Federal Interagency Elder Justice Working Group

The Federal Interagency Elder Justice Working Group (EJWG) brings together federal officials responsible for carrying out elder justice activities.

- Research and statistics;
- Program funding and support;
- Service provision;
- Investigation and prosecution.

The EJWG also provides staff–level support to the Elder Justice Coordinating Council.
Elder Justice Coordinating Council and the EJWG

The Elder Justice Coordinating Council (EJCC) held its first meeting in October 2012

- Testimony presented by a select group of experts on four topic areas
- Experts who testified also submitted white papers containing recommendations for improving and advancing the field of elder justice, for consideration by federal leaders

Following the inaugural EJCC meeting, the EJWG engaged in two key activities

- Activity #1: Analysis and synthesis of expert recommendations into 9 proposals
- Activity #2: Development of action steps for implementation
Elder Justice Coordinating Council and the EJWG

EJCC held its 2\textsuperscript{nd} meeting in May 2013

- Representatives from the EJWG presented the 9 proposals, based on expert recommendations, to the Council
- Proposals fell into two broad categories:
  - Improving the response to elder abuse, neglect and exploitation
  - Improving awareness of and intervention in elder abuse, neglect and exploitation

Since the May Council meeting, the EJWG has:

- Received and incorporated input from Council members and from the public on the 9 proposals; and
- Finalized action steps for implementation of the 9 elder justice proposals, for EJCC consideration
Presentation of Implementation Strategies for Elder Justice Proposals

EJWG representatives will present proposals on:

› Improving the response to elder abuse, neglect and exploitation – Proposals 1 through 4

› Improving awareness of and intervention in elder abuse, neglect and exploitation – Proposals 5 through 9

Presentation of Implementation Strategies for Elder Justice Proposals

Presentations will include:

› Statement of the problem being addressed by the proposal;

› Summary of significant work undertaken to date by Federal agencies;

› Discussion of short- or near-term implementation activities, as well as longer term activities.
Presented by the Federal Interagency Elder Justice Working Group

September 24, 2013

Two key needs are currently not being met:

- More networks of multidisciplinary teams geared toward prevention, investigation, and prosecution of elder abuse and financial exploitation;
- Readily-accessible training and other resources for investigators and prosecutors.

Goal: development of resources for investigators, prosecutors, victims, and others to support successful prevention, investigation, and prosecution of elder abuse and financial exploitation.
Support Prevention, Investigation and Prosecution of Elder Abuse

- Part A: Create and maintain an Elder Justice Website

- Part B: Develop Replication Manuals and a plan for supporting the establishment of additional Elder Abuse Forensic Centers (EAFCs), Financial Abuse Specialist Teams (FASTs) and other types of elder abuse focused Multi-Disciplinary Teams (MDTs)

- Part C: Create a National Resource Center for the Investigation and Prosecution of Elder Abuse

Implementation of Proposal #1 - Elder Justice Website

DOJ has developed:
- website content with resources for prosecutors, victims and families, financial services organizations, and researchers;
- information architecture for the Elder Justice Website.

Action items remaining for website
- Conducting a system test;
- Pilot testing the website with users;
- Providing focused tours of the website to target audiences; and
- Launching, marketing and promoting the Elder Justice Website.
Implementation of Proposal #1 – Replication Manuals

Both DOJ and CFPB have been working in this area. Between the two agencies, staff have:

- Identified subject matter experts to advise on the development of replication manuals for EAFCs and other regional or local prevention and response networks, which may include FASTs and other MDTs;
- Conducted preliminary scan of existing EAFCs and their characteristics, as well as other MDTs;
- Conducted preliminary scan to determine whether any replication manuals for EAFCs, FASTs, and other MDTs have been developed.

Action Items Remaining

- Determine plan for developing replication manuals for EAFCs, FASTs, MDTs and financial exploitation prevention and response networks;
- Distribute replication manuals to stakeholder groups;
- Promote the development of additional EAFCs, FASTs, MDTs and financial exploitation prevention and response networks.
Implementation of Proposal #1 – National Resource Center

Action items remaining for implementation

- Determine the goals and scope of the resource center, to ensure it does not duplicate existing resources;
- Create a plan for folding the Elder Justice Website and its content into a larger National Resource Center for the Investigation and Prosecution of Elder Abuse;
- Develop plan for maintaining and sustaining the resource center.

