



The Role of the Justice System in Ensuring Elder Justice

This document is excerpted from the California Elder Justice Coalition's updated *From Blueprint to Benchmarks: Building a Framework for Elder Justice (B2B, 2016)*. It is the third in a series, which began with *Improving California's Response to Elder Abuse, Neglect, and Exploitation: A Blueprint (2011)*. All three Blueprints were funded, in part, by Archstone Foundation.

Topic III: The Role of the Justice System in Ensuring Elder Justice

Background

Protecting and defending older Californians' rights requires a broad array of civil and criminal legal protections and remedies ranging from preventative measures like estate planning and advance planning for incapacity¹ to the criminal prosecution of abuse. California has been a leader in crafting statutory and procedural legal innovations. Its criminal elder abuse statute acknowledges that older crime victims deserve special protections, and prosecutors' offices across the state have created special units and procedures. The state's civil codes provide remedies for recovering misappropriated assets, consumer protections, protective interventions like restraining orders and conservatorships, and incentives for private attorneys to litigate cases. California was also home to some of the nation's first elder courts and forensics centers.

Legal interventions in elder mistreatment are often complex. Some are complicated by victims' frailty or uncertainties about their mental capacity. Prosecuting long-term care facilities for institutional abuse requires an understanding of complex regulatory requirements, financing systems, and professional standards of care. Financial crimes that target older adults evolve rapidly and may fall under the jurisdiction of state, federal, and international law enforcement, consumer protection, and regulatory agencies.

A primary source of legal assistance for older Californians is the state's 39 senior legal services programs, which are funded through the federal Older Americans Act (OAA) and administered through the California Department of Aging (CDA). The scope and range of services offered varies across the state, with most programs providing advocacy with public benefits, housing,

¹ Estate planning is an umbrella term for the process of anticipating and arranging the management and disposal of a person's estate in the event the person becomes incapacitated and after their death. It encompasses both testamentary documents (wills and trusts) and life planning documents such as powers of attorney (POA) and advance health care directives (AHCD). Everyone has an estate regardless of their income level and wealth.

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and immigration issues; education on legal matters; help with estate planning and advance directives for health care; and assistance securing orders of protection. A few programs provide additional specialized services, such as representation in conservatorship cases and assistance accessing court administered self-help programs. Other sources of legal aid include the California Office of Emergency Services (CALOES), which administers Victims of Crime Act (VOCA) funding for legal services, as well as local bar associations and non-profit attorney panels. California's Legal Services Developer, who is employed by the California Department of Aging, provides state-level coordination, support, and leadership to meet the legal needs of older Californians. The Developer helps develop legal assistance programs, works with local Area Agencies on Aging and sub-contracted legal aid providers to develop local legal aid services, convenes legal aid providers and stakeholders to identify and scale best practices, and provides support to the state and local Long-Term Care Ombudsman Programs.

Additionally, many elders do not qualify for free legal services or have cases, such as large financial abuse cases, that are inappropriate for legal services to take. Yet, even in cases suitable for private bar intervention, financially abused seniors often have difficulty finding legal help. Seniors face the proverbial "needle in the haystack" problem; notwithstanding the fact that there are over 160,000 active lawyers in California; at most, several dozen identify as taking civil elder financial abuse cases. It is not unusual for elders, and particularly those in rural areas, to need to travel great distances to obtain legal assistance, further reducing the likelihood that they receive help. This problem is compounded by a dearth of functioning legal referral services for seniors facing financial abuse.

Protecting the legal rights of adults who lack decision-making capacity or surrogates and who have not executed financial or healthcare power of attorney documents poses formidable challenges. Sometimes referred to as "unrepresented" or "unbefriended" adults, these individuals are at heightened risk for:

- Abuse, neglect, exploitation, and self-neglect.
- Having their preferences about medical treatment, long-term care, end-of-life decisions, and legacies disregarded or overridden.
- Unnecessary, prolonged hospitalizations because long-term care facilities require responsible parties as a condition for admission.
- Poverty, homelessness, or institutionalization.

