

# COURTS

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Response to Elder Abuse: A Self-Assessment  
Workbook for **Courts**



# **Response to Elder Abuse: A Self-Assessment Workbook for Courts**



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**National Clearinghouse on Abuse in Later Life (NCALL)**

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# Response to Elder Abuse: Self-Assessment Tools for Interveners and Coordinated Community Response Teams

## Introduction and Process

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The National Clearinghouse on Abuse in Later Life (NCALL) has designed this set of self-assessment tools to assist communities in evaluating practices within and across key intervening agencies and in building a coordinated response to elder abuse.

The tools include a series of workbooks for five key interveners—(1) domestic violence and sexual assault victim services, (2) adult protective services, (3) law enforcement, (4) prosecution, and (5) courts—and one that addresses coordinated community response (CCR).

*The tools provide a way of  
checking what we think we do  
against what we really do.*  
– Aging services program

The tools were developed in collaboration with practitioners from across the country. They draw on state-of-the-art knowledge and promising practice recommendations for recognizing forms of elder abuse; building a victim-centered response that maximizes victim safety and autonomy; assessment and investigation strategies; safety planning; understanding the impact of violence, abuse, and trauma; holding perpetrators of elder abuse accountable for their actions; respecting and meeting the needs of older persons from diverse cultures, identities, and backgrounds; and building a coordinated community response to address elder abuse and its victims. Several grantees funded by the Office on Violence Against Women tested the tools in their own communities and their experiences informed the process outlined in this introduction.

## **How is elder abuse defined?**

As used throughout the self-assessment tools, “elder abuse” is abuse, neglect, or exploitation—including domestic violence, stalking, and sexual assault—against an older adult by anyone with whom the victim has or has had an ongoing relationship where there is an expectation of trust. Self-neglect is not included in this definition.

This is not a legal definition; statutorily, there is wide variety in how elder abuse is defined from state to state and in criminal, protective, and civil law within a state. While elders can be victimized by strangers, the majority of abuse experienced by older adults is perpetrated by non-strangers: i.e., intimate partners, adult children, other family members, fiduciaries, and caregivers. Abuse occurs in facilities as well as community settings.

Domestic abuse in later life is a subset of elder abuse. It may include physical abuse, threats, sexual violence and an array of other behaviors and tactics. Sexual abuse in later life is non-consensual sexual contact of any kind with an older person. At the conclusion of the tools is **Appendix 3**, which contains a graphic representation of abuse in later life (**Figure 2**). Various sections of the self-assessment tools will refer back to the tactics on the wheel.

## **What is the purpose of the self-assessment tools?**

The goal of the self-assessment/CCR assessment tools is to encourage intervening agencies and CCRs to candidly and thoughtfully assess their work and the processes they use. The tools are intended to examine and expand collective thinking and response to elder abuse. They help identify existing practices and introduce new approaches in order to strengthen the overall response. They are meant to facilitate and encourage discussion and raise questions about roles, response, coordination, and common purpose. The tools are to assist communities in evaluating their work. They are not a replacement for doing the work.

**Not every element included in the self-assessment/CCR assessment tools will be in place in every community**, nor is there an expectation that every element will be or can be implemented in every community. Many organizations and communities are relatively new to paying focused attention to elder abuse, while



others are members of a longstanding coordinated community response. Not every item included in the tools will or should work in the same way everywhere. Communities must account for local conditions and what works in Chicago may not work in rural Wyoming.

Each self-assessment includes a process for designing a plan for change. The Action Plan helps identify future actions, projects, and steps; identifies who will undertake what actions; and provides a timeline to track progress. Organizations and CCR teams completing a self-assessment are encouraged to approach the plan as a living document that they return to and refresh in a process of ongoing reflection, planning, action, and reassessment.

### **When should the tools be used and in what order?**

The tools can be used at different points in building and maintaining a coordinated community response or in ongoing attention to specific practices. For example:

- **Conducting a review of a specific agency or organization**  
Use the self-assessment workbook to look closely at a particular point of intervention, such as victim services or law enforcement. Whether or not other disciplines or prospective CCR partners are ready to move forward and examine their practices, those that are can use the self-assessment tools to do so.
- **Forming a new CCR**  
Use the discipline-specific workbooks as part of the needs assessment process to help identify gaps in practice and areas that individual partners and the larger CCR will address. Use the CCR tool to identify the key tasks and steps to take in establishing the coordinated community response.
- **Conducting a “check-up” of an established CCR**  
Use the tools to gauge whether intended changes in policy and practice have been made, both within partner agencies and across the CCR.
- **Identifying what is needed to accomplish the goals of the CCR**  
Use the ideas in the External Activities and Functions section of the CCR

tool to identify next steps or activities or missing disciplines and prospective partners.

