



# Promising Practices and Resources in Elder Abuse Prevention

*California Elder Justice Workgroup*

Prepared for the Hearing:  
From Financial Scams to Surveillance Cams:  
A Spotlight on Elder Abuse  
Assembly Aging Committee,  
Assembly Public Safety Committee  
February 22, 2011

**Multidisciplinary teams** provide opportunities for professionals from diverse disciplines to engage in collaborative case planning and problem solving. Teams further identify and address systems problems such as service needs and gaps in coordination. The following specialized teams address special problems and needs.

**Financial Abuse Specialist Teams (FASTs)** focus on complex financial abuse cases. Members include persons with expertise in real estate, insurance, banking practices, investments, trusts, estate planning, financial planning and other financial matters. Because some forms of financial abuse fall under state and federal jurisdiction, FASTs are also likely to include representatives from state and federal law enforcement and regulatory agencies, including Attorneys General, U.S. Attorneys and the Federal Bureau of Investigation.

**Elder Death Review Teams** provide multidisciplinary in-depth analyses of the possible contribution of abuse and neglect to the deaths of elders. The team reviews closed cases of elder death that are suspicious or warrant further scrutiny. In addition to responding to and preventing fatalities arising from elder abuse and neglect, teams may develop education, prevention and, if necessary, prosecution strategies that will lead to improved coordination of services for families and our elder population.

**Elder Abuse Forensic Centers** bring together experts and use state-of-the-art science and analytic tools to identify abuse, support law enforcement, and conduct research and training. Professionals from legal, medical, social services, and law enforcement agencies, provide medical forensic examinations, neuropsychological testing, evidentiary investigation and documentation, taped victim interviews, education, consultation, and research. The Archstone Foundation provides supports to three centers:

- The Los Angeles County Elder Abuse Forensic Center: <http://lacelderabuse.org/>
- Elder Abuse Forensics Center, Center of Excellence in Elder Abuse and Neglect, University of California, Irvine: <http://www.elderabuseforensiccenter.com>
- San Francisco Elder Abuse Forensic Center: [http://www.ioaging.org/professionals/sf\\_elder\\_abuse\\_forensic\\_center.html](http://www.ioaging.org/professionals/sf_elder_abuse_forensic_center.html)

**Senior Center Guidelines.** Attorneys in San Francisco developed model guidelines for senior centers to prevent predatory enterprises from using senior centers to identify seniors (by offering "objective" financial planning presentation). The guidelines primarily involve reserving the right of the facility to video tape presentations.

**Elder Protection Courts.** Elder protection courts handle criminal, civil, and family law cases involving seniors. The courts expedite cases, accelerate restitution orders, and collaborate with providers of social, health, and mental health services for victims and offenders. Alameda County's Elder Protection Court, which was established in 2002—a first in the country, features a separate calendar (in the late morning) for cases involving elders. A victim advocate arranges transportation to court hearings, makes referrals to community agencies, runs criminal background checks; and sets up telephone hearings for housebound or hospitalized elders who are unable to appear in court. Court clerks offer extra help filling out petitions for elder abuse protective orders, and those seeking orders do not have to wait the usual 24 hours to obtain a judge's signature (clerks personally deliver requests to judges, who review them immediately). Other communities with elder courts are Contra Costa and Ventura Counties. Some have developed partnerships with public health, mental health programs, and community agencies.

### **Predatory Lending Screening Tool for Aging Services Providers.**

The Fair Lending Project for Seniors at the Council on Aging Silicon Valley has developed screening tools to identify victims of predatory lending that is used by MSSP case managers, Meals on Wheels volunteers, and other service providers. Elderly homeowners who have refinanced their homes in the last 3 years are asked if they have experienced problems, including 1) payments they cannot afford, 2) the home was in foreclosure when the loan was made, 3) the loan documents were not in their language, 4) their income or assets were falsified, 5) a broker lied or pressured them, or 6) there was anything suspicious about the loan. Seniors who have experienced any of these problems are contacted and asked if they would like to meet with a counselor. The screening tools have been customized for different programs.