Preventing these consequences may require conservatorship, which can be provided by public guardians, non-profit agencies, and private professional conservators. Less restrictive alternatives that may suffice in some situations, including representative payeeship, supported decision making, and daily money management, are in short supply in many communities.

Despite efforts by legal service providers and the media to encourage older adults, including low-income individuals, to develop estate plans, most fail to do so leading to probate proceedings that can have devastating impacts on individuals, families, and communities. Probate costs can amount to tens of thousands of dollars, forcing families to sell homes that they've owned for decades and leave their communities. These displacements and the loss of intergenerational

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wealth they cause are particularly devastating in communities of color where homes have been passed from generation to generation.

Recent events have exposed new legal needs and exacerbated long-standing problems. The rapid onset of COVID-19 highlighted the need for estate planning and advance planning for health care, and many older adults have needed help securing pandemic relief funds and avoiding evictions or foreclosures. These needs were particularly great for non-affluent, BIPOC, and other marginalized elders and their families, who were disproportionately impacted by the pandemic. Media attention to the highly publicized Britney Spears conservatorship contest prompted new calls for reforms to California's conservatorship system, including greater accountability, transparency, and less restrictive alternatives.

The Black Lives Matter movement and calls for realigning law enforcement resources and priorities, has created an imperative for evaluating law enforcement's role in abuse prevention. This includes acknowledging disparities among older victims in their attitudes toward criminal justice responses and their willingness to make police reports. Ensuring the rights of older crime victims will require establishing trust with disenfranchised groups and exploring victim focused alternatives, including restorative justice, and a greater focus on preventative and supportive services.

Achieving greater equity and trust in California's justice system will not be easy. The field of elder abuse prevention has, however, forged constructive partnerships between law enforcement and the social and health care systems, which have had positive impacts for victims and their communities. Still, much more needs to be done. Building trust requires clarifying the roles and relationships among these groups; balancing the rights of victims, offenders, and other stakeholders; and creating realistic expectations and achievable goals.

Progress Toward Implementing *B2B* Recommendations for the Justice System

CEJC has undertaken the following approaches and activities to improve the legal system's response to elder abuse and protect elders' rights:

- Advocated for the creation of a Working Interdisciplinary Network for Guardianship Stakeholders (WINGS) in California. This includes providing consultation to Congressman Ted Lieu in efforts to secure federal funding for a national WINGS program and alerting state officials to the need for a WINGS in California and opportunities to secure funding for one.
- Advocated for public guardians to receive state training funds and operational funding.
- Hosted webinars to raise awareness within and beyond California about legal needs and innovations for meeting them, including:
 - Exploring Restorative Approaches to Elder Justice: A 4-part series that included:
 - Syracuse, New York's "Long Game" for Adopting Restorative Approaches to Elder Abuse (January 2022).
 - A Circle Approach to Healing the Harm of Financial Exploitation (February 2022).
 - A Cultural Perspective on Restorative Justice (March 2022).
 - Restorative Justice/Elder Abuse Showcase (April 2022)
 - Stop the Bleeding - Temporarily Freezing Assets in Elder Abuse Cases (September 2021).

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- A Conversation on Applying Restorative Justice to Elder Abuse (April 2021).
- Absent Authority: Making Conservatorship a Positive Tool of Transformation (March 2021).
- Fraud & Financial Abuse Prevention Networks: Showcasing Innovation (January 2021).
- Civil Remedies for Empowering Victims of Elder Financial Exploitation (December 2019).
- Reforming Adult Guardianship Through Working Interdisciplinary Networks of Guardianship Stakeholders (July 2019).
- State ID Theft Coalitions: Stolen Identities and Beyond (May 2019).
- What's New in Undue Influence: Definitions, Tools, and Court Responses (November 2018).
- International Financial Crimes: How Do We Turn the Tide and Help Older Victims? (August 2018).
- Engaging Financial Institutions in Abuse Investigations (June 2018).
- Organized presentations on the role of state legal services developers and medical/legal partnerships for the National Network of State Elder Justice Coalitions (NNSEJC).
- Discussed the unmet legal service needs of older Californians with CDA's legal services developer.

