About Balancing the Need to Protect Human Subjects with the Need to Learn from Elder Abuse Victims**

Having advocated for and worked with vulnerable older adults throughout our careers, we appreciate the need to protect human subjects from research that may harm them physically or have other negative consequences. At the same time, we stress that it is critical to learn from elder abuse victims about the effect of interventions such as the five initiatives we studied. The difficulties we experienced in obtaining approvals from the University of Kentucky IRB and the NIJ human subjects protection officer for our consent form in relation to victims nearly forced us to drop our plan to interview victims. The staff at the university and at NIJ were doing their jobs and we do not attribute the problems we had to them. We are not the only elder abuse researchers to have this experience; others have spent much more time addressing this challenge and had more of their research plan at risk than we did. Recognizing the importance of addressing this challenge, the National Research Council’s Panel to Review Risk and Prevalence of Elder Abuse and Neglect included a background paper on research issues in its seminal report. We join these other researchers and writers in calling for policymakers to give more thought to finding better ways to balance the need to protect elder abuse victims from research-related harm with the need to learn from their experiences.

### **3. We Need to Change the Culture of the Courts About Evaluation and Data Collection**

One of our advisory committee members, the Honorable John Conery, opining that our finding about the need for evaluation and data collection by the courts involved with these initiatives was critically important, said “How do we address and teach the importance of that issue when all judges want to do is ‘get the job done’?” We think his question presents an excellent recommendation—not really as an issue to research (although certainly one could research how to do what he suggests), but rather as an issue that must be addressed to enable important court-related research. Ironically, the current economic climate might act as an incentive for courts to change their culture on this issue. Recent efforts by state judiciaries and bar associations to combat devastating budget cuts seemed to have had more traction with legislators when the judicial and bar leaders were able to provide data-driven evidence of the impact that such cuts would have on litigants, as well as on stakeholders, such as governments and businesses. This lesson may bode well for evaluation and data collection on other issues relevant to the courts, including access to justice for victims of abuse.

We recognize that the elder focused court initiatives do collect some data, which is highly important. We do not wish to diminish their efforts. However, the information that they do gather is administrative in nature (e.g., clients served, actions taken), and it is not necessarily useful for various types of research or evaluation that may need to be gathered later in the life of a program, especially when funders emphasize outcomes of intervention. In the best scenario, it is important for the initiatives to gather both types of data (administrative and research) from the inception of each program in order to facilitate examinations that can and should include baseline data. In addition, gathering such information at the outset and purposefully would facilitate rigor in both cross-sectional and longitudinal study designs.

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We are not stressing that programs gather “the world” of information that is possible. Rather, we suggest that the existing initiatives—as well as those that develop in the future—be deliberative and proactive about data collection. Doing so would help the programs progress more effectively for the courts and for the individuals most affected, the victims and their families. The added benefit is that greater rigor in data collection helps ensure the long-term viability of the initiative, as well as permit comparisons across initiatives throughout the country.

### **Conclusions**

Our thorough examination of the five court-focused initiatives reveals that they are conducting important and cutting-edge work to improve the response of the judicial system to elder abuse victims and, in one community, to older criminal defendants with mental impairments. On a systemic level, each initiative improves handling of elder abuse cases and enhances the response to elder abuse by the judicial system. At the level of the individual, victims and the professionals serving them indicated that they have a more positive interface with each other and with the system. Concomitantly, the professionals involved in the initiatives report that the initiatives either have a positive or neutral impact on their agencies. The initiatives project a positive image of the courts to the public, important in an era of service scrutiny and budget retrenchment.

Similarly, four of the initiatives stand to benefit greatly from stronger judicial leadership in the community’s response to elder abuse. This leadership would enhance the overall response to elder abuse, but it would also raise the visibility of the initiatives in the community, increase and encourage stakeholder buy-in, and improve the overall stability and sustainability of each initiative. Such leadership is, admittedly, time consuming and especially challenging in an economic climate in which budget cutbacks have resulted in reductions in and furloughs of court staff. Nonetheless, given that the stakeholders in each community reported that their initiative had made the court function more effectively and expeditiously, the investment in judicial leadership seems worthwhile.

As stressed above, it is critical to be able to demonstrate the benefits and long-term viability of the work of the initiatives. Demonstrable efforts must be evaluated by rigorous data collection and subsequent evaluation. Not only will these efforts improve the functioning of the initiatives, but also they will increase the likelihood of long-term sustainability and success.

The five court-focused initiatives addressing elder abuse are models worthy of increased study, particularly an evaluation of programmatic outcomes. They are justifiable and replicable efforts by the courts to address the increasing and vexing problem of elder abuse. In an era in which the number of older adults is growing at an unprecedented rate, the extent of elder abuse is increasing, and interventions involving the judicial system are used more regularly, the work of these five initiatives is innovative, timely, and worthy of replication.

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## I. INTRODUCTION AND BACKGROUND

### A. STATEMENT OF THE PROBLEM

The older adult population is growing (Administration on Aging 2005) and the incidence of elder abuse is expected to grow with it. The recent National Elder Mistreatment Study found that 11 percent of community-dwelling elders self-reported experiencing at least one form of abuse in the previous year and this statistic understates the extent of the problem because highly vulnerable persons—who live in long-term care facilities or who have cognitive impairments—were not surveyed (Acierno et al. 2009). The number of reports to Adult Protective Services (APS) agencies about suspected elder abuse is increasing (Tatara and Blumerman 1996; Teaster 2003, p. 85; Teaster et al. 2006). Public and professional awareness efforts that may uncover more incidents are developing rapidly (Teaster, Nerenberg, and Stansbury 2003). At the same time, state legislative action and growing emphasis on legal remedies for elder abuse are expanding the number of cases involving elder abuse in the state courts (Stiegel 2000; Heisler and Stiegel 2004).

Elder abuse is a generic term for a complex problem that may take many forms. Statutory definitions of elder abuse may include physical abuse, psychological or emotional abuse, sexual abuse, financial exploitation, neglect, abandonment, and/or self-neglect (Stiegel 1995). As a result, judges may see elder abuse in a variety of contexts: criminal cases such as assault, battery, forgery, fraud, murder, rape, theft (some of which may carry enhanced penalties when committed against an older person); civil fraud or conversion matters to regain misappropriated property; personal injury actions; guardianship or conservatorship; mental health commitment; special protective proceedings initiated through APS agencies; cases involving health care decisions for an incapacitated patient; and criminal or civil cases regarding institutional care in nursing homes or other long-term care facilities (Stiegel 1995). Increasingly, judges are hearing petitions for civil orders of protection from victims of elder abuse as victims learn that such protection is available and as states expand their statutory criteria to include more situations of elder abuse (e.g., physical violence committed by a family member other than a spouse or intimate partner).

These factors are creating a “perfect storm” of conditions to motivate state courts to improve the response of the criminal justice system and the overall administration of justice to older victims and witnesses in elder abuse cases. Such improvements are necessary because:

- (1) some incidents of elder abuse that should be considered by the courts are not being tried because of a variety of barriers; and
- (2) cases involving elder abuse that are considered by the judicial system could be handled more effectively in many instances (Stiegel 1995).

These problems are explained and expanded upon significantly in the Literature Citations and Review section below.

At the time we proposed and began our study, five communities had established *court-focused elder abuse initiatives*. As the initiatives varied in their purpose and structure, we coined

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that term to describe them generally. We defined it to mean either (1) a court or a court-based program or (2) a program conducted in partnership with a court, both of which serve victims or potential victims of elder abuse.

The five initiatives we studied are catalogued below. They are organized alphabetically by the county of their location. More detailed descriptions of each project are provided in Appendix A.

### **1. Brief Description: “Elder Protection Court” of Alameda County, California**

The Elder Protection Court (EPC) is a special civil and criminal docket for elder abuse cases, including elder abuse protection order cases, in the Superior Court of Alameda County, California. One judge handles the docket and two court domestic violence case managers provide limited services. The EPC was established in 2002 and is based in the county’s main courthouse in Oakland. The EPC handles all criminal cases involving elder abuse in the county. The case may originate at the three other courthouses serving this large county, but once identified as an elder abuse case it will be transferred to the EPC. The docket does not include probate and guardianship/conservatorship matters and, at the time of the site visit, there was not and had not been any sort of formal connection between the EPC and the probate court. Also, in keeping with the Superior Court of Alameda County’s protocol, requests for arrest and search warrants are heard by a different judge, even if the criminal case will ultimately end up before the EPC, to avoid judicial bias.

Akin to the family violence coordinating councils that many courts lead, the EPC convenes and leads an “Elder Access Committee,” drawing together representatives of various agencies and disciplines concerned about elder abuse. The committee meets quarterly over lunchtime at the courthouse and provides an opportunity for discussion about challenges, resources, training opportunities, collaboration, and much more.

### **2. Brief Description: “Elder Justice Center” of Hillsborough County, Florida**

The Elder Justice Center (EJC) is a program of the 13<sup>th</sup> Judicial Circuit, which serves Hillsborough County, Florida. Established in 1999, the EJC helps county residents aged 60 or over who become involved in guardianship, criminal, family, or other civil matters in the court system. The program provides assistance—but not legal advice—in completing court documents, such as applications for protective orders, referrals to legal and social services programs in the community, and case management services in guardianship matters. The EJC staff also act as court monitors for existing guardianships. Additionally, staff act as advocates for older crime victims and, if desired by the victim, can help older criminal defendants by providing referrals to diversionary programs, such as mental health or substance abuse treatment programs. The EJC is based in the county’s main courthouse in Tampa.

The EJC is housed in the Probate, Guardianship, Mental Health, and Trust Division of the Circuit Court (Probate Division). The administrative judge of that division supervises the program’s substantive work, while the circuit court administrator supervises the administrative aspects of the EJC.

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### **3. Brief Description: “In-Home Emergency Protective Order Initiative” of Jefferson County, Kentucky**

The In-Home Emergency Protective Order Initiative (IEPOI) of Jefferson County, Kentucky, was established in 2005 to help medically fragile/homebound victims of abuse who are aged 60 and older obtain emergency protective orders and longer-term domestic violence orders by telephone without having to leave their home. For both types of orders, the IEPOI staff ensure also that the necessary legal documents are quickly provided to the victim.

The initiative is a partnership of several agencies: ElderServe, Inc., which is a nonprofit provider of aging services; the Circuit Court Clerk’s office; the Family Court; the county’s APS office; and the Jefferson County Sheriff’s office. It is administered by staff at ElderServe, Inc., which is located in Louisville.

### **4. Brief Description: “Elder Temporary Order of Protection” Initiative of Kings County, New York**

The Elder Temporary Order of Protection (ETOP) initiative is sponsored by the New York City Family Justice Center in Brooklyn (BKFJC). The BKFJC is a coordinating body for domestic violence services in Brooklyn. Its purpose is to make it easier for victims of domestic violence to seek help by providing information and services in one setting through partnerships with community agencies. The ETOP initiative assists eligible older victims of domestic violence who are unable to travel and appear in court personally or for whom it is a great hardship due to infirmity or disability in obtaining temporary orders of protection. Social workers and lawyers are available to assist any client age 60 years and older who is being abused. The professionals are from two agencies that partner with the BKFJC: the New York City Department for the Aging and Jewish Association for Services for the Aged Legal/Social Work Elder Abuse Program. Their social workers and lawyers provide emergency counseling, direct services, and other information regarding services for the elderly. They also act as liaisons to the assistant district attorney who serves as chief of the District Attorney’s Office Elder Abuse Unit and to the unit’s paralegal. The Family Court and its clerk’s office also play significant roles in the ETOP initiative.

The Mayor’s Office to Combat Domestic Violence administers the operations of the BKFJC in conjunction with its lead partner agency, the Kings County District Attorney’s Office.

### **5. Brief Description: “Elder Justice Center” of Palm Beach County, Florida**

The Elder Justice Center (EJC) is a program of the Board of County Commissioners of Palm Beach County, Florida. Originally established in 2001 as a court program of the 15<sup>th</sup> Judicial Circuit Court, the EJC office remains in the main courthouse in West Palm Beach. The EJC was created to “minimize barriers to effective access to the judiciary for elderly individuals, as well as to enhance linkages between elder adults, the courts, and legal and social service systems within the community.” The EJC helps county residents aged 60 or over who are arrested for certain crimes, are involved in guardianship proceedings, or who need other assistance with court-related matters. The program provides assistance—but not legal advice—

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in completing court documents, such as applications for protective orders or other forms, guardianship investigations or monitoring upon request of the probate judge, referrals to legal and social services programs in the community, and accompaniment to civil and criminal hearings. In certain criminal cases, the EJC seeks to identify older criminal defendants who may have dementia or other cognitive problems and provide information to the court so that it can make an informed decision about diverting appropriate defendants from jail and into mental health or substance abuse treatment programs.

The EJC is part of the county’s Justice Services Division, which, in turn, is part of the Public Safety Department. The Justice Services Division houses all of the county- funded court programs. The manager of court services directly oversees the EJC.

### **B. LITERATURE CITATIONS AND REVIEW**

There is a growing body of literature on the phenomenon of elder abuse and the judicial system’s involvement in elder abuse cases (Stiegel 2000, Heisler and Stiegel 2004, Brandl et. al. 2007, Heisler 2007). To avoid redundancy, this section will not repeat the information that was provided above in the Statement of the Problem section. Instead, it focuses on the limited research on the courts’ response to the problem and the guidelines that have been developed to enhance that response, and their relationship to this study.

In 1993, the State Justice Institute funded the American Bar Association (ABA) Commission on Legal Problems of the Elderly—now known as the ABA Commission on Law and Aging (ABA COLA)—to conduct a groundbreaking study and develop recommended guidelines to enhance the ability of the state courts to handle elder abuse cases. Project staff established a baseline of knowledge by examining existing practices and procedures through analysis of civil and criminal statutes pertaining to elder abuse; research of case law; and review of the legal and social science literature. At the same time, using the Delphi research methodology and with input from nine focus groups, advisory committee members, and peer reviewers, the project tapped the expertise of almost three hundred professionals, including judges; court administrators; private and publicly-funded lawyers; prosecutors and attorneys general; Medicaid Fraud Control Unit staff; state legal services developers; APS, aging and social services administrators and providers; state and local long-term care ombudsmen; advocates; law enforcement officers; health care providers; public guardians; victim services providers; researchers and academicians; and others (Stiegel 1995).

The study found that despite the plethora of state statutes related to elder abuse and adult protective services, the wide range of potential proceedings involving elder abuse, and keen interest in minimizing abuse and neglect, court systems did not appear to be hearing many elder abuse cases. There was little legal or social science literature on elder abuse that discussed the role or involvement of the courts. There were few reported cases. Court data on cases involving elder abuse was non-existent, according to the National Center on Elder Abuse, the National Center for State Courts, state court administrators, APS administrators, and other agencies focusing on the problem. Most state courts did not even keep data about the age of the parties involved in court proceedings. Study participants reported that there were few elder abuse cases entering the court system (Stiegel 1995).

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The study’s findings demonstrated substantial support for these suppositions:

- (1) some incidents of elder abuse that should be considered by the courts are not being tried because of a variety of barriers; and
- (2) cases involving elder abuse that are considered by the judicial system could be handled more effectively in many instances (Stiegel 1995).

Study participants identified practices and barriers that inhibited entry of cases involving elder abuse into the state courts. These fell into two categories.

- (1) The abused person’s attitudes about the courts and about the pursuit of legal remedies. Attitudinal barriers identified included:

- Older abused persons are commonly reluctant to press charges against abusive family members or caregivers because “they do not want to get that person in trouble.”
- Often, the abused person is dependent on the abuser for care or companionship, and, therefore, believes that he or she has “no choice” but to continue in the abusive relationship.
- Older persons also fear that involving APS or law enforcement in their problems will lead to their removal from their home and placement in a nursing home. They also fear that APS or court intervention will not prevent further abuse or retaliation.
- Older abused persons are sometimes so afraid of testifying in court or so ashamed to have their abusive situation aired in public that they are willing to forego pursuit of their legal rights.
- Older persons’ lack of knowledge about their rights and about the judicial system also inhibits their pursuit of appropriate legal remedies.
- Older abused persons may have no means of traveling to the courthouse for hearings or may have no one to provide care for their ill spouse, partner, or care-dependent adult child while they are meeting with lawyers or testifying at trial.
- Older abused persons often are ignorant of the availability of APS and other services that may be able to help them correct an abusive situation. Additionally, even if they are aware of these services they may not think of themselves as abused.

- (2) Systemic practices in or related to the courts. These included:

- The lack of knowledge about and sensitivity to elder abuse by judges was seen as inhibiting prosecutors, civil lawyers, and abused persons from bringing cases into the courts.
- The failure of court staff to explain the judicial process to older abused persons, particularly to those who have a mental or cognitive disability or who may be intimidated or confused, was considered to be a barrier to the pursuit of legal remedies by abused persons.
- The courts’ failure to recognize that older persons who are homebound or bedbound may be incapable of traveling to the courthouse even though they are capable of testifying was also considered to be a barrier to elder abuse cases.



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- Court delays—typical or otherwise—were thought to be particularly onerous to older abused persons who are nearing the end of their life span, and who may be losing their capacity to remember the abuse and testify about it.
- Lack of knowledge about elder abuse among prosecutors, law enforcement officers, and civil lawyers was also viewed as a barrier by the participants (Stiegel 1995).

To address these attitudinal and systemic barriers the ABA COLA promulgated 29 recommended guidelines for state courts (these guidelines were adopted as ABA policy by the ABA House of Delegates in August 1996). The guidelines fell into three major categories, each of which had several subparts. A complete set of the guidelines is provided in Appendix B, but recommendations of particular relevance to the assessment of the five initiatives are provided below. These recommendations are organized under the three categories used in the ABA COLA report and the recommendation number is provided; the recommendations are rephrased slightly for grammatical reasons.

(1) Ways in which the state courts can improve their handling of cases involving elder abuse:

- Have judges and other court staff obtain training on an array of topics related to elder abuse (ABA 1 and 2).
- Encourage and support the training of other relevant professionals, including prosecutors, law enforcement officers, civil lawyers, APS workers, and others about dynamics and issues of elder abuse and about the role of the courts in addressing that problem (ABA 3).
- Provide accommodations for older persons with physical or mental impairments, including holding hearings in elder abuse cases in the setting that best accommodates the older person’s needs (ABA 4).
- Understand that capacity to participate in judicial proceedings may fluctuate depending on time of day, medications, or other issues, and being flexible in scheduling hearings to accommodate those challenges (ABA 5).
- Expedite elder abuse cases on the court’s calendar (ABA 6).
- Use expert witnesses, evaluators, guardians *ad litem*, court investigators, court visitors, or interdisciplinary teams who are trained and knowledgeable about the problems of older persons to assess the older person’s capacity (ABA 7).
- Understand gradations of diminished capacity in order to more effectively manage and adjudicate cases involving elder abuse (ABA 8).
- Consider that incapacity could increase the likelihood of abuse and, if necessary, ordering that an unbiased assessment of the older person’s capacity be conducted by a qualified evaluator (ABA 9).
- Ensure that plea agreements meet the needs of the older abused person, including protection from further abuse, by being willing to be creative in negotiations and sentencing after exploration of the alternatives available to the older abused person (ABA 13).
- Consider the ramifications of courts taking steps when necessary to reduce the level of fear experienced by an older person who is testifying against his or her abuser such

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as allowing the hearing to be held in a less confrontational settings, allowing testimony and cross-examination of the older abused person by videotape or closed-circuit television, and closing the courtroom to the public (ABA 15).

- Develop ways of ensuring that judges become aware of cases involving older abused persons that might be underway simultaneously in different divisions of the court or that might previously have been heard and have some legally relevant bearing on a current case (ABA 17).
- Consider the concept of consolidating the courts handling cases involving elder abuse (ABA 18).
- Avoid or be cautious about the use of alternative dispute resolution in cases involving elder abuse (ABA 19).

### (2) Ways of ensuring that cases involving elder abuse enter the court system:

- Train newly appointed guardians about their role and responsibilities as guardians, and about preventing, recognizing, and reporting elder abuse (ABA 20).
- Encourage and support the availability and involvement of victim services providers who are knowledgeable about elder abuse to assist older abused persons throughout the judicial process in both non-criminal and criminal court proceedings (ABA 21 and 22).
- Ensure that court staff are able and available to help explain and de-mystify the court process for older abused persons who may be intimidated, confused, or experiencing a mental or cognitive disability, particularly if there are no victim services providers available to provide such help (ABA 23).

### (3) Coordination of the state judicial system with other community resources:

- Encourage and support the development and continuing operation of a state or local task force or coordinating council on elder abuse issues (ABA 24).
- Support existing task forces or coordinating councils on elder abuse (ABA 24).
- Encourage evolving or existing task forces or coordinating councils on family violence or domestic violence to incorporate elder abuse advocates into their membership and elder abuse issues into their agenda (ABA 24).
- Include APS and aging services providers on court advisory council or developing other mechanisms for establishing linkages with those organizations and others that address elder abuse (ABA 25).
- Encourage and support the development and continued operation of elder abuse multidisciplinary teams (ABA 26).
- Encourage and support the development of protocols or memoranda of understanding between various entities involved in elder abuse cases (ABA 27).
- Ensure that judges and court personnel are familiar with APS, aging, and other social services providers in their community and have brochures or other materials from those agencies so that they can direct an older abused person to appropriate service providers (ABA 28).

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- Encourage and support the development of a “court social worker” or “court ombudsman” program to help older, disabled, incapacitated, or other individuals by giving them information about social services and other community organizations, linking them to social services and other community organizations, assisting them with the completion of pro se documents, and helping them understand the court process (ABA 29) (Stiegel 1995).

Just as the ABA COLA recommended guidelines built upon the National Probate Court Standards (Commission on National Probate Court Standards 1997), subsequent developments built, in part, on the ABA COLA work. In March 2006 the Center on Aging at Florida International University (FIU) produced recommendations for adapting the U.S. Department of Justice Bureau of Justice Assistance’s *Trial Court Performance Standards with Commentary* (Bureau of Justice Assistance 1997) to an aging society in three contexts: guardianship, self-service, and criminal cases involving elder abuse and domestic violence (Rothman, Dunlop, and Seff 2006). The FIU recommendations of particular relevance to the assessment of the five initiatives, as well as the trial court performance standards (TCPS) from which they were derived, are provided unchanged below. These standards and recommendations are organized under the five categories used in both the TCPS and the FIU recommendations. Some of the recommendations apply to all three case contexts while others apply only to one or two of those contexts.

### (1) Access to justice:

- Court facilities are safe, accessible, and convenient to use (TCPS 1.2).
  - Escort assistance is readily available to help older court users locate the appropriate destination quickly and efficiently (FIU 1.2.A).
- All who appear before the court are given the opportunity to participate effectively without undue hardship or inconvenience (TCPS 1.3).
  - If it has not happened in the previous 30 days, the court orders a standardized full medical and mental health assessment of the older adult criminal defendant by the date of First Appearance. Where First Appearance must occur within 24 hours of incarceration, an alternative is to implement a standardized “mini assessment” that can be administered in a short time period and used as an indication of the need for a more thorough assessment. Measurement of dementia, other cognitive impairment, and mental health is included in the assessment of elder defendants’ competence to stand trial. Thoroughness of assessments and instruments used for data collection are consistent across all older defendant in the jurisdiction (FIU 1.3.F).
- Judges and other trial court personnel are courteous and responsive to the public and accord respect to all with whom they come into contact (TCPS 1.4).
  - All court staff, including judges and court-appointed counsel, are familiar with physical and psychosocial issues of aging based on a standardized curricula (for the jurisdiction) that is updated as needed to reflect changes in relevant statutes and case law (FIU 1.4.A).

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### (2) Expedition and timeliness:

- The trial court establishes and complies with recognized guidelines for timely case processing while, at the same time, keeping current with its incoming caseload (TCPS 2.1).
  - The court maintains a policy of bringing multiple cases with the same older litigant into a single court, e.g., family court, to the greatest degree possible, consistent with such litigant’s safety, privacy, and well-being. If a jurisdiction cannot accomplish this, the court designates a staff member to coordinate oversight of all cases involving one elder so that all judges assigned to those cases are fully advised and aware of all pending, related cases (FIU 2.1.A).

### (3) Equality, fairness, and integrity:

- Trial court procedures faithfully adhere to relevant laws, procedural rules, and established policies (TCPS 3.1).
  - The court supports an approach to diminished capacity determination that is based on professional standards regarding medical, psychosocial, and functional ability statuses, with assessment performed within the (alleged incapacitated person’s) familiar environment. Specifically, the court works with appropriate professional communities to develop criteria for the process of determining diminished capacity (FIU 3.1.C).
  - In contested guardianship cases, whenever appropriate, the court makes mediation available as an alternative method of resolution. Mediation may not be appropriate in situations involving abuse or domestic violence issues, particularly where a criminal case is pending (FIU 3.1.F).
  - The court recognizes and accommodates the fact that older adults may need more time during testimony, more frequent breaks during hearings or trials, more flexible scheduling of court events, and shorter court days, while also recognizing the need to minimize the number of continuances by scheduling ongoing cases across consecutive days when needed (FIU 3.1.H).
- The trial court takes appropriate responsibility for the enforcement of its orders (TCPS 3.5).
  - The court recognizes the need to assure that timely submission and substance of guardianship reports are monitored by the appropriate court staff in 100 percent of cases and that the court is notified about non-compliance. When notified of non-compliance, the court takes appropriate action as specified by statute (FIU 3.5.A—Guardianship Specific).
  - The court initiates investigation and/or civil/criminal action when a report contains evidence of mistreatment of a ward’s person or property (FIU 3.5.C).
  - At first appointment, all guardians (including family, private, and public) receive jurisdiction-specific information about their roles and responsibilities as guardians and about preventing, recognizing, and reporting elder abuse. Thereafter, as needed, all guardians receive additional information regarding recent advances in knowledge about aging and older persons, as well as changes in statutes and case law relevant to their guardianship responsibilities (FIU 3.5.D).

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- Records of all relevant court decisions and actions are accurate and properly preserved (TCPS 3.6).
  - The court assures funding and maintenance of an electronic information system with the capacity (hardware, software, staff) to track motions, to compile reports, to review open cases, and to provide demographic profiles of older court users (FIU 3.6B).

### (4) Independence and accountability:

- A trial court maintains its institutional integrity and observes the principle of comity in its governmental relations (TCPS 4.1).
  - The court establishes and maintains appropriate regular communication with APS, the aging services network, and the health and mental health networks in its jurisdiction with regard to older adult cases (FIU 4.1.A).
- The trial court informs the community of its programs (TCPS 4.4).
  - The court partners with appropriate community agencies to offer an active public education program targeting potential older court users. That program covers topics specifically relevant and important to elder citizens who may need court services. Elder-specific community training curricula regarding the court and legal system are updated as needed to reflect the most current relevant statutes, case law, and court policy (FIU 4.4.A).
  - The court’s active public education program regarding older adults targets community agencies that interact frequently with the court. Elder-specific community training curricula regarding the court and legal system are updated as needed to reflect the most current knowledge regarding older persons as well as statutes, case law, and court policy (FIU 4.4.B).

### (5) Public trust and confidence:

- The public has trust and confidence that the basic trial court functions are conducted expeditiously and fairly and that its decisions have integrity (TCPS 5.2).
  - In order to monitor its own compliance with self-imposed standards, each court maintains court-defined key demographic and case outcome data on all older defendants, litigants, wards, and self-service center users for use in annual summary reports regarding elder participants (FIU 5.2.A). (Bureau of Justice Assistance 1997; Rothman, Dunlop, and Seff 2006)

The past empirical work in the field is relevant to the current study for two reasons. First, the five court-focused elder abuse initiatives were implemented to address some of the barriers identified by the ABA COLA project in 1995. Second, these standards contributed to the theoretical foundation of the current study and guided the plan to assess the five initiatives, as discussed below in the Methods section.

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## **C. RATIONALE FOR THE RESEARCH**

We proposed to assess these initiatives to determine how they handle elder abuse cases and whether the interventions they offer improve the criminal justice response to elder abuse. Our goal was to provide judges, court administrators, policymakers, and funders with evidence-based knowledge about the structure, process, and outcomes of these initiatives. We hoped that doing this would enable them to make informed decisions about whether and how to spend limited resources to enhance courts’ approaches and activities to protect elder abuse victims and to hold perpetrators accountable.

Initiative staff and others had been touting these initiatives at meetings, conferences, and in publications as cutting-edge models that should be emulated in other communities (Peters et al. 2005, p. 114; Rothman and Dunlop, “Giving,” 2004, p. 1; Rothman 2003, p. 2; Uekert et al. 2006). As a result, other jurisdictions were starting to consider implementing similar practices. We believed it was critical to conduct an objective, independent, research-based evaluation of structure, process, and outcomes to help ensure that courts and their community partners adopt effective practices.

## **II. METHODS**

### **A. REVIEWING RELEVANT LITERATURE**

As we wrote the grant proposal and then conducted the study, we reviewed relevant literature and gathered salient data from sources pertaining to the study’s purpose and objectives. Relevant literature addressed elder abuse, generally, as well as assessments and evaluations of specialized courts (e.g., drug courts, domestic violence courts) and court-related projects. This information helped us as we refined our methodology, developed questions for key informants and key stakeholders, created case file review sheets, analyzed data, and drafted this report.

### **B. SELECTING STUDY SITES**

To the best of our knowledge, the five court-focused elder abuse initiatives we studied were the only ones in existence at the time our study began. We identified them through an extensive review of relevant resources, including:

- the National Center on Elder Abuse (NCEA) listserv archives and newsletter archives, each of which dated back to October 1998;
- all issues of *Victimization of the Elderly and Disabled*, which began publication in May/June 1998;
- the NCEA “promising practices database,” which dated from 2002;
- records of law-related technical assistance provided as a partner in the NCEA, which dated back to October 1998;
- the state and tribal team strategies developed during the October 2000 national symposium on elder abuse and fraud, sponsored by the U.S. Department of Justice and the U.S. Department of Health & Human Services;

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- background materials for, and notes from, the first meeting, held in April 2006, of the National Center for State Courts Elder Abuse and the Courts Working Group;
- extant literature on elder abuse and the courts, on access of older persons to the courts, and on specialized courts and other court programs; and
- multiple queries to the nearly 1,700 members of the NCEA listserv in January 2007.

After confirming that the activities in these five jurisdictions met our definition of a court-focused elder abuse initiative, we determined that the leaders at each site were willing to participate in the study.

We provided remuneration on a sliding scale up to \$2,500 to the courts involved in the study for costs associated with their participation, such as time spent by staff compiling data and pulling court case files for review.

### **C. ESTABLISHING A MULTIDISCIPLINARY ADVISORY COMMITTEE**

We convened a multidisciplinary advisory committee composed of experts including:

- two judges with knowledge of and interest in elder abuse cases, at least one of whom was experienced in handling domestic violence cases;
- an elder abuse prosecutor;
- a law enforcement officer;
- a civilian crime prevention officer; and
- an APS administrator.

The advisory committee members provided guidance to the research team throughout the project. The role they played in specific phases of the study is explained in the sections that discuss those phases. A list of the members was provided earlier in the Acknowledgements.

### **D. IDENTIFYING AND SURVEYING KEY INFORMANTS**

Each initiative identified a key informant whose role was to help us gain a deeper understanding of the initiative, identify key stakeholders and other individuals to interview, and serve as the liaison for planning the site visit to that jurisdiction. Four of the five key informants were the same leaders who either granted or obtained permission for their initiative’s participation in the study. In one jurisdiction, the initiative’s leader identified a subordinate to act as the key informant. A list of the key informants was provided earlier in the Acknowledgements.

An unplanned step that proved helpful was a series of conference calls between the researchers and the key informants (and, for several of the sites, other key stakeholders) to give everyone the opportunity to ask questions and provide suggestions about the project. One result of those calls was that we developed a one-page description of the project and the obligations of the researchers, key informants, key stakeholders, and the collaborating courts. The researchers provided this description to all potential key stakeholders who were invited to participate in the

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study and also gave copies to stakeholders during the site visits. The one-page description is provided in Appendix C.

We developed a survey to gather additional information from the key informants. The survey had 84 open- and closed-ended questions (certain answers to some of the questions resulted in the respondent being automatically skipped past subsequent questions that were not applicable). The advisory committee members and NIJ grant manager reviewed the draft survey and provided useful feedback. Additionally, two advisory committee members pilot-tested the survey so we could be sure that the technology worked and that our testers interpreted our instructions and questions as intended. The survey addressed the following issues:

- key informant’s background and position
- key informant’s responsibilities related to the initiative and other responsibilities, if any
- initiative history
- initiative changes and assessment of their impact
- challenges
- conflicts of interest
- unauthorized practice of law
- duplication of other services in the community
- constitutionality of the project
- case flow and process
- data collection
- impediments to outreach, accommodations, delivery of services, and case processing
- funding and staffing
- relationships with other entities in the community
- self-evaluation
- strengths, weaknesses, opportunities, and threats
- suggestions for key stakeholders to interview

The survey also solicited important initiative documents, such as outreach materials, protocols, standardized forms, and client satisfaction surveys.

The survey was administered online using SurveyMonkey software. The questions are provided in Appendix D-1. The cover letter and instructions to the key informants are provided in Appendix D-2.

We analyzed the survey responses and then contacted the key informants by telephone and e-mail, as needed, for clarification or amplification.

### **E. IDENTIFYING AND DEVELOPING INTERVIEW QUESTIONS FOR KEY STAKEHOLDERS**

The bulk of project data came from key stakeholders who were (1) directly involved in the initiative (e.g., actually providing services); (2) indirectly involved in the initiative (e.g.,



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serving on the initiative's advisory committee); (3) tangentially related to the initiative (e.g., other service providers who are not involved in the initiative but who serve the same client base); and (4) elder abuse victims who had been assisted by the initiative. Key stakeholders represented the following domains:

- the courts
- prosecution
- criminal defense
- law enforcement
- APS
- long-term care ombudsman program
- domestic violence services
- aging and disability services
- lawyers (working for legal aid or in private practice)
- victims of elder abuse

Professional stakeholders were identified through snowball sampling. The research team asked key informants to suggest key stakeholders whom we should interview, and then we asked those stakeholders for additional recommendations. The key informants identified victims who had been served by the initiative and who were willing and able to participate in an interview. We also treated the key informants as key stakeholders and interviewed them during the site visits; the questions asked were different than those we asked in the key informant survey. We interviewed 89 professional stakeholders during or after the site visits and three victims during the site visits.

With input from the advisory committee members and NIJ grant manager, we developed three sets of questions for the key stakeholder interviews. These included:

- a basic set of questions that was used for most key stakeholders, with minor tweaking to eliminate questions that were not pertinent to professionals working in certain domains;
- an abbreviated version of the basic question set for use with certain judges who were not directly involved in the initiative;
- an even shorter version of the basic question set for use with the court's chief judge; and
- a very short and different set of questions for victims of elder abuse.

Each of the three question sets concluded with an open-ended question asking the stakeholder if there was anything else he or she wanted to say about the initiative.

### **1. Questions for Most Key Stakeholders**

The basic question set used for most key stakeholders was informed by the guidelines and standards for state courts handling cases involving elder abuse (Stiegel 1995; Bureau of Justice

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Assistance 1997; Rothman, Dunlop, and Seff 2006). The 39-question set addressed an array of topics including:

- the role of key stakeholders in the initiative;
- the impact of the initiative on elder abuse victims, the court, the stakeholder or stakeholder’s agency, and other stakeholders;
- the relationship between and expectations for the stakeholder or stakeholder’s agency and the initiative;
- process issues such as eligibility criteria, barriers to collaboration, delays in services, accommodations, intra-court coordination, and the use of mediation;
- training that had been or would be useful in relation to the initiative’s work;
- whether the initiative duplicated existing community resources;
- whether there were personality or turf issues that affected the initiative;
- funding and staffing;
- conflicts of interest and other ethical issues;
- evaluation of the initiative by victims or other stakeholders;
- whether there are other entities in the community that should be involved in the initiative;
- institutionalizing the initiative to withstand changes in personnel, placement, or political support;
- strengths, weaknesses, opportunities, threats; and
- implications of the initiative for local and national audiences.

A copy of this question set is provided in Appendix E-1.

### **2. Questions for Certain Judges**

We thought it was important to interview certain judges who were not directly involved with the initiative, some of whom had played a critical role in establishing or supporting the initiative. It made no sense to ask these judges all the same questions that we asked key stakeholders who were more directly involved in or affected by the initiative, so we truncated the question set for them. The 31-question set focused on:

- their role in the initiative;
- the impact of the initiative on the court;
- process issues, such as eligibility criteria, barriers to collaboration, delays in services, accommodations, intra-court coordination, and the use of mediation;
- training that had been or would be useful in relation to the initiative’s work;
- funding and staffing;
- conflicts of interest and other ethical issues;
- evaluation of the initiative by victims, the court, or other stakeholders;
- whether there are other entities in the community that should be involved in the initiative;
- institutionalizing the initiative to withstand changes in personnel, placement, or political support;

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- strengths, weaknesses, opportunities, threats; and
- implications of the initiative for local and national audiences.

A copy of this question set is provided in Appendix E-2.

### **3. Questions for Chief Judges**

We also interviewed the chief judge of the entire court or court division in which the initiative was housed or with which it coordinated. It made no sense to ask these judges all the same questions that we asked key stakeholders who were more directly involved in or affected by the initiative or certain other judges who had played a key role in establishing or supporting the initiative, so we further truncated the question set for them. The 18-question set focused on:

- the impact of the initiative on the court;
- funding and staffing;
- conflicts of interest and other ethical issues;
- evaluation of the initiative by victims, the court, or other stakeholders;
- whether there are other entities in the community that should be involved in the initiative;
- institutionalizing the initiative to withstand changes in personnel, placement, or political support;
- strengths, weaknesses, opportunities, threats; and
- implications of the initiative for local and national audiences.

A copy of this question set is provided in Appendix E-3.

### **4. Questions for Elder Abuse Victims**

Reflecting our desire to impose as little as possible on victims’ time, we asked them only seven questions. The issues these questions addressed were:

- the problem that the victim was experiencing when he or she encountered the initiative;
- how the victim learned about the initiative;
- if the project helped him or her and, if yes, how;
- if he or she would use the initiative’s services again and, if not, why not;
- if a customer satisfaction document was sent or provided; and
- whether he or she had any recommendations regarding the initiative.

A copy of this question set is provided in Appendix E-4.

## **F. OBTAINING INSTITUTIONAL REVIEW BOARD APPROVAL**

We prepared an informed consent document for the key stakeholders and submitted it along with the required application for approval by the Institutional Review Board (IRB) of the

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University of Kentucky. The informed consent document was easily approved by the IRB. Then the NIJ human subjects protection officer declined to approve the informed consent document. She said that our legal obligation to report suspected elder abuse in some of the states we were studying conflicted with the Department of Justice’s confidentiality regulations. As a result, she required us to develop a second consent form for the victims we planned to interview that informed them about the conflict we faced, the implications of being the subject of a report to APS, and their right to decide whether to authorize us to make a report if they told us that they were currently experiencing elder abuse. Four months of back-and-forth between the NIJ human subjects protection officer and the University of Kentucky IRB staff ensued. The ultimate result was a consent document for victims that informed the victim about the possibility and implications of a report to APS—including the possibility that such a report might result in law enforcement involvement and criminal prosecution of the abuser. The second consent document and the question sets for professional key stakeholders and for victims were finally approved just before the first site visit. Both consent forms—the “Consent to Participate in a Research Study: A Multi-site Assessment of Court-Focused Elder Abuse Initiatives” and the “Consent for ‘A Multi-site Assessment of Court-Focused Elder Abuse Initiatives’ Staff to Contact Adult Protective Services to Report Suspected or Self-Disclosed Abuse” are provided in Appendix F.

### **G. INTERVIEWING KEY STAKEHOLDERS**

Ninety-two stakeholders were interviewed during 67 interviews. Some interviews were with individual stakeholders and others involved small groups of stakeholders. Most interviews occurred during the site visits, but a few were conducted by telephone with key stakeholders who were not available during the site visits. Interviews with professionals generally ranged from one to two hours in duration, except for the interviews with chief judges and certain other judges that were shorter in duration. Initiative staff were not present at any of the interviews except their own. All interviews were tape recorded.

In all the interviews with victims, and in a majority of the interviews with professionals, both researchers were present. Scheduling constraints sometimes necessitated that we conduct interviews separately. Typically, however, one researcher asked the questions while the other obtained signatures on the informed consent documents, took notes, and ensured that the tape recorder was functioning and that the tapes were appropriately labeled and filed. Each day during the site visit, the research team discussed observations and made necessary adjustments in procedures.

Flexibility was necessary, as the interview schedules that had been painstakingly established before the site visits often changed suddenly. To ensure that the researchers could be resilient during the interview process, each had a site-specific notebook containing:

- contact and logistics information;
- the site visit schedule;
- consent forms;
- one-page project descriptions for dissemination to key stakeholders;
- question sets for the professional key stakeholders, by domain;
- questions for the victims, if any were to be interviewed;

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- case review guide (discussed below);
- instructions for obtaining consent and for taping;
- the key informant’s survey response and attachments; and
- miscellaneous information.

### **H. SELECTING AND REVIEWING COURT CASE FILES**

We reviewed court case files to gather more data about process and to see what types of data were recorded. A total of 68 case files were reviewed during the five site visits.

In concert with the key informants in each initiative, we established a common 12-month period (May 1, 2007-April 30, 2008) for selecting the case files to review and determined the number of cases that the initiative had heard or handled during that time period.

We had previously developed a plan for determining the number of cases to review with advice from a biostatistician at the University of Kentucky. Those parameters attempted to balance our desire to obtain representative file information and to have as much comparability as possible among the initiatives (which, at the time we wrote our proposal, varied widely—from a handful to hundreds—in the number of cases processed) with practical considerations such as our budget, site visit duration, and burden on the courts.

Our plan was to review 20 case files at each study site that had processed more than 20 cases during the 12-month period and to review all case files at each site that had processed fewer than 20 cases during that timeframe. The courts that had more than 20 cases were asked to provide 22 randomly selected cases; the extra two cases were a cushion meant to ensure that we ended up with 20 cases to review if a case had to be excluded for some reason (for example, a few cases were excluded because they were not closed during the common 12-month period). We gave each initiative that had more than 20 cases the option of providing the researchers with a list of numbers that we ran to develop a computer-generated random selection or making a random selection themselves and indicating to the researchers how the selection was conducted.

#### **1. Case File Review Sheet**

To minimize bias and ensure consistent file review, we developed, pilot tested, and used a case file review sheet. As with the other data collection instruments, we solicited and received beneficial feedback on the sheet from the advisory committee members and NIJ grant manager, as well as from elder abuse trainer/retired prosecutor Candace Heisler.

The sheet elicited information, using a mix of check-off and narrative questions, regarding:

- victim demographic information
  - sex
  - age
  - race/ethnicity
  - income

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- illnesses/conditions
- diagnosed disabilities
- living situation
- relationship of victim to perpetrator
  
- perpetrator demographic information
  - sex
  - age
  - race/ethnicity
  - income
  - illnesses/conditions
  - diagnosed disabilities
  - living situation
  - other characteristics (substance abuse, dependency on victim for income, past history of criminal activity)
  
- case specific information
  - type of abuse(s)
  - type of charge(s)
  - resolution of charge(s)
  - impact of situation on victim
  - type of case
  - time frames from filing to disposition
  - actors involved in the case
  - assistance provided by the initiative
  - assistance provided by other organizations
  - evidence
  - case outcomes
  - probation record
  - predisposition information
  - criminal history record check
  - victim impact statement
  - case history
  - protective orders entered
  - orders for firearms relinquishment

A copy of the case file review sheet is provided in Appendix G.

### **2. Case File Review Process**

At the first site visit, which was to Alameda County, court staff indicated that we would need, and then provided us with, an orientation to case file contents and organization style. Thereafter we asked court personnel at the other sites to give us a similar lesson and built time for it into our schedule.

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Due to the differences among the five initiatives and to test inter-rater reliability, at each site we read the first two case files together to ensure that the case file review sheet worked for the court files of that particular initiative. If changes were necessary, we made them before reviewing the remaining cases.

Some of the court case files contained sealed records (usually assessments of physical or mental health). In Alameda County, the judge issued an order allowing us to read the contents of those records. In the other site visits, we did not open or read any sealed records.

In the three jurisdictions (Hillsborough County, Jefferson County, and Palm Beach County) where the initiatives maintained separate client files, we also reviewed their corresponding files on the victim. Only Hillsborough County had more than 20 cases, so the EJC pulled its court case files after the 20 cases for our review were randomly selected.