Local conditions vary and in some communities the CCR assessment may be the primary focus of attention. In others, the tools for individual disciplines may be used first. Still others may use all of the tools simultaneously. Some communities may not yet have the relationships in place that make it possible to use all of the discipline-specific tools or to widely share the results or begin the process of creating a CCR.

Using the self-assessment tools is **voluntary** for any agency or community, including Office on Violence Against Women (OVW) Abuse in Later Life grantees. The tools are provided as a resource to assist in planning, evaluating, and strengthening the response to elder abuse and in carrying out required activities. The OVW Abuse in Later Life program requires that each community conduct a victim needs assessment, engage in systems review, and develop a coordinated community response to address elder abuse. These tools were developed to assist communities in accomplishing these tasks. Past grantee communities have requested such tools, citing a lack of time, expertise, or ability to create them themselves. A community does not have to use this specific self-assessment process and can design its own approach and materials.

### **Who should be involved in completing the self-assessment?**

The tools are not intended to be completed by one or two individuals working in isolation.

The self-assessment process works best when completed using a team that involves the agency or organization's leaders, staff, and board members (with the discipline-specific tools) or all of the key partners in the coordinated community response. The tools are built on a process of reflection and discussion that requires candid and thoughtful conversation among those with different experiences within the organization or community.

### **How long will it take to complete the tool(s)?**

Generally, allow time to complete the self-assessment and all of its sections over a series of meetings. While there is no required or specified time frame for either

the discipline-specific tools or the CCR tool, it will be most helpful to proceed steadily following a regular schedule, without long delays between completing the sections, discussing the results, and implementing the Action Plan.

The time required to complete the tools will vary according to local conditions and the scope of the self-assessment. Such variables can include: the number of participating agencies and organizations; whether all critical disciplines are fully engaged in the self-assessment; the process that each system will use to complete its own tool; whether the grant partners or CCR will review each tool after the individual disciplines have completed their analysis; the CCR's level of development and experience (e.g., a highly developed and evolved CCR is likely to move through the tool more quickly than a community that is new to CCR work); and, whether the CCR is devoted exclusively to elder abuse or is part of a broader domestic- or family-violence-oriented CCR.

### **Is there a recommended process for using the tools?**

The broad steps are similar, whether using one or more of the discipline-specific workbooks or the CCR tool. At the same time, each kind of self-assessment tool has its own features and process. **Figure 1**, in **Appendix 3** at the end of this tool, provides a snapshot of the key steps and considerations in applying the process in each setting.

Participants in the pilot test communities adapted and used the tools in the following ways: transferred the content to a Web-based survey tool; worked through sections common across disciplines first (e.g., safety planning, access, and community collaboration), then discussed the results and developed a plan for further action; completed the tools individually as CCR partners and then reported results at the CCR planning retreat; and completed the tools over a series of agency-wide staff meetings.

Please see **Appendix 1** for a glossary of common terms used in the self-assessment tools and specific to coordinated community response. To learn more about elder abuse or coordinated community response, see **Appendix 2** for a list of resources.

## Using the workbook

To begin, become familiar with the content and this introduction and its instructions.

Along with a way of examining current practices, the self-assessment tool is also designed to produce a plan for change and introduce information that helps expand the court's knowledge of and response to elder abuse.

Many disciplines use a self-assessment type of process to examine their missions, roles, and practices. Common approaches include checklists and "best practice" kinds of documents and scales against which a discipline can evaluate its response. Law enforcement agencies completing an accreditation process, such as that sponsored by CALEA, conduct an extensive self-evaluation that includes review of all policies and procedures and the agency's relationship with the community.<sup>1</sup> Various self-assessment tools have been developed for courts by the National Center for State Courts and the National Association for Court Management.<sup>2</sup> The American Prosecutor's Research Institute has had a project underway to define goals, objectives, and performance measures for prosecutors that will "serve as a valuable tool for self-assessment and improving practices."<sup>3</sup>

The self-assessment tool can be printed and completed as a workbook, opened and completed in an electronic format, or adapted as an online survey or questionnaire. Whatever the approach, keep a record of your work and action plan in a format that can be readily retrieved, reviewed, updated and shared.

