

Pocket Guide on Legal Issues Related to Elder Abuse

The ABA Commission on Law and Aging is developing a *Pocket Guide on Legal Issues Related to Elder Abuse* for criminal justice system professionals. Funding is provided by the Bureau of Justice Assistance, an entity of the U.S. Department of Justice.

The project's goal is to fill the knowledge gap of justice system professionals and policy makers about elder abuse. This goal will be met through these measurable objectives: (1) develop and nationally disseminate the pocket guide to state and local justice system professionals and policy makers; (2) provide funding and technical assistance to six demonstration projects that will adapt the pocket guide to reflect their state's laws and resources; (3) develop and nationally disseminate *Replicating the 'Pocket Guide on Legal Issues Related to Elder Abuse' in Your State* to share lessons from the demonstration projects with other states or communities.

The project timeline calls for the pocket guide to be disseminated at no cost (in print and online) in 2012. The Commission will issue the request for demonstration project proposals (RFP) at the same time or shortly thereafter so that interested groups can see the pocket guide before deciding whether to submit a proposal. The RFP will specify the funding amount, applicant criteria, and obligations of the ABA and the subgrant recipients.

The pocket guide will address laws and legal principles generally applicable in all states, and also serve as a template for entities that want to develop a state-specific guide.

The pocket guide will describe what elder abuse is and where it occurs, list key risk factors and indicators, and summarize the roles of systems that protect and respond to victims. It will include relevant national and state resources and tips for communicating with older people who have impairments.

The bulk of the pocket guide will be devoted to brief, simple explanations of:

- laws, regulations, programs, policies, legal concepts and tools, and why they are relevant to elder abuse victims (for example, how they may be used to commit or redress elder abuse);
- issues that justice system professionals and other service providers should consider; and
- actions that justice system professionals and other service providers should consider taking.

Topics will, at a minimum, include:

- legal documents (such as powers of attorney, wills, trusts, deeds, and health care advance directives) that may be misused and exploited;
- exploitation that may occur under the guise of Medicaid planning for long-term care;
- legal responsibilities of long-term care facilities (including nursing homes, assisted living, board and care homes) to prevent elder abuse;
- legal responsibilities of fiduciaries (including guardians/ conservators and representative payees); and
- the relevance of capacity, consent, and undue influence.

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