### **Assessing Risk among Persons with Alzheimer's Disease /Dementias.**

In its 10-year *Strategy for Excellence in Dementia Care and Alzheimer's/Dementia* the San Francisco Alzheimer's/Dementia Expert Panel endorsed guidelines for those working with adults with dementias (San Francisco Department of Aging and Adult Services, 2009). The guidelines call for assessments or investigations of abuse or neglect whenever three of the following seven risk factors are present:

- Problems with short-term memory
- Psychiatric diagnosis
- Alcohol abuse
- Difficulty interacting with others
- Self-reported conflict with family members or friends
- Feelings of loneliness
- Inadequate or unreliable support system

**Background Checks.** *Safe at Home Developing Effective Criminal Background Checks and Other Screening Policies for Home Care Workers (AARP, 2009).* This report by AARP raises such complex questions as what crimes should disqualify workers, do we apply the same standards when helpers are family members, how do we ensure fairness, who pays, and how will checks affect an already inadequate supply of workers? The report is based on a state-by-state comparison of state laws on background that was commissioned by AARP and conducted by the National Conference of State Legislatures.

**Educating Seniors Project.** This project of the Trusts and Estates Section of the State Bar Association has trained 1200 speakers to provide education on elder abuse and financial scams to seniors. They are expanding the project to rural areas, translating materials into various languages, and plan to launch a website.

**Structured Decision Making<sup>®</sup> (SDM) system.** Under a grant from the National Institute of Justice, the National Council on Crime and Delinquency (NCCD) has developed an actuarial risk assessment tool to assist APS workers perform intakes, investigations, and case planning. NCCD is currently working with APS in Riverside County and has been in discussions with the Protective Services Operations Committee (PSOC) of the County Welfare Directors Association (CWDA) about a state tool for California. The goal of this research-based approach is increased consistency and accuracy when assessing vulnerable adults at critical decision points during APS involvement. The tool covers risk assessments in long-term care facilities as well as community settings (NCCD, 2010).

**Sacramento Senior Safe.** This six-bedroom 4,783-square-foot residential shelter for abused and neglected seniors was developed collaboratively by HomeAid Sacramento, Lennar Homes, Mercy Housing and the North State Building Industry Association, and Volunteers of America provides a safe place for abused and neglected seniors 62 and older to receive as many as 90 days of shelter. The features a home-like environment with senior- created original art on the walls, brightly painted accent walls in each bedroom, and volunteer-stitched handmade quilts for each bed. The new home also is distinguished by Lennar's emphasis on environmentally friendly construction choices.

**Napa County's Caregiver Screening Program.** Slated to begin in July 2011, this program will require independent caregivers (e.g In-Home Support Services Workers, family members and others who provide care in exchange for free rent or other remuneration) to apply for permits. To qualify, they must submit to background checks. Those who do not pass the checks receive limited permits that allow them to care for one particular elder. The Napa County Assessor's Office issues the permits, which must be renewed annually. The renewal fee is \$99 the second year and \$87 every year after. Nurses and caregivers who work for private and public agencies are exempt because they already undergo background checks. The process, which is estimated to cost about \$50,000 a year, is administered by the Area Agency on Aging Napa-Solano. The Napa County district attorney's office is helping to educate the public on the new countywide permit requirements.

### **Elder Abuse Training for Adult Protective Services Workers.**

The Academy for Professional Excellence, in collaboration with the Bay Area Academy and the Center of Excellence in Elder Abuse, is developing curricula for 23 core competencies<sup>1</sup> identified by the National Adult Protective Services Association (NAPSA) in conjunction with the National Center on Elder Abuse, researchers, state and regional representatives, and panels of subject matter experts. The two academies are leading a collaborative effort to create APS training academies in California using the curricula.

### **Professional Licensure Requirements that include Elder Abuse.**

The California Commission on Aging (CCOA), working with the California Welfare Directors Association and the Congress of California Seniors, recently succeeded in getting elder abuse education into the licensure requirements for Marriage and Family Therapists (MFTs) and Licensed Clinical Social Workers (LCSWs).

---

<sup>1</sup>Competencies, which are clusters of related knowledge, skills and attitudes which are essential to job performance, are the hallmark of the competency-based approach to vocational education and training.