## Questions and feedback

If you have questions or want to provide NCALL staff with feedback about your experience using the tools, please call (608) 616-4068 or email [ncall@ncall.us](mailto:ncall@ncall.us)

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<sup>1</sup> Commission on Accreditation for Law Enforcement Agencies (CALEA), <https://www.calea.org/>

<sup>2</sup> National Center for State Courts, <https://www.ncsc.org/>; National Association for Court Management, <https://nacmnet.org/>

<sup>3</sup> Steve Dillingham, M. Elaine Nugent, and Debra Whitcomb, *Prosecution in the 21<sup>st</sup> Century: Goals, Objectives, and Performance Measures*, APRI, February 2004.



## Section 1: Assessment Grid

<b>Date:</b>	<b>Assessment grid completed by:</b>
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**Instructions:** For the six dimensions included in the assessment, review each element and check whether or how often it applies, using the scale (always...need more information). In the notes section, record any comments that pertain to that dimension, such as specific accomplishments, barriers, or ideas for change.

1: Dynamics in Court Proceedings		This applies...			
		Always/Yes	Sometimes	Never/No	Need more information
<b>1A</b>	<b>Framework</b>				
1A-1	Our goals in elder abuse cases are to preserve justice by: <sup>4</sup> <ul style="list-style-type: none"> <li>Enhancing victim safety</li> <li>Stopping the abuse</li> <li>Holding perpetrators accountable</li> <li>Preserving victims' dignity and autonomy</li> <li>Ordering the least restrictive alternatives</li> </ul>				
1A-2	We are alert to signs of elder abuse in all court settings, including: <ul style="list-style-type: none"> <li>Criminal cases of assault, battery, rape, theft, neglect</li> <li>Civil fraud or asset conversion</li> <li>Guardianship, conservatorship, or other probate matters</li> <li>Special protective proceedings, such as commitment for mental health treatment</li> <li>Health care decisions for an incapacitated adult</li> <li>Domestic violence proceedings</li> <li>Civil or criminal cases regarding care facilities</li> </ul>				
1A-3	We expedite proceedings in elder abuse cases, recognizing the stress of extended proceedings and that victims of elder abuse may be nearing the end of their lives and delay can exacerbate their availability to recall events and testify.				
1A-4	We utilize a specialized court or docket for elder abuse cases.				
1A-5	We determine whether there are any other cases against a defendant/respondent involving the same alleged victim/plaintiff and join cases whenever appropriate. <sup>5</sup>				

<sup>4</sup> This assessment tool draws heavily on *Enhancing Judicial Skills in Elder Abuse Cases – Curriculum Outline* (hereinafter referred to as EJSEA), developed by the National Judicial Institute on Domestic Violence (NJIDV), a partnership of Futures Without Violence, the National Council of Juvenile and Family Court Judges, and the U.S. Department of Justice, Office on Violence Against Women. This document is not available for distribution. For information on the EJSEA workshop, visit <https://www.futureswithoutviolence.org/enhancing-judicial-skills-in-elder-abuse-cases-workshop-program-overview/>.

<sup>5</sup> Jean W. DiMotto, "Special Focus Issue – Elder Abuse: Accommodating the Elderly in Court," *Wisconsin Lawyer*, Vol. 73, No. 9, September 2000.