Improving the Response to Elder Abuse, Neglect and Exploitation:

*Proposal #2: Enhance Services to Elder Abuse Victims*

Presented by the Federal Interagency Elder Justice Working Group
September, 2013
Problem Statement

- Victims lack knowledge of or access to available supports and services;
- Professionals who encounter victims lack access to:
  - validated screening tools and
  - protocols to guide them in abuse reporting or seeking assistance for victims;
- Service providers lack access to information on signs of elder abuse and available resources for suspected victims.

Enhance Services to Elder Abuse Victims

Proposal: Support and protect elder abuse victims by improving identification of elder abuse and enhancing response and outreach to victims

Implementation strategy for proposal #2
- Make readily available to targeted professionals:
  - Validated elder abuse screening tools;
  - Reporting protocols tailored to professions.
- Support elder victims through outreach to:
  - Elders (directly);
  - Victim services providers;
  - Gatekeepers.
Implementation of Proposal #2

HHS (CMS) is disseminating validated screening tools in the health care sector through its Elder Maltreatment Initiative

Ongoing HHS programs:
- "Get Help" webpage with tips and resources for victims (www.ncea.aoa.gov)
- Formula grants to States for Elder Rights programs, including civil legal services and long-term care ombudsman programs
  - Publication of proposed rule for long-term care ombudsman program, which includes tailored abuse reporting guidance
- Development of:
  - Culturally appropriate evidence-based screening tools for tribes;
  - Screening protocols in a primary care setting to identify elder abuse risk factors;
  - An intervention toolbox for community partners.
- Demonstrating use of elder abuse screening tools by Aging and Disability Resource Centers

Implementation of Proposal #2

DOJ programs:
- STOP Violence Against Women Formula Grant Program
- Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life

Development of:
- Model networks to provide comprehensive civil, criminal, and administrative legal services to all victims, including elder abuse victims;
- Resources to victims related to elder abuse, financial exploitation and poly-victimization
Implementation of Proposal #2

Action items remaining:

Screening tools and reporting protocols
- Conduct environmental scan of existing resources
- Develop toolkits for use in various community and institutional settings, targeting professionals in three sectors:
  - Health and long-term care;
  - Human services;
  - Criminal justice.

Outreach to elder abuse victims
- Develop resources for targeting outreach to:
  - Elders directly;
  - Victim service providers;
  - Gatekeeper services.
- Propose specific outreach mechanisms, along with a plan for implementing and sustaining the outreach.

Elder Justice Coordinating Council

Improving the Response to Elder Abuse, Neglect and Exploitation:

Proposal #3: Develop a National Adult Protective Services System

Problem statement

- While every state is required to have an APS system, no national system for Adult Protective Services has been established;

- Information about APS agencies and their cases is not available at the national level
  - Little is known about the number and types of cases received by APS, characteristics of victims, outcomes of APS involvement, etc.

National APS System

- Proposal: Develop a national Adult Protective Services (APS) system based upon standardized data collection and a core set of service provision standards and best practices

- Two components:
  - Data Collection
  - Service delivery standards, best practices
Implementation of Proposal #3: APS System

Current work of federal agencies

- **Data Collection**
  - DOJ (BJS): Cooperative agreement for needs assessment of current information systems at state level, identify barriers to reporting, develop core set of measures that can be reported
  - HHS (ACL, ASPE): Contract to develop and pilot national APS data collection system

- **Service Provision Standards**
  - HHS (ACL): Work to identify core system components
  - NAPSA and partners including DOJ (OVC) and HHS (ACL) have worked on curriculum development for APS staff

Action steps remaining:

- **Data collection**
  - Implement national data collection (2015–2016);
  - Provide Technical Assistance to state APS systems;
  - Report on findings from data collection.

- **Core set of service provision standards and best practices**
  - Develop draft standards;
  - Engage stakeholders;
  - Designate federal oversight of APS service standards.
Improving the Response to Elder Abuse, Neglect and Exploitation:

Proposal #4: Develop a Federal Elder Justice Research Agenda

Problem statement

- Many areas within the field of elder abuse are lacking sufficient research;

- Research is needed to establish an evidence base for the development of elder abuse prevention and intervention policies and practices.

A coordinated federal research agenda will highlight elder abuse research needs, focus attention on gaps in our knowledge, and reduce potential for duplication of efforts.
Federal Elder Justice Research Agenda

Proposal: Establish a coordinated federal research agenda to identify best practices for prevention of and intervention in elder abuse and elder financial exploitation.

- Emphasis on primary and secondary prevention and interventions;
- Include all relevant domains – social services, criminal justice, public health, others.