### **I. ANALYZING DATA**

The study entailed both quantitative and qualitative data analysis. Qualitative data came from the information provided by the key informants and by the key stakeholders associated with each initiative. The focus of the qualitative analysis was on the *responses* to the interview questions rather than *how many* key stakeholders expressed a particular belief or attitude. Quantitative data came from the court case file reviews.

#### **1. Qualitative Analysis of Key Informant Surveys**

We analyzed the in-depth surveys by reading and re-reading the answers provided. Following this grounding, we discussed observations and perceptions regarding the major themes of each survey response. We asked follow-up questions of each key informant to probe issues further or obtain clarification.

#### **2. Qualitative Analysis of Key Stakeholder Interviews**

All key stakeholder interviews were transcribed, and then we checked each transcript for accuracy. Following that step, we reviewed transcripts and notes to generate key ideas and to identify major categories and subcategories of responses. Based on multiple readings of the transcripts from the interviews and reflective process notes written during the interviews, we used a combination of deductive qualitative analysis, (i.e., assumes that the theoretical dimensions of interest have been identified *a priori*) (Gilgun 2005) and an inductive, grounded theory approach (i.e., makes no such *a priori* assumptions) (Strauss and Corbin 1990) to analyze this data.

Initially, we used open coding procedures and analyzed each interview independently, although we discussed areas of congruence and contention routinely. This procedure allowed us to note salient responses and unique circumstances presented in each of the interviews and ensured that we recognized all patterns and themes. After generating the initial list of constructs, we grouped them into preliminary thematic categories based on the ABA recommended guidelines and BJA/FIU trial court standards. Through an iterative process of constant

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comparison, we refined the themes set forth in the transcripts. Sub-themes emerged upon more systematic reading and discussion of the transcripts. After establishing and refining these themes and subthemes, we individually categorized each transcript analysis. Then we reached consensus on those categorizations, which were used to formulate and convey our findings.

### **3. Quantitative Analysis of Case File Data**

We gathered quantitative data through review of the 68 court files. We coded information from those files on the case file review sheets discussed earlier. Data from the case file review sheets was entered into an SPSS spreadsheet by a University of Kentucky graduate research assistant supervised by Teaster. For quality control, Teaster and the student then checked each case file review sheet against the coding entered into the spreadsheet and corrected any discrepancies that arose. Descriptive statistics (means) were then calculated using SPSS. These statistics were reviewed by both investigators.

### **J. STUDY LIMITATIONS**

Our methodology had five limitations. We anticipated the first three and attempted to compensate for them. We could do nothing to offset the fourth and fifth limitations.

First, we knew we might receive biased information because (1) key informants and professional key stakeholders would answer questions based on their own understanding and beliefs, and (2) snowball identification techniques might result in ascertainment only of key stakeholders with positive things to say. Triangulation of data sources (by surveying key informants, interviewing key stakeholders from multiple disciplines, reviewing case files, and observing court proceedings if possible) may have helped to counteract that challenge. We certainly heard concerns and criticisms expressed by key stakeholders.

Second, we recognized that the victims we were able to interview also might be biased. It seemed likely that the initiatives would identify victims who were satisfied with the help received and that only those clients would be willing and able to participate in an interview anyway. Moreover, we expected that the victims identified might still be receiving services in some form from the initiative or from a key stakeholder’s agency or might anticipate the need to obtain more help in the future. We ensured that victim interviews did not occur in the presence or earshot of initiative staff, but there was little else we could do to minimize this possible bias.

Third, although we budgeted to remunerate the courts associated with the initiatives for their costs in providing us case files for review, we were not able to compensate key informants and stakeholders for their time. We feared that the burden of participating in the study might be too much for already very busy professionals, so we made every attempt to accommodate their needs in scheduling and offered to go to their offices. We targeted multiple representatives of several disciplines and examined other information sources in order to maximize the information obtained and minimize the burden. We offered to conduct telephone interviews with key stakeholders who were unable to participate during the site visit. It turned out that we did not have any insurmountable problems related to this challenge.



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Fourth, a few stakeholders—mostly law enforcement officers and others working in criminal justice—were not able or willing to have their interview tape recorded despite repeated assurances about the purpose of tape-recording and the researchers’ intent not to attribute statements to anyone. As our protocol entailed taping to ensure the accuracy of our records, we did not interview those individuals.

Fifth, we were only able to interview three victims (one in Jefferson County and two in Hillsborough County). Reflecting the nature of the services they provided, neither the Alameda County nor Palm Beach County initiatives were able to identify any victims. In Jefferson County, two other victim interviews had been arranged, but they were cancelled when those victims experienced health problems. It is worth noting that while we did encounter challenges with crafting the informed consent documents prior to the site visits, human subjects protections did not seem to be a problem for victim participants. No victim whom we interviewed raised questions or concerns with the documents or the process. It was, however, a problem in Kings County. The partner organization that was linking the researchers to victims indicated that their research committee needed to approve their involvement and asked for the consent documents and questions for victims 36 hours before the site visit—despite having been involved in the study process from the beginning. We promptly sent them everything they requested but they never responded.

### **III. RESULTS**

#### **A. STATEMENT OF RESULTS**

This section presents our findings, organized by topic. When appropriate, those findings are linked to the ABA recommended guidelines, BJA trial court performance standards, or FIU standards that formed the theoretical foundation of our study.

##### **1. Access to Justice**

Each of the initiatives enhances access to justice for elder abuse victims, albeit in varying ways and to varying degrees.

Victims are provided accommodations either in getting to court or in dealing with the court process by each of the initiatives. The EPC starts later than other courts and sets specific times at which certain types of cases will begin in an attempt to minimize transportation challenges and time spent waiting on hard court benches. The protection order projects accommodate the needs of homebound and frail older persons who otherwise would not be able to pursue a protection order. The elder justice centers provide a one-stop shop for obtaining assistance and information within the courthouse, often allowing a victim to avoid spending time, money, and effort traveling to or calling other agencies. [ABA 4, 28, & 29; TCPS 3.1; FIU 3.1.H]

At all of the study sites—including the EJC in Palm Beach County, which provides services to elder abuse victims as well as help to older criminal defendants—victims receive emotional support, guidance in understanding and maneuvering through the court process, and

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other forms of help including linkages or referrals to other services. Sometimes that assistance is provided directly by initiative staff, other times by staff of the stakeholder agencies that are associated with the initiative or other community entities, or sometimes by both. The elder justice centers and the protection order projects also help victims to complete petitions for temporary and permanent orders of protection. Additionally, the protection order projects arrange for telephonic court hearings for victims who are unable to attend an in-court hearing. [ABA 21, 22, 23 & 29; FIU 1.2A]

Access to justice is enhanced in all of the initiatives because the judges and court staff involved in them become more knowledgeable about elder abuse and sensitive to the challenges that victims face in pursuing justice. Additionally, stakeholders opined that the courts’ increased focus on elder abuse through their involvement in these initiatives often has an auxiliary effect of informing other judges and court staff about elder abuse. [ABA 1 & 2; FIU 1.4.A]

Access to justice is enhanced in all of the initiatives because the prosecutors and their investigators, public defenders and criminal defense lawyers, civil lawyers, law enforcement officers, social workers, and others involved in the initiatives also become more knowledgeable about elder abuse and sensitive to the challenges that victims face in pursuing justice. [ABA 3]

Most stakeholders believed that more elder abuse cases are heard by the court as a result of the initiative even though there was no longitudinal data at any initiative to support that supposition. A few stakeholders were reluctant to speculate on the issue because of the lack of data, but no one at any of the study sites suggested that fewer cases had been brought to the court since the initiative was established. Most stakeholders in Alameda County opined that the outreach and publicity about the EPC, “word of mouth” from older people who appeared before the EPC, and a more accommodating court environment led to more cases being filed. Most stakeholders in Jefferson County and Kings County observed that the homebound or frail victims would not have been able to file petitions for protection orders without the telephone hearings enabled by those initiatives, and, thus, certainly more cases had resulted. Many stakeholders in Hillsborough County and Palm Beach County suggested that the role of the EJC staff in monitoring guardianships had increased the detection of abuse by guardians and led to more cases in their probate courts. [ABA 4, 23, & 29; TCPS 3.1; FIU 1.2.A, 1.4.A, 3.1.H, 3.5.A—Guardianship Specific, 3.5.C, & 4.4.A]

### **2. Victim Safety and Prevention of Elder Abuse**

Each of the initiatives acts to preserve or enhance victim safety in one or more ways. Efforts to determine whether an abusive situation has stopped or whether a perpetrator has been held accountable could be strengthened, however.

All of the initiatives aid victims in seeking orders of protection that may help protect them from further abuse. The EPC does this by providing accommodations for older petitioners, including a set time and a less frenzied court environment for hearing these cases. The IEPOI and ETOP assist homebound or frail victims who would not otherwise be able to go to court to file petitions or attend hearings. The staff at each EJC help victims prepare their petitions by

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educating them about the requirements of the protection order laws. [ABA 4, 5, 21, 22, 23, & 29; FIU 3.1.H]

By monitoring guardianship cases, the staff at each EJC also help to protect victims. This role allows them to detect abuse by guardians and bring the problem to the attention of the judge or magistrate who can take steps to redress the abuse and prevent more from occurring. [FIU 3.5.A—Guardianship Specific, 3.5.C]

By providing education to newly appointed guardians about their roles and responsibilities, and about preventing, recognizing, and reporting abuse, the Hillsborough County EJC also may prevent some abuse from occurring due to negligence or lack of understanding by the guardians. The EJC also may foster detection by those guardians of abuse committed by third parties. [ABA 20; FIU 3.5.D]

The EJC in Palm Beach County may help protect a victim from further harm by helping an abusive criminal defendant obtain needed treatment or other services. [ABA 7, 8, & 9; FIU 1.3.F]

We asked stakeholders whether they knew if the abusive situation had ceased. Most—including the judges—indicated that they had no way of knowing if their intervention (including referrals or linkages to other services) had made the victim safer. Many said that if the victim did not return for additional help, they assumed that he or she was safe. Some of the stakeholders recognized, however, that such an assumption of safety might be faulty as an abuse victim could fail to return for help because the abuse had worsened or due to other reasons. In most of the study sites, efforts to monitor whether the victim remained safe were sporadic, at best, because such monitoring efforts were not part of the initiative’s responsibilities, stakeholder agencies had insufficient resources to support follow-up activities, or barriers to sharing information between agencies. A notable exception was in Jefferson County, where victims helped by the IEPOI often continued to receive other services from ElderServe, Inc.—the agency that administers the IEPOI. This enabled the IEPOI staff to readily share information with their colleagues and learn from their colleagues if a victim’s safety was jeopardized again.

We also inquired whether stakeholders knew if a perpetrator had been held accountable. The stakeholders other than the judges, prosecutors, and criminal defense attorney—who would know because of their role in a case—invariably said that they wouldn’t know that unless they learned it informally from another stakeholder.

### **3. Linkage or Referral of Victims to Other Services/Duplication of Services**

At each study site we asked stakeholders whether their office and the initiative referred victims to and from each other. We also asked whether the initiative currently or at any time had duplicated existing resources in the community.

Each of the initiatives—including the EJC in Palm Beach County, which provides services to elder abuse victims, as well as to older criminal defendants—links or refers elder abuse victims (and sometimes other older persons in court on other matters) to other services in

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their communities. One of the goals of involving other service providers is to prevent the elder abuse case from returning to court. Stakeholders used “referral” to mean simply suggesting and providing contact information for an organization to someone and “linkage” to mean taking action to actually connect the older person to the other entity when the individual seems unable to act on a referral. An example given at both of the EJC sites was that if a seemingly confused older person came into the court clerk’s office for help, staff would escort that person to the EJC office (which is not easy to locate in either study site) or call someone from the EJC to come get the person instead of just suggesting that the older person go to the EJC and providing the room number. [ABA 23, 28, & 29]

Many of the stakeholders referred or linked elder abuse victims to the initiative. For some of the stakeholders, however, the nature of the service they provided or of their relationship to the initiative meant that making referrals or linkage to the initiative was either inappropriate or unnecessary.

We heard relatively few complaints or concerns about excessive or inappropriate referrals or linkages to or from stakeholders. Those we did hear were generally connected to broader problems between stakeholder agencies and not specifically to the initiative itself. To illustrate, in both Jefferson County and Kings County we heard about tensions between the agency managing the initiative and APS. Those tensions stemmed from differences in the agencies’ roles and perspectives regarding services to and decision-making capacity of vulnerable older persons, not from the efforts to assist homebound victims in petitioning for protection orders.

We asked stakeholders whether there had been any problems related to the timeliness of referrals between the initiatives and stakeholders or vice versa. No one expressed any concerns. In both Hillsborough County and Palm Beach County, however, stakeholders from several agencies expressed disappointment at having received fewer referrals from their county’s EJC than they had anticipated. In both counties the EJC staff pointed out that older persons might not always indicate that they had been referred by the EJC. In one county we were told that one of the stakeholder agencies had indicated that it wouldn’t take some of the cases that the EJC tried to refer.

We believe that the frustrations discussed in the two preceding paragraphs reflected the situation that was occurring in each of those four counties at the time of our site visits. In Hillsborough and Palm Beach counties, budget cuts combined with staffing changes due to reorganization or turnover had eliminated each county’s multidisciplinary elder abuse task force. In Jefferson County, the coordinating council was meeting less frequently than it had previously. In Kings County, budget cuts had stretched the staff very thin. Other types of collaborative events, such as outreach programs, had also been reduced significantly. As a result, the stakeholders had fewer of the regular networking opportunities that facilitate recognition, discussion, and fixing of problems. Since the site visits, we have learned that the elder abuse task force in Hillsborough County was rejuvenated and that the EJC staff resumed (at personal expense) participation in other networking activities.

We also asked stakeholders whether the initiatives had duplicated any existing community services. No one indicated any concerns, although in both Hillsborough and Palm

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Beach counties some stakeholders cautioned that their answer was based on the assumption that the EJC staff were not providing legal advice. Indeed, at every study site most stakeholders opined that there was no duplication and that the initiative actually had filled a critical gap in services. [ABA 28 & 29]

### **4. Prosecution of Elder Abuse**

Each of the initiatives fosters or could foster prosecution of elder abuse cases. This section presents the reasons why and the ways in which this might occur.

#### ***a. Elder Protection Court of Alameda County***

The EPC fostered enhanced knowledge of elder abuse and sensitivity about the challenges victims face in accessing justice among the judge, court staff, and lawyers involved in the initiative in several ways. Stakeholders observed that consolidating the criminal cases before one judge is beneficial because the judge’s expectations are clear and his or her approach to these cases is consistent. Prosecutors and public defenders also stated, however, that case consolidation could be detrimental if the judge was perceived as biased. Stakeholders commented that the EPC could not have worked unless both the prosecutors and public defenders had confidence that the EPC judge would be informed and fair. There was consensus that the EPC could not have succeeded unless both the prosecutor’s office and public defender’s office were willing to participate. We heard that over time the stakeholders had developed trust in each other’s motives—“a shared goal of justice”—and the process. These factors combined to create an environment conducive to prosecution. [ABA 18]

#### ***b. Elder Justice Center of Hillsborough County***

The EJC role in monitoring guardianship cases means that it could detect abuse and report it to law enforcement or the prosecutor’s office. Such actions could lead to prosecution of more cases. [FIU 3.5.A—Guardianship Specific & 3.5.C]

The EJC staff also assist victims in preparing petitions for orders of protection. See subpart d below for discussion.

#### ***c. Elder Justice Center of Palm Beach County***

Like the EJC of Hillsborough County, the EJC of Palm Beach County monitors guardianship cases and could, thus, have the same affect on prosecutions. But the role it plays by informing the court whether it might be appropriate to divert an older criminal defendant to some form of treatment instead of jail also could foster prosecution. Stakeholders opined that victims who are reluctant to see their abuser go to jail may be more likely to report their abuse if they understand that their abuser may be assessed, diverted from the criminal justice system, and offered needed services and treatment instead. Some stakeholders also suggested that the fact that the EJC staff follow up with those defendants who are diverted may help the prosecutors feel more comfortable about bringing cases in which diversion is a possibility because they trust that future acts of abuse will be detected and brought to the court’s attention. Prosecutors also may

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be more inclined to file a case when they think that its result may be diversion instead of dismissal of the charges due to the defendant’s lack of competency to stand trial. [ABA 13; FIU 1.3.F, 3.1.C, 3.5.A—Guardianship Specific, & 3.5.C]

The EJC staff also assist victims in preparing petitions for orders of protection. See subpart d below for discussion.

### ***d. Elder Protection Order Initiatives in Jefferson County and Kings County***

The two protection order initiatives result in more protection orders being obtained by older victims because homebound or frail victims who are not able to go to court to file petitions are enabled to do so by the telephone hearings arranged by initiative staff.

These two initiatives and the two elder justice centers also have an impact on the number of orders granted because they educate victims (but do not provide legal advice) about the type of facts that are relevant to the judge hearing the petition order. Stakeholders at all four initiatives indicated that providing this assistance to victims increases the likelihood that the judge will grant the petition.

As violations of protection orders constitute criminal offenses, the fact that more protection orders are granted to older victims may mean that more violations are prosecuted. [ABA 4 & 23; TCPS 3.1; FIU 3.1H]

## **5. Case Management and Processing**

### ***a. Efficiency of Case Processing***

The majority of stakeholders at each study site indicated that cases involving elder abuse were heard more quickly or efficiently as a result of the initiative. The general opinion was that the accommodations or assistance provided—or both—facilitated case processing in a variety of ways. Stakeholders at all of the sites suggested that the emotional support provided by initiative staff or partner agencies helped victims to relax and present often difficult testimony with fewer interruptions. Stakeholders at the protection order projects opined that education provided about the requirements of the protection order laws helped victims present more pertinent and focused testimony. Some stakeholders also observed that proceedings were often slowed—affecting everyone present—when a person with severe physical disabilities was in the courtroom for a hearing. Another factor cited by many stakeholders at various study sites, particularly the EPC, was that the knowledge that stakeholders gained through their involvement in the initiative also served to facilitate court proceedings. [ABA 4, 21, 22, 23, 28, & 29; TCPS 3.1; FIU 3.1.H]

### ***b. Delays***

Continuances (postponements of judicial proceedings until a later date) are common. But continuances can have a more severe impact on elder abuse victims—who may lose the ability to come to court or to testify or who may die because of illness or the effects of the abuse experienced,—than they have on younger, healthier, or less frail individuals. This issue was

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relevant to the EPC, where the consensus was that the judge and other stakeholders were sensitive to this issue. It was also relevant, but in a different way, to the courts in Jefferson and Kings County. Those courts are bound by constitutional requirements and statutes governing time frames for protection order cases and notice to the perpetrator who will be affected by the order to stay away from the victim. But the initiatives and partner agencies have tried to make it as easy as possible for the petitioner to quickly obtain the necessary paperwork for the temporary protection order and to serve notice in a timely manner on the perpetrator so that the hearing for a permanent protection order does not have to be postponed. [ABA 6; FIU 3.1.H]

We asked stakeholders whether the initiative processes ever resulted in delays to the older person, explaining that delays could be good, bad, or neutral, and that we were not interested in hearing about delays that any litigant or witness might experience regardless of age or ability. The general consensus was that the initiative processes far more often expedited proceedings or had no effect on their timeframe, but we did learn of the following delays or issues that might cause delays:

- Stakeholders in Alameda County indicated that the only delay peculiar to the EPC was the consolidation of the docket on Fridays. To illustrate, one stakeholder told us about a victim who had dialysis on Fridays, but noted that the EPC judge has some flexibility within the confines of his or her regular assignment and is usually able to hear some EPC matters on other days of the week (and did so to accommodate this victim).
- There were some differences of opinion among stakeholders in Hillsborough County about whether there were any delays peculiar to the EJC. Some of the service providers expressed concern that the EJC added another layer between the older person and the agency from which help was ultimately needed. Other stakeholders opined that the EJC lessened delays by helping older persons get linked to the agency from which help was needed.
- Jefferson County stakeholders identified the limited hours in which the IEPOI is available to provide help as a delay peculiar to the process. The initiative process requires the deputy sheriff to provide transportation and protection to the domestic violence clerk who leaves the clerk’s office to go to the victim’s home. Stakeholders estimated that a home visit generally takes two to three hours. If a call comes in late in the deputy’s shift or after his normal working hours, the home visit can not occur that day. If the clerk’s office is unusually busy or short-staffed, the domestic violence clerk may not be able to leave the office. Almost all stakeholders indicated that an evening team would be beneficial and that a 24/7 response is really needed, but no agency has the funds to support the overtime or additional staff that would be required.
- One stakeholder in Jefferson County suggested that a delay peculiar to the process might result if a victim became overwhelmed by the number of people who appear at his or her home for the telephone hearing, or if a neighbor became concerned at seeing a number of people or the deputy sheriff’s car at the victim’s home and unwittingly interrupted the court proceedings.
- In Kings County, several stakeholders mentioned that there had been some delays or unnecessary effort because the social workers from JASA and DFTA were not

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notaries public. Peculiar to the ETOP location in a borough of New York City was the observation by several stakeholders that delays can be very positive if they prevent or postpone someone becoming homeless.

- Several stakeholders in Palm Beach County stated that the EJC process results in a delay if the defendant undergoes a mental health and substance abuse assessment and that the defendant remains in jail while the assessment is conducted. Some of those stakeholders opined that such a delay can prove beneficial to a defendant who may be safer in the jail than outside of it and who may obtain needed food and services in jail. The assessment delay also can allow the EJC staff time to find appropriate housing or medical care for the defendant upon his or her release from jail.

### ***c. Barriers***

We also asked stakeholders to identify any barriers to initiative services or access to justice—real, perceived, or potential—that were peculiar to the initiative. Stakeholders identified some barriers that might reduce the number of cases in which an initiative became involved or that might make for a less than ideal way of processing a case. None of the barriers, however, poses an insurmountable problem.

- Several stakeholders in Hillsborough County and Palm Beach County commented that both a victim and an older perpetrator involved in a relationship might need EJC services, but that the conflict of interest would preclude the EJC from helping both individuals. The EJC staff can refer the conflicted individual to other service providers.
- In Jefferson County, stakeholders pointed out that the court clerk’s office is prohibited from proactively notifying the IEPOI of any person aged 60 or older who is seeking a protection order because ElderServe, Inc. is not a government agency. The clerk’s office staff can and do refer the victim to the IEPOI, however, but stakeholders observed that if a proactive approach was possible more older victims would likely get help.
- Stakeholders in Jefferson County observed that because the IEPOI involves a number of agencies and systems, it can be difficult to obtain consensus if changes to the process are desired.
- In both Jefferson County and Kings County, we heard how the judges who handle the telephone protection order hearings appreciate their benefit to homebound victims but miss being able to see the demeanor of the petitioner. We recommended that they look into the possibility of obtaining and using Web cameras. The judges at both initiatives were enthusiastic about that idea—noting that video cameras are used lawfully in other types of cases. Since the site visit they have informed us that they are trying to obtain needed equipment.
- In Palm Beach County several stakeholders reported that the EJC staff sometimes have difficulty obtaining confidential information about an older criminal defendant that they need to make an assessment and recommendation to the court. This problem had two components:



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- Some clients don’t understand and therefore refuse to sign the document granting permission to the EJC staff to obtain medical and other information that is confidential.
- Some agencies refuse to recognize the release of information document even when it has been signed by the EJC client.

### ***d. Mediation***

No stakeholder at any initiative indicated that mediation was required or even encouraged in cases involving elder abuse. In response to our questions on that subject, most stakeholders voiced a strong opinion opposing or referenced a policy prohibiting mediation in elder abuse or other types of family violence cases because of the disparate power balance between victims and perpetrators and concerns about victim safety. A few stakeholders, however, posited that mediation might be appropriate and useful in some cases involving elder abuse, and said they thought the issue should be thoughtfully addressed on a case-by-case basis. [ABA 19; FIU 3.1.F]

### ***e. Persons with Questionable Decision-making Capacity***

Except for the Palm Beach County EJC role in assessing the capacity of older criminal defendants, none of the initiatives are really intended to help older persons who have questionable or clearly diminished decision-making capacity. Indeed, stakeholders involved with both protection order initiatives pointed out that they would not help a victim unless they believed that he or she had sufficient capacity to manage a protection order (e.g., keep the paperwork readily available, understand the terms of the order, understand what to do if the abuser violated the terms of the order). Stakeholders at each initiative told us that if they had concerns about a victim’s capacity, they would report or refer the victim to the APS agency.

### ***f. Intra-Court Coordination***

Cases involving elder abuse arise in a variety of contexts and can be heard in an array of courts (e.g., civil, criminal, family, probate). Lack of coordination among different courts makes it possible for courts to have contradictory or conflicting outcomes. For example, a probate judge hearing a guardianship case might appoint son to act as mother’s guardian without knowing that son is being tried in criminal court for elder abuse against mother. Thus, the ABA recommended guidelines and FIU standards articulate the need for intra-court coordination to the extent allowed by law and court procedures (thus recognizing that judges and juries are sometimes constrained in their ability to hear about and consider events raised in or the results of other court cases). Such coordination can occur through means such as information sharing among court divisions, docket and record checking, and consolidation of cases involving the same parties. [ABA 17; FIU 2.1.A]

Accordingly, we inquired what the initiatives and the courts with which they are affiliated were doing to address this issue. We were especially interested in coordination to and from probate courts, as those courts historically have handled a lot of cases involving elder abuse in the context of guardianship and other fiduciary matters and in mental health proceedings. We

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found that none of the initiatives had taken steps to fully address the issue of intra-court coordination.

- The EPC in Alameda County consolidates all criminal elder abuse cases in the county and coordinates those cases with the protection order and civil cases that it hears. But the EPC is not connected to or coordinated with the probate court or with the civil divisions in the courthouses located in other parts of the county. While the EPC judge probably can not consider events that occurred in other cases when trying criminal matters, the probate judge may be able to consider what is happening or has happened in criminal cases. Presumably there is at least informal coordination between the EPC and the larger criminal courts system as the primary assignments for both Judge Conger and Judge Clay were as criminal trial judges.
- The Hillsborough County EJC was started by a probate judge and is housed in the court’s probate division, but is not coordinated with any other divisions of the court.
- The EJC in Palm Beach County and the two protection order initiatives are not connected to or coordinated with the probate courts.
- There was no indication that the Palm Beach County EJC was coordinating with the larger criminal court system beyond its role in assessing older criminal defendants prior to their first appearance in criminal court.

### **6. Conflicts of Interest and Other Ethical Issues**

We asked whether the possibility of conflicts of interest or other ethical issues had been considered as the initiative was developed or later in its history. We also asked whether key stakeholders had concerns about or had seen evidence of conflicts of interest or other ethical issues.

There were issues at each of the five sites that had either been addressed as the initiative was developed or that had become apparent since that time. Sometimes issues only related to one initiative; other concerns were raised in multiple study sites. The former issues are discussed in detail in the initiative descriptions provided in Appendix A and are not repeated in this section. Concerns that were raised at more than one study are highlighted here.

- An issue of concern at every site was the possibility that some older persons might not fully understand the roles of the various professionals and entities that are part of the initiative. For example, older persons might not understand that a court case manager (Alameda County EPC) or EJC staff member investigating a guardianship case is acting for the court and is not serving as their advocate. Besides simply causing confusion, there were some concerns that an individual might disclose information that could lead to a negative legal outcome.
- Some stakeholders in Alameda County and Hillsborough County—the sites of the only court-sponsored initiatives—said that as with other types of specialized or problem-solving courts, some people might question whether it was an appropriate role of the court to conduct such an initiative or whether a court’s involvement in such initiatives compromises judicial independence. A number of stakeholders observed that judges are not social workers and that it is not a court’s responsibility to

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provide social services. However, those (and other) stakeholders also stated that providing accommodations to elder abuse victims so that they have equal access to justice and fulfilling a court’s responsibility to monitor the actions of the guardians it has appointed to protect incapacitated persons is not the same as providing social services.

- Also in Alameda County and Hillsborough County, some stakeholders observed that each court’s sponsorship of its initiative could lead some people to question whether the court was biased toward elder abuse victims.

### **7. Judicial Leadership in the Community’s Response to Elder Abuse**

Some courts have provided important support and leadership at the state and local levels on child abuse and on domestic or family violence. At the time the ABA developed its recommended guidelines, 24 states and territories had statewide family violence coordinating councils that involved judicial leadership. In contrast, there were then six statewide task forces on elder abuse; none of them involved judicial leadership (Stiegel 1995). As a result, the ABA recommended that courts encourage and support the development or continued survival of state or local coordinating councils or task forces on elder abuse or that they include representatives of agencies helping elder abuse victims on existing domestic or family violence coordinating councils or task forces. The ABA and FIU both recommended that the courts find ways of collaborating with and linking to community organizations helping elder abuse victims, including APS and aging services. [ABA 24 & 25; FIU 4.1.A]

In Alameda County, the court provides key leadership in the community’s efforts to address elder abuse. Judge Julie Conger established and regularly convened the Elder Access Committee. Her successor, Judge Clay, continued the committee when he became the EPC judge. The committee, which is described in more detail in Appendix A-1, brings together representatives of various agencies and disciplines concerned about elder abuse. The committee meets quarterly over lunchtime at the courthouse and provides an opportunity for discussion about challenges, resources, training opportunities, collaboration, and much more. It also provides an environment in which informal feedback on the functioning of the EPC can be shared. The general consensus among the stakeholders was that the Elder Access Committee was a critical component of the EPC. Indeed, several stakeholders opined that the committee had helped the EPC weather the significant staffing changes that had occurred before the site visit (see Appendix A-1) and that they were very relieved and happy that Judge Clay had already signaled his intent to continue the committee when he took over as EPC judge.

The courts affiliated with the other initiatives had of course acted as leaders in establishing the initiatives, but they were not providing leadership in the community on the issue of elder abuse in a way comparable to the EPC. In two of the four study sites (Hillsborough County and Palm Beach County) there was a leadership void as no other community agency was fulfilling that role. In Kings County, the DA’s office was sponsoring and hosting a multidisciplinary team. In Jefferson County the elder abuse coordinating council was meeting less frequently than it had in previous years. It did not surprise us, therefore, when many stakeholders in these four counties reported that they felt disconnected from and less

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knowledgeable about the current state of their county’s initiative, often expressing some lessening of support for the initiative as a result.

### **8. Professional and Public Awareness**

Both the ABA recommended guidelines and FIU standards call for the enhancement of professional awareness about elder abuse and the role of the courts in addressing it. The FIU standards also support public education on those issues. [ABA 3; FIU 4.4.A & 4.4.B]

Although there is no data to support their beliefs, stakeholders consistently suggested that simply by existing and placing some focus on elder abuse, each initiative enhanced both professional and public awareness about the problem and the court’s role in addressing it. For those initiatives that handled criminal cases, stakeholders suggested that an additional result was greater professional and public awareness of the criminal justice system’s involvement in elder abuse cases. Several of the initiatives had received favorable media coverage that boosted awareness. Staff or other stakeholders at each of the initiatives had conducted some form of outreach about the initiative’s purpose at events such as senior center programs and bar association meetings.

Stakeholders at each study site made it clear, however, that far greater efforts to expand public and professional awareness of the initiative and of elder abuse are needed. Thoughts of expanded outreach efforts sparked stakeholders at each study site to raise some problems or concerns, however.

- Some stakeholders in the two initiatives that are actually court programs—the EPC and the EJC in Hillsborough County—raised questions about whether it is appropriate for judicial officers or other court personnel to conduct outreach. Their questions reflected concerns about judicial ethics, as well as concerns about use of court resources.
- None of the initiatives has sufficient funding to support the kind of outreach that is thought to be necessary. As budgets tightened even before the site visits in 2008, outreach efforts were the first to be cut.
- Some stakeholders expressed concern that additional outreach would result in a larger number of older persons coming for help and questioned whether the initiatives had the resources to handle more cases.

### **9. Institutionalizing the Initiative**

Each of the initiatives had experienced significant transitions when key staff resigned, retired, or were reassigned. Having seen many elder abuse initiatives fall apart when the person behind them changed jobs or retired or when start-up funding ended, we were particularly curious about whether any of the initiatives had taken steps to institutionalize their efforts or whether stakeholders had any thoughts on how to accomplish that goal.

- At each initiative, there was consensus among stakeholders that it is imperative to have ongoing support from and collaboration with the chief judge and court

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administrators. They said that the backing of other judges who have a high level of clout and credibility among their colleagues on the court is also always critical; this is especially important if the chief judge position turns over frequently because it helps ensure ongoing support while a new chief judge learns about the initiative’s benefits. In addition to providing support and leadership, judges and court staff also play a crucial role in solving problems that might otherwise undermine the initiative.

- Ongoing court-community collaborations are critical to each initiative because of the political good will they engender. It is imperative to have the support of key stakeholders from agencies outside of the court. This is not only important as the initiative gets underway. Like judges and court staff, stakeholders may be needed to help solve a problem that would otherwise bring the initiative to an end. Notably, the involvement of outside agencies can pressure the initiative sponsor to continue the initiative when it might otherwise be allowed to quietly wither away. Which agencies are most critical to fulfill these roles will depend on the nature of the initiative and the political environment in the community. For example, as discussed previously, we learned that the EPC could not have started or survived without the commitment of the prosecutor’s office and—we were surprised to learn—the public defender’s office. The same agencies were critical to the EJC in Palm Beach County because of its work with older criminal defendants. Neither agency was involved in the EJC in Hillsborough County. Prosecutors were only tangentially involved in the two protection order initiatives, and the public defender’s office was never even mentioned at those study sites. But the protection order projects could not have functioned without the support and involvement of the social services agencies and the law enforcement agencies that implemented the telephone hearings.
- Several stakeholders talked about the importance of planning for transitions of significant staff and trying to identify and groom successors early, if possible.
- Obviously, a secure and stable source of funding is helpful.
- But we repeatedly heard that even in the absence of designated funding, an initiative can become institutionalized if it is indispensable to the court or the community. To illustrate, stakeholders in Hillsborough County constantly told us that the EJC role in monitoring guardianship cases fulfilled a critical responsibility of the court in a more cost-effective manner (“otherwise we would need two probate judges”), and that this indispensability would probably save the EJC from elimination due to budget cutbacks. Stakeholders in Palm Beach County indicated that they wanted their EJC to do more guardianship monitoring because they too thought that expanding that role would increase the chances of the EJC surviving in the current fiscal climate.

### **10. Evaluation of the Initiative**

At each study site we asked stakeholders whether the initiative was collecting any data on its caseload and assessing its costs/cost-savings, benefit to victims, benefit to the court, and benefit to stakeholders and other community entities. [FIU 3.6.B & 5.2A]

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### ***a. Caseload***

Only the Hillsborough County EJC and Palm Beach County EJC reported that they were tracking caseload numbers. The Hillsborough EJC also categorized its caseload by type (see Appendix A-2).

### ***b. Costs/Cost-Savings***

None of the initiatives are doing anything to assess their costs and cost-savings. While stakeholders in several study sites provided insightful answers to our questions on this topic, only the EJC managers in Palm Beach County seemed to have really thought about how costs and cost-savings could be measured.

### ***c. Benefit to Victims***

Only the Hillsborough County EJC and Palm Beach County EJC had developed a client satisfaction form that they provided to the victims they helped. Staff at those initiatives indicated that they received very few responses to those surveys.

At every initiative, staff reported that they sometimes received telephone calls or letters from victims thanking the staff for the help provided.

The Palm Beach County EJC managers advised us that they were interested in measuring outcomes and impact through surveys and telephone follow-up. They were also contemplating home visits, but were concerned that visits would be too staff intensive and potentially unsafe. Staff of the BKFJC, which manages the Kings County ETOP, said they were considering development of an evaluation that would include metrics to determine if clients are better able to access other services as a result of the BKFJC help, as well as the development of a partnership agreement regarding consistency in measurement.

### ***d. Benefit to the Court***

None of the initiatives were doing anything formal to assess their value to the courts with which they were affiliated. The Palm Beach County EJC managers were in the midst of developing a plan, however. Their ideas included conducting satisfaction surveys with judges and other court staff, and using a management information system to develop data quantifying and in other ways showing the value of the EJC to the court.

### ***e. Benefit to Stakeholders or Other Community Entities***

None of the initiatives were doing anything formal to assess their value to the professional stakeholders. Stakeholders in Alameda County and in Jefferson County commented that the meetings of the Elder Access Committee and the Coordinating Council, respectively, provided regular opportunities for stakeholders to offer informal feedback on the initiatives. One stakeholder in Jefferson County opined that a more formal system of feedback from other stakeholders would be problematic because of lack of standards and consistency.

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## 11. Data Collection

As indicated previously, we reviewed court case files to gather more data about process and to see what types of data were recorded. [FIU 3.6.B & 5.2A] Details about the data collected by each initiative or the court affiliated with it are provided in the initiative descriptions in Appendix A. Table 1 indicates the types of data collected by the court in each county. Table 2 lists the types of data collected by the three initiatives that collect their own data. Our review of the court case files and, where one was available, the initiative file on that client offered us another layer of understanding beyond that of the key stakeholder interviews. The review provided the opportunity for a cross-sectional analysis of the components in each case (e.g., demographics, details of the case, case outcomes). It also allowed us to assess whether court case files contained data that would be useful for in-depth analysis and future research.

In total, we reviewed 68 case files that had been closed during our common one-year period of June 1, 2007, through May 30, 2008.

- Alameda County EPC (21)
- Hillsborough County EJC (20)
- Jefferson County IEPOI (5)
- Kings County ETOP (11)
- Palm Beach County EJC (11)

Not all the information we were interested in (see Methods) was contained in each case file, and so we were unable to extract all information for all fields in our case file review sheet. However, the information we did obtain provides a snapshot of the types of cases that confront the initiatives.

The following information represents the cumulative descriptive data analysis for Alameda, Hillsborough, Jefferson, and Kings. Data from Palm Beach are not included because, as explained in the report, the individuals served by this initiative are primarily older criminal defendants, not victims of elder abuse. As the focus of the other initiatives was on the victims of abuse rather than the perpetrators, we removed Palm Beach County from the summative data provided below to avoid confounding the data.

The data that we obtained from the case file reviews was not critical to our assessment of the initiatives. We took advantage of being at the sites to look at the court-collected data to help determine whether it would be possible to use that data for evaluation purposes. As the data was not integral, the initiative-specific data is not provided in the report but can be found in Appendix H.

### *a. Victim Information*

From the case file information, we found that (69.1%, 38/55) victims were female, with a mean age of 75.3 (range, 60-94 years) (n=55) years. Over half of victims were white (53.13%, 17/32), and (43.8%, 14/32) were African-American. Information on income levels was virtually

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non-existent, with information provided in only five files; of that number, all had monthly incomes of less than \$5,000 dollars. The vast majority of victims lived in their own homes (80.4%, 41/51), followed by (9.8%, 5/51) in an assisted living facility, (5.9%, 3/51) in a nursing home, and one residing in an acute care hospital.

The court files provided little information on the victims’ illnesses/conditions. When the files did indicate such information, dementia and heart disease were reported in eight cases, and six victims had diabetes. Physical disabilities were reported in five cases. Severe visual problems were noted in three cases.

### ***b. Perpetrator Information***

Information in the case files bore out that most victims were abused by other family members (66.7%, 34/51).<sup>1</sup> Additionally perpetrators included strangers (9.8%, 5/51), and professional guardians (5.9%, 3/51).

Perpetrators were usually male (62.8%, 32/51), with an average age of 42.0 years (range, 18-58 years, 1 person was 84) (n=41) for both sexes. Perpetrators were white (41.03%, 16/39) and African-American (46.2%, 18/39). When monthly income was reported in five cases, it was below \$2,500 monthly.

As was the case with the victims, no significant information was provided in the files on perpetrator illnesses/conditions. Notably, for seven of the perpetrators substance abuse was present, followed by diabetes (2) and heart disease (1). In two instances, the perpetrator had diagnosed cognitive disabilities and one instance physical disabilities.

In all cases (100.0%, 41/41), the perpetrator lived in a home, with over half (62.2%, 23/37) living with the victim. Well over three-fourths of perpetrators abused alcohol (75.8%, 25/33) and nearly a fourth had a past history of criminal activity (24.2%, 8/33). Two perpetrators reported being abused as a child.

### ***c. Types of Cases Heard by the Court***

Half of cases involved financial exploitation (50.0%, 25/50), and nearly half involved physical abuse (42.9%, 21/49). Over a third of cases involved emotional abuse (37.5%, 18/48). Neglect by a facility was involved in three cases, with one case each involving sexual abuse or neglect by a family member.

Over half of perpetrators were charged with a felony (64.3%, 18/28), nearly a third with violation of a temporary order of protection (32.14%, 9/28), and one with a misdemeanor. The

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<sup>1</sup> We calculated frequencies on the broad category of family member perpetrators only. We realized, while reviewing the data coding, that some categories on the codesheet (e.g., grandparent, parent) did not accurately represent the relationship of the family members.



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resolution of the charges resulted in a felony conviction in 16 cases, in a misdemeanor in two cases, and in the issuance of civil protection orders in six cases.

In nearly half of cases, the perpetrator was in the system for the first time (43.59%, 17/39). Some perpetrators had been in the system during the past 2-5 years (35.9%, 14/39) or in the past year (12.8%, 5/39).

Law enforcement was involved in 16 cases, followed by APS staff (11), and public defenders (7). Others involved included family members (4), victim/witness coordinators (2), and one each, friend and psychiatrist.

### ***d. Assistance Provided to Victims and Case Outcomes***

Case files indicated that assistance provided included help with filing a protection order (57.14%, 20/35). There was little information in files related to information on assistance by other organizations. When such information was provided, it included guardianship monitoring in five cases and legal services in four cases.

Testimony was used as evidence in five cases. Outcomes included disposition (23) and resolution (3). None of the files indicated that mediation had been used. Restitution was ordered in six cases.

In some files, a probation record was indicated (12), as was predisposition information (11), a criminal history check (25), and a victim impact statement (8).

Civil or criminal protective orders were issued in most cases (80.0%, 32/40), and firearms relinquishment was indicated in half of cases (52.5%, 21/40).

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**B. TABLE 1. TYPES OF DATA COLLECTED BY THE COURT IN EACH COUNTY**

Type of Data Collected	Alameda County EPC	Hillsborough County EJC	Jefferson County IEPOI	Kings County ETOP	Palm Beach County EJC
Victim Age	X	X	X	X	X
Victim Ethnicity		X			X
Victim Financial Assessment					X
Victim Illness/Conditions	X			X	X
Victim Impact Statement	X				X
Victim Living Situation	X	X	X	X	X
Victim Psychological Profile					X
Victim Race	X	X	X	X	X
Victim Relationship to Perpetrator	X	X	X	X	X
Victim Sex	X	X	X	X	X
Perpetrator Age	X	X	X	X	X
Perpetrator Financial Assessment		X	X		X
Perpetrator Illness/Conditions	X	X	X	X	X
Perpetrator Living Situation	X	X	X	X	X
Perpetrator Race/Ethnicity		X	X	X	X
Perpetrator Sex	X	X	X	X	X
Type of Abuse, Charge, and Resolution	X	X	X	X	X
Actors/Assistance in Case			X		
Assistance by Other Organizations			X		
Case History	X	X	X	X	X
Civil or Criminal Protective Order	X	X	X	X	X
Criminal History Record Check	X	X	X	X	X
Time Frames	X	X	X	X	X

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**B. TABLE 2. TYPES OF DATA COLLECTED BY THE INITIATIVES THAT COLLECT THEIR OWN DATA**

Type of Data Collected	Hillsborough County EJC	Jefferson County IEPOI	Palm Beach County EJC
Victim Age	X	X	X
Victim Ethnicity	X		X
Victim Financial Assessment			X
Victim Illness/Conditions			X
Victim Impact Statement			
Victim Living Situation	X	X	X
Victim Psychological Profile			X
Victim Race	X	X	X
Victim Relationship to Perpetrator		X	
Victim Sex	X	X	X
Perpetrator Age		X	
Perpetrator Financial Assessment		X	
Perpetrator Illness/Conditions		X	
Perpetrator Living Situation		X	
Perpetrator Race/Ethnicity		X	
Perpetrator Sex		X	
Type of Abuse, Charge, and Resolution		X	
Actors/Assistance in Case		X	
Assistance by Other Organizations		X	
Case History		X	
Civil or Criminal Protective Order		X	
Criminal History Record Check		X	
Time Frames		X	

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## **IV. CONCLUSIONS**

### **A. DISCUSSION OF FINDINGS**

#### **1. The Initiatives Foster Improved Handling of Elder Abuse Cases and Enhancements in the Criminal Justice Response to Elder Abuse**

Overall, the five initiatives accomplished 87.5% of the relevant ABA recommended guidelines (21/24) and 100% of the FIU standards (15/15) provided and discussed in Section I, Introduction and Background.