New Developments

State Level

- California included \$1 million annually for three years for training public guardians as part of the APS training budget allocation (2016-19).
- California's "elder courts," among the first in the country, suspended operations despite widespread support from stakeholders. The move has been attributed to retrenchments in funding even though no cost analyses of the courts were conducted.
- A 2019 survey by the California Bar Association found that most Californians do not seek or receive legal help because they do not recognize legal problems or how to access help. The survey also revealed that the help received is often insufficient to fully resolve problems.
- CDA established the Office of Long-Term Care Patient Representative (OLTCPR) to provide representation on "medical decision-making interdisciplinary teams" (IDTs) for unrepresented SNF residents under Health and Safety Code Section 1418.8. The program was established in response to a court order following from California Advocates for Nursing Home Residents v. Smith (2019), which requires facilities to ensure that patient representatives are part of all IDT meetings. IDTs are convened when patients who lack capacity are prescribed treatments or care that requires consent. Prior to the ruling, patient representatives were permitted but not required to participate.
- AB 1194, which was enacted in 2022, provides \$1.3 million for the Judicial Council to complete a formal comprehensive review of the state's conservatorship system, which must be delivered to the Legislature by Jan. 1, 2024.
- In 2020, the California Bar Association launched a Working Group to explore the use of paraprofessionals to expand the pool of affordable legal service providers. Legal service providers have raised concerns about the potential for abuse and lack of accountability.

National Level

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- National Guardianship Summit. In May 2021 the National Guardianship Network convened 125 advocates, family guardians, judges, lawyers, scholars, and other stakeholders for the Fourth National Guardianship Summit. The group discussed the current state of guardianship and developed 22 final recommendations for reform that focused on maximizing autonomy, ensuring accountability, due process protections, promoting supported decision making, and tailoring the scope and duration of authority by guardians.
- The Administration for Community Living (ACL) has promoted elder rights through the following initiatives:
 - Provided funding to Justice in Aging to create the National Center on Law and Elder Rights (NCLER) to provide tools, including an Elder Justice Toolkit (see Resources below) to professionals who serve older clients and consumers.
 - Provided funding for states to improve their guardianship programs.

Challenges and Needs

Civil

- Gaps, shortages, and disparities in access to legal services for non-affluent older Californians. Underserved groups include BIPOC and homebound elders as well as those with limited-English fluency and those living in long-term care facilities and rural communities. Specific areas of need include:
 - Assistance to older homeowners and landlords (OAA-funded programs only address tenants' problems).
 - Assistance recovering restitution.
 - Lack of representatives, advocates, and surrogates for non-affluent "unbefriended" and unrepresented" adults.
 - Estate planning and advance directives, including living trusts and powers of attorney,
- Failure to engage in estate and/or advance planning, as the result of the following:
 - Low-income individuals lack liquid funds to pay for living trusts.
 - Reluctance of older adults to talk about estate and/or advance planning because they fear that doing so will lead to being seen as dependent or losing their autonomy.
 - Many professionals do not recognize high-risk situations that warrant the need for advance directives (e.g., when doctors prescribe or remove patients from medications that affect memory).
 - The need for authority is often identified during medical, financial, or family crises when fewer options are available.
 - California Probate Code section 4675 requires that advance health care directives (AHCD) executed in SNFs by residents must be witnessed by Ombudsman representatives. There is a shortage of witnesses available for both SNF residents and RCFE residents, who are also likely to need them.
- Lawyers lack training in key areas, including:
 - Capacity and undue influence.
 - How cognitive impairments relate to legal standards of decision making.
 - How to work with clients with cognitive and communication impairments.
 - The aging services network.
 - The need for advance directives particularly by non-affluent elders.

