

## OTHER INFORMATION

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The Delphi Study and Focus Group participants proffered many other ideas that might help the courts improve their handling of elder abuse cases. These suggestions, however, focus on statutory reform, establishment or enhancement of linkages between organizations involved in the problem of elder abuse, and other ways of improving the judicial system's response to the needs of older abused persons. Because these issues are not directly related to the courts' treatment of elder abuse cases or to the court's cooperation with pertinent organizations, they were not addressed in the recommendations discussed previously. Nevertheless, many important and creative ideas were raised that should be considered to improve the responsiveness of the social services and legal systems to older abused persons.

Some of these ideas about which the Delphi participants achieved consensus are highlighted below, although the list is not comprehensive. Many of these suggestions reflect remedies and procedures that already exist in some states, although their sources may vary.

### **I. Suggestions for Statutory Reform**

- Ability to recover attorneys fees when an older abused person sues abuser
- Allowing the prosecutor to try an alleged abuser even if the older abused person will not press charges
- Allowing a non-criminal or criminal court proceeding to continue even if the older person dies before it concludes
- Criminal law provisions for neglect or endangerment of an older person
- Enhanced damages against abusers who are professional health care providers
- Enhanced damages and penalties against persons who commit elder abuse
- Expedited investigations in elder abuse cases
- Inclusion and definition of fiduciary abuse in elder abuse/APS law
- Inclusion and definition of capacity or competency in elder abuse/APS laws
- Inclusion and definition of caregiver abuse in elder abuse/APS laws
- Inclusion and definition of emotional abuse in elder abuse/APS law
- Judicial authority to issue injunctions and restraining orders in elder abuse/APS laws, comparable to the authority provided in domestic violence laws
- Mandatory arrest for violation of civil restraining orders and injunctions

- Remedies for financial exploitation of any amount from an older person
- Specific criminal statutes pertaining to elder abuse
- Statewide registry of abusive nursing home aides
- Statutory authority enabling banks to place hold on an older person's funds during the course of an investigation when abuse is suspected
- Using the procedures and remedies provided in domestic violence laws in cases involving elder abuse
- Violation of restraining/stay-away/no contact orders prosecuted as a crime

### **II. Suggestions for Establishment or Enhancement of Linkages Between Other Organizations Involved in the Problem of Elder Abuse**

- Attorney General's office having a special unit or staff with resources to handle systemic abuse and exploitation of older persons
- Cross-reporting between APS and law enforcement
- Enhanced ability for relevant agencies to share information about abused older persons without confidentiality problems
- Law enforcement officers who are dedicated to investigating and addressing elder abuse
- Prosecutor or team of prosecutors who specialize in elder abuse cases
- Prosecutors ensuring that criminal trial results are communicated to appropriate state agencies and licensing authorities and to abuse registries
- Team approach to elder abuse among prosecutors, law enforcement, APS and social workers
- Training of prosecutors about elder abuse

### **III. Suggestions for Other Ways of Improving the Response of the Judicial System to the Needs of Older Abused Persons**

- Articulated law enforcement policy regarding what types of elder abuse cases should be charged criminally
- "Self help" procedures for obtaining restraining orders against abuser