Data collected through the interviews of 92 stakeholders clearly demonstrate that, overall, the initiatives have fostered:

- greater access to justice and better court outcomes for elder abuse victims because of such factors as court accommodations, increased knowledge about elder abuse among judges and other professionals, and the provision of emotional support in facing the court process;
- an array of efforts—with something at each initiative and including monitoring of guardianship cases for abuse, helping older persons (homebound or not) to obtain orders of protection, referring or linking victims to other services—that help enhance victim safety and prevent further abuse;
- improved linkages between the courts, prosecutors, law enforcement, and other service providers in the community that helps those entities to better handle their elder abuse cases and that help ensure that victims are referred to other services that may help prevent future court cases;
- an array of efforts—with something at each initiative and including monitoring of guardianship cases for abuse and helping older persons (homebound or not) to obtain orders of protection—that may facilitate prosecution of cases involving elder abuse;
- more efficient handling of and fewer delays in cases involving elder abuse victims; and
- enhanced professional and public awareness of the problem of elder abuse.

The three victims whom we interviewed spoke glowingly about the help they had received and the initiative staff who had provided it. They reported that the intervention had made them feel safer, had provided beneficial emotional support, and had linked them to other useful services.

#### **2. The Initiatives Have a Positive Impact on Victims and a Positive or Neutral Impact on the Agencies Involved**

In response to questions about the impact of the initiative on their agency, professional stakeholders reached near unanimity in expressing either positive impact on victims and on their agencies, or positive impact on victims and neutral impact on their agencies. For example, most if not all of the judges (including the chief judges) said that their initiative made “the court look good” to the community, which always benefits the court, even if it increased their caseload.

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Other stakeholders, such as the prosecutors and public defenders, opined that although their initiative had led to an increase in their workload, the better outcomes for victims and smoother processes for everyone involved caused them to think that the benefits far outweighed the costs.

Numerous professional stakeholders who were not directly involved in the initiative’s services said that their workload either had not been affected or had been affected very little (sometimes not as much as they had hoped for), and perceived that the initiatives had benefited older victims. The few expressions of discontent came from some stakeholders in Palm Beach County who expressed strong opinions that they would prefer to see that EJC devote its resources more toward helping victims of elder abuse than to helping older criminal defendants (although they recognized that the EJC was doing some work that benefited victims).

### **3. Each Initiative Could Strengthen Intra-Court Coordination of Cases Involving Elder Abuse**

Each of the five jurisdictions we studied could enhance their intra-court coordination for cases involving elder abuse. While this finding is most relevant to the EPC in Alameda because it is a court division, the courts involved in the other initiatives could also benefit from, at the least, informal communication and coordination with other courts, particularly probate and criminal courts.

### **4. The Initiatives Need to Be Vigilant About Addressing Conflicts of Interest and Other Ethical Issues**

Each of the initiatives faced conflicts of interest or other ethical issues when they were initiated or later in their development. None of these concerns were perceived as insurmountable or as problems that should preclude replication of these initiatives, but they are important issues that are best considered in the early stages of an initiative’s development and then continually reassessed later in time.

### **5. Four of the Communities Studied Could Benefit from Judicial Leadership in the Community’s Response to Elder Abuse**

In Hillsborough, Jefferson, Kings, and Palm Beach counties, the court played an important role in the initiative but did not serve in the same leadership role in the community’s overall response to elder abuse as the EPC did in Alameda County. The juxtaposition in stakeholder support between the EPC and the other initiatives seems to demonstrate that judicial leadership or at least a strong relationship between the court and the elder abuse stakeholders is essential to an initiative’s success.

### **6. Each Initiative Could Strengthen Its Efforts to Create Professional and Public Awareness of Initiative Services and of Elder Abuse**

Each of the initiatives had made worthy efforts to make professionals and the general public in its community aware of the initiative and more informed about the problem of elder abuse. Several had received recognition and media coverage that boosted awareness.

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Nonetheless, stakeholders at each initiative reported that outreach efforts had been diminished due to budget cuts. Even if that were not the situation, the need for professional and public awareness efforts is constant and never-ending. The initiatives should assess whether there are low-cost, less time-intensive ways of promoting professional and public awareness.

### **7. Institutionalizing the Initiative is a Critical Consideration Upon Its Initiation and Thereafter**

Key stakeholders in each community shared valuable suggestions for institutionalizing an initiative to withstand the inevitable events that can put an initiative at risk, such as changes in leadership, staffing, or funding. Their ideas, set forth previously, may seem obvious with the perspective of hindsight or of an outsider, but too often the people responsible for creating initiatives don't think strategically about the long-term survival or expansion of the project. Communities interested in replicating these initiatives can benefit from the wisdom expressed by the key stakeholders of the initiatives we studied.

### **8. The Initiatives Should Strengthen Evaluation and Data Collection Efforts**

The initiatives were doing almost nothing to self-assess their impact and outcomes. Only two of the initiatives had developed a client satisfaction survey, and they received very few responses to it. None of the initiatives were making any formal attempt to obtain feedback from their professional stakeholders. The two elder justice centers and the EPC had previously undergone some review of or consultation on processes by researchers who worked in their state, but none had experienced a formal assessment. For most of the initiatives, however, stakeholders had informal opportunities to raise problems as they collaborated or through networking opportunities including meetings of the EPC-sponsored Elder Access Committee in Alameda County and the Elder Abuse Coordinating Council in Jefferson County.

When we asked whether evaluation activities were or had been conducted, we often were told “you are doing that.” In Alameda County and Hillsborough County, where the initiatives were administered by the courts, several stakeholders expressed opinions along the lines of “that’s not the business of the court.” Some stakeholders in those counties also raised concerns that the results of evaluations conducted by the court might be biased, and that there might be resistance from judges to what might (mistakenly) be perceived as judicial evaluation polls. Additionally, various stakeholders in all five initiatives expressed opinions that any evaluation that just looked at numbers would not be useful, reflecting their belief (with which we agree) that simply measuring the number of cases handled would not reflect the initiative’s outcomes or impact. And finally, several stakeholders commented that they were struggling to fund the initiative’s services and could not devote funds for evaluation.

Court case files in all five study sites contained very little information about the victims and perpetrators beyond the most basic demographic-type data. In other words, there was very little information about the circumstances and outcomes of the case that would be needed for an evaluation of an initiative. Indeed, we usually found that the information most important to us—if it existed at all—was contained either in sealed records in the court file (which we only reviewed if authorized to do so by court order) or in pre-trial/probation reports. Compounding

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the problem, the three initiatives that maintained their own case files (Jefferson County, Kings County, and Palm Beach County, which are not administered by the courts) did not have relevant information in their files either.

Moreover, other than in Alameda County where it was obvious that an EPC case involved elder abuse, it was almost always impossible to tell from a court’s records that a case involved elder abuse. In other words, in four of the study sites it was possible to understand the context surrounding each case only by reading the contents of the file. This situation is not peculiar to these initiatives or these courts. It reflects the limitations of a court’s interest in data collection for purposes of evaluation (see above: “that’s not the business of the court”). Additionally, however, it reflects the fact that most court cases involving elder abuse are handled under laws that are not specifically about elder abuse (e.g., murder, theft, sexual assault, guardianship, orders of protection) and thus are not “counted” as elder abuse cases. These limitations have significant policy and practice implications for the field of elder abuse.

### **B. IMPLICATIONS FOR POLICY AND PRACTICE**

Even in the absence of statistical data to confirm the many suppositions of the stakeholders about the benefits of their initiatives, we find their consistency—across the individual initiatives and across all five—to be compelling. It is telling that, as mentioned earlier, overall the five initiatives address and effectuate to some extent 87.5% of the relevant ABA recommended guidelines (21/24) and 100% of the FIU standards (15/15). There were issues and challenges at each initiative that they should address and that communities interested in replicating or adapting these ideas should consider, but we are convinced that each initiative does far more to effectuate the goals of those guidelines and standards than do courts and communities without court-focused elder abuse initiatives.

We believe that the initiatives, to varying degrees, do improve courts’ handling of cases involving elder abuse. We also believe that they do, directly or indirectly, foster improvements in the criminal justice response to elder abuse. Each of them enhances access to justice for elder abuse victims and helps to protect their safety and prevent additional harm. Given the extent of elder abuse now, its anticipated growth, and the devastating effects that victims experience, these are clearly worthy goals. Judges, court administrators, service providers, policymakers, and funders in other communities should give serious consideration to supporting implementation of similar efforts, even in these times of limited resources. The five initiatives already demonstrate that these endeavors can be accomplished successfully with limited financial support, although it is obvious that they could accomplish much more if they had adequate resources.

The dearth of evaluation and the significant weaknesses in data collection set forth in the preceding section pose real challenges to efforts to continue the existing initiatives and to replicate them in other communities. Policymakers and funders increasingly demand evidence that programs work and that money will be well invested. Especially in difficult economic climates, programs that are unable to provide such evidence or to demonstrate that they will be able to provide data for an evaluation of outcomes and impact face great risk of funding cuts or elimination.

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When implementing a new program, the focus is typically on structure and process. If program innovations are funded at all, the creation of a program and its development is usually the thrust of the initiative and the extent of the funding. Assessment beyond counting (e.g., clients served, pathways of service, dollars expended) is not conducted, and the groundwork for collecting information that goes beyond outputs and that may be needed in the future may never occur. Without forethought—preferably on the front end of a project—it may prove difficult to conduct a meaningful evaluation later. It is imperative that programs consider that such information, though not directly in the purview of the courts or the court-focused initiatives, is critical to their sustainability and long-term success. Also, arguments for replication are difficult to make without the underlying evaluative data (collected over time) to support them.

This lack of an evaluation gestalt indicates that the existing initiatives and the courts with which they partner, as well as communities that replicate any of these initiatives, need to change their mindset about the need for data collection that will enable program evaluation. Technical assistance, training, and other support could help existing and developing initiatives understand the need for data and evaluation and create plans to facilitate those things.

### **C. IMPLICATIONS FOR FUTURE RESEARCH**

#### **1. There Are Opportunities for Future Research on Court-Focused Elder Abuse Initiatives**

Limitations of our study that were discussed earlier—namely, the snowball identification technique that may have excluded stakeholders with less positive things to say about the initiative, the unanticipated reluctance of some stakeholders (often law enforcement officers) to be tape recorded, and the small number of victims interviewed—provide ideas for conducting additional, deeper research on these five initiatives. It would also be informative to assess how these initiatives change over time, as they gain more experience, develop more data, and particularly as individuals who helped to establish them retire or change jobs. Other fruitful areas of study might be (a) assessments of the relationships between the entities involved in the initiatives and the effects of those relationships; and (b) whether, as suggested by stakeholders, the initiatives do have a “ripple effect” on enhancing the knowledge of and sensitivity to elder abuse cases among judges and court staff who are not involved in the initiative

As similar initiatives are established in other communities (to illustrate, there is already another EPC in Contra Costa County, California), comparative analyses would be enlightening. We were able to make some comparisons between the two EJC despite their differences and the two more comparable elder protection order initiatives. However, as we only learned of the ETOP in Kings County a few days before our grant proposal was due, we may have missed some opportunities for comparison.

Having learned about the lack of evaluation and data collection by the initiatives through this assessment, it may be feasible to prospectively design an evaluative approach that addresses and accommodates that challenge.



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## **2. More Thinking is Required About Balancing the Need to Protect Human Subjects with the Need to Learn from Elder Abuse Victims**

Having advocated for and worked with vulnerable older adults throughout our careers, we appreciate the need to protect human subjects from research that may harm them physically or have other negative consequences. At the same time, we think it is critical to learn from elder abuse victims about the effect of interventions, such as the five initiatives we studied. The difficulties we experienced in obtaining approvals from the University of Kentucky IRB and the NIJ human subjects protection officer for our consent form in relation to victims nearly forced us to drop our plan to interview victims. The staff at the university and at NIJ were doing their jobs and we do not blame them for the problems we had. We are far from the only elder abuse researchers to have this experience; others have spent much more time addressing this challenge than we did and had much more of their research plan at risk than we did. Recognizing the importance of addressing this challenge, the National Research Council’s Panel to Review Risk and Prevalence of Elder Abuse and Neglect included a background paper on research issues in its seminal report. We join these other researchers and writers in calling for policymakers to give more thought to finding better ways to balance the need to protect elder abuse victims from research-related harm with the need to learn from their experiences.

## **3. We Need to Change the Culture of the Courts About Evaluation and Data Collection**

One of our advisory committee members, the Honorable John Conery, opining that our finding about the need for evaluation and data collection by the courts involved with these initiatives was critically important, said “How do we address and teach the importance of that issue when all judges want to do is ‘get the job done’?” We think his question presents an excellent recommendation—not really as an issue to research (although certainly one could research how to do what he suggests), but rather as an issue that must be addressed to enable important court-related research. Ironically, the current economic climate might act as an incentive for courts to change their culture on this issue. Recent efforts by state judiciaries and bar associations to combat devastating budget cuts seemed to have had more traction with legislators when the judicial and bar leaders were able to provide data-driven evidence of the impact that such cuts would have on litigants, as well as on stakeholders, such as governments and businesses. This lesson may bode well for evaluation and data collection on other issues relevant to the courts, including access to justice for victims of abuse.

We recognize that the elder focused court initiatives do collect some data, which is highly important. We do not wish to diminish their efforts. However, the information that they do gather is administrative in nature (e.g., clients served, actions taken), and it is not necessarily useful for various types of research or evaluation that may need to be gathered later in the life of a program, especially when funders emphasize outcomes of intervention. In the best scenario, it is important for the initiatives to gather both types of data (administrative and research) from the inception of each program in order to facilitate examinations that can and should include baseline data. In addition, gathering such information at the outset and purposefully would facilitate rigor in both cross-sectional and longitudinal study designs.

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We are not stressing that programs gather “the world” of information that is possible. Rather, we suggest that the existing initiatives—as well as those that develop in the future—be deliberative and proactive about data collection. Doing so would help the programs progress more effectively for the courts and for the individuals most affected, the victims and their families. The added benefit is that greater rigor in data collection helps ensure the long-term viability of the initiative, as well as permit comparisons across initiatives throughout the country.

### **D. SUMMARY**

Our thorough examination of the five court-focused initiatives reveals that they are conducting important and cutting-edge work to improve the response of the judicial system to elder abuse victims and, in one community, to older criminal defendants with mental impairments. On a systemic level, each initiative improves handling of elder abuse cases and enhances the response to elder abuse by the judicial system. At the level of the individual, victims and the professionals serving them indicated that they have a more positive interface with each other and with the system. Concomitantly, the professionals involved in the initiatives report that the initiatives either have a positive or neutral impact on their agencies. The initiatives project a positive image of the courts to the public, important in an era of service scrutiny and budget retrenchment.

Similarly, four of the initiatives stand to benefit greatly from stronger judicial leadership in the community’s response to elder abuse. This leadership would enhance the overall response to elder abuse, but it would also raise the visibility of the initiatives in the community, increase and encourage stakeholder buy-in, and improve the overall stability and sustainability of each initiative. Such leadership is, admittedly, time consuming and especially challenging in an economic climate in which budget cutbacks have resulted in reductions in and furloughs of court staff. Nonetheless, given that the stakeholders in each community reported that their initiative had made the court function more effectively and expeditiously, the investment in judicial leadership seems worthwhile.

As stressed above, it is critical to be able to demonstrate the benefits and long-term viability of the work of the initiatives. Demonstrable efforts must be evaluated by rigorous data collection and subsequent evaluation. Not only will these efforts improve the functioning of the initiatives, but also they will increase the likelihood of long-term sustainability and success.

The five court-focused initiatives addressing elder abuse are models worthy of increased study, particularly an evaluation of programmatic outcomes. They are justifiable and replicable efforts by the courts to address the increasing and vexing problem of elder abuse. In an era in which the number of older adults is growing at an unprecedented rate, the extent of elder abuse is increasing, and interventions involving the judicial system are used more regularly, the work of these five initiatives is innovative, timely, and worthy of replication.

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## V. REFERENCES AND BIBLIOGRAPHY

Acierno, Ron, Melba Hernandez-Tejada, Wendy Muzzy, and Kenneth Steve, “Final Report: The National Elder Mistreatment Study,” Washington, DC: U.S. Department of Justice, National Institute of Justice, March 2009, NCJ 226456.

Administrative Office of the Courts, Center for Families, Children & The Courts: “Effective Court Practice for Abused Elders. First Quarter Progress Report.” Long Beach, CA: Archstone Foundation. January – March 2006.

Alaska Judicial Council. “Evaluation of the Outcomes in Three Therapeutic Courts.” April 2005. Retrieved June 27, 2011 on the World Wide Web: <http://www.ajc.state.ak.us/reports/TherCt2004.pdf>.

Berman, Greg, “Learning from Failure: A Roundtable on Criminal Justice Innovation,” Center for Court Innovation, Washington, DC: U.S. Department of Justice, National Institute of Justice, 2007. Retrieved June 27, 2011 on the World Wide Web: [http://www.courtinnovation.org/uploads/documents/failuretranscript04\\_07.pdf](http://www.courtinnovation.org/uploads/documents/failuretranscript04_07.pdf).

Berman, Greg, Phillip Bowen, and Adam Mansky, “Trial and Error: Failure and Innovation in Criminal Justice Reform,” Summer 2007. Retrieved June 27, 2011 on the World Wide Web: <http://www.courtinnovation.org/uploads/documents/failure1.pdf>.

Bonnie, Richard J. and Robert B. Wallace eds., *Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America*, Washington, DC: The National Academies Press, 2002.

Brandl, Bonnie, Carmel Bitondo Dyer, Candace J. Heisler, Joanne Marlatt Otto, Lori A. Stiegel, and Randolph W. Thomas, *Elder Abuse Detection and Intervention: A Collaborative Approach*, New York: Springer Publishing, 2007.

Bridenback, Michael L., “Establishing an Elder Justice Center: Thirteenth Judicial Circuit Court, Tampa, Florida,” *Family Violence Forum* 1, Spring 2002: 2.

Brownell, Patricia, and Agata Wolden, “Elder Abuse Intervention Strategies: Social Service or Criminal Justice?” *Journal of Gerontological Social Work* 40 (2002): 83-100.

Bureau of Justice Assistance, “Strategies for Court Collaboration with Service Communities,” Program Brief, Washington, DC: Bureau of Justice Assistance, U.S. Department of Justice, November 2002.

Bureau of Justice Assistance, *Trial Court Performance Standards with Commentary*, Washington, DC: Bureau of Justice Assistance, July 1997, NCJ 161570. Retrieved June 27, 2011 on the World Wide Web: <http://www.ncjrs.org/pdffiles1/161570.pdf>.

## **FINAL REPORT: “A MULTI-SITE ASSESSMENT OF FIVE COURT-FOCUSED ELDER ABUSE INITIATIVES”**

Casey, Pamela and William E. Hewitt, “Court Responses to Individuals in Need of Services: Promising Components of a Service Coordination Strategy for Courts,” Williamsburg, VA: National Center for State Courts, 2001.

Center for Court Innovation, New York, NY, “Problem-Solving Justice in the United States: Common Principles.” Retrieved June 27, 2011 on World Wide Web: <http://www.courtinnovation.org/uploads/documents/Principles.pdf>.

City of Philadelphia, District Attorney’s Office, “Elder Justice Project.” Retrieved June 27, 2011 on the World Wide Web: [http://www.phila.gov/districtattorney/victim\\_ElderAbuse.html](http://www.phila.gov/districtattorney/victim_ElderAbuse.html).

Commission on National Probate Court Standards and Advisory Committee on Interstate Guardianships, *National Probate Court Standards*, Williamsburg, VA: National College of Probate Judges and the National Center for State Courts, 1999.

Commission on National Probate Court Standards and Advisory Committee on Interstate Guardianships, *National Probate Court Standards*, Williamsburg, VA: National College of Probate Judges and the National Center for State Courts, 1997, SJI-97-N-241.

Dillman, Don A., *Mail and Internet Surveys: The Tailored Design Method*, New York: Wiley, 2000.

Donabedian, Avedis, *Explorations in Quality Assessment and Monitoring: The Definition of Quality and Approaches to its Assessment*, Ann Arbor, MI: Health Administration Press, 1980.

Dresser, Rebecca, “Ethical and Policy Issues in Research on Elder Abuse and Neglect,” in *Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America*, ed. Richard J. Bonnie and Robert B. Wallace, Washington, DC: The National Academies Press, 2002: 303-338.

Drummond, Tammerlin, “Theft of Elder Nation: An Editorial Series, Elder Court is Crucial,” *Contra Costa Times*, December 10, 2007. Retrieved June 27, 2011 on the World Wide Web: [http://www.acfjc.org/news/2007/dec/10/theft\\_of\\_elder\\_nation](http://www.acfjc.org/news/2007/dec/10/theft_of_elder_nation).

“Elder Justice Center: The Thirteenth Judicial Circuit,” Hillsborough County, Florida, Elder Justice Center Presentation Materials, April 18, 2006.

Faller, Kathleen Coulborn and Vincent J. Palusci, “Children’s Advocacy Centers: Do They Lead to Positive Case Outcomes?” *Child Abuse & Neglect* 31 (Oct. 2007): 1021-1029.

Farole, Donald J., Nora Puffett, Michael Rempel, and Francine Byrne. “Applying Problem-Solving Principles in Mainstream Courts: Lessons for State Courts,” *The Justice System Journal* Vol. 26, Number 1 (2005), pp. 57-75.

Gilgun, Jane F. “Qualitative Research and Family Psychology,” *Journal of Family Psychology* 19 (2005): 40-50.

## **FINAL REPORT: “A MULTI-SITE ASSESSMENT OF FIVE COURT-FOCUSED ELDER ABUSE INITIATIVES”**

Government Accountability Office, “Drug Courts: Better DOJ Data Collection and Evaluation Efforts Needed to Measure Impact of Drug Court Programs.” Report to Congressional Requestors. Washington, DC: Government Accountability Office, April 2002. Retrieved June 27, 2011 on the World Wide Web: <http://www.gao.gov/new.items/d02434.pdf>.

Harrell, Adele and Jennifer Castro, “Final Report on the Evaluation of the Judicial Oversight Demonstration Volume 4: Findings Report on Survey Methodology,” The Urban Institute, Washington, DC: U.S. Department of Justice, National Institute of Justice, June 2007.

Harrell, Adele, Lisa Newmark, and Christy Visher, “Final Report on the Evaluation of the Judicial Oversight Demonstration Volume 2: Findings and Lessons on Implementation,” The Urban Institute, Washington, DC: U.S. Department of Justice, National Institute of Justice, June 2007.

Harrell, Adele, Lisa Newmark, Christy Visher, and Jennifer Castro, “Final Report on the Evaluation of the Judicial Oversight Demonstration Volume 1: The Impact of JOD in Dorchester and Washtenaw County,” The Urban Institute, Washington, DC: U.S. Department of Justice, National Institute of Justice, June 2007.

Harrell, Adele, Shannon Cavanagh, and John Roman. “Evaluation of the D.C. Superior Court Drug Intervention Programs.” National Institute of Justice: Research in Brief. April 2000. Retrieved June 27, 2011 on the World Wide Web: <http://www.ncjrs.gov/pdffiles1/nij/178941.pdf>.

Heisler, Candace J., “Elder Abuse,” in *Victims of Crime*, ed. Robert C. Davis, Arthur J. Lurigio, and Susan Herman, Newbury Park, CA: Sage Publications, 2007, 161-188.

Heisler, Candace J., and Lori A. Stiegel. “Enhancing the Justice System’s Response to Elder Abuse: Discussions and Recommendations of the “Improving Prosecution” Working Group of the National Policy Summit on Elder Abuse.” *Journal of Elder Abuse and Neglect* 14(4) (2004): 31-54.

Holt, Victoria, Mary A. Kernic, Thomas Lumley, Marsha E. Wolf, and Fredrick P. Rivara. “Civil Protective Orders and Risk of Subsequent Police-Reported Violence,” *Journal of the American Medical Association* 288 (5) (August 2002): 589-594.

House, Ernest R., and Kenneth R. Howe, *Values in Evaluation and Social Research*, Newbury Park, CA: Sage Publications, 1999.

Jensen, Eric L., and Clayton Mosher, “Adult Drug Courts: Emergence, Growth, Outcome Evaluations, and the Need for a Continuum of Care,” *Idaho Law Review* 42 (2006): 443-471.

Jones, Lisa M., Theodore P. Cross, Wendy A. Walsh and Monique Simone, “Do Children’s Advocacy Centers Improve Families’ Experiences of Child Sexual Assault Investigations?” *Child Abuse & Neglect* 31 (Oct. 2007): 1069-1085.

## **FINAL REPORT: “A MULTI-SITE ASSESSMENT OF FIVE COURT-FOCUSED ELDER ABUSE INITIATIVES”**

Judd, Mary Smith, “Tampa Tries to Make Courts Easier for Seniors to Access,” *The Florida Bar News*, July 1, 1998, 15.

Judicial Council of California, “Effective Court Practice for Abused Elders,” Fact Sheet, San Francisco, CA: Administrative Office of the Courts, January 2007.

Keilitz, Susan L., Courtenay Davis, Hillery S. Efke, Carol Flango, and Paula L. Hannaford, “Civil Protection Orders: Victims’ Views on Effectiveness,” Research Preview, Washington, DC: U.S. Department of Justice, National Institute of Justice, January 1998.

KTVU. “Alameda Court Takes Aim at Elder Abuse,” February 15, 2006. Retrieved June 27, 2011 on the World Wide Web: <http://www.ktvu.com/news/7097884/detail.html>.

Levine, Elliott, and David Dickman, “Special Ethical Considerations for the Public Defender in Drug Court,” *Wisconsin Defender* 40 (Summer 2005):9-16. Retrieved June 27, 2011 on the World Wide Web: <http://www.wisspd.org/hm/ATPracGuides/Training/ProgMaterials/Conf2009/RICOED%5CSEC PD.pdf>.

Lindquist, Christine and Susan Brumbaugh, “Faith-Based Involvement: Findings from the SVORI Multi-site Evaluation,” National Institute of Justice, U.S. Department of Justice, July 2005.

McAdam, Michael R., Kevin S. Burke, and Mary Campbell McQueen, “Problem-Solving Courts: Do They Create Judicial Independence Problems or Opportunities or Both?” *Court Review*, Fall/Winter 2005, p. 28-35.

McNamee, Catherine and Carrie Mulford, “Innovations Assessment of the Elder Abuse Forensic Center of Orange County,” California, October 2008. Retrieved June 27, 2011 on the World Wide Web: <http://www.ncjrs.gov/pdffiles1/nij/grants/220331.pdf>.

McNamee, Catherine C. and Mary B. Murphy, “Elder Abuse in the United States,” *NIJ Journal* 255, Washington, DC: U.S. Department of Justice, National Institute of Justice, November 2006, NCJ 215458. Retrieved June 27, 2011 on the World Wide Web: [http://www.ojp.usdoj.gov/nij/journals/255/elder\\_abuse.html](http://www.ojp.usdoj.gov/nij/journals/255/elder_abuse.html).

Mighdoll, Preston, “Palm Beach Program Works to Protect the Elderly,” *The Florida Bar News*, December 1, 2001, 23.

National Center for State Courts, Elder Abuse and the Courts Working Group, “The mission of the Elder Abuse and the Courts Working Group is to provide leadership to courts in the area of elder abuse.” Retrieved June 27, 2011 on the World Wide Web: <http://www.ncsconline.org/famviol/elderabuse/index.html>.

National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, “The Belmont Report: Ethical Principles and Guidelines for the Protection of Human

## **FINAL REPORT: “A MULTI-SITE ASSESSMENT OF FIVE COURT-FOCUSED ELDER ABUSE INITIATIVES”**

Subjects of Research,” Department of Health, Education, and Welfare, Washington, DC: Health and Human Services, Office for Human Research Protections, April 18, 1979.

National Institute of Justice, “Civil Protection Orders: Victims’ Views on Effectiveness,” Research Preview, Washington, DC: U.S. Department of Justice, National Institute of Justice, January 1998. Retrieved June 27, 2011 on the World Wide Web: <http://www.ncjrs.gov/pdffiles/fs000191.pdf>.

National Institute of Justice, “Drug Courts: The Second Decade.” Special Report, Washington, DC: U.S. Department of Justice, National Institute of Justice, June 2006, NCJ 211081. Retrieved June 27, 2011 on the World Wide Web: <http://www.ncjrs.gov/pdffiles1/nij/211081.pdf>.

Newmark, Lisa, Christine Depies DeStefano, Adele Harrell, Janine Zweig, Lisa Brooks, and Megan Schaffer, “Final Report on the Evaluation of the Judicial Oversight Demonstration Volume 3: Findings from Focus Groups with JOD Victims and Offenders,” The Urban Institute, Washington, DC: U.S. Department of Justice, National Institute of Justice, June 2007.

Office of Justice Programs. *Our Aging Population: Promoting Empowerment, Preventing Victimization, and Implementing Coordinate Interventions. Report of Proceedings*, Washington, DC: U.S. Department of Justice, Office of Justice Programs, December 2000, NCJ 186256.

Palm Beach County, Department of Public Safety, “Elder Justice.” Retrieved June 27, 2011 on the World Wide Web: <http://www.co.palm-beach.fl.us/pubsafety/justice/ElderJustice.htm>.

Palm Beach County, Department of Public Safety, “Elder Justice: Frequently Asked Questions.” Retrieved June 27, 2011 on the World Wide Web: <http://www.co.palm-beach.fl.us/pubsafety/justice/ElderJustice%20faq.htm>.

Paveza, Gregory J., and Carla VandeWeerd. “The Elder Justice Center: A Program Evaluation.” Unpublished report, Chicago, IL: Retirement Research Foundation, November 2003.

Peters, Tracy, Neal Kauder, Chuck Campbell, and Carol Flango. “Future Trends in State Courts 2005,” Williamsburg, VA: National Center for State Courts, 2005.

Population Division, U.S. Census Bureau. Table 1: Annual Estimates of the Population by Sex and Five-Year Age Groups for the United States: April 1, 2000 to July 1, 2005. May 10, 2006. Retrieved June 27, 2011 on the World Wide Web: <http://www.census.gov/popest/national/asrh/NC-EST2005/NC-EST2005-01.xls>.

Rossi, Peter H., and Howard E. Freeman, *Evaluation: A Systematic Approach*, Newbury Park, CA: Sage Publications, 1993.

Rothman, Max B. “Research Grant Application Form.” Grant submitted to The Borchard Foundation Center on Law & Aging, Utah. March 15, 2003.

## **FINAL REPORT: “A MULTI-SITE ASSESSMENT OF FIVE COURT-FOCUSED ELDER ABUSE INITIATIVES”**

Rothman, Max B., and Burton D. Dunlop, “Giving Justice to Aging: Geriatric Jurisprudence in America,” *Aging Today*, September/October 2004.

Rothman, Max B., and Burton D. Dunlop, “Judicial Responses to an Aging America.” *Court Review* 42 (Spring 2005): 8-19. Retrieved June 27, 2011 on the World Wide Web: <http://aja.ncsc.dni.us/courtrv/cr42-1/CR42-1.pdf>.

Rothman, Max B., and Burton D. Dunlop, “Older Persons and the Courts: Challenge and Opportunity for Counties,” *Florida Counties Magazine*, September/October 2004.

Rothman, Max B., and Burton D. Dunlop, “Judicial Responses to an Aging America,” May 12, 2004. Retrieved June 27, 2011 on the World Wide Web: [http://www.fiu.edu/~coa/downloads/elder%20justice/Borchard\\_Final\\_Report\\_\(5-28-04\).pdf](http://www.fiu.edu/~coa/downloads/elder%20justice/Borchard_Final_Report_(5-28-04).pdf).

Rothman, Max B., Burton D. Dunlop, and Laura R. Seff, “Adapting Trial Court Performance Standards to an Aging Society: Guardianship, Self-Service, and Criminal Cases Involving Elder Mistreatment and Domestic Violence,” March 2006. Retrieved June 27, 2011 on the World Wide Web: <http://www.fiu.edu/~coa/downloads/elder%20justice/SJI4-03-06.pdf>.

Rothman, Max B., Burton D. Dunlop, and Lourdes T. Rivas, “Consultation with the Fifteenth Judicial Circuit of the Operations of the Elder Justice Center,” September 23, 2010. Retrieved June 27, 2011 on the World Wide Web: <http://www.fiu.edu/~coa/downloads/elder%20justice/Quantum%20-%20Elder%20Justice%20Center%2010-03-03%20Report.pdf>.

Salazar, Laura F., James G. Emshoff, Charlene K. Baker, and Terrence Crowley, “Examining the Behavior of a System: An Outcome Evaluation of a Coordinated Community Response to Domestic Violence,” *Journal of Family Violence* 22 (October 2007): 631-641.

Schepard, Andrew, and James W. Bozzomo, “Efficiency, Therapeutic Justice, Mediation, and Evaluation: Reflections on a Survey of Unified Family Courts,” *Family Law Quarterly* 37 (Fall 2003): 333-359.

Schmitt, Glenn R., “Drug Courts: The Second Decade,” Special Report, Washington, DC: U.S. Department of Justice, National Institute of Justice, June 2006, NCJ 211081.

Smith, Erica L., Matthew R. Durose and Patrick A. Langan, Ph.D., “State Court Processing of Domestic Violence Cases,” Special Report, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, February 2008, NCJ 214993.

Steadman, Henry J., and Allison D. Redlich. “An Evaluation of the Bureau of Justice Assistance Mental Health Court Initiative.” Unpublished final report. Washington, DC: U.S. Department of Justice, National Institute of Justice. February 2006. 2003-DD-BX-1012. Retrieved June 27, 2011 on the World Wide Web: <http://www.ncjrs.gov/pdffiles1/nij/grants/213136.pdf>.



## **FINAL REPORT: “A MULTI-SITE ASSESSMENT OF FIVE COURT-FOCUSED ELDER ABUSE INITIATIVES”**

Stiegel, Lori A., *Recommended Guidelines for State Courts Handling Cases Involving Elder Abuse*, Washington, DC: American Bar Association, 1995.

Stiegel, Lori A., *Elder Abuse in the State Courts: Three Curricula for Judges and Court Staff*, Washington, DC: American Bar Association. 1997.

Stiegel, Lori, “The Changing Role of the Courts in Elder-Abuse Cases,” *Generations: Abuse and Neglect of Older People* 24(2) (Summer 2000): 59-64.

Strauss, Anselm, and Juliet Corbin, *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*, Newbury Park, CA: Sage, 1992.

Tatara, Toshio, and Lisa M. Blumerman, “Summaries of the Statistical Data on Elder Abuse in Domestic Settings: An Exploratory Study of State Statistics for FY 93 and FY 94,” Washington, DC: National Center on Elder Abuse. 1996.

Teaster, Pamela B. “A Response to the Abuse of Vulnerable Adults: The 2000 Survey of State Adult Protective Services.” Report. Washington, DC: Administration on Aging, The National Center on Elder Abuse, 2003. Retrieved June 27, 2011 on the World Wide Web: [http://www.ncea.aoa.gov/NCEARoot/Main\\_Site/pdf/research/apsreport030703.pdf](http://www.ncea.aoa.gov/NCEARoot/Main_Site/pdf/research/apsreport030703.pdf).

Teaster, Pamela B., Erica Wood, Naomi Karp, Susan A. Lawrence, Winsor C. Schmidt, Jr., and Marta S. Mendiondo, “Wards of the State: A National Study of Public Guardianship, 2005.” Retrieved June 27, 2011 on the World Wide Web: <http://www.canhr.org/reports/2005/Wardsofthestate.pdf>.

Teaster, Pamela B., Lisa Nerenberg, and Kim L. Stansbury, “A National Look at Elder Abuse Multidisciplinary Teams,” *Journal of Elder Abuse and Neglect* 15(3/4) (2003): 91-108.

Teaster, Pamela B., Tyler A. Dugar, Marta S. Mendiondo, Erin L. Abner, Kara A. Cecil, and Joanne M. Otto, “The 2004 Survey of Adult Protective Services: Abuse of Adults 60 Years of Age and Older.” Report, Washington DC: Administration on Aging, National Center on Elder Abuse. February 2006. Retrieved June 27, 2011 on the World Wide Web: [http://www.ncea.aoa.gov/ncearoot/main\\_site/pdf/2-14-06%20final%2060+report.pdf](http://www.ncea.aoa.gov/ncearoot/main_site/pdf/2-14-06%20final%2060+report.pdf).

The Fifteenth Judicial Circuit in and for Palm Beach County, Administrative Office of the Court, “What to Expect...The Elder Justice Center in the Fifteenth Judicial Circuit,” Pamphlet, N.D.

Thirteenth Judicial Circuit, Administrative Office of the Courts, “Elder Justice Center.” Executive Summary. Handout. N.D.

Thompson, Michael, Dr. Fred Osher, and Denise Tomasini-Joshi, “Improving Responses to People with Mental Illness: The Essential Elements of a Mental Health Court,” New York, NY: Council of State Governments Justice Center, 2007.

## **FINAL REPORT: “A MULTI-SITE ASSESSMENT OF FIVE COURT-FOCUSED ELDER ABUSE INITIATIVES”**

Turner, Susan, Doug Longshore, Suzanne Wenzel, Terry Fain, Andrew Morral, Elizabeth Deschenes, Adele Harrell, Judith Greene, Martin Iguchi, Duane McBride, and Faye Taxman, “National Evaluation of 14 Drug Courts.” Unpublished final report. Washington, DC: U.S. Department of Justice, National Institute of Justice. September 2001. 98-DC-VX-K003. Retrieved June 27, 2011 on the World Wide Web: <http://www.ncjrs.gov/pdffiles1/nij/grants/191200.pdf>.

Uekert, Brenda K., Ann Keith, and Ted Rubin, “Integrating Criminal and Civil Matters in Family Courts: Performance Areas and Recommendations,” Williamsburg, VA. The National Center for State Courts. August 12, 2002. Retrieved June 27, 2011 on the World Wide Web: <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/famct&CISOPTR=71>.

Uekert, Brenda, Denise Dancy, Tracy Peters, and Madelynn Herman, “Policy Paper: A Report from the First National Meeting of the Elder Abuse and the Courts Working Group Meeting.” Draft report. Williamsburg, VA: The National Center for State Courts. May 16, 2006.

Uekert, Brenda, Inger Sagatun-Edwards, Ann Crowe, Tracy Peters, Fred Cheesman, and Dina Kameda, “Juvenile Domestic and Family Violence: The Effects of Court-Based Intervention Programs on Recidivism.” Final report. Washington, DC: U.S. Department of Justice, National Institute of Justice. December 2006. 2003-IJ-CX-1031. Retrieved June 27, 2011 on the World Wide Web: <http://www.ncjrs.gov/pdffiles1/nij/grants/216614.pdf>.

Uekert, Brenda, “Results from a Needs Assessment Survey: Court and Judicial Needs in the Area of Elder Abuse,” Williamsburg, VA: The National Center for State Courts, April 13, 2006.

Uekert, Brenda, “Elder Abuse and Neglect,” Williamsburg, VA: National Center for State Courts. n.d. Retrieved June 27, 2011 on the World Wide Web: [http://www.ncsconline.org/famviol/elderabuse/pdf/Key%20Components%20Exercise%20Resources/Uekert\\_Futures%20Trends%202005\\_%20Elder%20Abuse%20and%20Neglect.pdf](http://www.ncsconline.org/famviol/elderabuse/pdf/Key%20Components%20Exercise%20Resources/Uekert_Futures%20Trends%202005_%20Elder%20Abuse%20and%20Neglect.pdf).

Uchida, Craig D., Carol A. Putnam, Jennifer Mastrofski, Shellie Soloman, and Deborah Dawson, “Evaluating a Multi-Disciplinary Response to Domestic Violence: The DVERT Program in Colorado Springs,” Final Report, Washington, DC: U.S. Department of Justice September 2001, NCJ 190231. Retrieved June 27, 2011 on the World Wide Web: <http://www.ncjrs.gov/pdffiles1/nij/grants/190231.pdf>.

Visher, Christy A., Adele V. Harrell, and Lisa C. Newmark, “Pretrial Innovations for Domestic Violence Offenders and Victims: Lessons from the Judicial Oversight Demonstration Initiative,” Research for Practice, Washington, DC: U.S. Department of Justice, National Institute of Justice, August 2007, NCJ 216041.

Walsh, Wendy A., Theodore P. Cross, Lisa M. Jones, Monique Simone and David J. Kolko, “Which Sexual Abuse Victims Receive a Forensic Medical Examination?: The Impact of Children’s Advocacy Centers,” *Child Abuse & Neglect* 31 (Oct. 2007): 1053-1068.

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### **VI. DISSEMINATION OF RESEARCH FINDINGS**

No publications have, as yet, resulted from this grant award. Several are planned, however.

Two presentations were made about the research findings during the grant period. These were:

- A workshop titled “Court-Focused Elder Abuse Initiatives: Results of an Assessment” was presented at the National College of Probate Judges Spring 2010 Conference, held in Portland, Oregon, from May 11-16, 2010.
- The project results were presented as part of a workshop titled “Prosecuting Cases of Elder Abuse” at the National Institute of Justice Conference, held in Arlington, Virginia from June 14-16, 2010.

Two presentations were planned during the grant period but will occur after it ends. These include:

- An intensive session titled “How Five Court-Focused Elder Abuse Initiatives Are Enhancing Access to Justice for Victims” at the Illinois Elder Rights Conference in Chicago, Illinois, on July 6, 2011.
- A workshop titled “How Five Innovative Court-Focused Elder Abuse Initiatives Enhance Victims’ Access to Justice” at the Texas Adult Protective Services Conference in San Antonio, Texas, on November 1-4, 2011.

## Appendix A-1

### DETAILED DESCRIPTION: ELDER PROTECTION COURT OF ALAMEDA COUNTY, CALIFORNIA

#### Brief Description

The Elder Protection Court (EPC) is a special civil and criminal docket for elder abuse cases, including elder abuse protection order cases, in the Superior Court of Alameda County, California. One judge handles the docket and two court domestic violence case managers provide limited services. The EPC was established in 2002 and is based in the county's main courthouse in Oakland. The EPC handles all criminal cases involving elder abuse in the county. The case may originate at the three other courthouses serving this large county but once identified as an elder abuse case it will be transferred to the EPC. The docket does not include probate and guardianship/ conservatorship matters and, at the time of the site visit, there was not and had not been any sort of formal connection between the EPC and the probate court. Also, in keeping with the Superior Court of Alameda County's protocol, requests for arrest and search warrants are heard by a different judge, even if the criminal case will ultimately end up before the EPC, to avoid judicial bias.

Akin to the family violence coordinating councils that many courts lead, the EPC convenes and leads an "Elder Access Committee," drawing together representatives of various agencies and disciplines concerned about elder abuse. The committee meets quarterly over lunchtime at the courthouse and provides an opportunity for discussion about challenges, resources, training opportunities, collaboration, and much more.

The EPC was the first specialty elder abuse docket in the nation and remained unique during most of this study. It was recently replicated in Contra Costa County, California. Other jurisdictions in California and in other states are also considering replication.

#### History

The EPC was established in 2002 to offer a special docket for elder civil protection orders. In January 2006 the EPC expanded to include criminal cases. In 2008, criminal matters constituted approximately 90% of the EPC caseload.

The Honorable Julie Conger, a felony trial judge who at that time had served on the judiciary for 19 years, created the EPC and served as its judge until her retirement in June 2008. The Honorable Don Clay succeeded her. The EPC was an ancillary assignment for both judges. When Judge Conger decided to retire, 18 other judges expressed interest in serving as EPC judge.

Judge Conger was inspired to establish the EPC because of her experience handling family violence protection order hearings. She observed that older persons often faced great difficulty or were unable to fully participate in those hearings, which are commonly described (nationally, not just in Alameda County) as having the atmosphere of a cattle-call or a circus. Older persons often could not arrive at 8:30 a.m. when court began due to health problems or their reliance on public transportation, found it challenging to sit on hard court benches for many

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### DETAILED DESCRIPTION: ELDER PROTECTION COURT OF ALAMEDA COUNTY, CALIFORNIA

hours until their case was called, or could not hear in the crowded and noisy courtroom. Additionally, their need for a slower pace actually delayed the flow of proceedings for the judge and others in the courtroom.