Implementation currently underway:

- DOJ – reviewing literature on prevention of and intervention in elder maltreatment and financial exploitation
  - Results of Elder Justice Roadmap Project
- CFPB – hosted Research Roundtable in April 2013 to catalyze development of research agenda on elder financial exploitation. Participants included:
  - a diverse cross-section of elder justice researchers; and
  - other EJCC member agency staff.
Implementation of Proposal #4

Action steps remaining:

DOJ, HHS, CFPB, and other federal partner agencies coordinate to:

- Identify and prioritize gaps in research literature across various domains;
- Use gap analysis to draft a federal research agenda;
- Disseminate federal research agenda;
- Identify potential mechanisms for implementing research within the identified priority areas:
  - Federal funding;
  - Public and private partnerships.

ELDER JUSTICE COORDINATING COUNCIL

Improving Awareness of and Intervention in Elder Abuse, Neglect and Exploitation:

Proposal #5: Develop a Broad-Based Public Awareness Campaign

Presented by the Federal Interagency Elder Justice Working Group
September, 2013
Problem Statement

- Awareness of elder abuse, neglect and exploitation in the general public is lacking
- GAO’s recent report recommends the development of a national elder justice public awareness campaign
- Officials who provide services to the elderly have cited a lack of public awareness of elder abuse and exploitation as an impediment to effectively carrying out their duties

Goal of this proposal: to increase awareness of elder abuse, neglect and exploitation among the general public

Broad-Based Public Awareness Campaign

- Proposal: Develop a comprehensive, strategic, and broad-based national public awareness campaign with clear and consistent messaging to raise awareness and understanding of elder abuse, neglect and exploitation.

- Campaign will be designed to provide greater consistency in messaging across states, tribes and territories. Ideally, the campaign would:
  - Leverage existing resources;
  - Build upon previous public awareness work;
  - Facilitate coordination among federal agencies; and
  - Evaluate the campaign’s reach and effectiveness.
The Elder Justice Working Group has:

- Conducted a preliminary environmental scan of existing public awareness campaigns on elder abuse and related topics;
- Compiled an inventory of collateral educational materials;
- Reviewed and analyzed expert and GAO recommendations; and
- Identified resource requirements for various styles of public awareness campaigns.

Action items remaining:

- Incorporate elder justice messages into existing public education and outreach efforts;
- Inventory collateral, educational materials across federal agencies;
- Conduct market research to develop campaign messaging, implementation, and evaluation strategies.
Problem statement

- Awareness of elder abuse and elder financial exploitation is lacking, even among professional groups and other stakeholders that interact with seniors during the daily course of business.

- Many of those same stakeholders lack formal training to prevent, detect, intervene in, or respond to elder abuse, neglect, or exploitation.

Proposal has two main goals:

- Raise awareness of elder abuse and elder financial exploitation among targeted professional groups;

- Provide those professionals with tools for recognizing and responding to suspected elder abuse.
Cross-Disciplinary Training on Elder Abuse

- Proposal: Develop training to educate stakeholders across multiple sectors and disciplines on preventing, detecting, intervening in, and responding to elder abuse, neglect and exploitation

- Training will encompass three broad categories, tailored to specific stakeholder groups:
  - Elder Abuse 101
  - Addressing Elder Abuse in Your Professional Capacity
  - Cross-disciplinary Resources for Your Profession in Your Community

Implementation of Proposal #6

First step is to conduct an environmental scan of available training programs

- Federal agencies have invested in training on elder abuse for a variety of professions
  - Law enforcement, prosecutors, judges
  - Forensic nurses
  - Victim advocates
  - Financial services professionals

- Trainings in related fields could be repurposed to focus on elder abuse
Implementation of Proposal #6

Action steps remaining:

- Identification of professions to target for training, with consideration given to:
  - mandated reporters;
  - first responders and professions in similar roles;
  - professions that are not elder-focused but which serve elderly clients.

- Identify the appropriate delivery mechanism based on the target professions; include a “continuing education” component, where appropriate.

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Implementation of Proposal #6

Action steps remaining:

- Establish core components of Elder Abuse 101 module;

- Develop profession-specific and cross-disciplinary training modules for target professions;

- Develop mechanisms for maintenance and sustainability of training modules.
Financial services providers perceive legal barriers to reporting suspected financial exploitation of the elderly;

Fraud detection techniques have not been implemented as widely as possible to detect financial exploitation involving older Americans’ depository accounts;

Financial institutions lack a broad array of mechanisms for working with older consumers and trusted others to prevent financial exploitation.