1: Dynamics in Court Proceedings		This applies...			
		Always/Yes	Sometimes	Never/No	Need more information
<b>1B</b>	<b>Capacity and competency</b>				
1B-1	We scrutinize and weigh each piece of evidence according to applicable rules of evidence and do not place disproportionate weight on any one source.				
1B-2	We utilize expert witnesses, guardians ad litem, court investigators, and/or interdisciplinary teams who are trained and knowledgeable about aging and elder abuse to obtain opinions about a person's capacity.				
1B-3	Each capacity assessment includes determination of: <sup>6</sup> <ul style="list-style-type: none"> <li>Medical condition (and whether the condition is temporary and reversible)</li> <li>Cognition</li> <li>Everyday functioning</li> <li>Values and preferences</li> <li>Risk and level of supervision</li> </ul> Accommodations that can enhance capacity				
<b>1C</b>	<b>In the courtroom</b>				
1C-1	We utilize an elder abuse bench card or bench book guidelines specific to elder abuse. <sup>7</sup>				
1C-2	We are alert to a defendant's or respondent's use of intimidating tactics toward an elder victim or witness and will note such tactics on the record.				
1C-3	We are alert to the following <u>justifications that blame the victim</u> of elder abuse: <ul style="list-style-type: none"> <li>Accident ("she's clumsy")</li> <li>Caregiver stress ("he's too hard to care for")</li> <li>Victim's behavior ("she didn't stay where I told her to...she overreacted...he gave it to me...she consented...she's confused...he's forgetful")</li> </ul> Mutual abuse or self-defense ("she started it")				
1C-4	We are alert to the following <u>justifications that excuse the perpetrator</u> of elder abuse: <ul style="list-style-type: none"> <li>Anger problem ("I have a bad temper, short fuse")</li> <li>Substance abuse ("I was drunk or high")</li> <li>Physical or mental health ("I have Alzheimer's")</li> <li>Learned behavior ("I was abused as a child by my parent")</li> <li>Culture ("in my culture elders support their adult children")</li> </ul> Normal caregiver activity ("I was just washing him")				
<b>1D</b>	<b>Disposition</b>				
1D-1	We tailor relief with the understanding that victims who have the capacity to understand their circumstances have the right to refuse services, regardless of the level of risk.				

<sup>6</sup> See *Assessment of Older Adults with Diminished Capacity: A Handbook for Lawyers*, authored by the American Bar Association Commission on Law and Aging and the American Psychological Association. 2<sup>nd</sup> Edition, <https://www.americanbar.org/products/inv/book/411701219/>

<sup>7</sup> Bench cards or bench books specific to elder abuse are becoming more common. One jurisdiction-specific bench card may be found here: [https://www.eldersandcourts.org/\\_data/assets/pdf\\_file/0011/6041/rev\\_florida-benchcard-051712.pdf](https://www.eldersandcourts.org/_data/assets/pdf_file/0011/6041/rev_florida-benchcard-051712.pdf).

1: Dynamics in Court Proceedings		This applies...			
		Always/Yes	Sometimes	Never/No	Need more information
1D-2	We utilize a variety of pretrial release conditions to protect victims of elder abuse from harm and intimidation.				
1D-3	We review plea agreements to ensure that they meet the needs of the elder victim and establish protections against further abuse.				
1D-4	We conduct periodic compliance reviews of probationary sentences and deferred judgments in elder abuse cases.				
<b>2E</b>	<b><i>Attention to victims</i></b>				
1E-1	We develop and promote fair court practices and procedures that address the physical, financial, and emotional safety of victims of elder abuse. <sup>8</sup>				
1E-2	Victim/witness specialists are available to elder abuse victims in <i>criminal</i> court proceedings.				
1E-3	Victim/witness specialists are available to elder abuse victims in <i>non-criminal</i> court proceedings.				
1E-4	In the absence of or in addition to victim/witness specialists, court staff is prepared to explain and demystify the court process for elder abuse victims.				
1E-5	We consider the needs and preferences of the victim in each case and involve service providers and the community to facilitate effective intervention. <sup>9</sup>				
<b>Notes:</b> Accomplishments? Barriers? Ideas for change? [Expand or add pages as needed]					

<sup>8</sup> EJSEA, p. 43.

<sup>9</sup> EJSEA, p. 51.

2: Safety		This applies...			
		Always/Yes	Sometimes	Never/No	Need more information
<b>2A</b>	<b>Framework</b>				
2A-1	We conduct lethality and dangerousness assessments regardless of a perpetrator's or victim's advanced age.				
2A-2	We look for approaches and tools specific to the type of elder abuse involved in assessing the level and immediacy of danger and related safety needs. <sup>10</sup>				
<b>2B</b>	<b>Process and components</b>				
2B-1	We take steps to ensure victim safety in the courtroom and courthouse, including such measures as: <ul style="list-style-type: none"> <li>• Providing a separate, secure waiting room for elder victims and witnesses</li> <li>• Minimizing contact in the courtroom</li> <li>• Permitting a victim/witness specialist or victim advocate to accompany and sit near the victim</li> <li>• Being aware of tactics an abuser might use to intimidate or instill fear in a victim</li> </ul>				
2B-2	We inquire about and pay particular attention to factors that may signal increased danger to a victim, such as: <sup>11</sup> <ul style="list-style-type: none"> <li>• Firearms in the house</li> <li>• Threats to kill and victim's perception of the danger</li> <li>• Forced sex</li> <li>• Increase in frequency and severity of violence</li> <li>• Strangulation</li> </ul>				
2B-3	We consider attacks on and mistreatment of an elder's companion animal as a form and signal of elder abuse.				
2B-4	We remove firearms from perpetrators of elder abuse, as permitted by law, the relationship between the parties, and nature of the case.				
2B-5	We avoid issuing bench warrants when a victim does not come to court.				