**Protecting our Elders: An Interfaith Response to Elder Abuse and Neglect.** This project of the Santa Clara County Department of Aging and Adult Services and the County Mental Health Department seeks to help faith communities recognize and respond to the abuse by raising awareness among clergy, religious leaders, and congregants. Lay leaders and clergy have been trained in elder abuse and certified to make presentations within their faith communities. A Speaker's Bureau has been established and is training large groups of faith communities throughout the county. In addition, discussions are taking place with seminaries for formal infusion of elder abuse curriculum.

**Study of Undue Influence.** In 2010, the San Francisco Probate Court completed a study funded by the Borchard Foundation Center on Law and Aging to understand undue influence and the role it plays in the conservatorships. The study included a review of undue influence laws in California and other states, a review of the legal and psychological literature on undue influence, and focus groups with APS social workers, Public Guardian staff, and probate attorneys. Twenty-five conservatorship cases were reviewed in which undue influence had been identified. The study further paves the way for the creation of an undue influence assessment tool.

### **Archstone Foundation. Elder Abuse and Neglect Initiative**

The Archstone Foundation has committed \$8 million over a five-year period with the goal of improving the quality and coordination of elder abuse and neglect services in the State of California. The Initiative is divided into two major phases. Phase I included 18 projects and ran from January 1, 2006 through December 31, 2007. Phase II supports 18 projects and runs from January 1, 2008 to December 31, 2010. [http://www.archstone.org/info-url\\_nocat2293/info-url\\_nocat\\_show.htm?doc\\_id=260746](http://www.archstone.org/info-url_nocat2293/info-url_nocat_show.htm?doc_id=260746)

### **The California Elder Justice Workgroup (CEJW)**

CEJW was launched in October 2009 to protect the rights, independence, security, and well being of vulnerable elders in California by improving the response of the legal, long-term care, and protective service systems. CEJW's wiki site highlights updates on commitments made by delegates to CEJW's Elder Abuse Summit, and other news from the field.

<https://cejw.pbworks.com/w/page/12074491/FrontPage>

**Center of Excellence in Elder Abuse, UC Irvine School of Medicine, Program in Geriatrics** The Center of Excellence on Elder Abuse and Neglect provides medical, forensic, and victim services to abused, neglected and exploited seniors and serves as a "living laboratory" of innovative approaches in Orange County. It provides technical assistance, best practice information, multidisciplinary training, useful research, and relevant policy issues in California.

<http://www.centeronelderabuse.org/>

**Operation Guardians, Attorney General's Bureau of Medi-Cal Fraud and Elder Abuse** conducts surprise, on-site inspections of California's 1,500 skilled nursing home facilities. The focus is to identify and correct violations of federal, state, and/or local laws and regulations designed to protect elder patients. Reports of suspected Medi-Cal Fraud or elder abuse can be made to 800. 722.0432 or online at: <http://ag.ca.gov/bmfea/reporting.php>

**Financial Capacity Assessment Tool.** A team of doctors from the University of Alabama, Birmingham, developed a 25-minute test that physicians can use to determine the capacity of patients with cognitive impairments to handle financial affairs. The test examines eight areas of financial activity: basic monetary skills, conceptual knowledge, cash transactions, checkbook management, bank statement management, judgment, bill payment and knowledge of personal assets and/or estate arrangements. The test is designed to provide guidance to families and courts.