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- Certificates of Independent Review.
- Financial elder abuse
- Predatory lending and foreclosure prevention
- Few attorneys are litigating abuse cases to recover the full amount of funds owed to victims and compensate them for emotional harm. This includes cases involving financial abuse and abuse and neglect in long-term care facilities. Barriers include:
 - Public and private attorneys lack the requisite training
 - Public and private attorneys lack the “up front” funds that are often needed
 - Some public and non-profit agencies are restricted from referring clients to private attorneys by agency policies. Similarly, multidisciplinary teams (MDTs) in some communities restrict private attorneys from participating. This process impairs elders’ ability to obtain legal help. Agency personnel lack guidance in making referrals to private attorneys and when it is appropriate to do so.
- Lack of private lawyers specializing in financial elder abuse.
- There are not enough lawyer referral services to connect seniors needing civil legal help with private elder law attorneys.
- Lack of transparency and accountability in California’s conservatorship system.
- Lack of data on civil interventions and services, including lawsuits, conservatorships, protective orders, advance directives, and civil restitution orders, that can be used to demonstrate outcomes, impact, disparities in access, unmet needs, and trends.
- Lack of information about restorative justice and its potential use in elder justice and abuse prevention, including:
 - Lack of research or practice experience that can provide guidance in when and how restorative approaches can be used to promote elder rights and prevent abuse.
 - Lack of authority or consensus for employing restorative approaches.
 - Concerns about protecting the confidentiality of participants in restorative justice practices.
- Other litigation alternatives, such as collaborative mediation, are inadequately researched or funded. In many non-stranger financial abuse cases, litigation or prosecution are ineffective or unavailable interventions
- Lack of public awareness about legal rights, interventions, and services, including:
 - Misinformation and misconceptions about conservatorship, including how it works, who can petition and serve, conservatees’ rights, due process protections, and alternatives.
 - Lack of information about the special rights of crime victims, people with disabilities, people who are incarcerated, immigrants, long-term care residents, and consumers of long-term services and supports.
 - Lack of information about advance planning, its benefits, available options, and the risks of not having plans. There are also pervasive misperceptions by the public about how advance directives work. Some, for example, reportedly believe that “agents” under POAs (those who have been granted authority) can rightfully take possession of “principles” (those granting authority) assets. Others mistakenly believe that agents must be attorneys.
- Barriers to coordination and uniformity in the delivery of legal assistance

- Lack of a public state-level “home” for PA/PG/PC programs in government impedes local, state, and national coordination, data collection, oversight, and the exchange of information and innovations.
- Variations exist in how family law courts and probate courts handle elder abuse cases and lack of contact/coordination between them.
- Lack of coordination/information sharing among legal services providers.
- Problems with statutes and legal documents, including:
 - Capacity declarations for conservatorship are cumbersome and confusing
 - Independent review statute is vague and does not provide adequate guidance on the minimum standards that the reviewing attorney must meet.
 - California’s financial abuse statute is unclear. Due to a lack of clarity in the statute, some courts have held that an “assister” of financial elder abuse must have “actual knowledge” to be held liable (*Das v. Bank of America*). For financial abuse, the standard is generally that the abuser “knew or *should have known*” that their conduct would cause harm to the elder.
- Many Californians lack comprehensive estate plans, including living trusts and powers of attorney, leading to unnecessary probates and probate conservatorships that can have devastating impacts on individuals, families, and communities. Probate costs can amount to tens or hundreds of thousands of dollars, force families to sell homes that they've owned for decades, and leave their communities. These displacements and the loss of intergenerational wealth they cause are particularly devastating in communities of color where homes have been passed from generation-to-generation. Reasons for failing to execute estate plans, include:
 - Low-income homeowners lack liquid funds to pay for living trusts to avoid probate; there are practically no legal services in the state providing low-income homeowners with free or low-cost estate plans. This has devastating effects on low-income communities, drives displacement of families from low-income communities (disproportionately communities of color), and ultimately results in unnecessary judicial costs to the state because the lack of an appropriate estate plan will inevitably result in the family needing to go through court.
 - The need for an agent for finances or medical authority is often identified during medical, financial, or family crises when fewer options are available and conservatorship may be the only remaining option. These issues need to be addressed before the senior develops incapacity.
- Virtually no public dollars are devoted to foreclosure prevention and litigation on behalf of marginalized communities. New research shows that foreclosure and distressed property sales (which predominantly affect low-income communities, seniors, disabled adults, communities of color) is a driving cause of the racial wealth gap. Yet nearly all public housing initiatives are designed to help renters, not at-risk homeowners. As a result, at-risk homeowners are rarely able to get legal help, even in the most egregious cases, resulting in lost housing and the unaddressed taking of massive amounts of accrued intergenerational wealth from California’s most vulnerable communities