<sup>10</sup> Vol. 13 (2), 2001, *Journal of Elder Abuse and Neglect*, carries several articles by Georgia J. Anetzberger and others that provide an overview of issues related to screening tools in elder abuse, as well as an illustration of one approach that was designed to address the shortcomings in many tools: poor distinction of the types, signs, and risk factors of elder abuse; failure to distinguish domestic abuse in later life as a significant and perhaps most common type of elder abuse; and little clear attention to state laws and specific community services. Visit <https://www.tandfonline.com/journals/wean20> to learn more about subscribing and purchasing options. A 2000 NCEA research brief by Rosalie Wolf reviews risk assessment instruments and reports on an adaptation of the Hwalek-Sengstock Elder Abuse Screening Test that centers on six questions: (1) Are you afraid of anyone in your family? (2) Has anyone close to you tried to hurt or harm you recently? (3) Has anyone close to you called you names or put you down or made you feel bad recently? (4) Does someone in your family make you stay in bed or tell you you're sick when you know you aren't? (5) Has anyone forced you to do things you didn't want to do? (6) Has anyone taken things that belong to you without your OK?

<sup>11</sup> While cutting across all adult age groups, research into intimate partner homicides, such as that conducted by Jacquelyn C. Campbell and by Carolyn Rebecca Block, suggests avenues of inquiry important to investigations of abuse in later life and elder abuse overall. Of particular importance in attempting to gauge the degree of danger someone faces is attention to past violent incidents, recent abuse, strangulation or choking, controlling daily activities, and threats or assaults with a gun. Block notes that help-seeking in itself can signal a more serious situation. A summary of key research can be found in *NIJ Journal*, National Institute of Justice, Issue 250, November 2003, available at <https://nij.ojp.gov/library/publications/nij-journal-issue-no-250>.

2: Safety		This applies...			
		Always/Yes	Sometimes	Never/No	Need more information
<b>2C</b>	<b><i>Community connections</i></b>				
2C-1	We facilitate access to community advocates who can assist victims with safety planning.				
2C-2	We utilize a variety of culturally appropriate helping agencies and resources (considering but not limited to race and ethnicity, faith, sexual orientation, and disability).				
<b>Notes:</b> Accomplishments? Barriers? Ideas for change? [Expand or add pages as needed]					

**Note:** This dimension addresses access in two forms: (1) disability-related access and (2) cultural accessibility.

3: Access		This applies...			
		Always/Yes	Sometimes	Never/No	Need more information
<b>3A</b>	<b>Framework</b>				
3A-1	We facilitate the creation or enhancement of physical, legal, and attitudinal accessibility for older persons in court. <sup>12</sup>				
3A-2	We invite diverse groups of older persons and people with disabilities to conduct an accessibility assessment, including a tour of facilities and review of courtroom environment and procedures.				
3A-3	We invite representatives from culturally distinct communities to review the courtroom environment and procedures.				
3A-4	We attend and participate in professional development training on issues of ageism and disability-related bias.				
3A-5	We provide agency-wide training on responding to elder abuse in ways that best recognize and account for people's cultures and identities.				
3A-6	We attend and participate in professional development training on recognizing and accounting for people's cultures and identities.				
3A-7	We regularly conduct an agency-wide self-assessment of our disability accessibility policies and practices. <sup>13</sup>				
3A-8	We regularly conduct an agency-wide self-assessment of our cultural accessibility policies and practices. <sup>14</sup>				
<b>3B</b>	<b>Process and components</b>				
3B-1	We have a protocol to guide court staff in responding to a victim's specific disability accommodation needs.				
3B-2	We collaborate with specialists working with people with disabilities, including blind/low vision, Deaf/hard of hearing, physical disabilities, diminished cognition, psychiatric, and others when the situation requires additional skills and knowledge.				
3B-3	We collaborate with social service organizations and others from culturally distinct communities when a situation requires additional knowledge and understanding.				

