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ElderJusticeCal.org

info@elderjusticecal.org

**The California Elder Justice (CEJC) Recommendations for California’s OAA State Plan**

The California Elder Justice Coalition welcomes the opportunity to provide input to the OAA State plan. We applaud the plan’s expansive and progressive vision for aging services.

We are particularly pleased by the plan’s focus on equity and want to underscore the need for greater parity in protective services, legal assistance, and services that reduce vulnerability. Experts agree that only 1 in 14 cases of elder abuse is reported to authorities and the rate is even lower for cases involving financial abuse and exploitation. Far fewer cases are effectively resolved to the satisfaction of victims due to critical shortages in services that address the root causes of abuse and the physical, financial, and emotional harm it causes.

Although lack of awareness about services is partially to blame, many victims lack access to existing services due to geographic, physical, cultural, language, or various other barriers. Others lack trust in the system or find traditional approaches, including criminal justice and law enforcement responses, unacceptable. This is particularly true with respect to the prosecution of family members due to historical disparities in how cases are handled and disproportionality in judgments and penalties. Calls for reimagining policing and victim focused services has prompted CEJC to explore alternatives, including the use of mediation and restorative justice.

CEJC also calls for expanding options to protect the rights of older adults with cognitive impairments, who are at heightened risk for elder financial exploitation, neglect, and undue influence. This includes the expanded use of advance directives for finances and health care, which empower people to decide in advance the kind of care and treatments they want or who they want to make decisions for them in the event they cannot exercise choice themselves.

We believe that CDA can play an important role in promoting preventative approaches to elder abuse, including risk identification and reduction, screening, early intervention, and harm reduction. For example, research on elder abuse shows that social isolation is the single most significant risk factor for all forms of elder abuse and neglect, suggesting that programs like congregate and home delivered meals, senior centers, friendly visitors, and others are in fact front line defenses against abuse. Those who work in these programs need training to help them understand their important role in abuse prevention and how to handle situations they encounter. Daily money management has also been shown to significantly reduce the risk of abuse by offering vulnerable adults a continuum of help from reminding those with memory loss when it is time to pay bills, to transacting business on elders’ behalf under powers of attorney or guardianship. The service, however, is not readily available in many communities.

We believe that CDA and area agencies on aging can play a critical role in preventing elder abuse, reducing vulnerability, and preserving elders’ rights. Specifically:

Area agencies on aging can:

* Help raise public awareness about abuse, the need for greater equity in access to protective and legal services, and victim-focused, preventative approaches.
* Initiate and facilitate coordination among agencies that offer services to prevent abuse and reduce risk. This includes forging partnerships with agencies that have strong ties to underserved communities, including community health clinics.
* Provide training to staff in elder abuse, risk reduction, and elder rights.
* Offer screening to detect the risk of elder abuse, home loss, eviction, and inadequate or stressed caregiver systems.
* Provide support to programs that reduce or respond to risk, including daily money management.

Legal assistance programs:

* Provide assistance with advance directives for health and finances.
* Assist victims recover restitution and assets.
* Explore the expanded use of mediation, alternative dispute resolution, family conferences, restorative justice, and supported decision making.

The state’s legal service developer:

* Provide guidance to local legal assistance providers.
* Promote the use of innovations that lower the risk of abuse, including legal risk assessment tools, and undue influence and financial capacity screening tools.
* Provide advice and counsel to long term care ombudsman programs on working with unrepresented residents (those lacking capacity, advocates, and surrogate decision makers)
* Oversee, or work in close coordination with, the proposed Office of the Patient Representative to ensure that the needs of all unrepresented elders are addressed.

We are also pleased to see the leadership role that CDA is playing in implementing the Elder Justice Coordinating Council, which was created under the California Master Plan for Aging. This body is a major step in providing an infrastructure for elder justice in the state and filling a critical gap in coordination among state and local entities that address elder abuse. It will enable the state to identify and address disparities in access to services, apply for innovation grants, identify unmet needs, and coordinate interdisciplinary training.

Again, CEJC applauds CDA for this plan and stands ready to help achieve its success in any way we can.

CEJC is a project of Community Partners.1000 N. Alameda Street, Suite 240. Los Angeles, CA 90012. 213.346.3200. <http://communitypartners.org>