When the EPC began, it had a dedicated case manager who worked for Judge Conger. The case manager's position was funded by a grant from California's Administrative Office of the Courts. The case manager's responsibilities included gathering information about the case, providing information about the case to the judge, reviewing petitions for protection orders to determine which involved older parties and should be assigned to EPC, referring and linking older persons to community services, helping to arrange transportation to court as necessary, and educating the public and community agencies about the EPC and its role. After the grant ended, the case manager lost her job. Two domestic violence case managers who work for the court administrator, rather than directly for the judge, were given the additional responsibility for elder abuse cases involving domestic violence. The case managers' assignment includes all Alameda County courts, not just the main courthouse in Oakland where the EPC is held. Their services are more limited; they do not help with criminal cases or with transportation arrangements, and they do not review protection order applications to determine if there is underlying elder abuse.

#### **Procedures/Case Processing**

##### *Basic Procedures*

The EPC is held on Fridays. Several stakeholders commented that historically Fridays were not trial days and, thus, were a good day to do something different at the courthouse. Elder abuse cases from all over the county are directed to and heard by the EPC. The docket begins at 9:00 a.m. with criminal matters. At 11:00 a.m. the protection order hearings commence; criminal matters that were interrupted resume once those hearings are concluded. The EPC concludes at approximately 1:00 p.m.

There is some flexibility to hold EPC hearings on other days of the week (an example was given of a schedule adjustment for an older person who had dialysis on Fridays). Additionally, procedural hearings are commonly held on other days.

Petitions for temporary restraining orders are heard by other judges and are handled on a 24/7 basis. Search and arrest warrants are also handled by other judges. Both of these procedures are standard court protocols intended to prevent judicial bias and are not related to the EPC.

##### *Barriers/Delays*

The only barrier/delay identified as unique to the EPC (i.e., not a barrier experienced in other courts) was the consolidation of the court's activities on Fridays. As noted above, the EPC

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judge has some flexibility within the confines of his or her regular assignment to handle EPC matters on other days of the week.

Other barriers and delays reported are common in the judicial system. For example, civil cases may be delayed until a criminal case stemming from the same incident is resolved. Litigants may not understand court processes or the reasons for delays. Additionally, several stakeholders commented that while the problems that inspired the EPC's creation had been greatly diminished, the following barriers and delays still remained:

- the courtroom is still noisy, especially when the people involved in protection order hearings arrive at 11:00 a.m.;
- older persons still have to wait on hard benches until their hearing is called;
- the criminal docket may be delayed while the protection order hearings are conducted;
- there is no separate waiting room, as some courthouses have for victims of child abuse, so elder abuse victims may have to wait in close proximity to their abusers; and
- there may be problems associated with conducting conditional examinations.

#### *Intra-Court Coordination*

Like other specialized courts, a key goal of the EPC is intra-court coordination. That goal is accomplished by supporting the development of expertise among judges and case managers, as well as prosecutors, public defenders and other defense attorneys, and investigators who appear regularly before the court. All criminal elder abuse cases filed in other Alameda County courthouses are transferred to the EPC and civil cases can be transferred. As mentioned earlier, however, the EPC does not handle probate matters, which include guardianship/conservatorship cases, and there is no formal mechanism for coordination between the EPC and probate court. The likelihood of informal communication between these two court divisions would seem to be enhanced by the consolidation of the elder abuse cases in the EPC. Moreover, Judge Conger's early efforts to inform other judges about the existence and role of the EPC likely enhanced intra-court coordination. Such efforts need to be ongoing as new judges take the bench and as existing judges take on new assignments.

#### *Use of Mediation*

There was no indication that mediation is required or even encouraged in cases involving elder abuse.

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#### *Older Litigants with Questionable Decision-Making Capacity*

If the EPC judge is concerned that an elder abuse victim may be experiencing diminished decision-making capacity, the judge refers that person to Adult Protective Services (APS) so that agency can conduct an investigation or arrange for a capacity assessment if appropriate.

#### **Funding and Staffing**

##### *At the Time of the Site Visit*

As discussed previously, at the time of the site visit to Alameda County in June of 2008 the founding judge of the EPC was retiring and her successor was preparing to take on his new assignment. Funding from the Administrative Office of the Courts had been depleted, no new funding had been obtained, the original case manager who worked directly for the EPC judge had lost her job, and two domestic violence case managers who worked for the court administrator had been assigned the additional task of managing cases that involved elder abuse. The original case manager had been hired as an elder abuse victim advocate by the District Attorney's Office and, thus, remained involved in EPC cases. More than a year after the events surrounding the case managers, the situation remained fraught with emotion and stakeholders identified five issues related to the placement and responsibilities of the case managers:

- (1) This situation laid bare a fundamental tension between the judges and court administrators about "who runs the court."
- (2) It also laid bare the tension between the desire and pressure to serve a large number of individuals versus the desire to serve a smaller group of individuals who have greater needs for assistance.
- (3) There were differences of opinion about whether the existence of a direct reporting relationship between the case manager and the judge helped protect the judge from ethical problems or increased the exposure to such problems.
- (4) The change in case manager staffing had clearly imposed limitations as the two domestic violence case managers were not able to cover the criminal cases, conduct outreach, or provide assistance to older victims with transportation to court and other matters, including referrals to community agencies.
- (5) We were told that the EPC caseload was mostly "young-old" persons who were mobile and cognitively intact. This fact had affected the court administrator's perceptions about the nature of the case management services required, as litigants with those characteristic require fewer court resources than do litigants who are not mobile or cognitively intact.

##### *If Money Were No Object*

At the time of the site visit to Alameda County in 2008, the economic climate was already prompting significant budget tightening. To encourage stakeholders to think beyond the

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current fiscal situation and get their input on what additional staffing and resources might be ideal—or just desirable—we asked what staffing would benefit the EPC if money were no object.

Two key stakeholders opined that no additional staff was necessary and a few stakeholders had no opinion. Other stakeholders expressed staffing desires that fell into two categories:

- additional case managers with specialized training on elder issues to serve the other court locations, conduct outreach, and be more proactive in case review and follow up; and
- additional judicial resources and expertise in real estate fraud and financial exploitation because the complexity of those cases mean they take longer to hear.

#### **Background and Training of Staff and Stakeholders**

##### *Background or Training That Proved Useful*

Key stakeholders were asked what training or educational/professional background had been relevant and useful in their role or the role of others involved in the EPC. They identified the following:

- Judge Conger's early efforts to inform other judges about the existence and role of the EPC were deemed critical as they had engendered support from the broader court, fostered intra-court coordination, and ensured a smooth transition to the judge who succeeded her.
- The quarterly Elder Access Committee meetings also were deemed critical as they had enabled information-sharing and helped with the provision of training.
- Attendance at conferences about working with older persons and, in particular, elder abuse was generally considered highly beneficial by an array of stakeholders.
- A background in working with older persons was also considered useful.

##### *Background or Training Thought to Be Desirable*

Key stakeholders also were asked what training or educational/professional background would be relevant and useful in their role or the role of others involved in the EPC. They identified the following:

- Efforts to inform other judges about the existence and role of the EPC need to be ongoing as new judges take the bench and as existing judges take on new assignments.
- Judges need training on elder abuse.



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- To best serve older persons, there should be someone among the court staff at each court location, whether in the self-help center or the clerk's office, who has specialized training on serving older persons and recognizing signs of elder abuse.
- Background or training in domestic violence may be beneficial, but it is not sufficient as the dynamics, manifestations, and remedies of that problem are not always the same as elder abuse.
- Everyone involved in the EPC could benefit from more knowledge about decision-making capacity and its assessment.
- Everyone involved in the EPC could also benefit from more knowledge about communicating and working with people who have disabilities.
- Law enforcement officers and other investigators need to be aware of the EPC. They also need training on how to communicate with older people, forensic issues related to elder abuse, financial accounting, and real estate fraud.
- The public defenders need training about elder financial exploitation, particularly complex cases.
- The social workers who are involved in the EPC need training about what happens in court.

#### **Efforts to Raise Public Awareness**

Conducting outreach to inform the public of the EPC and its role was an important goal early in its history. The former case manager dedicated to the EPC was responsible for those efforts, but outreach largely stopped after she lost her position. Some key stakeholders offered divergent opinions about the court's role in providing outreach and the public's need for it. Questions were raised about whether:

- it is appropriate for the court to appear to be promoting its services, although there was also recognition that the loss of civics courses in school had led to a lack of understanding among the public about the role of the judicial branch;
- outreach remained necessary given the extent of publicity about the EPC and the "word of mouth" from "satisfied customers";
- the court administrator's office understands the need to constantly conduct outreach; and
- the court administrator's office has the resources to conduct outreach.

#### **Stakeholders' Connections to and Relationships with Other Community Agencies**

##### *Networking*

All stakeholders commented on the benefits of the networking opportunities that have been led by the EPC. One stakeholder stated that the quarterly lunch meeting of the stakeholders was more significant than some of the actual court. Specific benefits included:

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- information sharing that closes gaps in knowledge about how other agencies function;
- help with the provision of training; and
- facilitating good relationships among and a good working environment for the stakeholders, even those that are on opposing sides.

#### *Duplication of Resources*

There was consensus among the stakeholders that the EPC does not duplicate services in the community and actually has enhanced the coordination of resources.

Several stakeholders observed that it is part of the professional culture in Alameda County to collaborate and pool resources.

#### *Referrals*

It was clear from stakeholders' comments that the EPC has effected referrals in three ways:

- The number of referrals—whether made by their agency or received from another agency—of cases involving elder abuse has increased.
- It is easier to make referrals due to the enhanced connections between agencies that have stemmed from the EPC-facilitated networking opportunities.
- The quality of referrals is enhanced because the agency staff have a better understanding of each other's roles and responsibilities.

#### *Missing Disciplines or Entities*

Stakeholders were asked whether there were any additional disciplines or entities that should be involved with the EPC. They identified the following:

- law enforcement agencies
- the probate court
- the state attorney general's office, which handles elder fraud cases
- private criminal defense attorneys
- medical professionals

#### **Conflicts of Interest and Other Ethical Issues**

#### *Fairness/Perception of Fairness of the Court*

- Maintaining a court's fairness or the perception of its fairness is more challenging for specialty or problem-solving courts such as the EPC than it is for traditional courts.

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- Recognizing that there is inherent tension between the dual roles of a specialty court or if a court takes a leadership role in bringing together stakeholders to address a community problem, key stakeholders noted that it is critical to include all sides (e.g., the prosecutors and the defense attorneys) and to support a good working relationship among the opposing sides.
- While it is always essential that the justice system be administered so that the public and practitioners perceive it as fair and impartial, the concentration of cases before one judge in a specialized court poses an additional challenge. A majority of stakeholders raised this issue, commenting that the EPC could not have succeeded without the appointment of a judge who was deemed acceptable by both prosecutors and defense attorneys.
- There was some discussion of whether it was ethical/appropriate for the court to convene the Elder Access Committee and host its meetings.

#### *Role of Judge and Court Staff*

As addressed earlier in the History and the Funding and Staffing sections, the placement and role of the EPC case manager had been contentious. In addition to raising the issues discussed previously, it also raised ethical issues that are covered here.

There seemed to be consensus that case managers are officers of the court and that their role is to give judges information about a case. Beyond that point, however, there were strong differences of opinion as to (i) how far a case manager should go in fulfilling that role; (ii) whether the case manager should report directly to the judge or instead to the court administrator's office; and (iii) the ethical implications of a case manager's placement and supervision. Some key stakeholders opined that having a dedicated EPC case manager led to overstepping of the traditional case manager role and a problematic blurring of boundaries; others thought that the dedicated EPC case manager protected the confidentiality and privilege that should be afforded to victims and insulated the judge from ethical problems.

#### *Client Confusion About Roles*

An issue of concern at every site was the possibility that some older persons might not fully understand the roles of the various professionals who are part of the initiative and might face negative legal consequences as a result. For example, because case managers in other agencies sometimes do act as advocates for their clients the researchers questioned whether older persons had or might misunderstand the role of the court's case manager and think that the case manager was the older person's advocate. This question was raised out of concern that disclosure of information to the case manager would lead to disclosure of that information to the EPC judge or other judges and could ultimately have negative consequences for the older person.

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- The case managers—past and present—indicated that this had never been a problem. They believed that they clearly presented themselves as an arm of the court who were not acting as advocates or lawyers for the older person.
- Other key stakeholders, however, shared the researchers’ concern about whether older persons are adequately informed of the boundaries of the court’s services and potential conflict of interest in ways that they can comprehend and remember.
- Key stakeholders suggested that having written materials clearly defining the roles of the case managers and other participants in the EPC could be helpful for the older persons. These materials could also prove beneficial to the stakeholders and their agencies by reducing the problems of older persons clinging to agency staff for help.

#### Assessment and Evaluation

This section discusses what the EPC and other stakeholders do to collect data on or to assess or evaluate, whether by themselves or by others, the following: (1) costs and cost-savings, (2) caseload, (3) data collected, (4) benefit to the court or initiative sponsor, (5) benefit to elder abuse victims, and (6) benefit to other stakeholders and other community entities.

##### *Costs and Cost-Savings*

Neither the court nor the key stakeholders have made any attempt to analyze the costs or cost-savings associated with the EPC. Indeed, the court administrators who were interviewed opined that it was not possible to determine a cost per case.

##### *Caseload*

The EPC tracks the number of cases it handles and categorizes them according to whether they are civil or criminal matters. Many stakeholders had opinions on whether more elder abuse cases were brought to the court because of the EPC, but there was no data before and after the establishment of the EPC to enable a scientific basis for their conclusions.

##### *Data Collected*

Review of the court case files (see the Methods section of the report for more detail) indicated that it is the normal practice of the Alameda County Court to collect the following data about the parties involved in, nature of, and outcomes of the case:

- victim age
- victim sex
- victim illnesses/conditions
- victim living situation
- victim relationship to perpetrator
- victim impact statement

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- perpetrator age
- perpetrator sex
- perpetrator illnesses/conditions
- perpetrator living situation
- type of abuse, charge, and its resolution
- civil or criminal protective order
- time frames
- criminal history record check
- case history

No additional or special data is collected or tabulated for the EPC.

The results of our review of the court case files are discussed in their totality in Section III(A)(11) of the report. The data from the file review is provided in Appendix H-1.

#### *Benefit to the Court*

Although many stakeholders had opinions on the benefits of the EPC to the broader court, neither the EPC nor the broader court had conducted or had plans to conduct any sort of assessment of the EPC.

#### *Benefit to Elder Abuse Victims*

Many stakeholders also had opinions on the benefits of the EPC to victims of elder abuse, but neither the EPC nor the broader court had conducted or had plans to conduct any sort of assessment or satisfaction survey of the older persons who appeared before it. One stakeholder observed that the only feedback from victims occurs if they choose to write a thank you letter. Some stakeholders expressed a desire to see the EPC conduct long-term follow-up.

#### *Benefit to Other Stakeholders or Community Entities*

Although many stakeholders indicated that the EPC had affected their work or their agency, neither the EPC nor the broader court had conducted or had plans to conduct any sort of assessment of the affect the EPC had on the stakeholders involved in it. Some stakeholders comments that the lunch meeting of the Elder Access Committee enables informal feedback and assessment.

### **Impact of the Initiative on All Stakeholders**

The professional stakeholders involved with the EPC—including key judges and court administrators, APS, the current and former case managers, prosecutors and investigators with the district attorney’s office, and public defenders—were asked to identify the impact of the EPC

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on victims, the court, their own offices, and other stakeholders. Their opinions about the impact of the EPC fit into eight categories:

- (1) generally, on all stakeholders, including victims
- (2) on victims
- (3) on the court
- (4) on the district attorney's office
- (5) on the public defender's office
- (6) on the victim services program
- (7) on the legal aid program
- (8) on adult protective services

The impact on victims category is subdivided into (a) supports victim safety, (b) provides accommodations to victims, (c) provides links to services in the community, and (d) enhances victim satisfaction with the court process.

The impact on the court category is subdivided into: (a) raises issues about the role of the court, (b) affects judicial administration and case management, (c) raises awareness of elder abuse among judges and other court personnel, (d) helps with public relations, and (e) establishes court leadership in the community's response to elder abuse.

#### *General Impact on Stakeholders*

Stakeholders identified a number of ways in which the EPC impacts all stakeholders involved. There was overwhelming consensus that the EPC enhances the quality of justice for older persons and others involved in their cases because:

- Cases are heard more efficiently.
- Cases are heard more expeditiously.
- The court uses a problem-solving approach, of which criminal justice is one component.
- The judge has greater knowledge of the circumstances of the case because of the involvement of key service providers.
- The judge has greater knowledge of and sensitivity to the issue of elder abuse than does a judge who only occasionally hears an elder abuse case, yet is still impartial and fair.
- The stakeholders who appear with regularity before the EPC understand the judge's expectations. They gain respect for the judge and the other stakeholders, motivating them to work harder and better.
- The EPC engenders trust and respect among the judge and stakeholders, leading to a shared goal of pursuing justice and a less adversarial approach with better outcomes.
- The specialized court offers coordination and consistency in its interpretation of the law and treatment of older persons.

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- The judge is linked to services that can benefit the older persons. Those services can also benefit the court. For example, referrals to free legal assistance programs for older persons can help prevent them from appearing in court without legal representation, thus making the court's job a little easier. Another example is that a service provider, such as adult protective services, can increase the court's understanding of an older person's situation.
- The EPC helps everyone involved look at the whole person and the whole picture—including implications to the family—and encourages out-of-the-box thinking.

#### *Impact on Victims*

##### *Supports Victim Safety*

Several stakeholders observed that it was difficult to assess whether victims were safer as a result of the EPC. Unless the victim returns to court, the judges and others generally do not know whether the court's intervention had any impact. An exception can occur if the court maintains jurisdiction in the case because the victim's capacity is in question or for some other reason.

Nonetheless, several stakeholders opined that the EPC generally enhances victim safety because:

- it facilitates older persons coming to court for help; and
- the collaboration of the court with the community agencies means that the court and the professionals involved all have more information about the victim's circumstances.

##### *Provides Accommodations to Victims*

There was consensus among stakeholders that the EPC enhances justice by offering the following highly beneficial accommodations to victims:

- providing a more specific time for a court hearing, thus, lessening the likelihood that an older person will have to wait for many hours;
- providing a later start time for court hearings, thus, facilitating participation in the judicial process—particularly for older persons with health or transportation problems;
- providing a setting that is less hectic than a big domestic violence calendar; and
- moving at a slower pace and being more patient.

There was also consensus, however, that the EPC either raised new challenges or failed to fix certain preexisting problems.

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- The EPC courtroom poses hearing and mobility issues for victims (indeed, the middle-aged researchers could not hear the proceedings until they were advised to sit in the jury box).
- The combination of civil and criminal cases on the Friday calendar poses problems:
  - As indicated above, the courtroom is noisy and becomes even more so as participants transition from the criminal cases to the civil matters.
  - It is difficult to conduct conditional examinations.
  - The courtroom is crowded and there are no waiting rooms so it can be difficult to wait, particularly if victims are in proximity to their abusers.
- Despite the court's sensitivity to the needs of victims, the EPC sometimes gets off schedule and older persons have to wait a while for their hearing.

#### *Provides Links to Services in the Community*

- Victims benefit from the case managers and additional resources of the EPC, including the linkages to other services including APS and legal aid.
- Referrals to legal aid help lessen the number of cases in which victims do not have legal representation.
- Consolidation of cases on the EPC calendar enables the victim services provider to observe proceedings and be more proactive in reaching out to older victims who may need help.
- If an older person's capacity is questionable, the EPC will seek a guardian *ad litem* to represent that person's interests, maintain jurisdiction in the case to allow monitoring of the person's safety, and make a report to APS.

#### *Enhances Victim Satisfaction with the Court Process*

In the absence of evaluation or user surveys, the court cannot assess whether victims are satisfied with the EPC. Nonetheless, stakeholders suggested several advantages in addition to the safety, accommodation, and linkage benefits already noted.

- The EPC helps older litigants to be more comfortable and less stressed in the courtroom.
- The EPC is less adversarial.
- The EPC looks at the whole person and the whole picture, including implications to the victim's family.
- The prosecutors develop a relationship with the victims and help to meet their needs, rather than just treating them as witnesses to a crime.
- The court provides restorative justice, which is what many victims desire.



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#### *Impact on the Court*

##### *Raises Issues About the Role of the Court*

The formation of a specialized or problem-solving court such as the EPC to implement the concept of therapeutic jurisprudence raises fundamental issues about the role of the judicial system. In traditional courts, the reason why someone does something is irrelevant except in relation to punishment or recompense. In specialized or problem-solving courts, the court's goal is to address the underlying cause for the behavior that has led to the individual's appearance before the court. As a result, these courts require additional judicial resources, relationships between judges and court personnel such as case managers, and connections between the court and community agencies. Almost every stakeholder interviewed brought up these issues, either in the form of questions, statements of fact, or opinions.

- Stakeholders struggled with these issues when the EPC was created and when the changes were made in the case manager's role; they continue struggling with them albeit to a lesser extent.
- There is a wide array of opinions about whether or how much of the court's mission should be problem-solving. The court's core functions must always be implemented. Some stakeholders suggested that courts need to distinguish between providing accommodations to older persons who appear before it and providing social services.
- Many pressures drive court priorities, including priorities established by the state judicial council as well as local interests.
- Courts must always abide by constitutional due process requirements even as they attempt to accommodate litigants such as older persons who have difficulty getting to court early or sitting around court for much of the day.
- Problem solving courts should involve different disciplines.

Discussions about the role of the court were not limited to the issue of its involvement in addressing societal and individual problems that result in court cases, however. There was also diversity of opinion about the court's role in conducting outreach, i.e., in educating the public and professionals about the EPC. The differences in opinion were not about the benefits of outreach (see "Helps with Public Relations" below), but rather about whether the court should devote resources to that effort. Some stakeholders indicated that outreach was fundamental to the court's operations; others said outreach should be the first thing to go when budgets are tight.

##### *Affects Judicial Administration and Case Management*

- Several stakeholders commented that the lack of data prevented them from assessing whether more elder abuse cases were heard as a result of the EPC. However, several other stakeholders believed, even in the absence of data, that more elder abuse cases were filed and heard due to outreach and publicity about the EPC and because it is more user-friendly.

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- The implementation of therapeutic jurisprudence, combined with the slower pace of proceedings to accommodate older persons, means that the EPC requires additional judicial time and resources.
- The EPC hears complex financial exploitation and real estate fraud cases that often take a long time.
- Specialized courts are an ancillary assignment for their judges. This means that the time for these calendars is carved out of other responsibilities.
- The assignment of the elder abuse case responsibilities to the two domestic violence case managers added to their workload and to the workload of their supervisor.
- Stakeholders expressed significant disagreement about the need for a full-time case manager dedicated to the EPC.
  - The stakeholders who did not agree with the need for a full-time, dedicated EPC case manager said that their decision was justified by (a) the end of the grant funding that had supported that position; (b) the need to provide elder abuse case management services in the county's other courthouses; (c) a desire to look at family violence rather than at the component problems of child abuse, domestic violence, and elder abuse; and (d) the small number of elder abuse cases (about 1/10 the number of domestic violence cases). These stakeholders did recognize that they were forming opinions and allocating resources based on their observations that the older persons seeking elder abuse protection order cases were—to their surprise—predominantly young-old (e.g., around 65 years old, rather than 85 or 95 years old).
  - The stakeholders who believed that a full-time, dedicated EPC case manager was necessary supported their position by saying (a) case management of domestic violence victims takes less time than it does for elder abuse victims who may have greater needs and greater obstacles to fully participating in the judicial process; (b) the case manager played a critical role in fostering communication and trust among the other stakeholders that was necessary to make the EPC work; (c) the EPC judge and case manager assessed all EPC cases for criminal violations; and (d) not all of the older persons served by the EPC were young-old persons seeking elder abuse protection orders, but instead were old-old and had significant impairments that impeded their ability to full participate in the judicial process.

#### *Raises Awareness of Elder Abuse Among Judges and Other Court Personnel*

- The EPC has raised the awareness among the other Alameda County judges and court personnel about elder abuse and the needs of older persons.
- Other court case managers in the Oakland and outlying courthouses review cases involving older persons to determine whether they should refer those cases to the EPC.

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#### *Helps with Public Relations*

- Stakeholders opined that the EPC has given the broader court greater visibility and good will in the community; it makes the court look good.
- Involvement in the EPC can help judges get promoted and re-elected because it engenders political coverage and goodwill.

#### *Establishes Court Leadership in the Community's Response to Elder Abuse*

There was widespread consensus among the stakeholders that the Elder Access Committee established and hosted by the EPC benefits the court in the following ways:

- fosters sharing of important information and help with the provision of training;
- helps establish or strengthen linkages with resources;
- enhances all stakeholders' ability to serve older persons; and
- brings together a group of people who, despite having different roles in the system, discover that there is a common goal—pursuing justice—and work together to achieve it.

Some questions were raised about whether the court's leadership of the Elder Access Committee was or could be perceived as unethical. The researchers note that the role of the courts in leading domestic violence coordinating councils and in addressing other problems that impact the courts is widely recognized and generally deemed acceptable as long as it is done in a fair and impartial manner.

#### *Impact on the District Attorney's Office*

- The district attorney's office is bringing elder abuse charges in more cases. This is not due solely to the existence of the EPC, but the EPC clearly fosters an environment that facilitates the district attorney's office in:
  - having a heightened sensitivity on elder abuse;
  - proactively looking for cases; and
  - training law enforcement officers to identify and investigate elder abuse.
- The district attorney's office investigators, who have other responsibilities, estimated that they spend 30 hours a week on EPC cases.

#### *Impact on the Public Defender's Office*

- The public defender's office in Oakland is representing more defendants charged with elder abuse. This is not due solely to the existence of the EPC; to some extent it results from the district attorney's office bringing more cases. But the EPC has had a significant impact because the elder abuse cases have generally been consolidated in the public defender's Oakland office instead of being spread out among its branch

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offices throughout the county. One deputy public defender is dedicated to handling these cases; he indicated that he spends one day each week plus case preparation time on EPC cases and is overburdened as a result.

- The consensus among stakeholders was that because of this situation the EPC could not exist without the public defender's office commitment and participation. This gives the public defender's office a lot of leverage. Its support of the EPC and of the appointment of Judge Conger as the EPC judge was critical.

#### *Impact on the Victim Services Program*

- The victim services program is helping more victims of elder abuse as a result of the EPC. This increase stems from three circumstances:
  - As discussed earlier, the district attorney's office is prosecuting more cases involving elder abuse.
  - The victim services program is receiving more referrals from other services in the community that are involved with the EPC.
  - The victim services professional spends Fridays in the courtroom to proactively offer services to victims during the EPC calendar.

#### *Impact on the Legal Aid Program*

- The legal aid program is helping more victims of elder abuse as a result of the EPC because:
  - it is receiving more referrals from other services in the community that are involved with the EPC; and
  - the legal aid attorney receives referrals from the EPC and spends Fridays in the courtroom to connect to victims who are referred by the judge or case manager during the EPC calendar.

#### *Impact on Adult Protective Services*

- The adult protective services program is investigating more allegations of elder abuse as a result of the EPC because:
  - it is receiving referrals from the EPC; and
  - it is receiving more reports from other services in the community that are involved with the EPC, including APS and the district attorney's office.

### **Institutionalizing the Initiative**

Key stakeholders had the following opinions about whether and how the EPC had been institutionalized in the broader court and community. They also suggested some additional steps that should be taken toward that goal in the future.

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#### *Court Leadership Must Support the Initiative*

- A specialty court requires the attention and support of the presiding judge to succeed.
- In Alameda County the presiding judge position rotates every two years. This means that the new presiding judge must be routinely educated about the EPC and his or her support engendered. On the other hand, it also means that more of the presiding judges have had experience handling domestic violence cases and can draw upon those experiences to understand the role of the EPC. Additionally, it expands the pool of EPC supporters among the judges.

#### *The Initiative Must Become Indispensable to the Court*

- The EPC needs to become entrenched in order to survive.
- The fact that the EPC hears criminal cases could insulate it from being dissolved when dollars are tight. Constitutional requirements regarding the processing of criminal matters mean that, if necessary, all other courts and court programs will be cut back before criminal courts.
- The breadth of the EPC jurisdiction—including civil cases in addition to criminal cases—also helps to institutionalize it.
- It is important that the EPC not be dependent on one person. The involvement and support of other judges helps to institutionalize the EPC.
- Having paid court staff involved in the EPC also helps to institutionalize it.

#### *Other Stakeholders Must Support the Initiative*

- Stakeholders need to value institutionalization of the EPC and view it as a political issue.
- Stakeholders need to make public statements about the benefits of having the EPC and their support of it.
- Engendering stakeholder support for institutionalization is easier if the role of the initiative and information about it are made clear from the start.

#### *Planning for the Future Must Occur*

- Succession planning is critical to foster institutionalization of a specialty court. This is especially important because specialty court judges tend to transition often due to the emotional toll of the work and the risk of burning out.
- Succession planning alone is insufficient, however. Successors must be nurtured and guided. The judge who presides over the EPC has to want to hear these cases.
- Several stakeholders observed that EPC institutionalization was evidenced by the fact that 18 judges applied to succeed Judge Conger as the EPC judge.

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- Stakeholders also commented that they felt more confident about the continuation of the EPC after Judge Conger's retirement because she had been involved in choosing and training her successor.
- Development of a replication manual was suggested as a way of encouraging institutionalization.

#### Opportunities

Stakeholders suggested that the following opportunities exist for the EPC.

##### *Make It Indispensable*

- In order for the EPC to survive the current economic climate, it needs to be expanded and made indispensable.
- Each of the county's courthouses should have an EPC.
- The EPC should handle misdemeanors so that the judge and others involved in the case would have background about it if the abuse escalates.

##### *Involve Additional Disciplines and Entities*

- The lack of a connection between the EPC and the probate court poses problems if the victim is incapacitated and, therefore, needs to be addressed.
- Law enforcement agencies have not been sufficiently involved in handling elder abuse cases in general and with the EPC in particular. Several stakeholders indicated this lack of participation was a significant problem.
- It would be beneficial to have the involvement of the state attorney general's office, which handles elder fraud cases; the private criminal defense bar; and medical professionals.

##### *Make the Court More Accessible and User-Friendly*

- The EPC needs additional case managers in order to be proactive and to allow follow-up with victims.
- Old litigants would benefit from written materials explaining the role of the EPC and the agencies involved in it.
- The court needs to do more to address hearing and mobility challenges for older litigants with such impairments.
- The court staff members, particularly those who staff the self-help center, need additional expertise on working with older people.

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#### *Enhance the Court's Leadership in Expanding Professional and Public Awareness*

- The Elder Access Committee's networking lunch meetings should be continued and expanded to include other relevant agencies or disciplines that are not currently participating.
- Court personnel should conduct more outreach and public education about elder abuse, the EPC, and the role of the court.

## Appendix A-2

### DETAILED DESCRIPTION: ELDER JUSTICE CENTER OF HILLSBOROUGH COUNTY, FLORIDA

#### Brief Description

The Elder Justice Center (EJC) is a program of the 13<sup>th</sup> Judicial Circuit, which serves Hillsborough County, Florida. Established in 1999, the EJC helps county residents aged 60 or over who become involved in guardianship, criminal, family, or other civil matters in the court system. The program provides assistance—but not legal advice—in completing court documents such as applications for protective orders, referrals to legal and social services programs in the community, and case management services in guardianship matters. The EJC staff also act as court monitors for existing guardianships. Additionally, staff act as advocates for older crime victims and, if desired by the victim, can help older criminal defendants by providing referrals to diversionary programs such as mental health or substance abuse treatment programs. The EJC is based in the county's main courthouse in Tampa.

The EJC is housed in the Probate, Guardianship, Mental Health, and Trust Division of the Circuit Court (Probate Division). The administrative judge of that division supervises the program's substantive work, while the circuit court administrator supervises the administrative aspects of the EJC.

#### History

The EJC was established in 1999 by the Honorable Susan Sexton, who was then the administrative judge of the Circuit Court's Probate Division. The EJC was the first program of its type in the nation and, for the most part, remains unique. The EJC in Palm Beach County, Florida, historically has had a different focus, although that county's court administrators are interested in having that EJC become more like the Hillsborough County program.

Judge Sexton provided oversight to the EJC until late July 2008 when she rotated off the Probate Division. She was succeeded by the Honorable Claudia Isom.

Judge Sexton was inspired to do more to help older persons who are the subject of court proceedings after she participated in a judicial education program about the role of the state courts in elder abuse cases and because of her experience handling guardianship and mental health hearings. Judge Sexton approached the circuit's chief judge, Dennis Alvarez, who had previously served as administrative judge of the Probate Division. Chief Judge Alvarez appointed an Elder Court Task Force to examine the issue and to make recommendations. The task force was composed of court staff, community organizations including the free legal services program for older persons and the area agency on aging, elder-related businesses, lawyers in private practice, academics, a former Florida Supreme Court justice, and concerned citizens. The task force recommended that a specialized elder court be established to handle any legal matters involving an older person, but the Florida Supreme Court did not allow the 13<sup>th</sup> Judicial Circuit to create that court. Instead, the task force developed the EJC to assist older persons involved in court proceedings and to link the court system with the aging network.



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### DETAILED DESCRIPTION: ELDER JUSTICE CENTER OF HILLSBOROUGH COUNTY, FLORIDA

When the EJC began, it was administered by a full-time senior court program manager who was a lawyer. That manager was responsible for supervising two victim advocate/court counselor positions and a secretary. In February 2007 the senior court program manager resigned and the program's staffing was significantly restructured (see "Funding and Staffing—At the Time of the Site Visit," below, for a description of the EJC's current staffing).

Prior to the time of the site visit, the EJC had several funding sources. Over a period of eight years these sources included:

- (1) start-up funds from the area agency on aging that serves Hillsborough County;
- (2) funds from the County Commissioners that paid for one court counselor position and one secretary;
- (3) Victims of Crime Act (VOCA) grants awarded by the state attorney general's office that supported the senior court program manager's position and one victim advocate/court counselor position;
- (4) a three-year grant from a national foundation that supported one court counselor position and some program operating costs; and
- (5) state funds appropriated by the Florida legislature to the state's administrative office of the courts.

Several years ago the EJC staff stopped applying for the VOCA grants because the amount of funding available was small and the reporting requirements were onerous. ;As recipients of VOCA funding are prohibited from providing any services to criminal defendants this change enabled the EJC to start providing diversionary services to older criminal defendants

#### **Procedures/Case Processing**

##### *Basic Procedures*

The EJC is in the county's main courthouse in Tampa. It is open from 8:00 a.m. to 5:00 p.m. every day that the courts are open.

The EJC was compared to a walk-in clinic for older persons who need victim advocacy services. Individuals are referred to the EJC by judges, the clerk's office and other court staff, and community agencies. The court does not have a self-help center, but the clerk's office does sell forms and Bay Area Legal Services (the county's provider of free legal services to low-income and older people) staffs the courthouse with a lawyer who is able to answer basic legal questions.

The EJC staff also review all requests for guardianship fees, as well as all accountings and inventories of incapacitated persons' assets and written plans filed by legal guardians to ensure the safety of such incapacitated persons. If the EJC staff believes there is a problem, they bring it to the attention of the Probate Division judge, who refers the case to one of the division's

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magistrates who then holds a hearing. The purpose is to provide a less formal way to address problems in the guardianship, while preserving a hearing with the assigned judge as an escalation option for enforcement.

#### *Barriers/Delays*

There were some differences of opinion among stakeholders about whether there were any delays peculiar to the EJC (i.e., not a delay experienced by general participants in the courts). Some of the service providers expressed concern that the EJC added another layer between the older person and the agency from which help was ultimately needed. Other stakeholders opined that the EJC lessened delays by helping older persons get linked to the agency from which help was needed.

A barrier identified by several stakeholders was the EJC's inability to help both older persons involved in a relationship due to the conflict of interest between the clients.

Some stakeholders indicated uncertainty or were mistaken about the age at which an individual is eligible for EJC services. One stakeholder thought that eligibility should be based on disability, rather than age.

Some stakeholders observed that there had been complaints about delays resulting from the guardianship monitoring process. Generally, those delays were just because of the steps involved in the process, which include a cursory review by the clerk's examiners for compliance with statutory requirements or an audit by the clerk's office, and then an in-depth review by EJC staff to determine whether the guardian is doing what he or she is supposed to be doing and—in the case of some guardians (professional guardians and some family/non-professional guardians)—are being paid for doing. Court staff did indicate, however, that there had been a one-year backlog of monitoring cases due to staff turnover at the EJC. That backlog had been halved due to the change in staffing structure discussed below and to the development of systems that increased staff efficiency, such as form orders with drop-down menus. To assess the appropriateness of claims for payment in a standardized and objective manner, the EJC staff use a fee schedule that was developed with input from guardians and lawyers. (At the time of the site visit, the Probate Division had plans to hold a town meeting with guardianship stakeholders to, among other things, determine whether the fee schedule needed to be revised.)

#### *Intra-Court Coordination*

The issue of intra-court coordination is not relevant to the role of the EJC.

#### *Use of Mediation*

The issue of mediation is not relevant to the role of the EJC.

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#### *Older Litigants with Questionable Decision-Making Capacity*

There seemed to be little, if any, issue with the EJC seeing or serving older persons with questionable or clearly diminished decision-making capacity. If the EJC staff do not question an older person's decision-making capacity, then staff will either directly assist the client, for instance with completion of injunction paperwork, or refer that person to other community agencies for assistance as appropriate.

#### **Funding and Staffing**

##### *At the Time of the Site Visit*

As discussed previously, the senior court program manager for the EJC resigned in February 2007. The EJC staffing was significantly restructured following that event. The senior court program manager position was eliminated, a third court counselor position was created and filled, and the management responsibilities were assigned on a part-time basis to a general magistrate for the Probate Division. At the time of the site visit, the magistrate was devoting approximately one-third of his time to the EJC, there were three full-time court counselors, one full-time victim advocate/court counselor, and one secretary from the Administrative Office of the Courts who provided part-time clerical assistance, as available. All the court counselors—including the victim advocate/court counselor whose primary function is victim advocacy—conduct some guardianship monitoring tasks. Additionally, the EJC uses unpaid interns from the University of South Florida's Social Work and Gerontology Programs and from Stetson Law School's Elder Law Program.

We only heard highly positive feedback about the current EJC director. Nevertheless, several stakeholders raised the issue of whether the EJC director should be filled by a lawyer who is not also a judicial officer (as was the situation previously) or filled by a lawyer who also acts as a judicial officer (as is the situation currently). Four perspectives were presented:

- Everyone opined that it is critical that the EJC director be a lawyer. They said that those skills are necessary to understand the legal issues presented in EJC matters and to provide effective supervision to the other EJC staff so that they don't make inappropriate referrals to other agencies and, thereby, frustrate and waste the time of both victims and the staff of the other agencies.
- When the EJC director position was filled by a full-time lawyer who was not also a judicial officer, the salary may have been insufficient and may have contributed to the repeated turnover in that position.
- Having the EJC director also serve as a part-time judicial officer may be problematic because of real or perceived conflicts of interest between stakeholders who appear before the judicial officer in that capacity and who also interact with the judicial officer in his or her capacity as EJC director. If an actual conflict did arise, the case could be reassigned to the probate division's other magistrate, but the potential for

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conflicts could have a chilling effect on the ability of stakeholders to raise concerns about the EJC.

- The change in the director's role and other staff restructuring enabled the court to be able to continue to afford the EJC and resulted in more efficient and effective delivery of services.

There was strong consensus among the stakeholders that budget cuts had significantly diminished the EJC's ability to conduct outreach to the public and other professionals about its services and to maintain connections with other agencies.

#### *If Money Were No Object*

At the time of the site visit to Hillsborough County in 2008, the economic climate was already prompting significant budget tightening. To encourage stakeholders to think beyond the current fiscal situation and get their input on what additional staffing and resources might be ideal—or just desirable—we asked what staffing would benefit the EJC if money were no object.

Several stakeholders opined that additional or different staff would be highly beneficial. Suggestions included:

- additional case managers so that help could be provided to older persons who are involved in either civil or criminal cases and so that cases could be reviewed and moved through the system more quickly;
- more victim advocates;
- more staff to enable more outreach, to conduct more training of the staff at stakeholder agencies, and to organize or participate in meetings with other stakeholders;
- more staff to enable them to go to hearings with and provide support to older persons;
- a staff attorney or resumption of the attorney-director position;
- a full-time secretary;
- more staff to monitor guardianships; and
- more staff to provide assistance to non-professional guardians.

#### **Background and Training of Staff and Stakeholders**

##### *Background or Training That Proved Useful*

Key stakeholders were asked what training or educational/professional background had been relevant and useful in their role or the role of others involved in the EJC. They identified the following:

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- Attendance at conferences, trainings, or meetings about elder abuse, domestic violence, and guardianship was generally considered highly beneficial by EJC staff, judicial officers, and other stakeholders. Particularly helpful meetings included those of the Florida Guardianship Association, the Hillsborough County Family Justice Center, and Triad/SALT (Seniors & Law Enforcement Together).
- Cross-training between the EJC and the legal services staff was particularly useful to both agencies.
- Cross-training between the EJC and the area agency on aging/Elder Help Line (information and referral services) staff was particularly useful to both agencies.
- The experience of the EJC and the legal services staff in jointly conducting public education was beneficial to the staff of both agencies, as well as to the public.
- The new administrative judge of the Probate Division indicated that her experience in handling personal injury cases for nursing home residents was helpful, as were her efforts to take relevant trainings and to participate in a “ride-along” day with the EJC staff.

#### *Background or Training Thought to Be Desirable*

Key stakeholders also were asked what training or educational/professional background would be relevant and useful in their role or the role of others involved in the EJC. They identified the following:

- Efforts to inform other judges about the existence and role of the EJC need to be ongoing as new judges take the bench, as existing judges take on new assignments, and just to keep the EJC and its benefits to the court and to older individuals on everyone’s radar. Other benefits would be increasing referrals to community services and helping to institutionalize the initiative.
- The Family Justice Center staff indicated that they would benefit from training on domestic violence in later life and on the role and services of the EJC.
- Some key stakeholders suggested that the EJC staff would benefit from additional training on the role and services of their agencies and other service providers, particularly in light of the staffs’ inability to attend meetings with other agencies and conferences due to the impact of budget cuts.
- Some key stakeholders opined that the staff at their agencies and at other service providers would benefit from additional training on the role and services of the EJC, due to turnover at those agencies and to changes in EJC staff and operations.
- EJC training for guardians—especially non-professional guardians—was deemed desirable by several stakeholders. (The EJC was providing eight hours of such training quarterly at the time of the site visit but since then has increased the training opportunities to six times yearly.)
- Judges need training on elder abuse; the EJC was trying to develop a bench card on elder abuse to help meet that need.

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- Stakeholders opined that Webcasts on relevant topics can be helpful, as long as they are archived so that staff can watch them when convenient.
- There was some expression of the need for the EJC staff to have training or guidelines to help guide them in determining whether and when to step up the level of guardianship monitoring and enforcement.

#### **Efforts to Raise Public Awareness**

Conducting outreach to inform the public of the EJC and its role was an important goal early in its history. The former administrative judge of the Probate Division and the director of the legal services project for older persons conducted outreach programs together, and the EJC and the Family Justice Center partnered to conduct open houses and resource fairs to inform the public about domestic violence in later life. Those efforts had ended, however, due to staff turnover and to budget cuts, causing one stakeholder to compare the EJC outreach efforts to a turtle that had pulled in its head. (The EJC director advised us that since the site visit, the EJC staff has resumed outreach efforts. He provided an extensive list of events that EJC staff had attended. He also noted that this participation had come at the personal expense of the staff because the court could not afford to reimburse them for driving to these events.)

#### **Stakeholders' Connections to and Relationships with Other Community Agencies**

##### *Networking*

All stakeholders bemoaned the lack of interaction of the EJC with the other stakeholders, especially as compared to earlier in its existence, as well as the overall lack of coordination on elder abuse issues in the county. Several stakeholders focused particularly on the diminished relationships with the area agency on aging, Family Justice Center, and legal aid program and wished that those connections could be reinvigorated. The impact of the lack of networking is discussed below in the subsections on referrals and lack of understanding agency roles. (It is worth noting that the area agency on aging reestablished its dormant elder abuse task force more than a year after the researchers' site visit, but its service area covers more than Hillsborough County and, thus, the task force will not focus specifically on issues there. The EJC is an active participant in that task force. Additionally, since the site visit the EJC has resumed its participation in the following monthly meetings: Family Justice Center, Adult Protection Team, S.A.L.T. Council, and Ombudsman Council.)