<sup>12</sup> EJSEA, p. 43.

<sup>13</sup> The National Center for State Courts (NCSC) provides materials about meeting ADA requirements and other issues related to disability access: <https://www.ncsc.org/courthouseplanning/needs-of-persons-with-disabilities>.

<sup>14</sup> The National Center for Cultural Competence at Georgetown University has self-assessment tools and processes available at <https://nccc.georgetown.edu/assessments/>.



3: Access		This applies...			
		Always/Yes	Sometimes	Never/No	Need more information
3B-4	Consistent with state law and the type of case (i.e., civil or criminal), we adapt the culture of the court to meet victims' diverse needs with such measures as: <sup>15</sup> <ul style="list-style-type: none"> <li>• Considering whether it is safe for the victim to be in the courtroom</li> <li>• Guarding against assumptions that a perpetrator or victim's age makes a specific perpetrator or case less dangerous</li> <li>• Using interpreters appropriate to the case (i.e., certified; fluent in the person's language; no one, including family members, with a stake in the case)</li> <li>• Providing any needed accommodations</li> <li>• Utilizing alternative proceedings, such as closed circuit television, telephonic hearings, or taking the court to the victim's location</li> <li>• Using inclusive language</li> <li>• Avoiding assumptions about English proficiency, mobility, disability, age, family structure, or available resources</li> </ul>				
3B-5	We permit support persons to accompany elder victims into court and onto the witness stand.				
3B-6	We account for ways in which aspects of an elder's culture or identity might influence her or his decision-making and response, such as: <ul style="list-style-type: none"> <li>• Mistrusting information provided by law enforcement, prosecution, health care, or social services because of historic discrimination</li> <li>• Seeing information provided by law enforcement, prosecution, health care, or social services as contrary to religious beliefs</li> <li>• Deferring to other relatives or adult children when family decision-making is the norm</li> <li>• Misunderstanding because of limited English proficiency<sup>16</sup></li> </ul>				
3B-7	We take steps to make the courtroom and proceedings more "user friendly" and less intimidating, including: <ul style="list-style-type: none"> <li>• Minimizing waiting time</li> <li>• Comfortable chairs</li> <li>• Wheelchair and walker accessibility</li> <li>• Sound systems that are clear and loud enough; listening and hearing devices</li> <li>• Forms and other publications in large font</li> <li>• Flexible scheduling in time of day</li> <li>• Frequent breaks during long proceedings</li> <li>• Speaking slowly and directly</li> </ul>				
<b>Notes:</b> Accomplishments? Barriers? Ideas for change? [Expand or add pages as needed]					

<sup>15</sup> EJSEA, pp. 42-50.

<sup>16</sup> These recommendations reflect the work of Dr. Georgia J. Anetzberger in adult protective services investigation and assessment training prepared for the Ohio Department of Job and Family Services.

4: Policy and Procedure		This applies...			
		Always/Yes	Sometimes	Never/No	Need more information
<b>4A</b>	<b>Framework</b>				
4A-1	Our court's policies and procedures specifically address elder abuse.				
4A-2	By policy, there is coordination and information sharing across all courts (e.g., protection order, criminal, probate, guardianship) to identify elder abuse cases of all types.				
4A-3	We encourage and support developing protocols or memoranda of understanding that outline roles and relationships between agencies intervening in elder abuse cases.				
<b>4B</b>	<b>Content</b>				
	We have policy guidance on:				
4B-1	Assessing capacity				
4B-2	Appointing guardians in elder abuse cases and ensuring their accountability				
4B-3	Working with substitute decision makers in elder abuse cases				
4B-4	Defining all types of elder abuse cases: <ul style="list-style-type: none"> <li>Physical abuse</li> <li>Sexual abuse</li> <li>Emotional/psychological abuse</li> <li>Neglect</li> <li>Financial exploitation and undue influence</li> </ul>				
4B-5	Setting conditions of pretrial release in elder abuse cases				
4B-6	Sentencing conditions in elder abuse cases				
4B-7	Setting and monitoring conditions of probation and deferred judgments in elder abuse cases				
4B-8	Permitting support persons to accompany elder victims into court and onto the witness stand				
4B-9	By policy, the court avoids issuing bench warrants on victims who do not appear in court.				
<b>Notes:</b> Accomplishments? Barriers? Ideas for change? [Expand or add pages as needed]					