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- Only a handful of attorneys in the entire state litigate foreclosure cases.
- Most legal services do not handle foreclosure prevention or litigation.
- Few attorneys or service providers are trained to recognize predatory lending.
- As a result, approximately \$2B (billion) in accrued home equity is taken from low-income communities in California every year, according to new research done at UC Berkeley and the National Bureau of Economic Research.
- Some studies estimate that up to 86% of foreclosures have “clear violations of law,” yet due to a complete lack of oversight of California’s nonjudicial foreclosure process and the unavailability of legal interventions, foreclosed homeowners are rarely able to access help.
- This massive extraction of accrued wealth predominantly affects seniors in low-income communities of color, and can deprive people of not only their homes, but a lifetime of saved home equity. It puts once housing-stable people at risk of homelessness, hinders social mobility in low-income communities, and ultimately perpetuates and exacerbates the racial wealth gap.
- Front line responders to elder abuse face barriers to referring clients to civil attorneys who can help them recover misappropriated assets and property. For example:
 - County Counsel in some counties prohibit APS programs from making referrals directly to civil attorneys but permit them to refer clients to the Bar Association. Many clients, however, are unable to follow through on referrals without help.
 - County Counsel in some counties prohibit private attorneys from participating on forensic center teams or other MDTs. (Some further restrict public employees from receiving advice from any non-public attorney, including non-profit legal assistance program personnel).
 - County Counsel in some counties prohibit information sharing between investigating partners in MDTs.
 - As more private attorneys are litigating nursing homes, some LTC Ombudsman programs report being aggressively pressured to provide them with information. Some have policies against referring clients to private attorneys or assisting in cases because of their misunderstandings about potential “liability.” As a result, many seniors do not get the help they need. Some report feeling “used” by private attorneys, who do not understand their policies and practices for handling client and facility information.
 - Lack of systems or processes to ensure accountability. Some attorneys who claim to be “elder abuse” experts, lack requisite expertise and experience.

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- Lack of data on criminal interventions, including police reports, prosecutions, restraining orders, restitution ordered and collected, and case outcomes. This information is needed to demonstrate disparities in access to protection, charges and penalties; the impact of interventions; and unmet needs. Data is also needed to identify trends such as the impact of the pandemic on police and prosecutors’ interventions.
- Lack of clarity and consistency regarding the role of law enforcement in responding to elder abuse reports. For example, APS and Ombudsman programs are required to report to law

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enforcement. Some jurisdictions reportedly do not have processes for reviewing cross-reported cases for criminal conduct.

- When police receive reports of theft involving powers of attorney, deeds, predatory lending, or other legal documents, they often view them as solely “civil matters” and fail to investigate.
- Barriers that law enforcement officials often encounter in responding to reports of financial abuse, some of which are described in greater detail in Chapter ? include:
 - Lack of authority to secure critical evidence from financial institutions in cases involving older adults who lack capacity to give consent.
 - Lack of training in cognitive impairment, including its impact on financial decision-making.
 - Lack of criminal remedies to address undue influence.
 - High monetary thresholds for felony elder financial abuse prevents victims with small losses from receiving justice.
- Limitations on the use of video conferencing or videotaped testimony.
- Although the impact of COVID-19 and calls for police reform are not yet fully understood, some advocates fear that shortages in police, prosecutors, and court personnel; the release of non-violent offenders from prisons and jails; an uptick in scams; tensions between law enforcement and stakeholder groups; and lack of access to homes or facilities have prevented victims from receiving justice.
- Lack of training for law enforcement in key areas of elder abuse, including cognitive impairments and investigating elder abuse in long-term care facilities.