##### *Duplication of Resources*

There was consensus among the stakeholders that the EJC does not duplicate any services in the community and actually complements existing resources. By providing victim advocacy to older persons whose cases are not pursued by the prosecutor's office, the EJC expands the services available to older victims of crime. The EJC also provides some services that the Family Justice Center does not provide, and vice versa.

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#### *Referrals*

No stakeholder indicated that referrals to their agencies had increased as a result of the EJC. Indeed, some stakeholders commented that they were surprised that they don't receive more referrals from the EJC and don't understand why that is not occurring.

Some stakeholders are making referrals to the EJC because of their lack of understanding of the roles of other agencies in the community, particularly the services offered by the area agency on aging and the legal aid program.

The court clerk's office finds it beneficial to have the EJC in the courthouse because when an older person who seems to need help appears in the clerk's office, they can just call the EJC and immediately get assistance for that person.

Clearly, the judges do not refer all older persons who appear before them to the EJC. Such referrals may not be necessary or even appropriate, but the lack of them may indicate that the court's judges and staff do not understand the EJC purpose. Indeed, the now-presiding judge of the Probate Division said that before she took on her new assignment she thought the EJC was only a resource center/clearinghouse.

#### *Missing Disciplines or Entities*

As the EJC has not focused on criminal matters, it has not established relationships with the prosecutor's office, the public defender's office, or with criminal defense attorneys in private practice.

#### *Lack of Understanding of the Elder Justice Center's and Other Agencies' Roles*

There was consensus among the stakeholders that (a) no agency was fulfilling a leadership role on the subject of elder abuse and (b) the EJC had become increasingly disconnected from the other agencies concerned about elder abuse victims. This consensus was manifested by specific statements, as well as by general statements indicating a lack of understanding about the roles and responsibilities of other agencies. Some of that lack of understanding stemmed from staff turnover within and outside of the EJC, but, to some extent, it also seemed to be the result of cutbacks in outreach and collaboration due to budget restrictions and changed priorities. The impact of this lack of leadership and understanding is that referrals are not made or are not appropriate, resources are not used in the most effective manner, and older persons are not served optimally. (As discussed twice previously, since the site visit the EJC staff had resumed participation in several meetings and events with other stakeholder agencies, at staff members' personal expense due to the court's inability to reimburse them for mileage.)

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#### Conflicts of Interest and Other Ethical Issues

##### *Fairness/Perception of Fairness of the Court*

- The court recognized there was a potential conflict of interest in having a judicial officer act also as the EJC director. The concern was that stakeholders would feel reluctant or unable to raise issues regarding the EJC if they also appeared before that judicial officer. The court addressed this problem by preserving the right to a hearing before the assigned judge as an ultimate remedy. Stakeholders seemed satisfied with the court's attempt to address the problem. Nonetheless, the researchers believe that this situation can have a chilling affect on the ability of stakeholders to raise issues about the EJC. The researchers believe that other communities interested in replicating the EJC should consider this challenge thoughtfully, as has been done in Hillsborough County.
- There was recognition of an inherent conflict when the EJC has responsibility for trying to recruit a volunteer guardian or asking the public guardian to take a case and then also has to monitor that guardian. There was a sense that the involvement of the administrative judge for the Probate Division helps to mitigate this conflict.
- There also was recognition of the fact that attorneys and guardians may be reluctant to raise questions with the EJC staff because of the staff's role in monitoring the guardians.
- The court's ability to raise funds for the EJC is inhibited due to the potential for conflicts of interest.
- It was recognized that the EJC is unable to help both older persons who are involved in a relationship due to the conflict of interest or potential for such conflict between the clients.

##### *Role of Judge and Court Staff*

- The EJC staff recognize that they can not provide legal advice to their clients.
- The researchers are concerned that the EJC staff do not recognize a potential conflict of interest that stems from the multiple hats they wear. Although staff say they have no reason to seek guardianship or try to inflate their case numbers, the researchers believe that the potential for a conflict of interest exists if EJC staff learn of something while wearing their client advocate hats that could prove adverse to the client when they are wearing their guardianship case management hats.
- Communication between the guardians directly (not through their attorney) and EJC staff raises ethical and practical issues, but it also minimizes the cost to the incapacitated person's estate. This poses a challenge to the court, which would like to do more to assist guardians.



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#### *Client Confusion About Roles*

An issue of concern at every site was the possibility that some older persons might not fully understand the roles of the various professionals who are part of the initiative and might face negative legal consequences as a result. For example, because case managers in other agencies sometimes do act as advocates for their clients the researchers questioned whether older persons had or might misunderstand the role of the court's case manager and think that the case manager was the older person's advocate. This question was raised out of concern that disclosure of information to the case manager would lead to disclosure of that information to the EPC judge or other judges and could ultimately have negative consequences for the older person.

- While the EJC staff said they are clear about their roles in relation to their guardianship monitoring and client advocacy work, they recognized that clients and other stakeholders might be less clear about their roles. Several court staff opined that the EJC's benefits to clients outweighed the possibility of confusion.
- The EJC staff are mandated to report suspected elder abuse under Florida's adult protective services (APS) law. Their status as mandatory reporters could pose ethical challenges and lead to client confusion about the role of staff.

#### **Assessment and Evaluation**

This section discusses what the EJC and other stakeholders do to collect data on or to assess or evaluate, whether by themselves or by others, the following: (1) costs and cost-savings, (2) caseload, (3) data collected, (4) benefit to the court or initiative sponsor, (5) benefit to elder abuse victims, and (6) benefit to other stakeholders and other community entities.

#### *Costs and Cost-Savings*

Neither the EJC nor the key stakeholders have made any attempt to analyze the costs or cost-savings associated with the EJC. Some stakeholders expressed different opinions about whether it was possible to determine a cost per case. A few people suggested that state-imposed performance measures or costs developed by the Children's Justice Center could serve as a model for the EJC. Others posed challenges to calculating a cost per case, including: defining what is a case, ascertaining when the case is resolved and cost measurement should stop, and determining what/whose costs to include in the calculation.

#### *Caseload*

The EJC tracks the number of cases it handles and categorizes them in the following four groups:

- information and referral;
- elderly victims' case management;

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- elderly non-victim case management; and
- guardianship case management.

Many stakeholders had opinions on whether more cases in general and elder abuse cases in particular were brought to the court because of the EJC, but there was no data before and after the establishment of the EJC to enable a statistical basis for their conclusions.

#### *Data Collected*

Review of court case files (see the Methods section of the report for more detail) indicated that it is the normal practice of the 13<sup>th</sup> Judicial Circuit to collect the following data about the parties involved in, nature of, and outcomes of the case:

- victim age
- victim sex
- victim living situation
- victim relationship to perpetrator
- perpetrator age
- perpetrator sex
- perpetrator race and ethnicity
- perpetrator financial assessment
- perpetrator illnesses/conditions
- perpetrator living situation
- type of abuse, charge, and its resolution
- civil or criminal protective order
- time frames
- criminal history record check
- case history

The EJC collects and tabulates the following data about the victims/clients it serves:

- age
- ethnicity
- living situation
- race
- sex

The results of our review of the court case files are discussed in their totality in Section III(A)(11) of the report. The data from the file review is provided in Appendix H-2.

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#### *Benefit to the Court*

Although many stakeholders had opinions on the benefits of the EJC to the broader court, neither the EJC nor the broader court had conducted or had plans to conduct any sort of assessment of the EJC. The appointment of the new administrative judge for the Probate Division had led to a reassessment of the EJC's staffing and operations, however.

#### *Benefit to Elder Abuse Victims*

Many stakeholders also had opinions on the benefits of the EJC to victims of elder abuse, but both the EJC and the broader court indicated that they could and would like to do more to assess the EJC's benefit to the older persons it serves. The EJC staff indicated that they do have a client satisfaction survey, but they don't get much response to it. Occasionally they will get feedback from a victim or victim's family member if the EJC has helped. The court clerk's office also indicated that it has a client satisfaction survey, but said it rarely receives them and, instead, is more likely to hear from litigants, judges, or law enforcement officers when they have complaints. The court administrator's office is attempting to look beyond the number of individuals served and focus more on the court's impact on those individuals.

#### *Benefit to Other Stakeholders or Community Entities*

Although many stakeholders indicated that the EJC had affected their work or their agency, neither the EJC nor the broader court had conducted or had plans to conduct any sort of assessment of the affect the EJC had on the stakeholders involved in it. The EJC did develop an evaluation form for stakeholder agencies but has not used it.

#### **Impact of the Initiative on All Stakeholders**

The professional stakeholders involved with the EJC—including key judges and court administrators, the EJC staff, law enforcement officers, APS staff, area agency on aging staff, legal aid program staff, long-term care ombudsman program staff, Family Justice Center staff—were asked to identify the impact of the EJC on victims, the court, their own offices, and other stakeholders. The researchers also interviewed two victims of elder abuse who had been EJC clients. The impact of the EJC fit into nine categories:

- (1) generally, on all stakeholders, including victims
- (2) on victims
- (3) on the court
- (4) on the sheriff's office
- (5) on the area agency on aging
- (6) on the long-term care ombudsman program
- (7) on the legal aid program
- (8) on APS

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(9) on the Family Justice Center.

The impact on victims category is subdivided into (a) supports victim safety, (b) provides accommodations to victims, (c) provides links to services in the community, and (d) enhances victim satisfaction with the court process.

The impact on the court category is subdivided into: (a) raises issues about the role of the court, (b) affects judicial administration and case management, (c) raises awareness of elder abuse among judges and other court personnel, and (d) helps with public relations.

#### *General Impact on Stakeholders*

Stakeholders identified a number of ways in which the EJC impacts all stakeholders involved. There was general consensus that the EJC enhances the quality of justice for older persons and others involved in their cases because:

- Cases are heard more efficiently.
- The EJC's monitoring of guardianships helps to prevent, detect, and remedy elder abuse.
- Although the lack of data prevents determination of whether more elder abuse cases were heard as a result of the EJC, stakeholders believed, even in the absence of data, that more elder abuse cases related to APS and to guardianship were filed and heard due to the guardianship monitoring, the outreach and publicity about the EJC, and because it helps make the court more user-friendly. No stakeholder thought that the EJC had had any impact on criminal cases related to elder abuse.
- The EJC provides linkages to services that can benefit the older persons. Those services can also indirectly benefit the court. For example, referrals to free legal assistance programs for older persons can help prevent them from appearing in court without legal representation, thus making the court's job a little easier. Another example is that a service provider, such as APS, can increase the court's understanding of an older person's situation.
- The EJC helps educate the community about the problems faced by its older residents.

#### *Impact on Victims*

##### *Supports Victim Safety*

Two victims who used EJC services were interviewed. Both received help in completing petitions for protection orders, succeeded in obtaining those orders against their abusers, and believed that they were safer as a result of the EJC's assistance.

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Several professional stakeholders observed that it was difficult to assess whether victims were safer as a result of the EJC. Generally, unless the victim returns to court, the judges and others do not know whether the court's intervention had any impact but the EJC's guardianship monitoring and follow-up activities may enhance safety.

Several stakeholders also opined that the EJC generally enhances victim safety because:

- it facilitates older persons coming to court for help;
- older people are not just pushed through the judicial system;
- it educates older people on how to avoid re-victimization by the court process; and
- it provides victim advocacy services to older persons whose cases are not prosecuted and who would therefore be ineligible to obtain any victim advocacy services through the state attorney's office.

#### *Provides Accommodations to Victims*

There was consensus among stakeholders that the EJC enhances justice by offering the following accommodations to older persons:

- providing assistance in getting to the courthouse; and
- as the EJC is located in the courthouse, older people who are already in the courthouse may be more likely to take advantage of its services than they would be if they had to go to another agency. One of the victims interviewed was referred to the EJC by the court clerk's office after she went there to seek a protection order.

Stakeholders also noted, however, that:

- the EJC is not very easy to find in the courthouse and could be more accessible; and
- the EJC is office-like and not a comfortable, pleasant setting like the Family Justice Center.

#### *Provides Links to Services in the Community*

- The EJC provides more resources to elder abuse victims by making referrals to other service providers, including legal aid.

#### *Enhances Victim Satisfaction with the Court Process*

Both victims we interviewed were accompanied to their hearings by EJC staff and felt very appreciative of the emotional support provided to them. When one of the victims attended her abuser's bail hearing, the EJC staff arranged for her to be accompanied by a victim advocate from the prosecutor's office. That victim said about the EJC staff: "She was so helpful that day

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and so caring and made me feel like, you know, that I wasn't completely nuts because when something like that happens you wonder what you could have done differently.”

In the absence of evaluation or user surveys, the court cannot assess whether victims are satisfied with the EJC. Stakeholders suggested advantages in addition to the safety, accommodation, and linkage benefits already noted.

- The EJC helps older persons to be more comfortable and less stressed in the courtroom by showing them the courtroom and explaining the process ahead of time.
- The EJC office is quieter and calmer than the courthouse norm (although one must go through a very noisy, hectic office to reach the EJC and the setting is not comparable to the calm and quiet FJC).
- Some stakeholders thought that the EJC might prevent an impatient or overwhelmed older person from leaving the courthouse out of frustration and returning to an abusive situation.

#### *Impact on the Court*

##### *Raises Issues About the Role of the Court*

Although it is not a specialized court like the Elder Protection Court in Alameda County, California, as a court program focused on one population subgroup the EJC raises similar issues about whether such a program is an appropriate role for the judicial system. In Florida, the EJC also raises issues about whether it is a core court function that the state—rather than the county—should fund.

Moreover, the EJC's role in monitoring guardianships raises other issues about the role of the court in providing advice to guardians. The experience of monitoring guardianships has demonstrated to the EJC staff the need that guardians—especially non-professional, family guardians—and their attorneys have for guidance that might help prevent problems including elder abuse. Providing such guidance could lessen the costs of guardianship to the incapacitated person's estate, but could also pose a conflict of interest to the court.

##### *Affects Judicial Administration and Case Management*

- Judges have a greater knowledge of the circumstances of the case because of the involvement of the EJC staff and other key service providers.
- The EJC helps the court run smoothly by helping older persons through the court process and acting as a liaison between the court and the victim. For example, the EJC is able to give the court information about the victim's status (e.g., if an older victim is unable to make a court appearance due to an illness) and save the court from wasting time and resources.
- By referring older persons to other services, the EJC may help to prevent a court case.

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- The EJC’s role in guardianship monitoring has impacted the court in the following ways:
  - The EJC helps the court fulfill its legal responsibility to monitor the guardianships created by the court. Without the EJC, at least one additional judge would be necessary to handle the monitoring work.
  - The Probate Division and the EJC established performance measures (with input from lawyers and professional guardians) that EJC staff use to monitor guardian activities and expenses. These measures foster standardization and objectivity in the monitoring process.
  - Guardianship monitoring and compliance is enhanced because the EJC staff review is deeper and more thorough than the cursory audit conducted by the one staff member in the court clerk’s office who has that responsibility. The EJC staff also review the guardians’ annual plans, accountings, and requests for fees. In other words, the EJC staff determines whether a guardian does what he or she is supposed to be doing and is getting paid for doing.
  - The Circuit Court’s chief judge and the Probate Division’s administrative judge did receive some complaints from members of the Bar that the EJC staff were “too picky,” but the judges and other stakeholders believe that abusive guardianships are caught as a result of the monitoring process.
  - The EJC has helped the court realize that there are things it could do to make the guardianship processes easier for guardians and their lawyers, and staff are working to implement changes to those processes.

#### *Raises Awareness of Elder Abuse Among Judges and Other Court Personnel*

- The EJC has raised the awareness among the other Circuit Court judges and court personnel about elder abuse and the needs of older persons.

#### *Helps with Public Relations*

- Stakeholders opined that the EJC has given the broader court greater visibility and good will in the community; it “makes the court look good.”

#### *Impact on the Sheriff’s Office*

- Occasionally the EJC victim advocate will call the sheriff’s office to request or suggest that the sheriff’s office investigate a situation that an EJC client has complained about.

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#### *Impact on the Area Agency on Aging*

- The EJC serves as another resource to which the area agency on aging (AAA) staff can refer older persons for help. The AAA staff wish that the other counties in their service area also had an EJC.

#### *Impact on the Long-Term Care Ombudsman Program*

- The staff to the long-term care ombudsman program (LTCOP) occasionally make referrals to and receive referrals from the EJC.
- The staff to the LTCOP calls the EJC for help with legal questions. When this happens, the EJC staff do not provide legal advice but do offer education, for example about basic guardianship law and procedures, when appropriate.

#### *Impact on the Legal Aid Program*

- Because of the EJC, the legal aid program staff no longer have to help clients fill out petitions for orders of protection and thus can devote their limited resources to helping clients with other problems.
- The EJC helps the legal aid staff by providing clients with emotional support and with assistance in getting to court if necessary.
- The legal aid program expected and hoped to receive more referrals from the EJC than they have received. They recognized, however, that they may be unaware that a caller was referred by the EJC.

#### *Impact on Adult Protective Services*

- The EJC serves as an additional resource for elder abuse victims.
- APS receives reports from the EJC if the EJC staff believe that an older person has impaired decision-making or suspect that elder abuse has occurred.

#### *Impact on the Family Justice Center*

- The EJC serves as an additional resource for the Family Justice Center (FJC), enabling the FJC staff to refer older persons to the EJC if an older person needs case management, victim advocacy, or emotional support regarding a court appearance.

### **Institutionalizing the Initiative**

Key stakeholders had the following opinions about whether and how the EJC had been institutionalized in the broader court and community. They recognized the importance of funding, but also suggested some additional steps that should be taken toward that goal in the future.



## Appendix A-2

### DETAILED DESCRIPTION: ELDER JUSTICE CENTER OF HILLSBOROUGH COUNTY, FLORIDA

#### *Court Leadership Must Support the Initiative*

- A special program such as the EJC requires the attention and support of the chief judge to succeed. As long as the chief judge supports the initiative, it doesn't matter who is the administrative judge of the Probate Division.
- The court administrator's support also has been critical to the EJC's survival.

#### *The Initiative Must Become Indispensable to the Court*

- The EJC's role in conducting guardianship monitoring is what will make the initiative indispensable and enable it to survive budget cuts and personnel changes.
- Strengthening the role of the EJC in criminal cases would also help to institutionalize it.
- Educating and involving other judges also would help institutionalize the EJC.

#### *Other Stakeholders Must Support the Initiative*

- Networking and partnering with other stakeholders is critical because it results in political pressure on the court to continue the EJC.
- Engendering stakeholder support for institutionalization is easier if the role of the initiative and information about it are made clear from the start.

#### *Planning for the Future Must Occur*

- Succession planning is critical to foster institutionalization, but not sufficient. The initiative's core mission must be defined and followed so that turnover, which is inevitable, does not impede its functioning. Successors must be nurtured and guided.

### **Opportunities**

Stakeholders suggested that the following opportunities exist for the EJC.

#### *Make It Indispensable*

- In order for the EJC to survive the current economic climate, it needs to be viewed as indispensable to the court. Many of the stakeholders opined that the EJC role in monitoring guardianships was what would make it indispensable.

## Appendix A-2

### DETAILED DESCRIPTION: ELDER JUSTICE CENTER OF HILLSBOROUGH COUNTY, FLORIDA

#### *Re-establish Connections to Other Community Agencies*

- The key stakeholders need to meet regularly (monthly or quarterly meetings were suggested) in order to re-forge connections and learn about each other's current roles and responsibilities.
- Having an EJC office at the FJC (which is not located in the courthouse) was viewed as potentially beneficial to clients and both organizations, but the numbers of clients would have to increase sufficiently to justify the expense.

#### *Re-establish Outreach to the Public and to Professionals*

- The EJC staff need to resume conducting outreach to professionals and to the public in order to educate professionals about the EJC's role and responsibilities and to increase the number of older persons helped.

#### *Be More Innovative and Expand Its Purpose*

- The EJC needs to focus more on elder abuse, to become more innovative, and to do more. Other stakeholders could be useful in helping the EJC identify a new direction given the revised sense of needs stemming from the current economic climate.
  - Providing more guidance to guardians and their attorneys is a possible new direction.
  - Helping criminal defendants with dementia, as is done by the Palm Beach County EJC, is another possible new direction.

#### *Resume Fundraising to Sustain Existing Staff and Hire Additional Staff*

- The EJC needs to resume fundraising in order to sustain existing staff and stay afloat.
- The EJC should also aim to hire additional case managers and victim advocates and to expand its services.

## Appendix A-3

### DETAILED DESCRIPTION: IN-HOME EMERGENCY PROTECTIVE ORDER INITIATIVE OF JEFFERSON COUNTY, KENTUCKY

#### Brief Description

The In-Home Emergency Protective Order Initiative (IEPOI) of Jefferson County, Kentucky, was established in 2005 to help medically fragile/homebound victims of abuse who are aged 60 and older obtain emergency protective orders and longer-term domestic violence orders by telephone without having to leave their home. For both types of orders, the IEPOI staff also ensure that the necessary legal documents are quickly provided to the victim.

The initiative is a partnership of several agencies: ElderServe, Inc., which is a nonprofit provider of aging services; the Circuit Court Clerk's office; the Family Court; the county's adult protective services (APS) office, and the Jefferson County Sheriff's office. It is administered by staff at ElderServe, Inc., which is located in Louisville.

#### History

The IEPOI was the first of its kind. It was established in 2005, shortly before the similar project in Kings County, New York. Jefferson County has had a long and rich history of collaboration on elder abuse, with a coordinating council that, among other things, had established an emergency shelter program and the nation's first Emergency Crisis Response Team for elder abuse victims. Through these and other efforts, the ElderServe staff and colleagues at other agencies recognized the need to help older victims who were unable to travel to the courthouse to pursue legal remedies against their abusers.

The ElderServe staff approached the circuit court clerk about establishing the IEPOI. The court clerk agreed to partner with ElderServe to implement the project, recognizing the need and the political goodwill that project participation could engender. The Family Court and the sheriff's office also agreed to participate.

At the time of the researchers' site visit in 2008, the IEPOI had processed 38 cases. The initiative's funding had ended and the ElderServe staff were pursuing other funding opportunities. The circuit court clerk had lost his bid for re-election; his successor and new staff in the clerk's office continued the office's involvement in the initiative following a short hiatus in which the ElderServe educated the new clerk and his staff about the program and gained their support.

Sandra Hamilton directed the IEPOI, the Emergency Crisis Response Team, and Victims of Crime Act project under the supervision of ElderServe's executive director, Harriette Friedlander. Ms. Hamilton left ElderServe about a year after the site visit was conducted and was replaced by Shannon Gadd.

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### DETAILED DESCRIPTION: IN-HOME EMERGENCY PROTECTIVE ORDER INITIATIVE OF JEFFERSON COUNTY, KENTUCKY

#### Procedures/Case Processing

##### *Basic Procedures*

At the time of the site visit, staff indicated that a typical case would begin when an APS worker called ElderServe's crime victims program staff regarding an older victim of abuse who wishes to obtain an emergency protective order (EPO), but is homebound or medically unable to withstand a proceeding at the courthouse, although the ElderServe staff may learn of such victims from other agencies, too. (Staff advise that now it is rare for a case to begin in this way and that most start when an ElderServe staff member identifies potential IEPOI clients by reading police reports.)

The initiative staff confirm that the victim is homebound and over the age of 60, and then begin coordinating a telephonic hearing with the Family Court judge and a visit to the victim's home by the other members of the IEPOI team, namely the domestic violence clerk from the court clerk's office and the deputy sheriff. The judge issues a transportation order asking the sheriff's office to transport the clerk to the victim's home. The sheriff signs the order, providing the sheriff's office with legal protection. Then the deputy sheriff transports the domestic violence clerk to the victim's home, where they meet the victim and ElderServe advocate. The deputy sheriff also provides protection from the perpetrator, if necessary. The domestic violence clerk provides the necessary paperwork for the victim's EPO petition and assists the victim in preparing that paperwork to the extent allowed by Kentucky law.

At the time of the site visit, the Family Court judge was called, and the judge then conducted the telephone hearing and determined whether the victim met the legal criteria for an EPO. (Since the site visit, this procedure has changed. Now the clerk helps the victim complete the petition and then takes it back to the judge for review. This process is consistent with that used for non-homebound persons, as the judge reviews the petition and does not speak to the petitioner in those cases either.) If the judge issues the EPO, the IEPOI staff picks it up at the courthouse and delivers it to the victim's home. At that time, the IEPOI staff helps the victim make a safety plan. If necessary, the advocate also links the victim to other services provided or coordinated by ElderServe, including assistance with non-medical needs from a home care specialist, emergency shelter, and longer-term safe housing.

If the victim wants to obtain a longer-term domestic violence order (DVO), the court hearing takes place two weeks after the EPO is issued if the abuser has been served with the victim's petition and notice of the hearing. A similar procedure to that described above is implemented at the DVO hearing, except that the deputy sheriff and domestic violence clerk do not return to the victim's home. Instead, the ElderServe advocate goes to the victim's home and facilitates the scheduled telephone hearing with the Family Court judge. The advocate is a notary public and verifies that the person testifying by phone is the victim/petitioner. A second ElderServe advocate is present in the courtroom with the judge, the alleged perpetrator, and an APS worker if that agency was involved in the case. If the judge issues the DVO, then the

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### DETAILED DESCRIPTION: IN-HOME EMERGENCY PROTECTIVE ORDER INITIATIVE OF JEFFERSON COUNTY, KENTUCKY

second ElderServe advocate immediately makes copies of the order and delivers the original DVO to the victim. If the judge does not issue the DVO, then the advocate and the victim discuss a safety plan again.

#### *Barriers/Delays*

Stakeholders identified five barriers or delays specifically related to the IEPOI. These included:

- The limited hours in which the IEPOI is available to provide help. The initiative is dependent on the availability of the deputy sheriff to provide transportation and protection, and of the domestic violence clerk to leave the clerk's office. Stakeholders estimated that a home visit generally takes two to three hours. If a call comes in late in the deputy's shift or after his normal working hours, no response can occur that day. If the clerk's office is unusually busy or short-staffed, the domestic violence clerk may not be able to leave the office. Virtually all stakeholders indicated that an evening team would be beneficial and that what is really needed is a 24/7 response, but there is no funding to support the overtime or additional staff that would be required. Currently the costs of assistance during normal working hours are simply absorbed by the sheriff's and court clerk's offices. Several stakeholders commented that the police department has more officers and that there is no legal reason precluding that agency's involvement in the IEPOI, but observed that it historically has been the role of the sheriff's office to provide courthouse security and to serve legal documents.
- Several stakeholders opined that the IEPOI's client eligibility criteria are too narrow and pose a barrier to serving persons between age 18 and 60 who are homebound or medically fragile.
- As ElderServe, Inc., is not a government agency, the court clerk's office is prohibited from proactively notifying it of any person aged 60 or older who is seeking an EPO or DVO.
- A potential barrier was the possibility that the victim might be overwhelmed by the number of people who appear at his or her home for the EPO hearing, or that neighbors might get concerned at seeing a number of people and/or the deputy sheriff's car and unwittingly do something that interferes with the court process.
- Stakeholders observed that because the IEPOI involves a number of systems, there can be difficulties obtaining consensus among the agencies if changes to the process are desired.

#### *Intra-Court Coordination*

This issue is not relevant to the IEPOI.

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#### *Use of Mediation*

Use of mediation was not indicated in cases involving elder abuse.

#### *Older Litigants with Questionable Decision-Making Capacity*

If an older victim lacks the capacity to manage an EPO (i.e., understand the need to be able to quickly find the order, to call 911 if the abuser violates the order, to obtain a DVO two weeks after obtaining the EPO, etc.), then the IEPOI is not able to provide help. In those situations, the Family Court judge or the ElderServe staff will either refer the victim to APS or may obtain a capacity assessment for the victim. ElderServe is legally able to file a petition to have a guardian appointed for the victim, but the agency does not act as guardian if the court determines that one is necessary.

#### **Funding and Staffing**

##### *At the Time of the Site Visit*

The ElderServe team staffing the IEPOI included the director of ElderServe's crime victim service program, Sandra Hamilton, three part-time advocates, and one student social work intern. A benefit of having several staff members was that it was feasible for a staff person to remove herself from a case if she knew the victim or other persons involved, as had happened at least once in this small community. One deputy sheriff and one domestic violence clerk collaborated with the ElderServe staff; neither of those individuals had any backup.

The IEPOI was generally involved in two cases each month. Several stakeholders suggested that the agencies involved really did not have the ability to assist more than two victims each month and, thus, outreach to the public about the initiative was not a high priority. One stakeholder suggested that it might be possible to have staff from different agencies undertake the role that ElderServe's staff are currently fulfilling and share the burden among multiple agencies. Staff from other agencies would need training and would need to become notaries public, however.

ElderServe had previously received a small grant for the initiative from the Partnerships in Law and Aging Program co-sponsored by the American Bar Association Commission on Law and Aging and the Borchard Foundation Center on Law and Aging. Currently it had no dedicated funding. The deputy sheriff's position was supported by a Violence Against Women Act grant; his role in the IEPOI was deemed part of his office's efforts on domestic violence. The costs for the domestic violence clerk's involvement in the IEPOI were absorbed by the court clerk's office.

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#### *If Money Were No Object*

Numerous stakeholders indicated that they would like to see additional or different staff if money were available. More staff—including a designated court clerk to aid the initiative—would enable increased outreach to the public about the initiative, more immediate responses to victims, and additional hours in which the initiative’s assistance was made available. Stakeholders would like to see 24/7 coverage because victims often experience violence later in the day and especially late at night.

Stakeholders also indicated that more money would support expansion of the initiative’s services to people aged 18 to 59. It would also allow ElderServe to be more proactive in finding older victims of abuse who could benefit from protection orders and other victim services provided by the agency. For example, staff or volunteers could monitor the courtroom and approach victims who appear to be older.

A few stakeholders indicated that they would like to see an “intake center” at the courthouse that would function as an office for representatives of several agencies including ElderServe and provide “one-stop shopping” to elder abuse victims.

Finally, several stakeholders indicated that additional funds could be used to obtain or improve the technology used for the initiative. For example, having Webcams would allow the judge to observe the older petitioner’s demeanor. Having telephonic equipment available in each courtroom would make it easier and faster to conduct telephone hearings. The use of portable fax machines would allow the victim to obtain a signed DVO immediately.

#### **Background and Training of Staff and Stakeholders**

##### *Background or Training That Proved Useful*

Stakeholders were queried about their training and background that was particularly relevant in their role or that of others in the IEPOI. Several useful trainings were identified.

- ElderServe staff needed training on the EPO law and on determining whether an older person was truly homebound or medically fragile.
- Cross-training on agency roles was deemed highly useful. Specific examples identified included:
  - APS presentations for the ElderServe staff;
  - training on the role of ElderServe and domestic violence agencies for staff in the clerk’s office;
  - training on court processes for police; and
  - participation on the Elder Abuse Coordinating Council, which informs members about the roles and responsibilities of the other agencies, as does participation in TRIAD

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- Sensitizing the family court judges and court clerk's staff about the needs of older persons and training them on elder abuse was very important.
- Specific conferences or training topics were identified as having been helpful, such as:
  - Training on interview techniques provided at the National Guardianship Association conference
  - Information about elder abuse provided at the National Adult Protective Services Association conference
  - Training on communicating with persons with disabilities
  - The National Victims Assistance Academy
  - Training on domestic violence
- Training other ElderServe staff to recognize when elder abuse might be occurring was important.
- Law enforcement officers need to know what social workers do in cases of family violence—including elder abuse—and how social workers can help them investigate and close their cases.

#### *Background or Training Thought to Be Desirable*

Key stakeholders were asked about what training or educational/professional background would be relevant and useful in their roles of the role of others involved with the IEPOI. They did not identify any training topics that they had not already said were helpful (see above), but they did consistently opine that it was critical to continually provide such training to new employees of the various agencies.

#### **Efforts to Raise Public Awareness**

While some outreach occurred due to the IEPOI's sponsorship by ElderServe, a large and prominent social services agency in the community, there was consensus that substantially more outreach was needed to inform the public about the IEPOI. However, one stakeholder cautioned that outreach efforts were inhibited by the lack of resources for the initiative, out of concern that additional victims would impose too big a burden on already under-staffed and under-funded agencies and result in a withdrawal of their support for the IEPOI.

#### **Stakeholders' Connections to and Relationships with Other Community Agencies**

##### *Networking*

- Virtually all stakeholders stressed the importance of networking to the establishment of the IEPOI, noting that the idea on how to enable homebound elder abuse victims to obtain protection orders could not have been implemented without the collaborations with the Family Court, Court of the Court's office, and Sheriff's office.



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- There also was consensus among the stakeholders that networking was essential to the ongoing support of the IEPOI, especially in light of staff turnover and other transitions.
- Critical networking opportunities are provided by the Elder Abuse Coordinating Council, as well as by meetings of TRIAD and United Way funding recipients.
- The reduction in frequency of the Elder Abuse Coordinating Council meetings has lessened networking opportunities. The relationship between the IEPOI and APS seems to have been particularly affected (see Turf section below).

#### *Duplication of Resources*

- No stakeholder opined that the IEPOI duplicated existing services. Indeed, everyone agreed that the IEPOI filled a critical gap in services for a highly vulnerable population and referred elder abuse victims to other community services appropriately.

#### *Referrals*

- In general, stakeholders did not indicate any problems with inappropriate or inadequate referrals among their various agencies. They indicated that the referrals were not fostered by a formal process, but instead resulted from networking and cross-training on agencies' roles and responsibilities.
- One stakeholder opined that APS may be failing to refer to the IEPOI some cases that would be suitable for IEPOI involvement, but more stakeholders commented on the opposite problem (see Turf section below).
- The officers who work for the Louisville Metro Police Department Crimes Against Seniors Unit (CASU) make referrals to the IEPOI, but officers in the department's other divisions generally fail to do so unless the CASU learns of the case and intervenes.

#### *Missing Disciplines or Entities*

- As noted earlier, there is no legal reason why the police are not involved in the IEPOI. Several stakeholders suggested that police involvement could help to expand the initiative.
- Stakeholders suggested that other first responders, such as the fire department and hospitals, should be made aware of the IEPOI.

#### *Turf Issues*

Numerous stakeholders indicated significant turf problems between the IEPOI and APS, and suggested the following reasons for those problems:

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- The IEPOI and APS have different goals.
- Neither the IEPOI nor APS understand each other's roles and responsibilities.
- The IEPOI—and other stakeholders, too—need to develop a better understanding of the constraints that APS faces regarding client capacity and self-determination, and the challenges of balancing autonomy versus protection.
- APS needs to understand that ElderServe is a provider of aging services and, therefore, can not serve the APS client population that falls between 18 and 59 years of age even though some of that population undoubtedly could benefit from IEPOI services.
- Funding cuts have been devastating to APS and it wants ElderServe to “pick up the slack.”
- Substantial staff turnover at APS has resulted in staff with no institutional memory and a different work ethic than the staff at the IEPOI (but it was also noted that staff turnover can provide new opportunities to improve relationships through education and collaboration).

The staff of the IEPOI and APS were among the stakeholders who recognized these problems and were striving to strengthen their relationship by clarifying their roles and boundaries, and educating each other about them.

The researchers observed that another reason for these problems may be the reduced frequency of Elder Abuse Coordinating Council meetings or because budget cuts have diminished the ability of APS to participate in those meetings and other networking activities.

It was reported that the IEPOI had been established without the involvement of or input from the county's Criminal Justice Planning Council. As the director of that planning council ran for and won election as the Clerk of the Court, that situation was sensitive.

One stakeholder observed that it was important to remember the different roles of law enforcement officers and social workers.

#### **Conflicts of Interest and Other Ethical Issues**

The researchers explored whether conflicts of interest and other ethical issues had been considered as the initiative developed or later in its history and whether key stakeholders thought that the problems related to conflicts of interest or other ethical issues existed.

A benefit of the IEPOI being sponsored by a non-profit community services agency rather than the court or other government agency is that there seem to be fewer conflicts of interest and ethical issues. Only one issue was raised—ElderServe's ability to petition for its clients to be declared incapacitated and to have a guardian appointed. Although ElderServe can not serve as guardian, it can legally petition for guardianship and had done so in three cases.

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Questions were raised whether ElderServe is acting at cross purposes with its clients and thus has an internal conflict of interest between the IEPOI staff and the other agency staff.

#### *Client Confusion About Roles*

Some stakeholders suggested that it can be confusing to clients if the information about the IEPOI's role is not clearly articulated, as well as how the IEPOI is connected to ElderServe.

#### **Assessment and Evaluation**

This section discusses what the IEPOI and other stakeholders do to collect information on or to assess or evaluate, either by themselves or others the following: (1) costs and cost-savings, (2) caseload, (3) data collected, (4) benefit to the court, (5) benefit to elder abuse victims, and (6) benefit to other stakeholders and other community entities.

#### *Costs and Cost-Savings*

Neither the court nor the IEPOI tracks costs per case or their time on an individual case. One stakeholder indicated that tracking the time of the IEPOI is important and should be done.

#### *Caseload*

Although the numbers of cases were not tracked monthly, it was the consensus among many stakeholders that approximately two cases per month were heard through the IEPOI. Most stakeholders indicated that more cases were being heard than before, but there were differences of opinion as to whether cases were being heard more quickly or efficiently.

Most stakeholders opined that there were more cases because the homebound victims helped by the IEPOI would not otherwise have been able to obtain an EPO at the courthouse. One stakeholder attributed the increase to the overall effort to improve the response to elder abuse by agencies in Jefferson County. Several stakeholders suggested that there were more victims who could benefit from the IEPOI services if there was greater public awareness of the initiative, but cautioned that the agencies involved might be unable to handle an increased IEPOI workload.

#### *Data Collected*

Review of the court case files (see the Methods section of the report for more detail) revealed that it is standard practice for the Jefferson County court to collect the following data about the parties involved in, nature of, and outcomes of the case:

- victim age
- victim sex

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- victim race
- victim living situation
- victim relationship to perpetrator
- perpetrator age
- perpetrator sex
- perpetrator race and ethnicity
- perpetrator financial assessment
- perpetrator illnesses/conditions
- perpetrator living situation
- type of abuse, charge, and its resolution
- civil or criminal protective order
- time frames
- criminal history record check
- case history

The IEPOI generally collects the above data, but also includes:

- actors involved in the case, and
- assistance provided by the IEPOI and other organizations.

The results of our review of the court case files are discussed in their totality in Section III(A)(11) of the report. The data from the file review is provided in Appendix H-3.

#### *Benefit to the Court*

Although most stakeholders indicated that the program had been beneficial to the court, neither the IEPOI nor the court stakeholders had any plans to evaluate the IEPOI in relation to the court.

#### *Benefit to Elder Abuse Victims*

Neither ElderServe nor other stakeholders conducted any sort of evaluation of victim satisfaction with the assistance provided through the IEPOI. The ElderServe staff are, however, able to monitor the victim's ongoing safety through telephone calls and home visits, as well as through reports from other ElderServe staff responsible for providing other services offered by that agency. Additionally, if APS has opened a case on the victim it is to some extent able to monitor the client's ongoing safety.

#### *Benefit to Other Stakeholders or Community Entities*

Many stakeholders indicated that the IEPOI had affected their work or their agency, but neither ElderServe nor any of the other agencies involved had conducted any evaluation of the

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initiative's impact or had any plans to do so. One stakeholder said that the IEPOI was informally assessed at the meetings of the Coordinating Council, a group of service providers in Jefferson County who meet to address issues of elder abuse. Another stakeholder opined that evaluation by initiative partners would not be helpful due to lack of standards and consistency in the evaluation.

#### Impact of the Initiative on All Stakeholders

The professional stakeholders involved with the IEPOI—including a victim, ElderServe/IEPOI staff, and representatives of the family court, the court clerk's office, APS, the prosecutor's office, the sheriff's office, the police department, and the legal aid program—were asked to identify the impact of the IEPOI on victims, the court, their own offices, and other stakeholders. The impact of the IEPOI fit into 10 categories:

- (1) generally, on all stakeholders, including victims
- (2) on victims
- (3) on ElderServe
- (4) on the court
- (5) on the clerk's office
- (6) on the sheriff's office
- (7) on the police department
- (8) on the prosecutor's office
- (9) on the legal aid program
- (10) on adult protective services

The impact on victims category is subdivided into (a) supports victim safety, (b) provides accommodations to victims, (c) provides links to services in the community, and (d) enhances victim satisfaction with the court process.

The impact on the court category is subdivided into: (a) affects judicial administration and case management, (b) raises awareness of elder abuse among judges and other court personnel, and (c) helps with public relations.

#### *General Impact on Stakeholders*

Stakeholders identified some ways in which the IEPOI impacts all stakeholders involved.

- There was overwhelming consensus that the IEPOI enhances the quality of justice for older homebound or medically fragile persons in need of protection orders by making justice accessible and enabling them to obtain such orders.
- The IEPOI has helped to enhance knowledge about elder abuse and sensitivity to the needs of victims by the agencies involved in the IEPOI and, to some extent, the public.

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- The IEPOI has engendered good public relations for the court, clerk's office, sheriff's office, and ElderServe.
- The IEPOI sends a message to abusers that homebound and medically fragile older persons are not "just sitting ducks" and that the agencies in Jefferson County will try to find and help those victims.

#### *Impact on Victims*

##### *Supports Victim Safety*

- By providing a way for homebound and medically fragile elder abuse victims to obtain protection orders, the IEPOI provides protection to some of the most vulnerable people in the community. It empowers victims and may save lives.
- Helping a victim obtain an IEPOI helps provide a sense of security, as the victim knows that a violation of the protection order will result in mandatory arrest of the abuser and removes from the victim the burden of deciding whether to press charges against the abuser.
- ElderServe staff provide other services to the victim that enable the IEPOI staff to keep the case open and to monitor the victim's safety.

##### *Provides Accommodations to Victims*

- By facilitating telephone hearings for EPOs and DVOs, the IEPOI provides accommodations in access to justice for older people who are homebound permanently or temporarily.

##### *Provides Links to Services in the Community*

- Having a protection order does not solve all problems faced by a homebound older victim, so the linkages to other services that are provided by ElderServe and other community agencies involved in the initiative are also very important in maintaining the victim's safety and independence.

##### *Enhances Victim Satisfaction with the Court Process*

- The IEPOI staff explain the EPO and DVO processes to the victims, helping them understand what to expect from the telephone proceeding and making them feel more comfortable in providing their testimony.
- By enabling homebound victims to obtain protection orders by telephone, the IEPOI helps victims avoid facing the fear of going to the courthouse and facing their abuser in the courtroom.

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#### *Impact on ElderServe*

- The IEPOI fills a gap in services for homebound victims of elder abuse and enables ElderServe to provide a broader array of services.
- The IEPOI has engendered favorable publicity and some funding for ElderServe.
- The IEPOI has increased the workload of the ElderServe crime victims' program staff.

#### *Impact on the Court*

- The court does its job better because people who are physically unable to get to court are now provided with access to justice.
- The IEPOI has engendered favorable publicity for the court.
- The IEPOI helps expedite the court process, as there is no longer the need to wait for the older victim with significant physical impairments to maneuver around the courtroom. The court may derive additional benefit if the victim also has a hearing impairment that would slow proceedings in the courtroom.
- The Family Court judges hold telephone hearings in other cases and will also go to hospitals or other institutions to hold hearings if necessary, so the IEPOI did not really represent a change in the court's functioning.
- Judges do get concerned that telephone hearings preclude them from seeing a litigant's demeanor, but recognize that telephone hearings are sometimes necessary to provide access to justice. The use of Webcams could obviate that problem.
- The IEPOI's two cases per month have not imposed much additional burden on the court. If the IEPOI were to expand its services or its eligibility criteria, the burden on the court might grow.
- Earlier in the IEPOI's history there were some problems with the IEPOI staff and the court having differences of opinion on whether a victim was homebound or medically fragile. As courts need to be careful about not favoring or appearing to favor individual litigants or classes of individuals, this problem caused frustration and, thus, was quickly resolved.

#### *Impact on the Clerk of the Court's Office*

- The deputy clerk's time away from the office when making home visits for the IEPOI adds to the workload of the office and imposes a burden on other staff. The clerk's office absorbs those costs currently but is uncertain whether the office would be able to continue doing so without funding if the burden grew.
- The IEPOI has engendered favorable publicity for the court clerk's office, which is particularly helpful as the court clerk is an elected official.
- Earlier in the IEPOI's history there were some problems with the IEPOI staff and the court having differences of opinion on whether a victim was homebound or medically

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fragile. As the deputy clerk's time and safety are involved on a home visit, this problem caused frustration and thus was quickly resolved.