5: Training		This applies...			
		Always/Yes	Sometimes	Never/No	Need more information
<b>5A</b>	<b>Framework</b>				
5A-1	We provide or have access to training and opportunities to practice how to recognize elder abuse and establish the type and degree of danger involved.				
5A-2	We have established and routinely update a library of resource materials and professional literature on elder abuse and court response.				
5A-3	Training on elder abuse includes judges and court staff.				
5A-4	All training related to elder abuse addresses attitudes, biases, and myths about aging and the resulting barriers to effective response.				
<b>5B</b>	<b>Content</b>				
	Training for judges and court staff (as relevant) addresses:				
5B-1	How to identify types and impacts of elder abuse: <sup>17</sup> <ul style="list-style-type: none"> <li>Physical abuse</li> <li>Sexual abuse</li> <li>Emotional abuse</li> <li>Neglect</li> <li>Financial exploitation and undue influence</li> </ul>				
5B-2	Medical aspects of aging				
5B-3	Attitudes, biases, and myths about aging and the resulting barriers to effective response				
5B-4	Common justifications that abusers present, including caregiver stress				
5B-5	The complex circumstances that victims face in making decisions about whether to leave or return to live with an abuser				
5B-6	Issues and procedures related to accurately assessing competency and capacity				
5B-7	Issues and procedures related to accurately distinguishing consent from undue influence				
5B-8	Application of <i>Crawford v. Washington</i> to elder abuse cases				
5B-9	How to issue conditions of release and bail that support victim safety in elder abuse cases				
5B-10	Sentencing issues and options in elder abuse cases				
5B-11	Annual updates on state and federal laws and specific elder law issues				
<b>5C</b>	<b>Methods</b>				
5C-1	Training includes opportunities to practice how to recognize abuse and establish the type and degree of danger involved.				
5C-2	Judges are primary trainers to other judges.				

<sup>17</sup> Elements 5B-1 through 5B-3 reflect priorities suggested by the National Center for State Courts' Elder Abuse and the Courts Working Group, acknowledging that most judicial training currently available includes only a brief introduction to elder abuse. For further reference, see *Elder Abuse Cases: Proposed Performance Measures for Courts*, available at [https://www.eldersandcourts.org/\\_data/assets/pdf\\_file/0024/5559/ea-court-performance.pdf](https://www.eldersandcourts.org/_data/assets/pdf_file/0024/5559/ea-court-performance.pdf) and *Court Guide to Effective Collaboration on Elder Abuse* at <https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/NCSC-Court-Guide-to-Effective-Collaboration-on-Elder-Abuse.pdf>.

5: Training		This applies...			
		Always/Yes	Sometimes	Never/No	Need more information
5C-3	Training is conducted in collaboration with other interveners, such as prosecutors, adult protective services case workers, victim advocates, elder law attorneys, and aging network specialists				
5D	<b>Community connections</b>				
5D-1	We participate in and support education about elder abuse to: <sup>18</sup> <ul style="list-style-type: none"> <li>• Guardians and guardians ad litem</li> <li>• Court staff</li> <li>• Clergy</li> <li>• Law enforcement</li> <li>• Prosecutors</li> <li>• Victim advocates in domestic violence and sexual assault services agencies</li> </ul> Community at large, including senior organizations and community groups				
5D-2	We encourage and support cross-training for adult protective services, law enforcement, prosecutors, victim/witness specialists, aging services providers, attorneys, domestic violence victim advocates, sexual assault victim advocates, health care providers, bank employees, and others who may come in contact with victims of elder abuse.				
<b>Notes:</b> Accomplishments? Barriers? Ideas for change? [Expand or add pages as needed]					

<sup>18</sup> EJSEA, p.51.

6: Community Collaboration		This applies...			
		Always/Yes	Sometimes	Never/No	Need more information
<b>6A</b>	<b>Framework</b>				
6A-1	We promote development of community programs to serve older adults.				
6A-2	We provide leadership in developing a coordinated community response to elder abuse (consistent with our state code of judicial ethics). <sup>19</sup>				
6A-3	We promote creation of a multidisciplinary response to elder abuse cases.				
<b>6B</b>	<b>Systems change</b>				
6B-1	We take an active role in public education campaigns and efforts to change attitudes about and responses to elder abuse.				
6B-2	We promote and support programs to provide pro bono or low cost representation to elders seeking legal assistance.				
<b>Notes:</b> Accomplishments? Barriers? Ideas for change? [Expand or add pages as needed]					

<sup>19</sup> For example, see the discussion in *Court Guide to Effective Collaboration on Elder Abuse*, National Center for State Courts.