Goal of this proposal: Bolster the ability of financial services providers to prevent, detect and respond to elder financial exploitation through guidance to industry from government, collaborative efforts, data sharing and other strategies.
Combat Financial Exploitation

- Proposal: Bolster ability of financial services providers to address financial exploitation

- Multi-faceted approach:
  - Federal guidance to supervised financial institutions;
  - Inter-agency exploration of federal role in strengthening interventions by industry;
  - Research;
  - Enhanced federal systems for prevention and detection.

Implementation of Proposal #7

- Federal agencies will issue guidance for financial institutions on privacy laws and reporting suspected financial exploitation of older adults.

- Federal agencies are collaborating and interacting with industry to enhance prevention, detection and response to elder financial exploitation.
  - CFPB, USPIS, Treasury continue to engage in discussions on enhancing the use of Suspicious Activity Reports (SARs) to report suspected financial exploitation and trigger investigation;
  - CFPB to engage with financial institutions and their trade associations on developing and strengthening fraud detection tools.
Implementation of Proposal #7

Action steps remaining

- Disseminate inter-agency guidance on privacy rules and reporting by financial institutions;

- Convene relevant agencies to explore federal role in enhancing use of fraud detection tools;

- Formulate evidence-based strategies to increase use of SARs by civil authorities and law enforcement;

- Explore and, if feasible, develop model consent forms and protocols for prevention of and intervention in suspected exploitation cases.

Elder Justice Coordinating Council

Improving Awareness of and Intervention in Elder Abuse, Neglect and Exploitation:

Proposal #8: Financial Exploitation by Fiduciaries

Presented by the Federal Interagency Elder Justice Working Group
September, 2013
Problem statement

- Currently, oversight of fiduciaries is ad-hoc, and few evidence-based programs exist to provide guidance on the effective administration of fiduciary oversight;
- The use of fiduciaries spans across federal agencies, state courts, other legal services providers, and the financial services industry, impacting effective information sharing.

Goal of this proposal: to reduce financial exploitation by fiduciaries through enhanced oversight and collaboration among federal and state entities.

Financial Exploitation by Fiduciaries

- Proposal: Prevent, detect and respond to elder financial exploitation by fiduciaries through improved coordination, oversight and education.
- Implementation strategy was developed to:
  - Improve capacity among fiduciaries;
  - Increase information sharing between benefit-paying agencies and the courts; and
  - Create new or enhanced models for oversight of federal fiduciaries.
Implementation of Proposal #8

Action steps remaining:

- Disseminate lay fiduciary guides for federal fiduciaries (already in final production);
- Conduct review of current state guardianship and related laws;
- Develop recommendations to improve information exchange between courts and other entities about suspicious activity by fiduciaries;
- Develop a toolkit on effective responses to exploitation by federal fiduciaries.

Implementation of Proposal #8

Action steps remaining:

- Convene federal working group to improve information sharing about federal fiduciaries by federal benefit-paying agencies;
- Support the implementation of additional formalized partnerships via Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS);
- Pilot test new models for oversight of federal fiduciaries and/or evaluate existing ones.
Individuals with diminished cognitive and/or financial capacity may be at risk for financial exploitation;

Screening tools currently in existence are deficient in some manner;

APS and other first responders need better tools to assess the cognitive and/or financial capacity of clients in order to devise effective and appropriate interventions for clients;

For clients without a capacity issue, APS and other first responders need a screen for the risk of or the experience of financial exploitation.

Goal: to enhance prevention, detection, and response by APS and multiple frontline professionals through the development and use of improved screening tools for assessing client capacity.
Proposal: Improve the ability of APS and first responders to screen for diminished capacity, diminished financial capacity, and vulnerability to or victimization of financial exploitation.

Screening tools will be identified and compiled, an analysis of the screening tools will be conducted, and recommendations for filling gaps provided.

- Screening tools are validated tools, not indicators or professional capacity assessments.

Screening Tools

- National Institute on Aging has identified a range of cognitive capacity/dementia screening tools:

- EJWG staff have preliminarily reviewed financial capacity and financial exploitation screening tools:
  - Excluding financial exploitation contained in more global elder abuse screening tools.
Implementation of Proposal #9

Action steps remaining

- Compile a list of tools to screen for:
  - Financial capacity;
  - Financial exploitation;

- Conduct analysis of cognitive capacity/dementia, financial capacity, and financial exploitation tools;

- Provide recommendations for use of screening tools, based on analysis;

- Conduct analysis to examine how screening tools can be most useful to prosecutors.