Recommendations

General

- Develop a state legal data collection system to identify trends, remedies, outcomes, disparities in access, and legal needs. Information should include police reports (including complaints that are not pursued), prosecutions, civil suits, conservatorships, restraining orders, and restitution
- Promote restorative approaches to prevent abuse and violations of elders’ rights, including:
 - Encourage judges to order more cases into mediation, arbitration, and restorative justice.
 - Explore the use of restorative justice approaches in the following:
 - As a diversion from prosecution or a condition for probation in abuse cases.
 - As an alternative to conservatorships when the impetus of the conservatorship involves families in conflict
 - Explore the potential of restorative approaches to elder justice through the following:
 - Promote the development of restorative justice pilot projects
 - Provide opportunities for professional exchange among elder justice and restorative justice advocates to share experiences, insights, and resources.

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- Ask California’s Chief Justice to convene a body of stakeholders, using the WINGS model, to evaluate current practices and needs related to conservatorship, including the need for greater accountability and alternative options.
- Create a state office to oversee Public Guardian and Public Conservator programs to administer sorely needed state funding, provide support and guidance to local programs,

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oversee training and data collection, and explore and disseminate innovations and promising practices.

- Develop a comprehensive plan for helping “unbefriended/unrepresented” adults who need short term assistance for:
 - Medical decisions requiring consent, including IDTs (SB 460)
 - Placements in LTC facilities
 - Requesting evidence from financial institutions
 - Securing restraining orders
- Improve access to legal services for underserved groups through the following:
 - Implement programs like Fremont’s “Community Ambassador Program for Seniors (CAPS)” to serve as bridges to underserved communities.
 - Rural solution focus
 - Provide home visits for homebound adults
 - Promote the development of “Medical Legal Partnerships”
 - Expand estate planning service offerings by Title 3 Older Americans Act legal services providers with an emphasis on preventing elder abuse and exploitation.
- Expand the role of the state legal services developer to:
 - Monitor the type and scope of legal services currently being provided and identify gaps.
 - Explore avenues for meeting the demand for legal services.
 - Help connect and coordinate older adult legal services to health and social service providers.
 - Provide information on resources and promising practices to senior legal services providers.
 - Work with stakeholders to address concerns about liability that discourage some legal services providers from offering estate planning.
- Promote the development of services for adults with diminished mental capacity, including:
 - Daily money management.
 - Supported decision making.
 - Free or affordable trustees and conservators.
- Conduct public awareness campaigns that focus on:
 - Elder rights, including their civil rights as well as the rights of consumers, residents of long-term care facilities, victims’ rights, the rights of people with disabilities, and others.
 - The benefits of estate planning and finding help to get it done.
- Ensure that all adults have opportunities to complete comprehensive estate plans to protect their autonomy and personal choices.
- Explore alternative remedies for recovering assets and mitigating harm, including the expanded use of mediation, restorative justice, small claim courts, and Qui Tam litigation.
- Promote the development of legal-gerontological social work partnerships to help facilitate appropriate referrals to attorneys and ensure that older adults with cognitive issues and/or physical limitations have supportive advocates.
- Promote the involvement of private attorneys in preventing abuse while ensuring accountability and avoiding conflicts of interest through the following:

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- Address barriers to referrals to private civil attorneys and lawyer referral networks by public and non-profit agency personnel and that prevent attorneys from participating on MDTs, forensics centers, and financial abuse specialist teams (FASTs).
- Promote the development of specialized lawyer referral services and panels that screen for quality and expertise. Develop policies and protocols for proper screening and protections to ensure accountability.
- Provide training for frontline workers, including APS, LTC ombudsman programs, police departments, FAST teams, MDP groups, and government workers on making referrals to private attorneys, including when it is appropriate, resources for doing so, information sharing, and liability protections.
- Provide training for civil attorneys on how to work with public and private, non-profit agencies, including what information agencies have access to and when and how it can be shared.