#### *Impact on the Sheriff's Office*

- The Sheriff's Office absorbs the costs for the deputy sheriff's role in the IEPOI.
- The costs are not high, however, and are part of the traditional role of the Sheriff's Office in Jefferson County.
- The IEPOI has engendered good publicity for the Sheriff's Office.
- Earlier in the IEPOI's history there were some problems with the IEPOI staff and the court having differences of opinion on whether a victim was homebound or medically fragile. As the deputy sheriff's and court clerk's time and safety are involved on a home visit, this problem caused frustration and thus was quickly resolved.

#### *Impact on the Police Department*

- As the Police Department is not involved in the IEPOI, it has incurred no costs but also has not received the public relations benefit.
- There are a few additional protection orders that the police may be called upon to enforce as a result of the IEPOI.
- The IEPOI provides an additional resource to the Police Department, as officers with the Crimes Against Seniors Unit refer older victims to it.

#### *Impact on the Prosecutor's Office*

- The Prosecutor's Office is not involved with the IEPOI and does not make referrals to it.
- There are potentially more protection order violation cases for the office to prosecute as a result of the IEPOI.

#### *Impact on the Legal Aid Program*

- The Legal Aid office is not involved with the IEPOI but has made referrals to it and received referrals from the ElderServe staff.

#### *Impact on Adult Protective Services*

- Adult Protective Services and the IEPOI make referrals to each other. The IEPOI fills a gap in service delivery that APS can not fill.



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#### **Institutionalizing the Initiative**

Key stakeholders had the following opinions about whether and how the IEPOI had been institutionalized in the broader court and community. They also suggested some additional steps that should be taken toward that goal in the future.

#### *Court Leadership Must Support the Initiative*

- Key leaders in the court and its affiliated offices must support the initiative. As the initiative is not sponsored by the court or other government agency, this factor becomes even more critical.
- To last, the initiative needs a champion or funding.
- If the initiative creates too big a burden on the court, it risks loss of support.
- As the Clerk of the Court is an elected position, support for the initiative can become a political issue. At worst, a newly elected official may choose not to support it. At best, turnover in the elected official's office requires a re-education process.

#### *Other Stakeholders Must Support the Initiative*

- It is critical to establish a broad base of partnerships and to constantly educate new people in the partner organizations, and to demonstrate the initiative's effectiveness. This is necessary for the initiative to function in the short-term, but also has a longer-term effect in that it expands the pool of stakeholders committed to the effort and enables it to survive the transitions of major players.
- There needs to be more outreach—for example, through information on the local cable channel's crime and justice show—so that the public knows that the EPO exists and uses its services. This also has the effect of making the initiative harder to eliminate. Having victims who were helped by the IEPOI speak publicly about it would be enormously helpful.

#### *The Initiative Must Have Standardized and Written Procedures*

- The activities of the program should be in writing. According to one stakeholder, "We realized years ago that if you have a program that is person-specific, you have a program that is doomed to fail ultimately."
- Institutionalization occurs if stakeholders' role in the IEPOI process becomes part of their written, standard training and operating procedures. It was observed, however, that including something in an agency's standard operating procedures may have the negative effect of reducing that agency's flexibility in responding to a problem. Careful thought should be given to addressing that problem.
- To institutionalize itself, the IEPOI should:
  - garner buy-in from many stakeholders and at many levels,
  - establish program protocols,

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- put the protocols in writing, and
- review what they are doing periodically, even if the general opinion is that everything is working.

#### Opportunities

Stakeholders identified the following opportunities for the expansion of the IEPOI, recognizing that significant funding would be required to implement all of them except those related to technology.

##### *Increase and Refine Personnel*

Hiring additional or different staff for the IEPOI could enable the following benefits:

- more opportunity for networking, cross-training, and other interaction with APS and other stakeholders in the community;
- increased opportunity for involving other community stakeholders, such as the Police Department, representatives from the disability network, and representatives from multicultural organizations;
- additional public education;
- additional outreach to enhance the awareness of the IEPOI among other organizations and entities, such as first responders and hospitals;
- further recruitment of volunteers and coordination of their efforts to observe courthouse proceedings to proactively find older persons in need of services;
- added participating in—through staff available at or on call to—the family violence intake center that the Clerk of the Court’s office is trying to establish.

##### *Expansion of the Initiative’s Service Hours and Eligibility Criteria*

- The IEPOI could expand its service hours and become a 24/7 program, thus meeting the needs of homebound victims who are abused later in the day or during the night.
- The IEPOI could expand its definition of homebound to include people who are in hospitals or long-term care facilities.
- The IEPOI could expand its eligibility criteria to serve persons with disabilities who are between ages 18 and 59.

##### *Make Better Use of Available Technology*

- The inability to observe the older petitioner’s demeanor during a telephone is a problem to judges and lawyers. Obtaining and using technology such as webcams and video cameras could obviate that problem. These electronics have become quite inexpensive and are often recycled as newer products become available, so it seems

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likely that the court and the IEPOI could either purchase or obtain donations of this technology.

- Some stakeholders expressed concern about the delayed delivery of a protection order to a homebound petitioner. Portable fax machines may be needed to address that problem.

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#### Brief Description

The Elder Temporary Order of Protection (ETOP) initiative is sponsored by the New York City Family Justice Center in Brooklyn (BKFJC). The BKFJC is a coordinating body for domestic violence services in Brooklyn. Its purpose is to make it easier for victims of domestic violence to seek help by providing information and services in one setting through partnerships with community agencies. The ETOP initiative assists eligible older victims of domestic violence who are unable to travel and appear in court personally or for whom it is a great hardship due to infirmity or disability in obtaining temporary orders of protection. Social workers and lawyers are available to assist any client age 60 years and older who is being abused. The professionals are from two agencies that partner with the BKFJC: the New York City Department for the Aging (DFTA) and Jewish Association for Services for the Aged Legal/Social Work Elder Abuse Program (JASA/LEAP). Their social workers and lawyers provide emergency counseling, direct services, and other information regarding services for the elderly. They also act as liaisons to the assistant district attorney, who serves as chief of the elder abuse unit and to the unit's paralegal. The Family Court and its Clerk's Office also play significant roles in the ETOP initiative.

The Mayor's Office to Combat Domestic Violence administers the operations of the BKFJC in conjunction with its lead partner agency, the Kings County District Attorney's (DA) Office.

#### History

The BKFJC opened in July 2005. Subsequent meetings with the leadership of Kings County Family Court, located next door to the BKFJC, demonstrated the court's strong interest in becoming more user friendly for older litigants. The BKFJC was willing to act as the coordinating body for the ETOP project because the necessary partners were already involved with the BKFJC. The Kings County Family Court supervising judge was a key supporter of the project.

The ETOP project has never had any dedicated funding. The project partners provide their services as part of their responsibilities to other funders. At the time of the site visit, the DFTA and JASA/LEAP social workers were funded by the city to provide advocacy, counseling, and other services to elder abuse victims. Some of the time they provided those services at the BKFJC rather than at their offices or other sites.

The BKFJC executive director, Jennifer DeCarli, is responsible for management and oversight of the BKFJC. She reports directly to the Commissioner of the Mayor's Office to Combat Domestic Violence. The BKFJC executive director supervises the program director, who is responsible for scheduling appointments for the ETOP and for coordinating referrals from the DA's Office to the on-site staff from DFTA and JASA.

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Project partners include the DFTA; the Family Court and its administrators and clerk's office; the police department; JASA/LEAP; the DA's Office; and the Mayor's Office to Combat Domestic Violence. Adult protective services—which in Kings County is provided by JASA—has a working relationship with the ETOP but is not a partner.

The ETOP had undergone some significant personnel changes prior to the site visit. The Family Court supervising judge had moved to a different court, and the BKFJC executive director had left her job. There had also been turnover among the social workers and lawyers working for DFTA and JASA/LEAP.

At the time of the site visit, the ETOP had handled approximately one case per month since its inception in 2006.

#### **Procedures/Case Processing**

##### *Basic Procedures*

At the time of the site visit, one elder social worker was at the BKFJC each day; however, two days a week the social worker was there only part-time. When the social worker is at the BKFJC, he or she is doing the work of the ETOP initiative along with handling other appointments and cases. If an older person needs services when the social worker is not present, staff of a domestic violence agency—Safe Horizon—fills in and helps the victim. If translation or other services are needed, the ETOP staff can get help from or make referrals to other BKFJC partners.

Typically, clients are referred to the BKFJC by the DA's Office (if, for example, the victim doesn't want to cooperate with prosecution but does want a civil order of protection) or by the police department, family court, or a community agency. Sometimes victims just walk in and request help obtaining an order of protection. Clients are screened by the BKFJC and then assigned to the ETOP

Social workers help the client draft the petition for the protection order. If a JASA/LEAP attorney is available, he or she will review the petition. If no JASA/LEAP attorney is available and the client gives permission, the BKFJC executive director or deputy director will review the petition. Staff then scan and e-mail the petition and the cover sheet requesting the specifics of the elder's appearance to Family Court. The Family Court staff then notify the ETOP agency that helped the client as to when the case will be heard that day and how it will be heard by the judge designated to hear ETOP cases.

If the Family Court judge issues the temporary order of protection, the ETOP agency works with the client to obtain the necessary paperwork from the court and to have it served on the abuser by the police. The agency continues to provide supportive services to the client,

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including assistance with follow-up court appearances for the final order of protection if needed by the victim and deemed appropriate by the judge.

#### *Barriers/Delays*

Stakeholders reported that there were few barriers or delays beyond those typical for any emergency order of protection case. An example of a typical delay was the difficulty of reaching busy court staff at their desks when trying to schedule a time for an emergency hearing. Indeed, stakeholders generally stated that cases were processed more quickly and with fewer barriers because of the ETOP. Several stakeholders commented that the ETOP helped individuals who otherwise would not be able to access the court and made the process more efficient because clients felt less fearful and more supported.

Some barriers and delays specific to the ETOP were identified, however. These included:

- Delays may result from the court's need to balance the due process rights of the abuser with the desire to make the process less onerous for a homebound victim. Some stakeholders suggested that a Webcam might help address this challenge, noting that the technology has been used lawfully and successfully in other cases.
- Delays in obtaining necessary notarization of documents have occurred at times because neither the DFTA nor JASA social workers are notaries.
- Delays have resulted when it became apparent that a victim lacked decision-making capacity to obtain and manage an order of protection and it then became necessary to involve APS in the case.
- Confidentiality between agencies was identified as an occasional barrier.

There was some disagreement among stakeholders about whether the ETOP eligibility criterion was problematic. Some people felt that the age criterion (60 and over) was a barrier to providing needed services to younger adults with disabilities or mental illness, while one stakeholder opined that lowering the eligibility age could overload the courts and cause the ETOP to be terminated.

Reflecting upon the extreme cost and difficulty of finding housing in New York City, some stakeholders observed that delays can be positive if a victim, abuser, or other family members avoid becoming homeless as a result. One stakeholder also commented that delays can be beneficial if they provide an opportunity for family members to work out their problems and that judges should be able to use discretion in these cases.

#### *Intra-Court Coordination*

The issue of intra-court coordination is not relevant to the role of the EJC.

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#### *Use of Mediation*

Stakeholders indicated that mediation had not been used, encouraged, or required in the ETOP cases.

#### *Older Litigants with Questionable Decision-Making Capacity*

If a client appears to have questionable decision-making capacity and seems unable to manage a protection order, then the ETOP initiative refers to APS. Then APS investigates the situation and determines if a capacity assessment is necessary. One stakeholder mentioned that the ETOP initiative could request a guardian *ad litem* if concerns arose about a client's decision-making capacity.

#### **Funding and Staffing**

##### *At the Time of the Site Visit*

As discussed earlier, social workers and lawyers from DFTA and JASA/LEAP staffed the ETOP as part of their responsibilities to provide emergency counseling, direct services, and other information regarding services for the elderly. The BKFJC executive director and deputy director occasionally provide legal review of petitions for protection orders if no JASA/LEAP attorneys are available. The staff of other BKFJC partners can fill in if no one from DFTA or JASA/LEAP is available or if translation or other services are needed.

There was no dedicated funding for the ETOP at the time of the site visit. Several stakeholders expressed concern about the impact of expected budget cuts on the ability of their agencies to continue participating in the ETOP. Most key stakeholder agreed that personnel associated with the ETOP were doing all they could with their current resources.

##### *If Money Were No Object*

Key stakeholders were quick to state that they would like to see additional or different staffing if money were no object. Suggestions included:

- a half-time attorney who would be housed at the BKFJC;
- two social workers who would be housed at the BKFJC, enabling one to make home visits while the other staffed the office;
- bilingual social workers;
- lawyers and social workers with expertise in gerontology; and
- investigative staff because the victims aren't capable of conducting investigations.

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One stakeholder indicated that there was a need for stronger advocacy by the JASA/LEAP attorneys who need to be able to address (a) family court matters, (b) housing court matters, (c) substance abuse problems, and (d) services for respondents and family members.

#### **Background and Training of Staff and Stakeholders**

##### *Background or Training That Proved Useful*

Stakeholders identified training opportunities and educational/professional background that they found particularly useful for working with the issues presented in the ETOP. These included:

- training on writing protection orders was beneficial for helping victims prepare petitions for orders of protection;
- training about aging services and the various systems with which older people interact;
- training about the legal principles involved helped them prevent inadvertent harm to the victim;
- training on dealing with emotionally disturbed individuals; and
- elder abuse training for prosecutors from the National College of District Attorneys.

##### *Background or Training Thought to Be Desirable*

Key stakeholders were asked what training or educational/professional background would be relevant and useful in their roles or for others involved with the ETOP. The following training needs were identified:

- All of the BKFJC partner agencies need to learn about elder abuse so they can make appropriate referrals and provide back-up services to the ETOP.
- Elder abuse has different dynamics than domestic violence, so it is important for people with a background in domestic violence to learn about elder abuse.
- Aging services providers need to understand the benefits offered by orders of protection so that they can recognize when a client might need one and refer the client to the ETOP.
- Ongoing training on protection orders for staff associated with the ETOP and staff at other agencies is critical.
- Social workers need to understand the protection order process well enough that they can explain it to victims in plain language and get necessary information for the petitions from the victims.
- Staff should be trained about their roles and their limits.
- Staff members need training on what the DA's Office needs to prosecute a case so that they understand what evidence may be relevant in the future.



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- Staff of partner agencies and other entities need to stay current on how the ETOP is functioning so that they can explain the project and its services to victims.
- It is important to train Family Court personnel and other court staff about the project so that they know it exists and when to refer older persons to it.
- Judges need training on basic issues of gerontology, including the emotional and physical needs of older people and why it can be so difficult for some older people to access the courthouse.
- Judges and court staff need training on elder abuse. This training needs to be repeated or refreshed periodically, but even the best training needs to be reinforced with actual cases. In other words, if judges don't see elder abuse cases they won't benefit from the training.

#### Efforts to Raise Public Awareness

Stakeholders recognized that outreach is critical to the ETOP's success. Nonetheless, they indicated that little outreach had been conducted and much more was necessary to raise public awareness about the project. Some outreach had occurred due to the ETOP being a program of the BKFJC, but the need for outreach is constant and the ETOP requires outreach to hospital, homeless shelters, and residential and long-term care facilities. Stakeholders identified two problems related to outreach:

- The ETOP lacked the staffing and other resources to spend much time conducting outreach.
- There was concern that neither the ETOP partner agencies nor the Family Court could absorb an increase in ETOP cases that might result from enhanced public awareness.

The BKFJC had developed an elder-specific flyer to promote the ETOP services. Although development of the flyer took time, when it was disseminated the ETOP referral numbers increased immediately.

#### Stakeholders' Connections to and Relationships with Other Community Agencies

##### *Networking*

- The consensus among the stakeholders was that the ETOP fostered networking among the partner agencies and other entities, and that the networking strengthened the overall response to elder abuse in Kings County. For example, the BKFJC and ETOP staff reported that they now had the ability to get fast feedback on a case from the DA's Office. Also, the DA's Office indicated that case processing was easier because of the connections to the Sheriff's Office and Family Court gained through the ETOP.
- Regular meetings among the ETOP partners serve as a forum for raising and addressing problems about it or broader issues in the community.

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- The ETOP participates in the multidisciplinary team convened by the DA's Office.

#### *Duplication of Resources*

- There was consensus among the stakeholders that the ETOP does not duplicate any services in the community. It serves to coordinate existing resources and provide them in a user-friendly manner to victims.

#### *Referrals*

##### *Referrals to the Elder Temporary Order of Protection Project*

- The Sheriff's Office occasionally referrals victims to the ETOP.
- The DA's Office refers victims to the ETOP if the abuser was not arrested but the victim could benefit from a protection order.
- The DFTA and JASA/LEAP staff do not refer clients to the ETOP as they are partner agencies in the project.

##### *Referrals from the Elder Temporary Order of Protection Project*

- The ETOP refers victims to the Sheriff's Office.
- The ETOP refers victims to the DA's Office with the victim's permission.
- Generally, the BKFJC does not refer victims directly to APS. Their preference is to refer the client to the appropriate agency—DFTA or JASA/LEAP—and let that agency's personnel use their expertise to determine whether a report to APS or a capacity assessment is appropriate.

#### *Missing Disciplines or Entities*

- A few stakeholders suggested that a stronger relationship between the ETOP and APS would be beneficial.
- Some stakeholders also indicated that involving housing organizations would be quite useful.

#### *Lack of Understanding About the Elder Temporary Order of Protection Project*

- Key stakeholders mentioned that clients are sometimes confused about the purpose of the agencies involved.
- The stakeholders did not express any confusion or uncertainty about the role of the ETOP or the partner agencies.

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#### *Turf*

- Some stakeholders suggested that the BKFJC being a part of the Mayor’s Office to Combat Domestic Violence helped prevent turf battles because it is perceived as a neutral city agency that is responsible for coordinating disparate domestic violence services.
- Stakeholders generally indicated that they saw no turf issues among the agencies involved in the ETOP or in the broader elder abuse community. The few issues that were raised are more accurately described as tensions rather than turf and do not affect only the ETOP or Kings County. They include:
  - the challenges of balancing autonomy and protection;
  - the general lack of services available to elder abuse victims; and
  - the Sheriff’s Office responsibility to serve as a court enforcement officer means that it has to follow the court’s orders even if that is not in a victim’s best interest and causes some tension with the ETOP.
- One stakeholder observed that one way of preventing turf is to recognize that what is usually thought to be a “successful prosecution” may have to be redefined in elder abuse cases. Getting services for the victim and keeping her safe can “be a good day’s work” even if the abuser is not held accountable for some reason.

#### **Conflicts of Interest and Other Ethical Issues**

##### *Fairness/Perception of Fairness of the Court*

- In general, key stakeholders did not see a conflict of interest or other ethical problem for the Family Court in relation to the ETOP, as it simply provides access to justice for homebound victims of elder abuse. Questions about the legality of telephone hearings had been addressed previously and were no longer at issue.

##### *Client Confusion About Roles*

- Stakeholders indicated that clients sometimes get confused about the roles of DFTA and JASA in general, but not the ETOP project.
- The DFTA or JASA staff could end up helping parties on both sides of the case and creating a conflict of interest.
- The close relationship between the ETOP partner agencies and the DA’s office (all of which participate on an elder abuse multidisciplinary team) sometimes results in inappropriate disclosures of confidential client information to the DA’s office.
- There potential for dual roles, client confusion, and disclosures of confidential information require staff to be trained about these issues in the hope of avoiding problems.

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#### Assessment and Evaluation

This section discusses what the ETOP initiative and other stakeholders do to collect information on or to assess or evaluate, either by themselves or others the following: (1) costs and cost-savings, (2) caseload, (3) data collected, (4) benefit to the court, (5) benefit to elder abuse victims, and (6) benefit to other stakeholders and other community entities.

At the time of the site visit, there was no evaluation or the impact of intervention. Key stakeholders did think that the ETOP should evaluate itself when it grows larger. Consideration for an evaluation included metrics to determine if clients are better able to access other services and the development of a partnership agreement regarding consistency in measurement. One key stakeholder mentioned the importance to understand, from elders, what the ETOP process seems like to them and how best to meet their needs.

#### *Costs and Cost-Savings*

Neither the BKFJC nor other stakeholders had made any attempt to analyze the costs or cost-savings associated with the ETOP. Although the BKFJC was tracking per case costs for other projects, they were not doing so for the ETOP.

#### *Caseload*

The ETOP maintains a record of clients served.

Many stakeholders had opinions on whether more cases were brought to the Family Court because of the ETOP, but there was no data before and after the establishment of the ETOP to enable a statistical basis for their conclusions.

#### *Data Collected*

Review of the court case files (see the Methods section of the report for more detail) indicated that it is the normal practice of the Kings County Family Court to collect the following data about the parties involved in, nature of, and outcomes of the case:

- victim age
- victim sex
- victim race
- victim illnesses/conditions
- victim living situation
- victim relationship to perpetrator
- perpetrator age
- perpetrator sex
- perpetrator race
- perpetrator illnesses/conditions

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- perpetrator living situation
- type of abuse, charge, and its resolution
- civil or criminal protective order
- time frames
- criminal history record check
- case history

No specific program data on the elders and their situations were collected by the ETOP. Rather, each agency associated with the project collects its own internal data on cases. The ETOP collects only the number of elder petitions it files.

The results of our review of the court case files are discussed in their totality in Section III(A)(11) of the report. The data from the file review is provided in Appendix H-4.

#### *Benefit to the Court*

Although many stakeholders had opinions on the benefits of the ETOP to the Family Court, neither the ETOP nor the court had conducted or had plans to conduct any sort of assessment of the project.

#### *Benefit to Elder Abuse Victims*

Several key stakeholders indicated that some victims had reported feeling safer as a result of the ETOP's help, especially after having engaged in safety planning. The DFTA staff stated that they had done some informal follow-up with victims, but there had been no formal evaluation of any project clients by the ETOP or its partner agencies and there were no plans to do so. Some stakeholders suggested that the ETOP assists victims in additional ways, including by referring or linking victims to other community services; they would like to see those issues assessed.

#### *Benefit to Other Stakeholders or Community Entities*

Key stakeholders had opinions on the benefit of the ETOP to their agencies and others in the community, but those opinions were not based on any formal evaluations. Regular meetings among partner agencies served as a forum for raising problems.

### **Impact of the Initiative on All Stakeholders**

The professional stakeholders involved with the ETOP—including key judges and court administrators; staff from the BKFJC, DFTA, and JASA/LEAP (social workers and lawyers); APS; and the DA's office were asked to identify the impact of the ETOP on victims, the court, their own offices, and other stakeholders. The impact of the ETOP fit into eight categories:

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- (1) generally, on all stakeholders, including victims
- (2) on victims
- (3) on the court
- (4) on the family justice center
- (5) on aging services
- (6) on the legal aid/social workers program
- (7) on the prosecutor's office
- (8) on APS
- (9) on the sheriff's office

The impact on victims category is subdivided into (a) supports victim safety, (b) provides accommodations to victims, (c) provides links to services in the community, and (d) enhances victim satisfaction with the court process.

The impact on the court category is subdivided into: (a) raises issues about the role of the court, (b) affects judicial administration and case management, (c) raises awareness of elder abuse among judges and other court personnel, (d) helps with public relations, and (e) establishes the court's leadership role.

#### *General Impact on Stakeholders*

Stakeholders identified ways in which the ETOP impacts all stakeholders involved. There was overwhelming consensus that the project enhances the quality of justice for older persons and others involved in their case because it fills a service gap for older people who are homebound and cannot otherwise access the Family Court.

One stakeholder commented that the ETOP raises the quality of justice afforded to older victims simply by saying that it is important to address their issues and special needs.

A stakeholder indicated that an analysis of the cases in the DA's Office revealed that domestic violence homicides occurs when there has been no type of intervention with the family. Thus, the stakeholder speculated that the ETOP intervention may prevent a homicide.

The development of the ETOP spurred the stakeholders to talk to and work with each other again. It sparked creative thinking about meeting the needs of people who can't sit all day in Family Court waiting for their protection order petition to be heard.

The other agencies involved in the BKFJC have become more knowledgeable about and involved in elder abuse matters, to the benefit of the stakeholders and the community.

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#### *Impact on Victims*

##### *Supports Victim Safety*

- Stakeholders opined that the ETOP fills a gap by enabling victims to obtain protection without having their cases prosecuted, which many don't want to have happen for various reasons.
- The BKFJC clients report that the ETOP, safety planning, and counseling makes them feel safer.
- Court personnel indicated that they really don't know if anyone receiving a protection order is safer as a result of the intervention, unless that person returns to the Family Court because of further problems.
- The ETOP partner agencies—DFTA and JASA/LEAP—do some follow-up with clients to assess their safety.

##### *Provides Accommodations to Victims*

- There was widespread consensus that the ETOP has filled an unmet need and made the Family Court more accessible to homebound older people who would not be able to obtain an order of protection but for the project.
- The project has also benefited older petitioners who can go to Family Court by leading to changes that reduced the number of times they have to come and the amount of time they have to sit and wait. It is now possible to schedule the older victims at times more appropriate for them.
- One stakeholder observed that telephone hearings may be better for older persons who have hearing impairments even if they are able to go to the courthouse.

##### *Provides Links to Services in the Community*

- A benefit of the ETOP is that victims can get help and be linked to other services in the community even if their cases are not prosecuted.
- The ETOP initiative refers to APS if it is concerned that a victim lacks decision-making capacity. APS can determine if capacity evaluations or other services are appropriate.

##### *Enhances Victim Satisfaction with the Court Process*

- Stakeholders opined that victims are more satisfied with the ETOP than with the traditional court process because it minimizes delays and the long process for obtaining a protection order. Some victims change their mind about proceeding with a case when the delays become too lengthy.

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- The ETOP is non-judgmental. If a victim doesn't want to pursue a protection order now, she is told that she can return for help when she is ready to do so.
- The ETOP social worker's involvement helps the client feel safer and less intimidated by the judge.

#### *Impact on the Court*

##### *Raises Issues About the Role of the Court*

- The only issue raised about the role of the court in relation to the ETOP was the need for the court to balance the due process rights of alleged abusers with the desire to accommodate homebound elders who have difficulty accessing the courthouse.

##### *Affects Judicial Administration and Case Management*

- Stakeholders indicated that more elder protection order cases are being heard as a result of the ETOP, but said that the burden on the court so far has been minimal as there has been an average of one ETOP case per month. One stakeholder indicated that the court could handle more cases, but if the numbers increased significantly then staffing and assignments might have to be reassessed because these cases require speedy hearings.
- One stakeholder noted that an increase in the number of elder protection order hearings could also lead to an increase in the number of protection order violations and therefore to an increase in the number of contempt of court cases that the court might hear.
- One stakeholder commented that more protection order cases are being litigated, but the result is a more collaborative process that leads to better overall outcomes.
- Providing petitioners with support throughout the process makes it easier for the court to manage these cases. The judges are able to spend less of their time acting as social workers because there are actual social workers involved in the ETOP.
- Other cases involving older litigants could benefit from the resources that the ETOP brings to the judicial process.
- The ETOP does not interfere with the Family Court chief judge's other responsibilities as she does not need to spend any time on ETOP matters.

##### *Raises Awareness of Elder Abuse Among Judges and Other Court Personnel*

- The ETOP has made the Family Court judges and staff who are involved with these cases more aware of and sensitive to the needs of older persons, especially those who have a disability. Other Family Court judges have only minimally, at best, enhanced their awareness of these issues, however.



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- The ETOP makes judges and court staff more aware of available resources and brings more resources to the court.
- Several stakeholders noted that the ETOP had caused the deputy court clerk to get interested in the issue of elder abuse; as a result, he now goes beyond the call of duty to help the agencies involved in elder abuse cases with paperwork and other processing matters.

#### *Helps with Public Relations*

- No comments were made about whether the Family Court has received good publicity because of its involvement with the ETOP.

#### *Establishes Court Leadership in the Community's Response to Elder Abuse*

- The Family Court's willingness to take a leadership role and to be innovative was critical to the ETOP development. One stakeholder indicated that the project could have been established without the BKFJC but it would have been more challenging.
- One stakeholder opined that other courts in Kings County need to address elder abuse issues, but that the collaboration between the Family Court and the ETOP was at least a place to start that effort.

#### *Impact on the Family Justice Center*

- The BKFJC staff estimated that they spend between five and six hours each week on ETOP matters. These include:
  - project coordination and administrative support;
  - handling referrals to and from other BKFJC partner agencies; and
  - attending meetings of the DA's Office task force on elder abuse, bi-monthly meetings of the ETOP partners, and other meetings related to elder abuse.
- The BKFJC staff developed an elder-specific flyer. They indicated that it took a lot of time, but was regarded as effective because their referrals numbers increased as soon as the flyer was disseminated.
- The BKFJC staff noted that the ETOP numbers may not accurately reflect the number of elder abuse protection order cases heard by the Family Court because victims who directly contact JASA/LEAP for help are not counted as BKFJC clients.

#### *Impact on Aging Services*

- The DFTA social workers are at the BKFJC to staff the ETOP one day per week.
- Before the ETOP was created, DFTA would refer clients in need of protection orders to either the Family Court clerk's office or to legal services. Now DFTA helps clients

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prepare and file petitions for protection orders. This has increased the workload of the DFTA staff.

#### *Impact on the Legal Aid/Social Workers Program*

- The JASA/LEAP social workers are at the BKFJC to staff the ETOP two days per week.
- The ETOP-related work has been sporadic, but the project has caused more work for the JASA/LEAP staff. They believe, however, that the service is essential for homebound elders.
- The JASA/LEAP social workers spend about 20-25 hours per month helping clients obtain protection orders. The JASA/LEAP lawyers spend about the same amount of time on these cases. This number includes time serving clients who went directly to JASA/LEAP for help; those clients are not counted by the ETOP, however.
- High turnover among JASA/LEAP staff has been problematic, but the ETOP and its partner agencies have helped buffer the impact of the turnover.
- The JASA/LEAP doesn't have to hire a process server because the sheriff's office is handling service of process. The monies saved can be used to help other clients.

#### *Impact on the District Attorney's Office*

- The DA's office does not have any formal responsibilities for the ETOP. Stakeholders do believe that the project has increased the elder abuse unit's workload because many of the orders for protection get violated, which constitutes a criminal offense. This has not been burdensome, however.
- The ETOP benefits the DA's office by providing a service and legal remedy for victims whose cases are not prosecuted, allowing the DA's office staff to feel that they have offered a tangible benefit that helps make those victim safer.
- A deeper connection between the DA's office elder abuse unit and the Family Court and the Sheriff's Office has resulted from the existence of the BKFJC and the ETOP and their proximity to the elder abuse unit's office. This connection has made case processing easier.

#### *Impact on Adult Protective Services*

- Stakeholders reported that the ETOP has had little impact on the APS agency in Kings County—which is administered by JASA as a separate program from JASA/LEAP—because there have been so few cases and because there is no formal relationship between the ETOP and the APS agency.

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#### *Impact on the Sheriff's Office*

- Service of process is one of the traditional responsibilities of the Sheriff's Office in Kings County, as part of its role in serving and protecting the courts. The Sheriff's Office has had little additional work from the ETOP because of the project's small caseload.

#### **Institutionalizing the Initiative**

Key stakeholders were asked whether they thought the ETOP initiative had become institutionalized within the court as well as in the community. They were also asked for input regarding steps toward greater institutionalization of the project.

#### *Court Leadership Must Support the Initiative*

- The commitment of the highest court official is critical for institutionalization.
- The highest court official needs to anticipate changes and plan for succession of a project supporter to ensure that the project has an on-going commitment.
- Constant communication is needed to reduce the challenges posed by turnover among judges and partner agency staff.
- To maintain judicial support, the ETOP must serve a greater number of people and must obtain client evaluations showing that the project has an impact.

#### *Other Stakeholders Must Support the Initiative*

- If people rely on the initiative, it is harder to dismantle it.
- Involving more people in the project also helps institutionalize it. Replicating the project can enhance ownership of it, although replication can be challenging because of differences between communities.
- The project should not be dependent on one or two people.
- Institutionalization can occur by conducting outreach and increasing program visibility to develop community support.
- Putting the existence of the project into written materials for the public increased pressure for continuing the project. This was especially important when turnover occurred in the judicial leadership.

#### *The Initiative Must Have Standardized and Written Procedures*

- The existence of written procedures helped the ETOP survive change in judicial leadership.

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#### Opportunities

Stakeholders suggested that the following opportunities exist for the ETOP.

##### *Increase and Refine Personnel*

- The ETOP needs more staff to conduct more outreach and to handle the increased caseload that would undoubtedly result from enhanced outreach.
- One stakeholder indicated that it would be helpful to have a lawyer present at the petitioner's home when the telephone hearing is held because the judge can't answer any legal questions that the petitioner may ask.

##### *Expansion of the Elder Temporary Order of Protection Project Into Other Areas*

- The project should be expanded to other boroughs.
- The project should be both connected with a disability project.
- The project should be connected with other social workers, including those who work at hospitals.
- The program should expand to guardianship and housing court.
- Other agencies that provide services to older people could be trained to help them obtain protection orders.

##### *Make Better Use of Available Technology*

- The inability to observe the older petitioner's demeanor during a telephone is a problem to judges and lawyers. Obtaining and using technology such as Webcams and video cameras could reduce that problem. These electronics have become quite inexpensive and are often recycled as newer products become available, so it seems likely that the court and the EPOI could either purchase or obtain donations of this technology.

##### *Increase Outreach Efforts*

- The public needs to be educated about the ETOP and about elder abuse.
- Other service providers, including staff in the Family Court and in the BKFJC who are not directly involved with the ETOP, also need to become more aware of the project and of elder abuse.
- The ETOP could explore other venues for conducting outreach, including long-term care and other residential care facilities.

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### DETAILED DESCRIPTION: ELDER JUSTICE CENTER OF PALM BEACH COUNTY, FLORIDA

#### Brief Description

The Elder Justice Center (EJC) is a program of the Board of County Commissioners of Palm Beach County, Florida. Originally established in 2001 as a court program of the 15<sup>th</sup> Judicial Circuit Court, the EJC office remains in the main courthouse in West Palm Beach. The EJC was created to “minimize barriers to effective access to the judiciary for elderly individuals, as well as to enhance linkages between elder adults, the courts, and legal and social service systems within the community.” The EJC helps county residents aged 60 or over who are arrested for certain crimes, are involved in guardianship proceedings, or who need other assistance with court-related matters. The program provides assistance—but not legal advice—in completing court documents such as applications for protective orders or other forms, guardianship investigations or monitoring upon request of the probate judge, referrals to legal and social services programs in the community, and accompaniment to civil and criminal hearings. In certain criminal cases, the EJC seeks to identify older criminal defendants who may have dementia or other cognitive problems and provide information to the court so that it can make an informed decision about divert appropriate defendants from jail and into mental health or substance abuse treatment programs.

The EJC is part of the county’s Justice Services Division, which in turn is part of the Public Safety Department. The Justice Services Division houses all of the county funded court programs. The manager of court services directly oversees the EJC.

#### History

The EJC was established in 2001 by the chief judge of the Fifteenth Judicial Circuit. The chief judge had received input from an Elder Justice Task Force created the previous year. The task force included representatives of the court as well as other community stakeholders. The EJC was modeled after the EJC in Hillsborough County, Florida, but historically has had a different focus through its interaction with older defendants in criminal cases. The Palm Beach County EJC administrators are interested in having that EJC become more like the Hillsborough County program by monitoring guardianships and focusing more of its services on older crime victims.

Early in its history, the EJC had several funding sources. These sources included:

- (1) the Palm Beach County Board of County Commissioners;
- (2) state funds appropriated by the Florida legislature to the state’s administrative office of the courts;
- (3) the area agency on aging that serves Palm Beach County; and
- (4) two local private foundations.

Following a change in the way Florida funds its court system in 2004, state dollars were no longer available to support court-related activities such as the EJC but counties could opt to

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fund them. The Palm Beach County Board of County Commissioners decided that the EJC was a priority and began providing all of its funding, with the result being the EJC's switch from a court program to a county program.

When the EJC began, it was administered by a full-time director who was not a lawyer. The director was responsible for supervising an EJC court program specialist, a guardianship court program specialist, a volunteer file analyst, a volunteer court monitor, and a receptionist. After the EJC became a county program, the staffing changed. A coordinator replaced the director, the duties of the court program specialists were consolidated into positions titled "Elder Justice Counselor" and a third counselor position was established, a paralegal position was also established, the two volunteer positions were eliminated, and the receptionist position was replaced with a part-time secretarial position. Just before the researchers' site visit, the staffing was again revised significantly. See "Funding and Staffing—At the Time of the Site Visit," below, for a description of the EJC's current staffing.

#### **Procedures/Case Processing**

##### *Basic Procedures*

The EJC is in the county's main courthouse in West Palm Beach. It is open from 8:00 a.m. to 5:00 p.m. every weekday that the court is open.

For ease of discussion and comprehension, the EJC's basic procedures will be divided into the civil/probate and criminal case functions although the elder justice counselor position is responsible for fulfilling both functions.

##### *Civil/Probate Case Functions*

Older individuals are referred to the EJC by judges, the clerk's office and other court staff, and community agencies. The court does have a self-help center, and its staff refer older persons to the EJC when they think the older person needs help completing forms or understanding court procedures. It was the paralegal's responsibility to help individuals with forms.

The EJC counselors will conduct guardianship investigations (e.g., they will act as guardians *ad litem* or the eyes and ears of the court) or monitor existing guardianship cases upon the request of the court's probate judge.

The EJC counselors refer older persons to private lawyers and to legal and social services programs in the community. The counselors also assess whether older persons need assistance with transportation to court or accommodations while they are at court.

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#### *Criminal Case Functions*

As noted earlier, the EJC's role in criminal matters is to identify older criminal defendants who may have dementia or other cognitive problems and then to make recommendations to the court about the appropriateness of diverting the defendant from jail and into appropriate services.

The County Pretrial Services (PTS) staff reviews the criminal court's first appearance docket before court proceedings start to determine whether there are any defendants age 60 or older. If there are, the staff marks the docket so that the judge knows that the EJC will be involved and can delay calling that case. This process allows some time for the staff to identify the individual (which, at the time of the site visit, they observed would be easier if photographs were provided—since the site visit photographs have become available) and conduct a brief mental health interview in an attempt to gauge the defendant's mental condition. Then the staff shares its recommendation with the judge, prosecutor, and public defender or private defense attorney.

#### *Barriers/Delays*

For the most part, stakeholders indicated that any delays are due to the judicial process and do not result from the EJC's involvement in that process. Indeed, some stakeholders opined that the EJC actually helps expedite the usual delays that stem from the adversarial nature of the judicial process.

Several stakeholders did observe that a delay does result if the defendant undergoes a mental health and substance abuse assessment and that the defendant remains in jail while the assessment is conducted. That delay can, however, prove beneficial to a defendant who may be safer in the jail than outside of it and who may obtain needed food and services in jail. The assessment delay also can allow the EJC staff time to find appropriate housing or medical care for the defendant upon release from jail.

A barrier identified by several stakeholders related to the ability of the EJC staff to obtain confidential information about an older defendant. This problem had two components:

- Some clients don't understand and, therefore, refuse to sign the document granting permission to the EJC staff to obtain confidential medical and other information.
- Some agencies refuse to recognize the release of information document even when it has been signed by the EJC client.

#### *Intra-Court Coordination*

The issue of intra-court coordination is not relevant to the role of the EJC. Nonetheless, one of the judges interviewed made an interesting comment on that issue. The judge observed

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that technology has not resolved the problem of judges not knowing about relevant cases in other courtrooms, but that the problem has been addressed by unified courts.

#### *Use of Mediation*

The issue of mediation is not relevant to the role of the EJC.

#### *Older Litigants with Questionable Decision-Making Capacity*

The point of the EJC's involvement in criminal cases is to identify older defendants who may have diminished decision-making capacity and to have them undergo an appropriate assessment. The EJC staff can also refer older persons involved in civil court matters who may have diminished capacity to other services in the community.

#### **Funding and Staffing**

##### *At the Time of the Site Visit*

Weeks before the researchers' site visit, the EJC staff was again significantly restructured. Responsibilities for program administration and supervision were removed from the EJC coordinator and given to the manager of court services, who is supervised directly by the director of the Justice Services Division. The EJC paralegal position was terminated and the person in that position was given a few months notice.

The researchers found that there was some confusion among other stakeholders about the extent and nature of the staffing changes.

There was great concern among all stakeholders that the EJC could be at risk of dissolution due to budget cuts. Stakeholders indicated that it would be important for the EJC to be indispensable to the court and to be able to demonstrate its impact, including that it saves money.

##### *If Money Were No Object*

At the time of the site visit to Palm Beach County in 2008, the economic climate was already prompting significant budget tightening and, as noted above, stakeholders were fearful about the EJC's future. To encourage stakeholders to think beyond the current fiscal situation and get their input on what additional staffing and resources might be ideal—or just desirable—we asked what staffing would benefit the EJC if money were no object.

Several stakeholders opined that additional or different staff would be highly beneficial. Suggestions included:



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- an attorney to advise staff, not to help clients, as that would duplicate the services available from legal aid, the public defender's office, or lawyers in private practice;
- experienced paralegals;
- elder justice counselors with more background in gerontology and social work, rather than with a criminal justice background; and
- additional counselors simply to reduce the caseload of current staff.

#### **Background and Training of Staff and Stakeholders**

##### *Background or Training That Proved Useful*

Key stakeholders were asked what training or educational/professional background had been relevant and useful in their role or the role of others involved in the EJC. They identified the following:

- cross-training between the EJC and the area agency on aging staff was particularly useful to both agencies;
- training on domestic violence and victim services, including participation at domestic violence council meetings;
- training on communicating with persons with disabilities;
- training on Alzheimer's Disease and dementia;
- training on guardianship; and
- training on aging.

##### *Background or Training Thought to Be Desirable*

Key stakeholders also were asked what training or educational/professional background would be relevant and useful in their role or the role of others involved in the EJC. They identified the following:

- As responsibilities of the EJC staff change, they will need more training on guardianship, elder abuse, identity theft, and the needs of older persons.
- Cross-training between the EJC and APS about each other's roles and responsibilities would be beneficial.
- As staff in the public defender's office turn over, it is important to constantly educate new public defenders about the role of the EJC so that they don't think the EJC is "trying to take over their cases."
- Efforts to inform other judges about the existence and role of the EJC need to be ongoing as new judges take the bench and existing judges take on new assignments.

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#### **Efforts to Raise Public Awareness**

Conducting outreach to inform the public of the EJC and its role was not an important goal early in the EJC's history or at the time of the site visit. No doubt this reflected the initiative's focus on assisting the court in determining whether older criminal defendants should be diverted from jail. Nevertheless, several stakeholders indicated that they thought it was important for the community to have a greater awareness of the EJC, particularly in light of the budget situation and the anticipated expansion of the EJC's focus. One stakeholder suggested that attorneys in private practice and the EJC staff could do joint community education presentations.

#### **Stakeholders' Connections to and Relationships with Other Community Agencies**

##### *Networking*

Many of the stakeholders bemoaned the lack of interaction of the EJC with the other stakeholders and other community agencies, especially as compared to the amount of networking that the EJC did earlier in its existence. The impact of the lack of networking is discussed below in the subsections on referrals and lack of understanding agency roles. The EJC managers recognized the problem and noted that they had already taken some steps to fix it and had other ideas too. They had started sending EJC staff to domestic violence council meetings, and wanted to reconvene the Elder Justice Task Force (see History section above) to renew old connections with other agencies and establish new relationships.

Some stakeholders also noted the overall lack of coordination on elder abuse issues in the county although they did not say it was the role of the EJC to provide that leadership.

##### *Duplication of Resources*

There was consensus among the stakeholders that the EJC does not duplicate any services in the community and actually complements existing resources. There were indications of turf problems with the public defender's office thinking that the EJC was trying to take over its cases; constant turnover among the public defender's office staff necessitates constant education of its new staff about the role of the EJC.

##### *Referrals*

###### *Referrals to the Elder Justice Center*

- Judges can and do refer older defendants to the EJC for assessment. One judge indicated that referrals to the EJC are made when "strange facts coupled with a first offense" are observed. Developing a list of other relevant factors to consider might be a useful tool for judges and court staff.