## Publications

- AARP Public Policy Institute. (2009). Safe at home? Developing effective criminal background checks and other screening policies for home care workers. Washington, D.C. : AARP. Retrieved April 3, 2010 from <http://assets.aarp.org/rgcenter/ppi/ltc/2009-12.pdf>
- Acierno, R., Hernandez-Tejada, M., Muzzy, W., & Steve, K. (2009). *National elder mistreatment study*. California Workgroup on Guidelines for Alzheimer's Disease Management. (2008). Guideline for Alzheimer's disease management. Chicago: Alzheimer's Association.
- California Mental Health Directors Association Workforce Education/Training Work Group. (2009). *Recommendations to promote planning, funding and implementation*. Retrieved on March 20, 2010 from [http://cmhda.org/go/Portals/0/CMHDA%20Files/Committees/OASOC/Handouts/OASOC\\_WET\\_Draft\\_3\\_\(7-2-09\).pdf](http://cmhda.org/go/Portals/0/CMHDA%20Files/Committees/OASOC/Handouts/OASOC_WET_Draft_3_(7-2-09).pdf)
- California Senate Office of Oversight and Outcomes. (2009). California elder abuse investigators: Ombudsmen shackled by conflicting laws and duties. Retrieved on December 20, 2010 from <http://www3.senate.ca.gov/deployedfiles/vcm2007/senoversight/docs/final%20ombudsman%20report%2010.30.pdf>
- California Senate Office of Oversight and Outcomes. (2010). Dangerous caregivers: State failed to cross-check backgrounds. Retrieved January 31, 2011 from <http://www3.senate.ca.gov/deployedfiles/vcm2007/senoversight/docs/dangerouscaregiversreport1.pdf>.
- County Welfare Directors Association Protective Services Operations Committee (2010). *A day in the life of adult protective services III*. Sacramento: County Welfare Directors Association of California.
- Davis, R. C., & Medina-Ariza, J. (2001). *Results from an elder abuse prevention experiment in New York City*. Washington, DC: National Institute of Justice, U.S. Department of Justice.
- Deem, D., Nerenberg, L., & Titus, R. (2007). Victims of financial crime. In R. C. Davis, A. J. Lurigio & S. Herman (Eds.), *Victims of Crime* (3 ed.). Thousand Oaks, CA: Sage Publications.
- Disability Rights California, Investigations Unit. (2010). Victimized twice: Abuse of nursing home residents, no criminal accountability for perpetrators. Available at <http://www.disabilityrightsca.org/pubs/548801.pdf>
- Judicial Council Probate Conservatorship Task Force (2006). Final report Available at <http://www.courtinfo.ca.gov/jc/documents/reports/120908item10.pdf>
- Judicial Council. (2008). Effective court practice for abused elders. Retrieved on December 28, 2010 from <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/EffectiveCourtAbusedEldersMain.pdf>
- Karp, N., & Wood, E. (2003). *Incapacitated and alone: Health care decision-making for the unbefriended elderly*. Washington, D.C.: American Bar Association.
- Mosqueda, L., Twomey, M.S. Giles, L., Brewer, E.T. Huba, G.J. & Melchior, L.A. (Eds.) (2010). The Archstone Foundation Elder Abuse & Neglect Initiative. [Special issue]. *Journal of Elder Abuse & Neglect* 22(3-4).
- National Council on Crime and Delinquency (NCCD). (2010). Structuring decisions in adult protective services. Retrieved April 3, 2010 from [http://www.nccd-crc.org/nccd/dnld/Home/Structuring\\_Decisions\\_in\\_Adult\\_Protective\\_Services.pdf](http://www.nccd-crc.org/nccd/dnld/Home/Structuring_Decisions_in_Adult_Protective_Services.pdf)
- Navarro, A. E., Wilber, K. H., Yonashiro, J., & Homeier, D. C. (2010). Do we really need another meeting? Lessons from the Los Angeles County Elder Abuse Forensic Center. *Gerontologist*, 50(5), 702-711.
- Quinn, M. J., & Nereberg, L. (2005). *Improving access to the San Francisco Superior Court (Probate and Unified Family Courts) for elders: Final report*. San Francisco: San Francisco Superior Court.
- Sacks, D. (2008). The value of daily money management: An analysis of outcomes and costs by the Brookdale Center for Health Aging and Longevity. *NCEA e-news*, 12(3). Retrieved April 2, 2010 from [http://www.brookdale.org/pdf\\_docs/NCEA%20Newsletter%20Sept%202009.pdf](http://www.brookdale.org/pdf_docs/NCEA%20Newsletter%20Sept%202009.pdf)
- San Francisco Department of Aging and Adult Services. (2009). 2020 Foresight: San Francisco's strategy for excellence in dementia care. San Francisco: DAAS. Retrieved on March 28, 2010 from <http://www.sfhsa.org/asset/ReportsDataResources/2020ForesightStrategyForExcellenceinDementiaCare.pdf>
- Wiglesworth, A., Mosqueda, L., Mulnard, R., Liao, S., Gibbs, L., & Fitzgerald, W. (2010). Screening for abuse and neglect of people with dementia. *Journal of the American Geriatrics Society*, 58(3), 493-500.