Criminal

- Review the existing role of law enforcement in California's elder and dependent adult mandatory reporting and response system. Areas to explore:
 - Cross reporting with APS and Ombudsmen (e.g., what happens when reports are received)
 - Consistency in responses across jurisdictions (including investigations, charges, dispositions).
 - Barriers faced in conducting investigations (e.g., accessing or interpreting evidence).
- Develop protocols and agreements among first line responders to abuse reports.
- Provide training to law enforcement professionals in:
 - Investigating abuse in long-term care facilities
 - Reporting financial crimes to state and federal law enforcement and regulatory entities.
- Direct prosecutors to prioritize high impact cases that offer maximum benefits to society.
- Explore procedural innovations to improve efficiency, equity and outcomes, including:
 - Elder courts
 - Expand the use of small claims court for crimes involving small or moderate losses.

Resources

- Elder Justice Toolkit. Created by the National Center on Law & Elder Rights, the toolkit contains information on civil legal remedies, practice tips, and sample pleadings for attorneys seeking protection and redress for clients who have experienced elder abuse.
- The American Bar Associations' Commission on Law and Aging (2021) maintains lists of statutes and court rules pertaining to state guardianship laws.
- Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) Briefing Paper: Advancing Guardianship Reform and Promoting Less Restrictive Options. (2019). American Bar Association.
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- CalATJ Recruitment and Retention Report- <https://www.calatj.org/publication/legal-aid-recruitment-retention-and-diversity-a-report-to-the-state-bar-of-california/>
- [Guardianship Evaluation Worksheet \(for judges\)](#). Keck School of Medicine. University of Southern California. <https://www.justice.gov/file/1483601/download>
- Advocacy for seniors: A How-To Training Manual. (2021). Bet Manual Training

Promising Practices

- [The Medical-Legal Partnership for Seniors Clinic \(MLPS\)](#). Partnership between the University of California San Francisco and the San Francisco VA Medical Center that provides advance health care, estate planning, public benefits, and wrap-around legal services to older patients. In this transactional and civil advocacy clinic, students learn the foundational skills they will need for any client-based practice, including interviewing, critical thinking, document drafting, and project management. Students receive customized feedback and support as they handle complex client cases from start to finish under the supervision of clinical faculty. Through collaboration with medical providers on their cases, students gain interdisciplinary experience and a deeper understanding of the intersection between law and health. Over the course of the semester, students develop close client relationships, learn about the implications for an aging population, and consider the role of lawyers in combating poverty and health disparities.
- Bet Tzedek starting its own estate planning clinic that will include affordable revocable living trusts.
- API Legal Outreach of San Francisco serves low-income Asian and Pacific Islander elders, providing estate planning and other legal services.

Quotes

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In Bayview, San Francisco, you have a lot of low-income Black families that moved up during the great migration, but as a whole have lacked social mobility, been the target of racist redlining and employment policies, experienced drug and alcohol issues, and have lots of people on SSI. So, now, you have tons of low-income families that own homes worth nearly \$1M free and clear but don't have the liquid funds to pay \$3/4k for a revocable living trust to avoid probate. If that family goes through probate, they will certainly lose the home, and be displaced from the community.

Victimized seniors are languishing in poverty, with their homes and/or life savings taken from them and, still, nobody refers them to the private bar.

Sil Vossler, Vossler Law Firm and CEJC Steering Committee member

Elder justice advocates have a duty to reexamine our relationships with law enforcement regarding elder abuse...and to look at how law enforcement interacts with older Black adults and older adults of color to see if it is doing more harm than good.

Vivianne Mbaku, Senior Staff Attorney, Justice in Aging and
CEJC Policy Committee co-chair