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- The court's self-help center refers older persons to the EJC.
- Some stakeholders or other community agencies are making referrals to the EJC because of their lack of understanding of the roles of other community agencies such as the area agency on aging and the legal aid program.

#### *Referrals from the Elder Justice Center*

- The EJC refers victims of elder abuse and other crimes to the victim advocacy program at the area agency on aging.
- Some stakeholders opined that the EJC should make more referrals to other agencies to avoid duplicating services.

#### *Missing Disciplines or Entities*

Stakeholders suggested several agencies that need to know more about or become involved with the EJC. These included:

- law enforcement,
- the local chapter of the Alzheimer's Association,
- the bar association, and
- providers of mental health and substance abuse services.

#### *Lack of Understanding of Elder Justice Center and Other Agency Roles*

The EJC staff and court administrators indicated that there was some client confusion about the role of the EJC because the court's self-help center staff did not fully understand or explain the EJC's limitations.

There was consensus among the stakeholders that (a) no agency was fulfilling a leadership role on the subject of elder abuse and (b) the EJC had become increasingly disconnected from other agencies and professionals concerned about protecting older persons from abuse and other crimes. This consensus was manifested by specific statements as well as by general statements indicating a lack of understanding about the roles and responsibilities of other agencies. Some of that lack of understanding stemmed from cutbacks in outreach and collaboration due to budget restrictions and changed priorities. However, there was also a great sense of disconnection resulting from the EJC having taken a direction—assessing whether older criminal defendants have mental impairments—that was not consistent with the role for the EJC that stakeholders originally envisioned and clearly continued to desire – focusing on older victims and guardianship matters. The result of this lack of leadership and understanding is that referrals are not made or are not appropriate, resources are not used in the most effective manner, and older persons are not served optimally.

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#### Conflicts of Interest and Other Ethical Issues

##### *Role of the Elder Justice Center in Relation to Criminal Defendants*

Stakeholders raised the following issues regarding the EJC role in assessing older criminal defendants to help the court determine whether those defendants should be diverted from the criminal justice system:

- The EJC staff need to be careful in cases involving domestic violence where they might be trying to get information about the defendant from the allegedly abused spouse or partner. In addition to posing a possible conflict of interest, such a situation may be confusing to the victim and put him or her at greater risk for further abuse.
- Questions were raised about whether it was really the responsibility of the public defender's office or criminal lawyers in private practice to assess the mental health of older defendants.
- The EJC staff need to be cautious to ensure that their involvement does not interfere with an older defendant's constitutional rights and with the confidential relationship between the defendant and his or her criminal defense lawyer.
- The EJC staff need to be clear about whether their role is to help the court or help the older defendant.

##### *Role of the Elder Justice Center in Relation to Guardianship Monitoring*

The EJC in Palm Beach County is not a court program as is the Hillsborough County EJC. Therefore, it seems that the conflict of interest and other ethical issues identified in the Hillsborough County description will not pose problems in Palm Beach County. Nonetheless, if the EJC expands its role in guardianship monitoring it should be careful to identify and avoid similar challenges.

##### *Preventing Confusion About Roles*

The EJC staff and other stakeholders recognized that if it expands into guardianship monitoring or providing other services, it will have to be careful to avoid serving victims and defendants in the same cases and to prevent other conflicts of interest that may arise.

- The EJC staff is mandated to report suspected elder abuse under Florida's adult protective services law. Their status as mandatory reporters could pose ethical challenges and lead to client confusion about the role of staff.
- Stakeholders also recognized that care is needed to ensure that the EJC staff do not provide legal advice.
- Like the Hillsborough County EJC, if the EJC in Palm Beach County expands its services then its staff will have to be careful to recognize and address potential conflicts of interest that may stem from wearing multiple hats.

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- Concerns were expressed that older persons who are referred to the EJC by the court's self-help center may be confused about the role of the EJC because the self-help center staff do not fully understand or explain the EJC's limitations.

#### Assessment and Evaluation

This section discusses what the EJC and other stakeholders do to collect data on or to assess or evaluate, whether by themselves or by others, the following: (1) costs and cost-savings, (2) caseload, (3) data collected, (4) benefit to the court or initiative sponsor, (5) benefit to elder abuse victims, and (6) benefit to other stakeholders and other community entities.

#### *Costs and Cost-Savings*

Neither the EJC nor the key stakeholders have made any attempt to analyze the costs or cost-savings associated with the center, but managers were contemplating ways of doing so at the time of the site visit in recognition of the threat posed to the program by budget problems. Stakeholders suggested the following ways of demonstrating cost savings:

- diversion of criminal defendants from jail;
- determining whether people are moved more quickly through the judicial systems, thus saving court time;
- assessing whether the EJC has any impact on recidivism; and
- quantifying services provided, such as diverting the filing of inappropriate cases and saving court time.

#### *Caseload*

The EJC tracks the number of cases it handles.

Many stakeholders had opinions on whether more cases, in general, and elder abuse cases, in particular, were brought to the court because of the EJC, but there was no data before and after the establishment of the EJC to enable a statistical basis for their conclusions.

#### *Data Collected*

Review of the court case files (see the Methods section of the report for more detail) indicated that it is the normal practice of the 15<sup>th</sup> Judicial Circuit to collect the following data about the parties involved in, nature of, and outcomes of the case:

- victim age
- victim sex
- victim race
- victim illnesses/conditions

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- victim living situation
- victim relationship to perpetrator
- victim impact statement
- perpetrator age
- perpetrator sex
- perpetrator race and ethnicity
- perpetrator financial assessment
- perpetrator illnesses/conditions
- perpetrator living situation
- type of abuse, charge, and its resolution
- civil or criminal protective order
- time frames
- criminal history record check
- case history

The EJC collects and tabulates the following data about its clients:

- age
- ethnicity
- financial assessment
- health records
- living situation
- psychological assessments
- race
- sex

The results of our review of the court case files are discussed in their totality in Section III(A)(11) of the report. The data from the file review is provided in Appendix H-5.

#### *Benefit to the Court*

Although many stakeholders had opinions on the benefits of the EJC to the court, neither the EJC nor the court had conducted any assessment of the EJC's benefit to the court. Recognizing the need for data justifying the EJC's existence, the new EJC managers were contemplating ways of measuring the EJC's benefit. Ideas included:

- conducting satisfaction surveys with judges and other court staff; and
- using a management information system to develop data quantifying and in other ways showing the benefit of the EJC's service to the court.

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#### *Benefit to Older Persons*

Many stakeholders also had opinions on the benefits of the EJC to older criminal defendants and to elder abuse victims, but the EJC managers and staff and other stakeholders indicated that they could and would like to do more to assess the EJC's benefit to the older persons it serves. The EJC staff indicated that they do have a client satisfaction survey but they don't get much response to it. Staff also indicated that they had developed a set of performance measures and evaluations for use by the court but had not made much use of them to date; they were in the process of conducting an evaluation at the time of the site visit. The EJC managers were interested in measuring outcomes and impact through surveys and telephone follow-up. They were also contemplating home visits, but were concerned that visits would be too staff intensive and potentially unsafe.

#### *Benefit to Other Stakeholders or Community Entities*

Although many stakeholders had opinions on the benefits of the EJC to the non-court stakeholders and other community agencies, the EJC had not conducted any assessment of the EJC's benefit to them. Recognizing the need for data justifying the EJC's existence, the new EJC managers were contemplating ways of measuring the EJC's benefit. Ideas included:

- conducting satisfaction surveys with other stakeholders; and
- using a management information system to develop data quantifying and in other ways showing the benefit of the EJC's service to the other stakeholders.

#### **Impact of the Initiative on All Stakeholders**

The professional stakeholders involved with the EJC—including key judges, court and county program administrators, the EJC staff, lawyers in private practice, a prosecutor, a public defender, APS staff, area agency on aging staff, legal aid program staff—were asked to identify the impact of the EJC on victims, the court, their own offices, and other stakeholders. The impact of the EJC fit into eight categories:

- (1) generally, on all stakeholders, including victims
- (2) on older persons, both victims and criminal defendants
- (3) on the court
- (4) on the prosecutor's office
- (5) on the public defender's office
- (6) on adult protective services
- (7) on the area agency on aging
- (8) on the legal aid program

Due to the nature of this initiative, the impact on older persons category is subdivided into (a) older criminal defendants and (b) elder abuse victims.

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The impact on the court category is subdivided into: (a) raises issues about the role of the court, (b) affects judicial administration and case management, (c) raises awareness of elder abuse among judges and other court personnel, and (d) helps with public relations

#### *General Impact on Stakeholders*

Stakeholders identified two ways in which the EJC impacts all or most of the stakeholders involved.

- By helping the court determine when an older criminal defendant does not belong in the criminal justice system, the EJC benefits the court, defendant, prosecutor, and public defender. The victim, APS, and taxpayers may benefit as well.
- By helping older defendants who have dementia or other mental health problems obtain appropriate assessment and treatment, the EJC may prevent further harm to one or more victims and may thus save the resources of law enforcement, the prosecutor's office, the public defender's office, the court, and other agencies.

#### *Impact on Older Persons*

##### *Older Criminal Defendants*

- The EJC helps to identify, assess, and obtain services for older criminal defendants with dementia or mental health problems who do not belong in the criminal justice system.
- The EJC helps older criminal defendants deal with the trauma of being involved in the criminal justice system.

##### *Elder Abuse Victims*

- As noted above, some stakeholders suggested that victims may be protected from further harm when older criminal defendants with dementia or mental health problems are identified, assessed, and provided with appropriate treatment.
- The researchers speculate that victims who are aware that the EJC may help an abuser receive appropriate assessment and treatment may be more likely to report abuse to and cooperate with APS, law enforcement, or the prosecutor's office.

#### *Impact on the Court*

##### *Raises Issues About the Role of the Court*

If the EJC becomes more involved in monitoring guardianships, as it hopes to do, then some of the same issues that were raised in the discussion of the Hillsborough County EJC may



## Appendix A-5

### DETAILED DESCRIPTION: ELDER JUSTICE CENTER OF PALM BEACH COUNTY, FLORIDA

apply in Palm Beach County as well. Some of those issues may be minimized by the fact that the EJC is a county rather than a court program, however.

#### *Affects Judicial Administration and Case Management*

- The EJC does not result in more cases being heard by the court.
- Judges have a greater knowledge of the circumstances of the case because of the information provided by the EJC staff. Stakeholders suggested that this helps expedite the court process and also leads to more just and sensitive outcomes.
- Some stakeholders cautioned that the court's potential reliance on information provided by the EJC means that it is critical that the EJC obtain good evaluations and criminal histories on the older defendants it is assessing.

#### *Raises Awareness of Elder Abuse Among Judges and Other Court Personnel*

- The EJC has raised the awareness among judges and court personnel about problems of and services available to older persons.

#### *Impact on the Prosecutor's Office*

- There was no indication of any direct impact of the EJC on the prosecutor's office, but some stakeholders opined that the EJC role in assessing the mental health of older defendants' made prosecutors feel more comfortable about judges' decisions to divert those defendants from the criminal justice process.

#### *Impact on the Public Defender's Office*

- Some stakeholders observed that it really should have been the responsibility of the public defender's office to assess whether older criminal defendants have mental health problems that justify their diversion from the criminal justice process.

#### *Impact on Adult Protective Services*

- In cases in which the older criminal defendant is assessed by the EJC and APS is involved with the victim, the court's judgment can help APS staff to better understand the situation and risk to the victim.

#### *Impact on the Area Agency on Aging*

- The victim advocacy services for older persons are provided by the area agency on aging, and thus the EJC refers victims of abuse and other crimes to it.

## Appendix A-5

### DETAILED DESCRIPTION: ELDER JUSTICE CENTER OF PALM BEACH COUNTY, FLORIDA

#### *Impact on the Legal Aid Program*

- There was no indication that the EJC had had any impact on the legal aid program.

#### **Institutionalizing the Initiative**

Key stakeholders had the following opinions about whether and how the EJC had been institutionalized in the broader court and community. They recognized the importance of funding, but also suggested some additional steps that should be taken toward that goal in the future.

#### *Court Leadership Must Support the Initiative*

- A special program such as the EJC requires the attention and support of the chief judge to succeed even if it is not a court program.
- Initiative leaders need to have clout with program funders.

#### *The Initiative Must Become Indispensable to the Court*

- Some stakeholders believed that the EJC needs to become involved in guardianship monitoring (like the Hillsborough County EJC) to make the initiative indispensable and able to survive budget cuts and personnel changes.
- Outcome measures and other data needs to be collected and analyzed to show the benefit of the EJC to the county, the court, older persons, and other stakeholders (see Evaluation and Assessment section for specific ideas).
- Consideration could be given to the EJC generating revenue as the court's self-help center does.

#### *Other Stakeholders Must Support the Initiative*

- Networking and partnering with other stakeholders is critical because it results in political pressure to continue the EJC.
- A permanent, consistent board involving stakeholders helps support institutionalization, as it allows stakeholders' voices to be heard and their support to be engendered.

#### **Opportunities**

Stakeholders suggested that the following opportunities exist for the EJC.

#### *Make It Indispensable*

- In order for the EJC to survive the current economic climate, it needs to be viewed as indispensable to the county and the court. Many of the stakeholders opined that the

## Appendix A-5

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EJC should take on the role of monitoring guardianships, as done by the Hillsborough County EJC, to be viewed as indispensable.

- Stakeholders also indicated that the EJC could demonstrate its importance to the county by measuring outcomes, quantifying the value of services rendered, and calculating cost savings as discussed in the Evaluation and Assessment section.

#### *Re-establish Connections to Other Community Agencies*

- The EJC is not interacting much with key stakeholders and should take better advantage of opportunities for interaction.
- The EJC needs to interact more with agencies addressing substance abuse and mental health problems.

#### *Re-establish Outreach to the Public and to Professionals*

The public needs to become more aware of the EJC. Conducting community education and engendering publicity would help meet that need

#### *Be More Innovative and Expand Its Purpose*

Stakeholders offered several suggestions on how the EJC could expand its role and move in new directions. They did not indicate that adoption of these suggestions would make the EJC indispensable to the county or court, so they were not listed in the section addressing that topic.

- A number of stakeholders indicated they would like to see the EJC start helping victims of elder abuse and other crimes, including assistance in obtaining orders of protection.
- Stakeholders expressed the need to identify service gaps and avoid duplicating existing services as the EJC decides how to expand its role. The benefit of reconvening the Elder Abuse Task Force to help identify gaps and existing services was touted.
- Some stakeholders opined that it was important for the EJC to function as a resource center.
- The possibility of EJC staff providing training to law enforcement officers or acting as guardians *ad litem* was mentioned.

#### *Resume Fundraising to Sustain Existing Staff and Hire Additional Staff*

- One stakeholder suggested that the EJC generate revenue for its services as is done by the court's self-help center.

## Appendix B

### ABA RECOMMENDED GUIDELINES FOR STATE COURTS HANDLING CASES INVOLVING ELDER ABUSE (Adopted as ABA policy by the House of Delegates in August 1996)

#### I. Ways in Which the State Courts Can Improve Their Handling of Cases Involving Elder Abuse

##### A. Training of Judges and Other Court Personnel

Recommendation 1. Judges should receive training about elder abuse.

a. Topics should include:

- i. Dynamics of elder abuse and family violence;
- ii. Types of cases involving elder abuse;
- iii. Capacity issues;
- iv. State laws concerning elder abuse;
- v. Adult Protective Services (APS) system and Aging Services;
- vi. Case management issues and procedural innovations; and
- vii. Crafting effective orders in elder abuse cases.

b. Training should be designed and presented with the input and involvement of advocates, APS, prosecutors, law enforcement, aging services providers and should include coverage of their roles and resources.

Recommendation 2. Court staff should receive training about elder abuse.

a. Topics should include:

- i. Dynamics of elder abuse and family violence;
- ii. Types of cases involving elder abuse;
- iii. Capacity issues;
- iv. Adult Protective Services system;
- v. Aging Network and other Social Services;
- vi. Case management issues and procedural innovations; and
- vii. Data collection about elder abuse cases.

b. Training should be designed and presented with the input and involvement of advocates, APS, prosecutors, law enforcement, aging services providers and should include coverage of their roles and resources.

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#### **B. Training of Other Relevant Professionals**

Recommendation 3. Courts should ensure that prosecutors, investigators, lawyers, law enforcement officers, adult protective services workers, social workers, bank and financial institution officials, health care providers, and any other professionals appearing before them in cases involving elder abuse are familiar with the dynamics and issues of elder abuse and with the role of the courts in addressing elder abuse. To achieve that objective, courts should encourage and support the development and implementation of cross-training for victim/witness programs, APS staff, aging services providers, lawyers, prosecutors, law enforcement, banking officials, health care providers, and any other relevant professionals about the resources and assistance offered by each of them to older abused persons and about the ways in which they need to coordinate those efforts.

#### **C. Judicial Administration and Case Management**

Recommendation 4. Courts should provide accommodations for persons with physical and mental deficiencies and, if necessary, hold hearings in cases involving elder abuse in the setting that best accommodates the needs of the abused older person.

Recommendation 5. Courts should recognize that the capacity of older persons may fluctuate with time of day, medications, etc. and should be flexible in scheduling hearings to accommodate those individual variations.

Recommendation 6. Courts should expedite cases involving elder abuse on the calendar.

#### **D. Case Management Where the Older Person's Capacity is at Issue**

##### **Non-Criminal and Criminal Court**

Recommendation 7. Courts should use expert witnesses, evaluators, guardians *ad litem*, court investigators, court visitors, or interdisciplinary teams who are trained and knowledgeable about the problems of older persons to assess the older person's capacity.

## Appendix B

### **ABA RECOMMENDED GUIDELINES FOR STATE COURTS HANDLING CASES INVOLVING ELDER ABUSE (Adopted as ABA policy by the House of Delegates in August 1996)**

Recommendation 8. Courts should understand gradations of diminished capacity in order to more effectively manage and adjudicate cases involving elder abuse.

Recommendation 9. Courts should consider that incapacity could increase the likelihood of abuse and, if necessary, order a qualified evaluator to conduct an unbiased assessment of the older person's capacity.

#### **Non-Criminal Court**

Recommendation 10. Courts should understand and use limited guardianship and other alternatives to guardianship appropriately.

Recommendation 11. When counsel for the older person is required to be appointed, or is otherwise appointed, the appointment should be at the earliest possible stage of the proceedings.

#### **Criminal Court**

Recommendation 12. Courts should allow prosecutors special latitude in questioning older abused persons and in offering additional witnesses and corroborating evidence.

Recommendation 13. Courts should ensure that plea agreements meet the needs of the older abused person, including protection from further abuse, and be willing to be creative in negotiations and sentencing, exploring the alternatives available to the older abused person.

#### **E. Implementation of Procedural Innovations**

Recommendation 14. Further analysis and study should be undertaken of the ramifications of courts more readily allowing an older abused person's testimony to be videotaped before capacity is lost or the individual dies.

Recommendation 15. Further analysis and study should be undertaken of the ramifications of courts taking steps when necessary to reduce the level of fear experienced by an older person who is testifying against his or her abuser such

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as allowing the hearing to be held in a less confrontational setting, allowing testimony and cross-examination of the older abused person by videotape or closed-circuit television, and closing the courtroom to the public.

Recommendation 16. Further analysis and study should be undertaken of the ramifications of courts more readily allowing admission of evidence from collateral sources if the older abused person's capacity is at issue, as has been done by the Department of Justice regarding child witnesses and child abuse cases.

#### **F. Intra-Court Coordination**

Recommendation 17. Courts must develop ways of ensuring that judges become aware of cases involving older abused persons that might be underway simultaneously in different divisions or that might previously have been heard and have some influence on a current case.

Recommendation 18. Further study should be given to the concept of consolidation of the courts handling cases involving elder abuse, for example into a "family court."

#### **G. Alternative Dispute Resolution**

Recommendation 19. The use of alternative dispute resolution (ADR) in cases involving elder abuse is not recommended at this time. The possible use of ADR should be studied further.

## **II. Ways of Ensuring that Cases Involving Elder Abuse Enter the Court System**

### **A. Training Guardians**

Recommendation 20. Newly appointed guardians should receive training about their role and responsibilities as guardians, and about preventing, recognizing and reporting elder abuse.

## Appendix B

### **ABA RECOMMENDED GUIDELINES FOR STATE COURTS HANDLING CASES INVOLVING ELDER ABUSE (Adopted as ABA policy by the House of Delegates in August 1996)**

#### **B. Assistance from Victim/Witness Advocates and Court Staff**

Recommendation 21. Victim/witness advocates should be available and involved in assisting older abused persons throughout the judicial process in both non-criminal and criminal court proceedings.

Recommendation 22. All victim/witness advocates should be trained about the dynamics of elder abuse and about the APS system and other aging network services available to assist older abused persons. Additionally, there should be an elder abuse specialist at every victim/witness program.

Recommendation 23. Especially if there are no victim/witness advocates available to help an older abused person, court staff should help explain and de-mystify the court process for older abused persons who may be intimidated or confused, or who may have some type of mental or cognitive disability.

#### **III. Coordination of the State Judicial System with Other Community Resources**

Recommendation 24. Courts should:

- encourage and support the development and continuing operation of a state or local task force or coordinating council on elder abuse issues;
- lend their support to existing task forces or coordinating councils on elder abuse; or
- encourage evolving or existing task forces or coordinating councils on family violence or domestic violence to incorporate elder abuse advocates into their membership and elder abuse issues into their agenda.

Task force or coordinating council members should include judges and court personnel, representatives of the Attorney General, representatives of the Medicaid Fraud Control Unit, public and private lawyers, law enforcement officers, APS administrators or workers, social services providers, health care providers, banking and financial institution officials, victim/witness advocates, representatives of the long term care ombudsman program, and other relevant



## Appendix B

### **ABA RECOMMENDED GUIDELINES FOR STATE COURTS HANDLING CASES INVOLVING ELDER ABUSE (Adopted as ABA policy by the House of Delegates in August 1996)**

professionals. In addition to addressing systemic problems faced by the courts and the council members in preventing and responding to elder abuse, these task forces or coordinating councils should develop materials that explain their roles and their relationships to each other and the court system, and disseminate those materials to each other, the courts, and the public.

Recommendation 25. Courts should include APS and aging services on court advisory councils or develop other mechanisms for establishing linkages with those organizations and others that address elder abuse.

Recommendation 26. Courts should encourage and support the development and continued operation of multidisciplinary teams on elder abuse.

Recommendation 27. Courts should encourage and support the development of protocols or memoranda of understanding between various entities involved in elder abuse cases as to their roles and relationships.

Recommendation 28. Judges and court personnel should have familiarity with APS, aging, and social services providers in their community or brochures or other materials from those agencies so that they can direct an older abused person to appropriate service providers.

Recommendation 29. Courts should encourage and support the development of a "court social worker" or "court ombudsman" program using trained volunteers to help older, disabled, incapacitated or other individuals by giving them information about social services and other community organizations; linking, rather than just referring, them to social services and other community organizations; assisting them with the completion of *pro se* documents; and helping them to understand the nature of the court process.

## Appendix C

### **Project One-Page Description for Key Stakeholders: “A Multi-site Assessment of Court-Focused Elder Abuse Initiatives”**

With funding from the National Institute of Justice, which is the research, development, and evaluation agency of the U.S. Department of Justice, the American Bar Association Commission on Law and Aging (ABA) and the University of Kentucky Graduate Center for Gerontology/Department of Health Behavior (UK) will assess the five existing court-focused elder abuse initiatives. These initiatives are the “Elder Protection Court” in Alameda County, California; the “Elder Justice Centers” in Hillsborough County and Palm Beach County, Florida; the “In-Home Emergency Protective Order Initiative” in Jefferson County, Kentucky; and the “Elder Abuse Order of Protection Project” of the New York City Family Justice Center. The project’s goal is to *provide judges, court administrators, policymakers, and funders with evidence-based knowledge about the structure, process, and outcomes of these initiatives so that they can make informed decisions about whether and how to spend limited resources to enhance courts’ approaches and activities to protect elder abuse victims and to hold perpetrators accountable.*

The ABA and UK staffs will combine their expertise in elder abuse and court program evaluation to conduct a two-year study that collects and analyzes qualitative and quantitative information about the structure, processes, and outcomes of these initiatives. A multidisciplinary, expert advisory committee will guide each step of the process. This assessment involves two strategies. The first entails an in-depth survey and follow-up interviews with a key informant from each community’s initiative to gather data on program administration, service delivery, and client outcomes. This effort informs the second strategy, which involves three-day site visits to each community. During those site visits, researchers will use an interview protocol to gather data from key stakeholders (i.e., judges, court administrators, prosecutors, defense attorneys, law enforcement personnel, adult protective services staff, aging and disability services providers, advocates, and, if possible, victims). Researchers also will spend a day reviewing court case files and, if possible, observing court proceedings. A final report discussing methodology, data, and findings will be produced. Project results will be disseminated nationally to judges, court administrators, policymakers, funders, and others through publications and presentations.

The following chart indicates the key obligations of the researchers, key informants, key stakeholders, and the courts with which the initiatives are collaborating.

<b>Researchers</b>	<b>Key Informants</b>	<b>Key Stakeholders</b>	<b>Courts</b>
Obtain UK Institutional Review Board approval for research	Provide in-depth information about the initiative in response to survey and follow-up contacts	Participate in interviews during site visits	Provide researchers with a list of all relevant cases processed during a one-year period designated by researchers
Remunerate courts a maximum of \$2500 for costs associated with participating in the study, such as compiling data or providing access to court case files	Provide recommendations and contact information for key stakeholders		Provide researchers with access to a maximum of 22 randomly-selected case files from the designated one-year period, within parameters of state and federal law
	Provide suggestions for logistical matters (e.g., dates, hotels)		Allow researchers to observe relevant court proceedings, if possible

## Questions for Key Informants

### Instructions

Welcome to the Key Informant survey for the "Multi-site Assessment of Court-Focused Elder Abuse Initiatives" project.

Here are the key points to know before you start:

1. In order to progress through this survey, please use the following navigation links:

- Click the "Next >>" button to continue to the next page
- Click the "<< Previous" button to return to the previous page
- Click the "Exit the survey >>" button if you need to exit the survey early and re-enter it later (see next section for instructions)
- Click the "Submit >>" button to submit your survey

2. You do not have to complete the survey in one sitting. In other words, you should be able to re-enter the survey at any time to finish your responses or even change responses you entered and submitted previously. However, you will only be able to do those things if

- a. You use the same computer and
- b. The "cookies" have not been cleared from your computer. (If you have questions about whether the cookies will be cleared from your computer, you should talk with your tech staff before you start filling out the survey.)

We suggest that, early on, you test the re-entry process to check that your data are saved.

To re-enter the survey at a later time without losing the data you already entered, you **MUST** follow these steps before exiting the survey:

- Click the "Next >>" button on the bottom of the page so that the survey saves the data you have entered up to that point
- After clicking on the "Next >>" button, click on the "Exit this survey >>" button on the top of the page.

If, after you have completed and submitted the survey, you decide to change an answer, please be sure to let us know.

3. You can't print your saved answers. Therefore, we will print your answers and send them to you so that you have a record of your survey responses.

4. In a couple of questions we ask for documents (protocols) or for information that may already exist (e.g., information about your job, descriptions of your project). Please don't "recreate the wheel" on our behalf! There are two options that may save you time and effort.

- a. You can copy and paste information that already exists into the survey.
- b. You can also send us documents. Unfortunately, it isn't possible to attach a document in SurveyMonkey, and so you will need to send any documents to Lori Stiegel by e-mail (lstiegel@staff.abanet.org) or by mail (ABA Commission on Law and Aging, 740 15th Street, 9th Floor, Washington, DC 20005-1022).

You'll note that there are several questions that ask for documents or indicate that it would be fine to send us documents. In those questions, we ask that you list any documents you intend to send us. Knowing what document(s) you will send us helps us follow up with you if we don't receive them.

5. Most, if not all, of the information you provide to us will be kept confidential. It is possible that some information might be used in project publications with appropriate attribution. IF we decide that we would like to use some of the information you provided, we will discuss that with you. We recognize that our ability to conduct a fair and thorough assessment of your project depends on your ability to be open and honest with us.

The deadline for submitting your answers and sending any documents is Monday, March 24, 2008.

If you have any questions or concerns about the survey or about using SurveyMonkey, contact Lori A. Stiegel at 202-662-8692 or lstiegel@staff.abanet.org.

### Information about the Key Informant

#### 1. What is your name?

## Questions for Key Informants

**2. What is your position?**

**3. How long have you served in that position?**

**4. How long have you been working on the Court Focused Elder Abuse (CFEA) project?**

**5. What are your responsibilities related to the CFEA project?**

**6. Approximately what percentage of your time do you spend on the CFEA project per week?**

**7. If you have additional responsibilities, please describe them. NOTE: Feel free to send a document that includes all or a portion of your job description, to paste all or a portion of your job description into this questionnaire, or type up an explanation of your own. (If you want to send a document, please see the first or the last page of this survey for contact information.)**

**8. To whom do you directly report? NOTE: Feel free to send an organizational chart or some other document that answers this question. (If you want to send a document, please see the first or the last page of this survey for contact information.)**

### Questions for Key Informants

**9. What are your strengths, drawbacks and challenges in relation to your work with the CFEA project?**

**10. Please provide any other information about you and your work with the CFEA project that you think we should know.**

### Information about the Project's Background

**11. What is the history of the project (for example, why was it formed, how was it formed, who supported it)?**

**12. How has the CFEA project changed since its inception? (check all that apply)**

- Client eligibility criteria changed
- Funding source(s) changed
- Key supporter left position of influence
- Personnel changed
- Shifted to include civil cases
- Shifted to include criminal cases
- Other (please specify)

**13. For each change indicated in question #12, please indicate how and why that change happened.**

**14. What is your assessment of the impact of any changes that have occurred?**

**15. Please describe political issues that have helped or hindered the CFEA project.**

### Conflicts of Interest

**Questions for Key Informants**

**16. Was the possibility of conflicts of interest considered while planning the project or since its inception?**

- Yes
- No

**17. Were any conflicts of interest or possible conflicts of interest actually identified?**

- Yes
- No

**18. Please explain those conflicts of interest or possible conflicts of interest.**

**19. Please describe what steps were taken and when to prevent or minimize actual or possible conflicts of interest.**

**Unauthorized Practice of Law**

**20. Was the possibility that CFEA project staff might commit the unauthorized practice of law ever considered while planning the project or since its inception?**

- Yes
- No

**21. Were any situations where staff might commit the unauthorized practice of law actually identified?**

- Yes
- No

**22. Please describe what steps were taken and when to prevent or minimize the possibility that staff might commit the unauthorized practice of law.**

**Redundancy with Existing Services in the Community**

**Questions for Key Informants**

**23. Was the possibility that there might be redundancies between the CFEA project and existing services in the community considered while planning the project or since its inception?**

- Yes
- No

**24. Were any redundancies between the CFEA project and existing services in the community actually identified?**

- Yes
- No

**25. Please describe what steps were taken and when to prevent or address any redundancies between the CFEA project and existing services in the community.**

**Constitutionality of the Project**

**26. Was the possibility that the constitutionality of the CFEA project might be challenged ever considered while planning the project or since its inception?**

- Yes
- No

**27. Were any possible constitutional challenges actually identified?**

- Yes
- No

**28. Please describe what steps have been taken and when to prevent or address any possible constitutional challenges to the CFEA project.**

**29. Please provide any other information about the background of the project that you think we should know.**

**Information about Case Flow and Process**

Questions for Key Informants

**30. How do elders or people who care about them (e.g., family, friends, caregivers, or agencies) learn about the CFEA project in order to take advantage of its services?**

**31. Please list or describe the CFEA project's eligibility criteria. NOTE: Feel free to send a document or copy and paste a portion of a document as your answer. (If you want to send a document, please see the first or the last page of this survey for contact information.)**

**32. What accommodations, if any, does your CFEA project provide for elders who have difficulty accessing or using project services?**

**33. What services are provided persons eligible for the CFEA project? (If different services have different eligibility criteria, please explain.)**

**34. Does your CFEA project have protocols?**

- Yes
- No

**35. If your project protocols are in writing, can you send us a copy?**

- Yes
- No

**36. Please list the titles of documents that you will send to us. (Please see the first or the last page of this survey for contact information.)**



## Questions for Key Informants

**37. Are timeframes for providing services to eligible persons covered in your written protocols?**

- Yes, every timeframe is covered
- Yes, but only a few timeframes are covered
- No

**38. Please describe timeframes for providing services to eligible adults that are not covered in your written protocol. (If you want to send a document, please see the first or the last page of this survey for contact information.)**

**39. What are possible outcomes of the CFEA project for the persons served by your CFEA project?**

**40. What are possible outcomes of the CFEA project for your organization or your organization's partners in the project?**

**41. What are possible outcomes of the CFEA project for the broader community in which the project is located?**

**42. To help us understand your CFEA project's case flow and processing, please describe the flow and process of a "typical case" (if your project has no typical case, please just use a case that will illustrate the project's case flow and processing).**

## Questions for Key Informants

### 43. What project data are collected? (check all that apply)

- Case Follow Up Information
- Cost Per Case
- Impact on Victim/Client
- Victim/Client Age
- Victim/Client Ethnicity
- Victim/Client Financial Assessment
- Victim/Client Health Records
- Victim/Client Living Situation
- Victim/Client Psychological Assessments
- Victim/Client Race
- Victim/Client Sex
- Other (please specify)

### 44. Have you used the information above and, if so, how (please be specific about what type of data)?

### 45. For data that you have not used yet, please describe any plans or hopes you have for its future use (please be specific about what type of data).

### 46. What information would you like to collect that you are not collecting now?

For questions, 47-51, please indicate whether there are internal (within your organization or your partner's organizations) or external (from outside of your organization or your partner's organizations) factors that have impeded or do impede your CFEA project's ability to:

### 47. Inform elders about your project's services.

Internal (please describe)

External (please describe)

### 48. Develop eligibility criteria.

Internal (please describe)

External (please describe)

### 49. Accommodate elders who are unable to access CFEA project services.

Internal (please describe)

External (please describe)

## Questions for Key Informants

### 50. Deliver CFEA project services to eligible elders.

Internal (please describe)

External (please describe)

### 51. Process CFEA project cases

Internal (please describe)

External (please describe)

### 52. Please provide any other information about the project's case flow and processing that you think we should know.

## Information about Project Funding and Staffing

### 53. Please describe how your CFEA project is currently funded. We would like to have information about the amounts and sources of current project funding and the anticipated duration of such funding.

### 54. How has the project's funding influenced or affected the project? (e.g., only certain services can be provided, only certain problems can be addressed or persons served)

### 55. Has the project had different funding in the past?

- Yes  
 No

### 56. From where?

### 57. How did the past funding influence or affect the project?

**Questions for Key Informants**

**58. Please provide the following information about each current project staff person or volunteer: position title, role, percentage of time spent on project (full-time equivalent), and any other information you think is relevant.**

**59. If your project was staffed differently in the past, please explain how that staffing differed from the current arrangement.**

**60. Please describe how any changes in staffing have affected the project.**

**61. Please describe the project's needs for additional or different staffing.**

**62. Please provide any other information about the funding and staffing of the project that you think we should know.**

**Information about the Project and Its Relation to the Community**

## Questions for Key Informants

### 63. Who are court project partners (consider past, present, future)? (check all that apply)

- Adult Protective Services
- Animal Control
- Area Agency on Aging
- Attorney General's Office
- Bar Associations
- Clerk of the Court's Office
- Code Enforcement
- Court Administrators
- Court Security
- Criminal Defense Attorneys Associations
- Domestic Violence Programs
- Faith-Based Organizations
- Financial Institutions
- Fire Department/Emergency Services
- Health Care Providers
- Humane Society
- Judge(s)
- Law Enforcement Agency/Agencies
- Law School
- Legal Services/Legal Aid
- Medicaid Fraud Control Unit
- Medical School Programs
- Mental Health Care Providers
- Parole Services
- Pre-Trial Services
- Probation Services
- Prosecutor's Office
- Public Defenders
- Sexual Assault Programs
- University-based Gerontology or Social Work Programs
- Other (please specify)

### Questions for Key Informants

**64. With whom does the project have working relationships (not partners)? (check all that apply)**

- Adult Protective Services
- Animal Control
- Area Agency on Aging
- Attorney General's Office
- Bar Associations
- Clerk of the Court's Office
- Code Enforcement
- Court Administrators
- Court Security
- Criminal Defense Attorneys Associations
- Domestic Violence Programs
- Faith-Based Organizations
- Financial Institutions
- Fire Department/Emergency Services
- Health Care Providers
- Humane Society
- Judge(s)
- Law Enforcement Agency/Agencies
- Law School
- Legal Services/Legal Aid
- Medicaid Fraud Control Unit
- Medical School Programs
- Mental Health Care Providers
- Parole Services
- Pre-Trial Services
- Probation Services
- Prosecutor's Office
- Public Defenders
- Sexual Assault Programs
- University-based Gerontology or Social Work Programs
- Other (please specify)

## Questions for Key Informants

**65. With whom would the project like to have working relationships? (check all that apply)**

- Adult Protective Services
- Animal Control
- Area Agency on Aging
- Attorney General's Office
- Bar Associations
- Clerk of the Court's Office
- Code Enforcement
- Court Administrators
- Court Security
- Criminal Defense Attorneys Associations
- Domestic Violence Programs
- Faith-Based Organizations
- Financial Institutions
- Fire Department/Emergency Services
- Health Care Providers
- Humane Society
- Judge(s)
- Law Enforcement Agency/Agencies
- Law School
- Legal Services/Legal Aid
- Medicaid Fraud Control Unit
- Medical School Programs
- Mental Health Care Providers
- Parole Services
- Pre-Trial Services
- Probation Services
- Prosecutor's Office
- Public Defenders
- Sexual Assault Programs
- University-based Gerontology or Social Work Programs
- Other (please specify)

**66. Has the project attempted to establish relationships with the organizations checked in the previous question?**

- Yes, all of them
- Yes, some of them
- No

## Questions for Key Informants

### 67. Which ones?

- Adult Protective Services
- Animal Control
- Area Agency on Aging
- Attorney General's Office
- Bar Associations
- Clerk of the Court's Office
- Code Enforcement
- Court Administrators
- Court Security
- Criminal Defense Attorneys Associations
- Domestic Violence Programs
- Faith-Based Organizations
- Financial Institutions
- Fire Department/Emergency Services
- Health Care Providers
- Humane Society
- Judge(s)
- Law Enforcement Agency/Agencies
- Law School
- Legal Services/Legal Aid
- Medicaid Fraud Control Unit
- Medical School Programs
- Mental Health Care Providers
- Parole Services
- Pre-Trial Services
- Probation Services
- Prosecutor's Office
- Public Defenders
- Sexual Assault Programs
- University-based Gerontology or Social Work Programs
- Other (please specify)

### 68. What is the status of those attempts? (please be specific about the status of each attempt for each agency)

### 69. Why not?



**Questions for Key Informants**

**70. How do you think the project is regarded in the community?**

**71. What leads you to say that?**

**72. Please provide any other information about the project and its relation to the community that you think we should know.**

**73. Please describe what the CFEA project has done or is doing to evaluate itself (e.g., victim/client satisfaction surveys, partner evaluations).**

**Strengths, Weaknesses, Opportunities, Threats**

**74. List the strengths and weaknesses of the project.**

**75. What are GREATEST strengths of the project and why?**

**76. What are GREATEST weaknesses of the project and why?**

**77. What are opportunities for the project?**

### Questions for Key Informants

**78. What are threats to the project?**

**79. What do you want us to find out about your CFEA project as we conduct our assessment?**

**80. What does the project want to say publicly about itself?**

**81. Do you believe your project should be replicated in other communities and if so why?**

**82. What barriers do you perceive to replication?**

**83. Please provide any other information about the project's strengths, weaknesses, opportunities, or threats that you think we should know.**

### Identification of Key Stakeholders to Interview During Site Visits

**84. Please provide the name, title, organization, address, telephone number, and e-mail address of key CFEA project stakeholders whom you think we should interview when we conduct our site visit in your community. Please also provide a brief explanation of why you think we should interview that person.**

## Appendix D-2

### Cover Letter and Instructions for Key Informant Survey

Dear Key Informant,

It is time for us to begin gathering more information from you for the “**Multi-site Assessment of Court-Focused Elder Abuse Initiatives**” project conducted by the American Bar Association Commission on Law and Aging and the University of Kentucky Graduate Center for Gerontology. In this phase, we are going to do so by an online survey. This message provides instructions, the link to the online survey, and an attached PDF version of the survey.

#### Key Points Before You Start the Online Survey

There are a total of 84 questions in this survey, although you may not be asked to answer all of them. We anticipate that it will take two to three hours to complete these questions, but it isn't necessary to do that all in one sitting. We recognize that our survey requires time from your busy schedule, but we ask that you take the time to provide thoughtful and useful answers to help us develop the best possible understanding of your project in order for us to conduct a fair and thorough assessment of it.

We urge you to read over all the questions before you start to answer them. That will enable you to see how the questions flow and avoid redundancies. You will see that the survey is divided into several sections and that we have a summary question at the end of each section that asks you to provide any additional information related to the section topic that we should know but didn't specifically ask about. Those questions also provide an opportunity for you to tell us more about a specific topic than you might provide in a single answer. The attached PDF version of the survey makes it easy for you to read the questions before you access the online survey. However, the PDF version is slightly different than the online survey. In the online survey, certain answers to some of the questions may result in you being automatically skipped past questions that aren't applicable to you. In survey terminology, this is known as “skip logic.” The PDF version shows all the questions, but they may not all appear to you in the actual survey because of the “skip logic.”

#### Key Points for Completing the Online Survey

For your convenience in answering questions, we are using SurveyMonkey, a web-based survey program. It is very easy to use. There are, however, some key points to know before you start. The following instructions will be provided at the beginning of the survey so you don't have to print them out.

1. In order to progress through this survey, please use the following navigation links:
  - Click the “Next >>” button to continue to the next page
  - Click the “<< Previous” button to return to the previous page
  - Click the “Exit the survey >>” button if you need to exit the survey early and re-enter it later (see next section for instructions)

## Appendix D-2

### Cover Letter and Instructions for Key Informant Survey

- Click the “Submit >>” button to submit your survey
2. You do not have to complete the survey in one sitting. In other words, you should be able to re-enter the survey at any time to finish your responses or even change responses you entered and submitted previously. However, you will only be able to do those things if
    - a. You use the same computer and
    - b. The “cookies” have not been cleared from your computer. (If you have questions about whether the cookies will be cleared from your computer, you should talk with your tech staff before you start filling out the survey.)

We suggest that, early on, you test the re-entry process to check that your data are saved.

To re-enter the survey at a later time without losing the data you already entered, you **MUST** follow these steps before exiting the survey:

- Click the “Next >>” button on the bottom of the page so that the survey saves the data you have entered up to that point
- After clicking on the “Next >>” button, click on the “Exit this survey >>” button on the top of the page.

If, after you have completed and submitted the survey, you decide to change an answer, please be sure to let us know.

3. You can’t print your saved answers. Therefore, we will print your answers and send them to you so that you have a record of your survey responses.
4. In a couple of questions we ask for documents (protocols) or for information that may already exist (e.g., information about your job, descriptions of your project). Please don’t “recreate the wheel” on our behalf! There are two options that may save you time and effort.
  - a. You can copy and paste information that already exists into the survey.
  - b. You can also send us documents. Unfortunately, it isn’t possible to attach a document in SurveyMonkey, and so you will need to send any documents to Lori Stiegel by e-mail ([lstiegel@staff.abanet.org](mailto:lstiegel@staff.abanet.org)) or by mail (ABA Commission on Law and Aging, 740 15<sup>th</sup> Street, 9<sup>th</sup> Floor, Washington, DC 20005-1022).

You’ll note that there are several questions that ask for documents or indicate that it would be fine to send us documents. In those questions, we ask that you list any documents you intend to send us. Knowing what document(s) you will send us helps us follow up with you if we don’t receive them.

## Appendix D-2

### Cover Letter and Instructions for Key Informant Survey

5. Most, if not all, of the information you provide to us will be kept confidential. It is possible that some information might be used in project publications with appropriate attribution. IF we decide that we would like to use some of the information you provided, we will discuss that with you. We recognize that our ability to conduct a fair and thorough assessment of your project depends on your ability to be open and honest with us.

#### Link to the Online Survey

The link to the survey is:

[http://www.surveymonkey.com/s.aspx?sm=Q8zu5tAU\\_2bZsa\\_2f7O2rsKBXg\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=Q8zu5tAU_2bZsa_2f7O2rsKBXg_3d_3d)

(If the link doesn't work, try copying it into your browser. If that doesn't work, contact Lori.)

#### Deadline for Submitting the Online Survey

The deadline for submitting your answers and sending any documents is Monday, March 24, 2008.

#### Questions or Concerns

If you have any questions or concerns about the survey or about using SurveyMonkey, contact Lori A. Stiegel at 202-662-8692 or [lstiegel@staff.abanet.org](mailto:lstiegel@staff.abanet.org).

We greatly appreciate your role in this project and your effort in completing this survey. The answers you provide will help us have detailed and nuanced understanding of your program and help us identify the key stakeholders to interview during our site visits!

Sincerely yours,

Lori A. Stiegel, Project Investigator, and Pamela B. Teaster, Co-Project Investigator

## Appendix E-1

### Questions for Most Key Stakeholders

CFEAI = court-focused elder abuse initiative (we used correct name of initiative when interviewing the stakeholders)

1. Please provide your name and a little information about your professional background.
2. What do you do for your organization and for how long have you worked there?
3. What is the relationship of your organization/you to the CFEAI? How long has your organization had a relationship with the CFEAI? Does your organization have specific responsibilities related to the CFEAI?
4. How much time do you/your organization devote to the CFEAI monthly?
5. How and why did your program become involved with the CFEAI?
6. How has the project impacted your/the key stakeholder's agency?
7. Have you ever had any training that specifically enhanced your abilities in relation to your role in the CFEAI? If so, what training and what was useful about it?
8. Is there a funding relationship between your program and the CFEAI? If so, what is that funding relationship?
9. Does your organization make referrals to the CFEAI? Is that process clear? Does it work as anticipated? Would you suggest any changes to the process? What would the changes be and why?
10. Does the CFEAI make referrals to your organization? Is the referral process from the CFEAI to your organization clear? Does it work as anticipated? Would you suggest any changes to the process? What would the changes be and why?
11. Are there legal or regulatory barriers to the relationship or referrals between your organization and the CFEAI?
12. Are there any personality, turf/territoriality, bureaucratic, or political issues that enhance or impede the relationship?
13. Has any aspect of the CFEAI process ever resulted in a delay to the client? (e.g., delayed hearing, delayed referral?)? Are delays frequent? How might delays and any resulting harm be prevented?
14. Do you agree with the CFEAI's eligibility criteria? If not, why not and what should those criteria be?

## Appendix E-1

### Questions for Most Key Stakeholders

15. Does the CFEAI duplicate your organization's services or other community services?
16. Do you think there are other organizations that should be involved in the CFEAI as partners or with which the CFEAI should have a working relationship?
17. Do you feel that your work/the work of the CFEAI staff ever poses a conflict of interest/duality of roles (either initially or subsequently in the course of a case)?
18. If there is a conflict of interest/duality of roles, is the client informed of this? How? When? If client not informed up front, what happens if the roles shift during course of a case? (i.e., shift from role of services provider/advocate to role of guardian ad litem/guardianship investigator)
19. What does CFEAI do when the client's decisionmaking capacity seems to be impaired?
20. Does the CFEAI ever refer elder abuse victims to mediation or require that they participate in mediation? If yes, under what circumstances? Why?
21. How does the CFEAI address client cultural diversity or staff biases? Does the staff have training in client cultural diversity as well as dealing with its own biases toward cultures?
22. What is your assessment of any changes that have occurred in the CFEAI since its inception/since your involvement with it began?
23. Is there more that could have been done in the past or could be done now to institutionalize the CFEAI and prepare it to withstand changes in personnel or (if appropriate for CFEAI) placement in court structure? What? Why?
24. Do you think the CFEAI needs additional or different staffing?
25. Do you think the CFEAI results in more elder abuse cases being heard? Do you think it has resulted in cases being processed more quickly or efficiently than before the CFEAI was implemented? Why?
26. In what other ways does the CFEAI enhance the quality of justice provided to elder abuse victims? What leads you to say that?
27. How is the CFEAI project evaluated? Is feedback sought from victims? Would you like to see the CFEAI do more to evaluate itself? What? Why?
28. Does your program play any role in the evaluation? What role could it/should it play?
29. Are you informed as to/how do you know whether the abusive situation has stopped/whether the victim is safer as a result of the intervention? (i.e., how do you know the outcome of the CFEAI?)

## Appendix E-1

### Questions for Most Key Stakeholders

30. Are you informed as to/How do you know whether the perpetrator is ultimately held accountable for his/her actions?
31. What are the challenges you face in collecting cost per case information and victim/client impact information? What would you need to have and do in order to collect and analyze the additional data that you desire?
32. Where do you think the CFEAI has made the greatest gains/made the greatest difference?
33. What has been the CFEAI's greatest problem/challenge?
34. What do you regard as the strengths of the CFEAI? What would be the best strategies to maximize those strengths for the best advantage of the CFEAI?
35. What do you regard as weaknesses of the CFEAI? What would be the best strategies to minimize them for the best advantage of the CFEAI?
36. Do you see any opportunities for the CFEAI to improve or expand? What would be the best strategies to maximize those opportunities to the best advantage of the CFEAI?
37. Are there any threats to the CFEAI? What would be the best strategies to minimize those threats to the best advantage of the CFEAI?
38. What is the single-most important piece of information that the public should know about this CFEAI?
39. Is there anything you would like to say about the CFEAI that you have not already said or about which we have not asked?



## Appendix E-2

### Questions for Certain Judges

CFEAI = court-focused elder abuse initiative (we used correct name of initiative when interviewing the stakeholders)

1. Please provide your name and a little information about your professional background.
2. What do you do for your organization and for how long have you worked there?
3. What is your role in the CFEAI?
4. How much time do you/your organization devote to the CFEAI monthly?
6. How has the CFEAI impacted your office?
7. Have you ever had any training that specifically enhanced your abilities in relation to your role in the CFEAI? If so, what training and what was useful about it?
11. Are there legal or regulatory barriers to the relationship between the CFEAI and community organizations with which it deals? Between the CFEAI and the court?
12. Are there any personality, turf/territoriality, bureaucratic, or political issues that enhance or impede the relationship between the CFEAI and community organizations with which it deals? Between the CFEAI and the court?
13. Has any aspect of the CFEAI ever resulted in a delay to the client? (e.g., delayed hearing, delayed referral?)? Are delays frequent? How might delays and any resulting harm be prevented?
16. Do you think there are other organizations with which the CFEAI should have a working relationship?
17. Do you feel that the work of the CFEAI staff ever poses a conflict of interest/duality of roles (either initially or subsequently in the course of a case)?
18. If there is a conflict of interest/duality of roles, is the client informed of this? How? When? If client not informed up front, what happens if the roles shift during course of a case? (i.e., shift from role of services provider/advocate to role of guardian ad litem/guardianship investigator)
19. What does CFEAI do when the client's decisionmaking capacity seems to be impaired?
20. Does the CFEAI ever refer elder abuse victims to mediation or require that they participate in mediation? If yes, under what circumstances? Why?
21. How does the CFEAI address client cultural diversity or staff biases? Does the staff have training in client cultural diversity as well as dealing with its own biases toward cultures?

## Appendix E-2

### Questions for Certain Judges

22. What is your assessment of any changes that have occurred in the CFEAI since its inception?
23. Is there more that could have been done in the past or could be done now to institutionalize the CFEAI and prepare it to withstand changes in personnel? What? Why?
24. Do you think the CFEAI needs additional or different staffing?
25. Do you think the CFEAI results in more elder abuse cases being heard? Do you think it has resulted in cases being processed more quickly or efficiently than before the CFEAI was implemented? Why?
26. In what other ways does the CFEAI enhance the quality of justice provided to elder abuse victims? What leads you to say that?
27. How is the CFEAI project evaluated? Is feedback sought from victims? Would you like to see the CFEAI do more to evaluate itself? What? Why?
28. Does your office play any role in the evaluation? What role could it/should it play?
29. Are you informed as to/how do you know whether the abusive situation has stopped/whether the victim is safer as a result of the intervention? (i.e., how do you know the outcome of the CFEAI?)
30. Are you informed as to/How do you know whether the perpetrator is ultimately held accountable for his/her actions?
31. What are the challenges your office faces in collecting cost per case information and victim/client impact information? What would you need to have and do in order to collect and analyze additional data that you desire?
34. What do you regard as the strengths of the CFEAI? What would be the best strategies to maximize those strengths for the best advantage of the CFEAI?
35. What do you regard as weaknesses of the CFEAI? What would be the best strategies to minimize them for the best advantage of the CFEAI?
36. Do you see any opportunities for the CFEAI to improve or expand? What would be the best strategies to maximize those opportunities to the best advantage of the CFEAI?
37. Are there any threats to the CFEAI? What would be the best strategies to minimize those threats to the best advantage of the CFEAI?
38. What is the single-most important piece of information that the public should know about the CFEAI?

## **Appendix E-2**

### **Questions for Certain Judges**

39. Is there anything you would like to say about the CFEAI that you have not already said or about which we have not asked?

## Appendix E-3

### Questions for Chief Judges

CFEAI = court-focused elder abuse initiative (we used correct name of initiative when interviewing the stakeholders)

1. Please provide your name and a little information about your professional background.
2. What do you do for your organization and for how long have you worked there?
6. How has the CFEAI impacted the court?
11. Are there legal or regulatory barriers to the relationship or referrals between the CFEAI and its justice partners?
12. Are there any personality, turf/territoriality, bureaucratic, or political issues that enhance or impede the relationship between the CFEAI and its justice partners?
16. Do you think there are other organizations that should be involved in the CFEAI as partners or with which the CFEAI should have a working relationship?
22. What is your assessment of any changes that have occurred in the CFEAI since its inception?
23. Is there more that could have been done in the past or could be done now to institutionalize the CFEAI and prepare it to withstand changes in personnel or placement in court structure? What? Why?
24. Do you think the CFEAI needs additional or different staffing?
25. Do you think the CFEAI results in more elder abuse cases being heard? Do you think it has resulted in cases being processed more quickly or efficiently than before the CFEAI was implemented? Why?
26. In what other ways does the CFEAI enhance the quality of justice provided to elder abuse victims? What leads you to say that?
27. How is the CFEAI evaluated? Is feedback sought from victims? Would you like to see the CFEAI do more to evaluate itself? What? Why?
34. What do you regard as the strengths of the CFEAI? What would be the best strategies to maximize those strengths for the best advantage of the CFEAI?
35. What do you regard as weaknesses of the CFEAI? What would be the best strategies to minimize them for the best advantage of the CFEAI?
36. Do you see any opportunities for the CFEAI to improve or expand? What would be the best strategies to maximize those opportunities to the best advantage of the CFEAI?

## **Appendix E-3**

### **Questions for Chief Judges**

37. Are there any threats to the CFEAI? What would be the best strategies to minimize those threats to the best advantage of the CFEAI?

38. What is the single-most important piece of information that the public should know about the CFEAI?

39. Is there anything you would like to say about the CFEAI that you have not already said or about which we have not asked?

## **Appendix E-4**

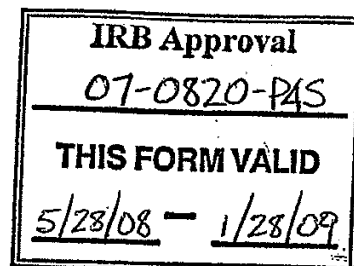
### **Questions for Elder Abuse Victims**

CFEAI = court-focused elder abuse initiative (we used correct name of initiative when interviewing the stakeholders)

1. Please tell us about the problem you were facing when you learned about the CFEAI.
2. How did you learn about the CFEAI?
3. Do you think the CFEAI helped you? If yes, how?
4. Would you use the services of the CFEAI again? If not, why not?
5. Did the CFEAI send you or ask you to complete a “customer satisfaction” form? If yes, did you complete it? If not, why not?
6. Do you have any recommendations regarding the CFEAI?
7. Is there anything else you would like to say about the CFEAI?

## Appendix F-1

Form C -Medical IRB Informed Consent Template



Consent to Participate in a Research Study

A Multi-site Assessment of Court-Focused Elder Abuse Initiatives

### WHY ARE YOU BEING INVITED TO TAKE PART IN THIS RESEARCH?

You are being invited to take part in a research study about Court-Focused Elder Abuse Initiatives. For this project, we define that term to mean either (1) a court or court-based program or (2) a program conducted in partnership with a court, both of which serve victims or potential victims of elder abuse. You are being invited to take part in this research study because you have special knowledge of court-focused elder abuse initiatives. If you volunteer to take part in this study, you will be one of about 100 people nationally to do so.

### WHO IS DOING THE STUDY?

The persons in charge of this study are Lori Stiegel, J.D., Principal Investigator, American Bar Association; and Pamela B. Teaster, Ph.D., Associate Professor and Co-Principal Investigator, University of Kentucky, Graduate Center for Gerontology. There may be other people on the research team assisting at different times during the study.

### WHAT IS THE PURPOSE OF THIS STUDY?

By doing this study, we hope to provide judges, court administrators, policymakers, and funders with evidence-based knowledge about the structure, process, and outcomes of these initiatives so that they can make informed decisions about whether and how to spend limited resources to enhance courts' approaches and activities to protect elder abuse victims and to hold perpetrators accountable.

### ARE THERE REASONS WHY YOU SHOULD NOT TAKE PART IN THIS STUDY?

There is no reason for not wanting to participate other than your personal preference.

### WHERE IS THE STUDY GOING TO TAKE PLACE AND HOW LONG WILL IT LAST?

The study is a two year study, which started in October 2007. The research procedures will be conducted at the American Bar Association and the University of Kentucky. Researchers from these places will come to your court to interview you. We anticipate that your interview will take no longer than an hour and a half of your time. We anticipate that you will only need to be interviewed once, although it is possible that we may need to follow up with you by telephone or e-mail for clarification.

### WHAT WILL YOU BE ASKED TO DO?

You will be asked to answer a series of questions about your knowledge and perceptions of your court-focused elder abuse initiative. We will tape-record your answers and have them transcribed by a trained transcriptionist.

### WHAT ARE THE POSSIBLE RISKS AND DISCOMFORTS?

There are no anticipated risks or discomforts associated with participating in this study.

### WILL YOU BENEFIT FROM TAKING PART IN THIS STUDY?

Form C: Medical IRB Informed Consent Template  
S2C

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University of Kentucky  
Revised 8/30/07

## Appendix F-1



Form C -Medical IRB Informed Consent Template

You will not get any personal benefit from taking part in this study.

### DO YOU HAVE TO TAKE PART IN THE STUDY?

If you decide to take part in the study, it should be because you really want to volunteer. You will not lose any benefits or rights you would normally have if you choose not to volunteer. You can stop at any time during the study and still keep the benefits and rights you had before volunteering.

### IF YOU DON'T WANT TO TAKE PART IN THE STUDY, ARE THERE OTHER CHOICES?

If you do not want to be in the study, there are no other choices except not to take part in the study.

### WHAT WILL IT COST YOU TO PARTICIPATE?

It will not cost you anything to participate, other than your time.

### WHO WILL SEE THE INFORMATION THAT YOU GIVE?

We will make every effort to prevent anyone who is not on the research team from knowing that you gave us information, or what that information is. We will keep information in secure offices in secure file cabinets. Names of participants will not be used in any writing other than those for whose permission is expressly sought. We do not foresee the need to identify participants to validate our research or to disclose the identity of any participants other than possibly to the project's funder, the National Institute of Justice, which is an entity of the U.S. Department of Justice.

You should know, however, that there are limited circumstances in which we may have to show your information to other people (See attached addendum). We are required to keep all data collected from you confidential unless you indicate to us an imminent threat of harm to yourself or to others.

Also, we may be required to show information which identifies you to people who need to be sure we have done the research correctly; these would be people from such organizations as the University of Kentucky.

### CAN YOUR TAKING PART IN THE STUDY END EARLY?

If you decide to take part in the study you still have the right to decide at any time that you no longer want to continue. You will not be treated differently if you decide to stop taking part in the study.

The individuals conducting the study may need to withdraw you from the study. This may occur if you are not able to follow the directions they give you, if they find that your being in the study is more risk than benefit to you, or if the agency funding the study decides to stop the study early for a variety of scientific reasons.

### WILL YOU RECEIVE ANY REWARDS FOR TAKING PART IN THIS STUDY?

You will not receive any rewards or payment for taking part in the study.

### WHAT IF YOU HAVE QUESTIONS, SUGGESTIONS, CONCERNS, OR COMPLAINTS?

Before you decide whether to accept this invitation to take part in the study, please ask any questions that might come to mind now. Later, if you have questions, suggestions, concerns, or complaints about the study, you can contact the investigators, Lori Stiegel, J.D. at 202-662-8692, [lstiegel@staff.abanet.org](mailto:lstiegel@staff.abanet.org) or Pamela Teaster, Ph.D. at 859-257-1450 x80196, [pteaster@uky.edu](mailto:pteaster@uky.edu). If you have any questions about your rights as a volunteer in this research, contact the staff in the Office of Research Integrity at the University of Kentucky at 859-257-9428 or toll free at 1-866-400-9428. We will give you a signed copy of this consent form to take with you.



# Appendix F-1



Form C -Medical IRB Informed Consent Template

## WHAT IF NEW INFORMATION IS LEARNED DURING THE STUDY THAT MIGHT AFFECT MY DECISION TO PARTICIPATE?

If the researcher learns of new information in regards to this study, and it might change your willingness to stay in this study, the information will be provided to you. You may be asked to sign a new informed consent form if the information is provided to you after you have joined the study.

## WHAT ELSE DO YOU NEED TO KNOW?

The National Institute of Justice, a division of the U.S. Department of Justice, is providing financial support and/or material for this study.

I have read the foregoing information. I have had the opportunity to ask questions about it and any questions that I have asked have been answered to my satisfaction. I consent voluntarily to participate as a participant in this research and understand that I have the right to withdraw from the research at any time. I have caused this consent to be executed on the date indicated below, and I understand that I will be given a copy of this consent form after I have signed it.

\_\_\_\_\_  
Signature of person agreeing to take part in the study

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of person agreeing to take part in the study

\_\_\_\_\_  
Name of [authorized] person obtaining informed consent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Investigator

\_\_\_\_\_  
Date

## Appendix F-2



### CONSENT FOR "A MULTI-SITE ASSESSMENT OF COURT-FOCUSED ELDER ABUSE INITIATIVES" STAFF TO CONTACT ADULT PROTECTIVE SERVICES TO REPORT SUSPECTED OR SELF-DISCLOSED ABUSE

With your written consent you have participated in a research study. The principal investigators of this study are Dr. Pamela Teaster, associate professor at the University of Kentucky Graduate Center for Gerontology and Lori Stiegel, a lawyer at the American Bar Association Commission on Law and Aging.

You have either self-disclosed being a current victim of elder abuse, or have given the research staff strong reason to believe you may be in a dangerous situation. We would like your consent to make a report regarding what we have learned to the adult protective services program in your state. If such a report is made, you may be contacted by adult protective services staff who may meet with you to determine your safety and your capacity to make decisions on your own behalf. They may make recommendations regarding you and/or your alleged abuser. However, unless you are determined to lack capacity to make decisions on your own behalf, you will have the right to refuse some or all of the recommendations made. If a referral to adult protective services is not made, there will be no other interventions by the project team on your behalf.

If we make a referral to adult protective services and that agency believes that you are a victim of a crime, that agency may refer your case to a law enforcement agency. The law enforcement agency may make an investigation and may refer your case to a prosecutor. The law enforcement agency may arrest your abuser and the prosecutor may bring charges against your abuser even if you don't want those things to happen.

The federal law that applies to this project does not allow federally-funded researchers to use any research information for purposes other than research without your express consent. Therefore, we must have your written consent before we can make such a report. Furthermore, it is your right to refuse to consent, and if you do so, there will be no negative consequences.

You may choose to call the adult protective services program yourself and ask for assistance. The research staff will give you information regarding how to do this, and also regarding other local sources of information and assistance.

Your signature below indicates that you give consent for a member of the Multi-site Assessment of Court-Focused Elder Abuse Initiatives staff to make a report that includes personally identifiable information about me to the adult protective services program in your state, and that you fully understand the risks and consequences of such consent.

\_\_\_\_\_  
Signature of Participant                      Printed Name                      Date

I have explained the reporting procedure and subject rights, and have answered all questions asked by the participant. I have offered her/him a copy of this informed consent for reporting form.

\_\_\_\_\_  
Signature of Witness                      Printed Name                      Date

Number \_\_\_\_\_

**Case File Review Sheet**

**1. Victim Demographic Information**

**A. Sex:**            M            F

**B. Age:**            \_\_\_\_\_             File does not provide age

**C. Race:**

- White
- Asian
- Native Hawaiian/Pacific Islander
- American Indian/Alaska Native
- Black or African American
- Other (*Specify*): \_\_\_\_\_
- Unknown

**D. Ethnicity:**

- Hispanic or Latino (of any race)
- Not Hispanic or Latino
- Unknown

**E. Financial Assessment (Monthly Income):**

- \$0-\$999
- \$1,000 - \$2,499
- \$2,500 - \$4,999
- \$5,000- \$7,499
- \$7,500 - \$9,999
- Over \$10,000
- Unknown

**Provide below any narrative information about sources of income (Social Security, SSI, Food Stamps, Railroad, Other Pensions, Property):**

**F. Illnesses/Conditions (*Check all that apply*):**

- None
- Alzheimer's disease/Dementia
- Cancer
- Diabetes
- Heart Disease
- Parkinson's Disease
- Substance Abuse
- Traumatic Brain Injury
- Other (*Specify*): \_\_\_\_\_
- Unknown

**G. Diagnosed Disability(ies)** (Check all that apply):

- None
- Cognitive (Specify): \_\_\_\_\_
- Developmental (Specify): \_\_\_\_\_
- Physical (Specify): \_\_\_\_\_
- Sensory (Specify): \_\_\_\_\_
- Other (Specify): \_\_\_\_\_
- Unknown

**H. Living Situation:**

- Acute care hospital
- Adult foster home
- Assisted living facility
- Community mental health/mental retardation facility
- Group home
- Home or apartment
- Intermediate care facility for mental retardation
- Nursing home
- State mental hospital
- Other (Specify): \_\_\_\_\_
- Unknown

**I. Relationship of victim to perpetrator:**

- Daughter
- Direct care provider
- Ex-spouse/Ex-intimate partner
- Grandparent
- Parent
- Sibling
- Son
- Spouse/Intimate partner
- Resident/Client in care facility
- Visitor to facility known to victim but not a family member or significant other
- Visitor to facility unknown to the victim
- Other relationship (Specify): \_\_\_\_\_
- Unknown

**2. Perpetrator Demographic Information**

**A. Sex:**            M            F

**B. Age:**           \_\_\_\_\_            File does not provide age

## Appendix G

### C. Race:

- |   |  |
|---|--|
| <input type="checkbox"/> White                            | <input type="checkbox"/> Black or African American       |
| <input type="checkbox"/> Asian                            | <input type="checkbox"/> Other ( <i>Specify</i> ): _____ |
| <input type="checkbox"/> Native Hawaiian/Pacific Islander | <input type="checkbox"/> Unknown                         |
| <input type="checkbox"/> American Indian/Alaska Native    |  |

### D. Ethnicity:

- Hispanic or Latino (of any race)  
 Not Hispanic or Latino  
 Unknown

### E. Financial Assessment (Monthly Income):

- \$0-\$999  
 \$1,000 - \$2,499  
 \$2,500 - \$4,999  
 \$5,000- \$7,499  
 \$7,500 - \$9,999  
 Over \$10,000  
 Unknown

**Provide below any narrative information about sources of income (Social Security, SSI, Food Stamps, Railroad, Other Pensions, Property):**

### F. Illnesses/Conditions (*Check all that apply*):

- |   |  |
|---|--|
| <input type="checkbox"/> None                         | <input type="checkbox"/> Parkinson's Disease             |
| <input type="checkbox"/> Alzheimer's disease/Dementia | <input type="checkbox"/> Substance Abuse                 |
| <input type="checkbox"/> Cancer                       | <input type="checkbox"/> Traumatic Brain Injury          |
| <input type="checkbox"/> Diabetes                     | <input type="checkbox"/> Other ( <i>Specify</i> ): _____ |
| <input type="checkbox"/> Heart Disease                | <input type="checkbox"/> Unknown                         |

### G. Diagnosed Disability(ies) (*Check all that apply*):

- None
- Cognitive (*Specify*): \_\_\_\_\_
- Developmental (*Specify*): \_\_\_\_\_
- Physical (*Specify*): \_\_\_\_\_
- Sensory (*Specify*): \_\_\_\_\_
- Other (*Specify*): \_\_\_\_\_
- Unknown

**H. Living Situation:**

- Acute care hospital
- Adult foster home
- Assisted living facility
- Community mental health/mental retardation facility
- Group home
- Home or apartment      **With victim?**       No       Yes
- Intermediate care facility for mental retardation
- Nursing home
- State mental hospital
- Other      (*Specify*): \_\_\_\_\_
- Unknown

**I. Other Characteristics:**

- Abuses alcohol and/or drugs
- Dependent on victim for income
- Past history of criminal activity
- Other      (*Specify*): \_\_\_\_\_
- Unknown

**3. Case Specific Information**

**A. Type of Abuse** (*Check all that apply*):

- Emotional/Psychological/Verbal abuse
- Financial exploitation/Misappropriation/Material abuse
- Neglect (by facility and/or staff)
- Neglect (by family or other non-employee)
- Physical abuse
- Sexual abuse
- Other      (*Specify*): \_\_\_\_\_
- Unknown

**B. Type of Charge(s):**

- Misdemeanor      What charge? \_\_\_\_\_
- Felony      What charge? \_\_\_\_\_
- Other      (*Specify*): \_\_\_\_\_

**C. Resolutions of Charge(s):**

- Misdemeanor      What charge? \_\_\_\_\_
- Felony      What charge? \_\_\_\_\_
- Other      (*Specify*): \_\_\_\_\_

**D. Impact of Situation on Victim (Narrative):**

**E. Type of Case:**

- First time in system
- Have been in system in past year
- Have been in system in past 2-5 years
- Other (Specify): \_\_\_\_\_

**F. Time Frames (from filing to disposition):**

**G. Actors Involved in Case:**

- APS
- Ballistics expert
- Family members
- Friends
- Physician
- Psychiatrist
- Victim/Witness Coordinator
- Other (Specify): \_\_\_\_\_

**H. Assistance Provided by the Court-Focused Elder Abuse Project:**

- Assistance filing for a protection order
- Financial support
- Interpreter for proceedings
- Physical assistance
- Transportation
- Other (Specify): \_\_\_\_\_

**I. Assistance Provided by Other Organizations:**

- Interpreter for proceedings (Specify): \_\_\_\_\_
- Transportation (Specify): \_\_\_\_\_
- Physical assistance (Specify): \_\_\_\_\_
- Financial support (Specify): \_\_\_\_\_
- Legal services (Specify): \_\_\_\_\_
- Other (Specify): \_\_\_\_\_

**J. Evidence**

- Photographs (Specify): \_\_\_\_\_
- Fingerprints (Specify): \_\_\_\_\_

## Appendix G

- Testimony (Specify): \_\_\_\_\_  
 Rape kit (Specify): \_\_\_\_\_  
 Other (Specify): \_\_\_\_\_

### K. Case Outcomes:

- Disposition (Specify): \_\_\_\_\_  
 Resolution (Specify): \_\_\_\_\_  
 Sentence was exceptional (Specify how indicated): \_\_\_\_\_  
 Restitution ordered  
 Mediation used

### K. Courts' Probation Record (in some court files):

- Yes (Specify): \_\_\_\_\_  
 No (Specify): \_\_\_\_\_

### L. Predisposition Information (in some court files):

- Yes (Specify): \_\_\_\_\_  
 No (Specify): \_\_\_\_\_

### M. Criminal History Record Check:

- Yes (Specify): \_\_\_\_\_  
 No

### N. Victim Impact Statement:

- Yes (Specify): \_\_\_\_\_  
 No

### O. Case History:

### P. Did the court enter any civil or criminal protective orders?

- Yes (Specify): \_\_\_\_\_  
 No

### Q. Did the court order firearms relinquishment, if it entered an order:

- Yes (Specify): \_\_\_\_\_  
 No



## Appendix H-1

### ALAMEDA COUNTY COURT CASE FILE REVIEW FINDINGS

We reviewed 21<sup>1</sup> court case files in Alameda County, California, using the case file review form discussed in the report in Section II(H)(1) and provided at Appendix G. We were unable to extract information for all fields because information was not provided in every file. The information we did extract provides a snapshot of victim information, perpetrator information, types of cases that the Elder Protection Court hears, assistance provided to victims, and case outcomes.

#### Victim Information

The majority of victims were female (68.42%, 13/19)<sup>2</sup>, with a mean age of 77.3 years (range, 63-92 years) (n=19). In two cases there were two victims. Race was unknown for more than 86.0% of cases. Information on income levels was virtually non-existent, with the one file containing that data indicating that the victim had a monthly income of less than \$1,000 dollars. Of the residences known, the vast majority of victims lived in their own homes (75.0%, 12/16).

The court files provided little information on the victims' illnesses/conditions. In the files that included such data, the leading condition in four cases was Alzheimer's Disease/Dementia and in two cases, heart disease. Listed under "other conditions" in three cases were severe vision problems (i.e., legally blind, glaucoma and macular degeneration).

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<sup>1</sup> This number exceeds our cap of 20 cases, which was discussed in the methodology section of the report. As Alameda County was the only initiative able to provide us with more than the maximum number of useable cases and we had sufficient time, we chose to review the extra case.

<sup>2</sup> Most percentages are followed by count/total number known.

## Appendix H-1

### ALAMEDA COUNTY COURT CASE FILE REVIEW FINDINGS

#### Perpetrator Information

Information in the case files indicated that victims' family members<sup>3</sup> were responsible for most of the abuse (84.2%, 16/19). Two-thirds of the perpetrators were male (66.7%, 14/21), with an average age of 76.7 years (range, 63-92 years) (n= 17) for both sexes. Most perpetrators were white (45%, 9/20) or African-American (30.4%, 6/20), while one was Native Hawaiian/Pacific Islander and the remaining, written in as "other", were Hispanic, Iranian, and Afghan. Perpetrator income was rarely provided (23.8%, 5/21). In two case files, the perpetrator's source of income was from Supplemental Security Income. All perpetrators whose income was indicated had an income below \$2,500 per month. Case files did not reveal substantive information on perpetrators' illnesses/conditions or diagnosed disabilities. In the cases where there was information listed illnesses included substance abuse (2), heart disease (2), depression (2), and diabetes (1).

In all known cases (100%, 14/14), the perpetrator lived in a home, with 30.0% (3/10) living with the victim. Ten perpetrators abused alcohol, and five had a past history of criminal activity. Per information in the case file, two perpetrators claimed to have been abused.

#### Types of Cases Heard by the Court

Nearly three-fourths of the cases involved financial exploitation (75.0%, 15/20), followed by physical abuse (21.1%, 4/19). Most perpetrators were charged with a felony (94.7%, 18/19). One was charged with a misdemeanor. The resolution of the cases resulted in a felony charge in

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<sup>3</sup> We calculated frequencies on the broad category of family member perpetrators only. We realized, while reviewing the data coding, that some categories on the codesheet (e.g., grandparent, parent) did not accurately represent the relationship of the family members.

## Appendix H-1

### ALAMEDA COUNTY COURT CASE FILE REVIEW FINDINGS

most cases (88.9%, 16/18) and in a misdemeanor in one of the 18 cases. Three perpetrators were in the criminal justice system for the first time (25%, 3/12). Two had been in the system during the past year (16.7%, 2/12), and five had been in the system in the past 2-5 years (41.7%, 5/12).

The most frequently involved actors were law enforcement officials in 11 cases, APS in three cases, public defenders in seven cases, and a victim/witness coordinator in two cases.

#### Assistance Provided to Victims and Case Outcomes

The case files did not indicate whether any assistance was provided by the court-focused initiative or other organizations. Files revealed that testimony was used in a fourth of the cases that indicated the type of evidence presented (25.0%, 2/8). In the other six cases, evidence included a picture, checks, thumbprints, etc.

Case outcomes involved disposition (68.4%, 13/19) or restitution (31.6%, 6/19). Twelve case files included a court probation record; ten case files had predisposition information, 19 included a criminal history check, and eight included a victim impact statement. Civil or criminal protective orders were issued in 19 cases, and firearms relinquishment was indicated in 12 cases.

## Appendix H-2

### HILLSBOROUGH COUNTY COURT CASE FILE REVIEW FINDINGS

We reviewed 20 court case files in Hillsborough County, Florida, using the case file review form discussed in the report in Section II(H)(1) and provided at Appendix G. We were unable to extract information for all fields because information was not provided in every file. The information we did extract provides a snapshot of victim information, perpetrator information, types of Elder Justice Center (EJC) cases that the Hillsborough County Circuit Court hears, assistance provided to victims, and case outcomes.

#### Victim Information

We found that most victims were female (65%, 13/20)<sup>1</sup>, with a mean age of 75.1 (range, 61-94) (n=20) years. Three-fourths of the victims were white (75.0%, 12/16); the remainder were African-American (25%, 4/16). Data on income levels was virtually non-existent. Information was provided in only three files, each indicating that the victim had a monthly income of less than \$5,000 dollars.

Limited information was provided on the victims' illnesses/conditions. Alzheimer's Disease/Dementia was indicated in four cases, two had mental illness, and of the reported disabilities, three victims had physical disabilities.

The vast majority of victims lived in their own homes (66.7% 14/20). Five (25.0%, 5/20) resided in an assisted living facility. One victim resided in a nursing home.

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<sup>1</sup> Most percentages are followed by count/total number known.

## Appendix H-2

### HILLSBOROUGH COUNTY COURT CASE FILE REVIEW FINDINGS

#### Perpetrator Information

Information in the case files indicated that most victims were abused by family members (66.7%, 10/15).<sup>2</sup> The “other” category included three professional guardians, a tenant, and a spouse’s girlfriend.

Perpetrators were usually male (57.1%, 8/14), with an average age of 47.5 years (range, 32-58 years) (n=5) for both sexes. When race was reported, most perpetrators were white (60.0%, 3/5), and two were African-American (40%, 2/5). No income information was provided about the perpetrators in the files reviewed, and no information was reported on their illnesses/conditions or disabilities.

Five of the perpetrators abused substances, one had a criminal history, and one was dependent on the victim. In all cases (100%, 12/12), the perpetrator lived in a home, with half (50.0%, 6/12) living with the victim.

#### Types of Cases Heard by the Court

About half of the cases involved financial exploitation (57.1%, 8/14), followed by physical abuse (35.7%, 5/14), and emotional abuse (23.1%, 3/13). No information was provided about charges or resolution. Three perpetrators were in the system for the first time (27.2%, 3/11). Two had been in the system during the past year (18%, 2/11), and four had been in the system in the past 2-5 years (45.5%, 5/11).

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<sup>2</sup> We calculated frequencies on the broad category of family member perpetrators only. We realized, while reviewing the data coding, that some categories on the codesheet (e.g., grandparent, parent) did not accurately represent the relationship of the family members.

## Appendix H-2

### HILLSBOROUGH COUNTY COURT CASE FILE REVIEW FINDINGS

When the case files recorded the information for involved parties, the most frequently involved actors were five APS, three law enforcement, two family members and one each involved a friend, and a guardian.

#### Assistance Provided to Victims and Case Outcomes

The EJC helped with five emergency protective orders; other assistance the EJC provided included guardianship monitoring in five cases and four referrals to legal services. There was no information reported on evidence used or case outcomes. Civil or criminal protective orders were issued in five cases, and firearms relinquishment was ordered in five cases.

## Appendix H-3

### JEFFERSON COUNTY COURT CASE FILE REVIEW FINDINGS

We reviewed five court case files from Jefferson County, Kentucky, using the case file review form discussed in the report in Section II(H)(1) and provided at Appendix G. We were unable to extract information for all fields because information was not provided in every file. The information we did extract provides a snapshot of victim information, perpetrator information, types of protection order cases that the Jefferson County Family Court hears, assistance provided to victims, and case outcomes.

#### Victim Information

The majority of victims were female (60.0%, 3/5)<sup>1</sup>, with a mean age of 73.2 years (range, 62-86 years) (n=5). Most victims were white (60.0%, 3/5). There was little information on income; data indicated only that one person had a monthly income of less than \$2,500 dollars. All victims lived in their own homes (100%, 5/5).

Two files provided information on illnesses/conditions, each indicating that the victim had heart disease.

#### Perpetrator Information

All known perpetrators were family members (100.0%, 5/5).<sup>2</sup> The majority of the perpetrators were male (60.0%, 3/5, with an average age of 41.0 years (range, 21-57 years) (n=5) for both sexes. Fewer than half of the perpetrators were white (40.0%, 2/5), and more than half were African-American (60.0%, 3/5). There was no information on perpetrator income. The

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<sup>1</sup> Most percentages are followed by count/total number known.

<sup>2</sup> We calculated frequencies on the broad category of family member perpetrators only. We realized, while reviewing the data coding, that some categories on the codesheet (e.g., grandparent, parent) did not accurately represent the relationship of the family members.

## Appendix H-3

### JEFFERSON COUNTY COURT CASE FILE REVIEW FINDINGS

case files did not reveal substantive information on perpetrators' illnesses/conditions or diagnosed disabilities.

In most cases (100.0%, 5/5), the perpetrator lived in a home, with 80.0% (4/5) living with the victim. Four perpetrators abused alcohol, and two had a past history of criminal activity.

#### Types of Cases Heard by the Court

The majority of cases involved physical abuse (80.0%, 4/5), followed by emotional abuse (60.0%, 3/5), and one involved financial exploitation. Sexual abuse was involved in one case. These were civil protective order cases, and so there were no criminal charges. Five emergency protection orders were issued. Two perpetrators were in the system for the first time (40.0%, 2/5). One had been in the system during the past year (20.0%, 1/5), and two had been in the system in the past 2-5 years (40.0%, 2/5).

The most frequently involved actors in the cases were three staff of the In-Home Emergency Protective Order Initiative, three APS, and one family member.

#### Assistance Provided to Victims and Case Outcomes

The case files revealed that the In-Home Emergency Protective Order Initiative assisted with five emergency protective orders. Help from other organizations included transportation and support at a court hearing.

Known case outcomes involved only disposition (100%, 5/5). The files revealed that testimony was used as evidence in three cases. One case file had predisposition information, and five included a criminal history check. Four civil or criminal protective orders were issued, and firearms relinquishment was indicated in four cases.



## Appendix H-4

### KINGS COUNTY COURT CASE FILE REVIEW FINDINGS

We reviewed 11 court case files in Kings County, New York, using the case file review form discussed in the report in Section II(H)(1) and provided at Appendix G. We were unable to extract information for all fields because information was not provided in every file. The information we did extract provides a snapshot of victim information, perpetrator information, types of elder temporary order of protection cases that the Kings County Family Court hears, assistance provided to victims, and case outcomes.

#### Victim Information

Sex was indicated in only two cases (both males), although it was possible to calculate the mean age of 73.5 years (range, 60-81 years) (n=11). Two victims (25%, 2/8)<sup>1</sup> were white, and six (75%, 6/8) were African-American. No information on income was available. All victims lived in their own homes (100%, 10/10).

Court files provided little information on the victims' illnesses/conditions. When the files did indicate such information, the leading conditions were heart disease in four cases, diabetes in two cases, and cancer in two cases. "Other conditions" were asthma and vision problems.

#### Perpetrator Information

All perpetrators were family members (100%, 10/10).<sup>2</sup> Over half of the perpetrators were male (63.6%, 7/11), with an average age of 44.7 years (range, 18-84 years) (n=11) for both

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<sup>1</sup> Most percentages are followed by count/total number known.

<sup>2</sup> We calculated frequencies on the broad category of family member perpetrators only. We realized, while reviewing the data coding, that some categories on the codesheet (e.g., grandparent, parent) did not accurately represent the relationship of the family members.

## Appendix H-4

### KINGS COUNTY COURT CASE FILE REVIEW FINDINGS

sexes. Two perpetrators were white (22.2%, 2/9); seven were African-American (77.8%, 7/9). Perpetrator income was not provided. There was no information on perpetrators' illnesses/conditions or diagnosed disabilities.

In all known cases (100%, 10/10), the perpetrator lived in a home, with 100% (10/10) living with the victim. Six perpetrators abused alcohol; none had a past history of criminal activity. Two had mental illness.

#### Types of Cases Heard by the Court

Nearly all cases involved emotional abuse (90.9%, 10/11), followed by physical abuse (72.7%, 8/11). One case involved financial abuse. Two temporary orders of protection were issued, and three cases were dismissed. Nine perpetrators were in the system for the first time (81.8%, 3/11). None had been in the system during the past year, and two had been in the system in the past 2-5 years (18.2%, 2/11). Actors involved included a staff member of the Family Justice Center, an attorney, and law enforcement (one each, respectively).

#### Assistance Provided to Victims and Case Outcomes

Other organizations helped by providing legal representation. Case outcomes involved disposition (62.5%, 5/8) or resolution (37.5%, 3/8). Protective orders were issued in nine cases.

## Appendix H-5

### PALM BEACH COUNTY COURT CASE FILE REVIEW FINDINGS

We reviewed 11 court case files from Palm Beach County, Florida, using the case file review form discussed in the report in Section II(H)(1) and provided at Appendix G. We were unable to extract information for all fields because information was not provided in every file. The information we did extract provides a snapshot of victim information, perpetrator information, types of Elder Justice Center cases that the Palm Beach County Circuit Court hears, assistance provided to victims, and case outcomes.

Data from Palm Beach are organized differently than the data for the other counties and are not included in the overall numbers discussed in the report because the individuals served by this initiative are primarily older criminal defendants, not victims of elder abuse. As indicated in the report, the EJC's eligibility criteria include persons aged 60 and older who may have been arrested for certain crimes, individuals in guardianship proceedings, and all other individuals needing assistance with court-related issues. The court case files we reviewed involved EJC clients who were criminal defendants in cases involving elements of elder abuse.

#### Perpetrator Information

The perpetrators were members of the victim's family<sup>1</sup> in most of the cases (88.9%, 8/9).<sup>2</sup> Most perpetrators were male (72.7%, 8/11), with an average age of 66.6 years (range, 55-79 years) (n=11) for both sexes. Most perpetrators were white (90.9%, 10/11), and one was African-American. Seven perpetrators (63.6%, 7/11) had a monthly income of less than \$2,500,

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<sup>1</sup>We calculated frequencies on the broad category of family member perpetrators only. We realized, while reviewing the data coding, that some categories on the codesheet (e.g., grandparent, parent) did not accurately represent the relationship of the family members.

<sup>2</sup> Most percentages are followed by count/total number known.

## Appendix H-5

### PALM BEACH COUNTY COURT CASE FILE REVIEW FINDINGS

which came predominately from Social Security. Two perpetrators were reported to have depression, and two had bipolar disorder.

In most of the cases (80.0%, 8/10), the perpetrator lived in a home, with 87.5% (7/8) living with the victim. Two perpetrators abused alcohol, two had a past history of criminal activity, and two had a history of domestic violence.

#### Victim Information

All victims were female (100%, 10/10), with a mean age of 66.9 years (range, 45-90 years) (n=8). All the women (100%, 7/7) were white. Only one file provided income information, indicating that the victim had a monthly income of less than \$2,500 dollars. All victims lived in their own homes (100%, 7/7).

Court files provided little information on the victims' illnesses/conditions. One file noted that one victim was pregnant.

#### Types of Cases Heard by the Court

Most cases involved physical abuse (88.9%, 8/9), and one involved emotional abuse (11.1%, 1/9). Most perpetrators were charged with a misdemeanor (72.7%, 8/11), and three (27.3%, 3/11) were charged with a felony. The resolution of the cases resulted in four misdemeanor convictions (44.4%, 4/9). Five perpetrators were in the system for the first time (71.4%, 5/7). One had been in the system during the past year, and one had been in the system in the past 2-5 years.

The most frequently involved actors included three public defenders, two family members, and one witness.

## Appendix H-5

### PALM BEACH COUNTY COURT CASE FILE REVIEW FINDINGS

#### Assistance Provided to Victims and Case Outcomes

The case files did not reveal whether any assistance was provided by the Elder Justice Center or other organizations. The files revealed that the following evidence was used: testimony in two cases and photographs in one case.

One case indicated that the perpetrator had been ordered to obtain counseling for anger management. Eight case files included a criminal history check. Civil or criminal protective orders were issued in eight cases, and firearms relinquishment was indicated in two cases.