## Section 2: Recognize strengths and accomplishments

1. Review each area of the assessment grid and note where you checked “always” and “sometimes.”
2. Use the following template to summarize your strengths and accomplishments. Expand and add pages as needed.

Our Response to Elder Abuse...	
Dimension	Strengths and accomplishments
1) Dynamics in court proceedings	
2) Safety	
3) Access	
4) Policy & procedure	
5) Training	
6) Community collaboration	





### Section 3: Design an action plan

1. Identify what needs to change in your response to elder abuse.
  - a. Review each area of the assessment grid and note where you checked “sometimes” and “never.” Review the issues and concerns you listed in Section 2.
  - b. Identify what is missing in your response and where you need more information.
2. Set priorities and next steps for the changes you would like to make. Keep in mind:
  - a. New or revised policies and/or procedures
  - b. Better connections and communication
  - c. New or expanded training
  - d. Stronger collaborations
  - e. New or revised technology and/or resources
3. Assign tasks and set timelines.
4. Use the following grid to record your plan. Expand and add pages as needed.

Action Plan: Strengthening Our Response to Abuse in Later Life					
Dimension	Our response will be improved by:	We need more information about:	Priorities and next steps:	Assigned to:	Due:
1) Dynamics in court proceedings					

### Action Plan: Strengthening Our Response to Abuse in Later Life

Dimension	Our response will be improved by:	We need more information about:	Priorities and next steps:	Assigned to:	Due:
2) Safety					
3) Access					
4) Policy & procedure					
5) Training					
6) Community collaboration					

## Section 4: Track your progress

1. Review your plan.
2. Note changes that have been accomplished.
3. Note work that remains to be done.
4. Identify obstacles and ideas for overcoming them.
5. Plan next steps.
6. Use the following template to record and track your progress.

### Strengthening Our Response to Elder Abuse...Our Progress

**Date:**

**Progress:**

**Obstacles:**

**Next steps:**

**Assigned to:**

**Date:**

**Progress:**

**Obstacles:**

**Next steps:**

**Assigned to:**

## Appendix 1: Glossary of Terms

**Access/Accessibility:** the availability of and ability to use help, protection, and services in ways that fit each person's ability, culture, and identity. A CCR and those intervening in elder abuse are necessarily concerned with cultural accessibility, as well as disability-related access.

**Accountability:** Responsibility for responses and outcomes. In the context of elder abuse and coordinated community response, there are multiple layers of accountability: (1) an individual's accountability to the person he or she has harmed; (2) an agency's accountability to the person who is the focus of its intervention, whether as a victim of elder abuse or as a perpetrator or involved family member; and (3) the CCR partners' accountability to each other for fulfilling the CCR's mission, vision, and plan.

**Action plan:** The process to accomplish a goal that has been established by the CCR. It typically consists of clearly defining the goal or project, outlining the steps to complete the goal and their order of completion, assuring accountability, and monitoring progress. Progress should be regularly monitored to assure that the work is completed on schedule, that unexpected complications and obstacles are recognized and addressed, and that assignments and responsibilities are clearly identified. The action plan is a kind of strategic plan.

**Annual report:** In the context of a CCR, a report that describes and highlights the work undertaken by the CCR. Depending on the specific work of the CCR, the annual report may also contain recommendations for improving responses to elder abuse. The report typically identifies projects and key participants and provides budget and funding information. It informs members, stakeholders, partners, policymakers, legislators, funders, community members, and others interested in the CCR's work; creates a public record of efforts and accomplishments; and publicizes the value of the CCR.

**Bylaws:** The written rules and regulations that govern how the work of the CCR will be conducted. They often include duties of members and officers, terms of office, how meetings will be conducted, and selection of leadership. Some CCRs use formal bylaws; others may use written memorandums of understanding (MOUs) or more informal working agreements.

**Confidentiality:** The legal right to have information provided by one person (e.g., client or patient) to another (e.g., an advocate, doctor) kept private and undisclosed to others without consent of the person providing the information. Confidential relationships are defined by law and are part of legal and ethical practice in certain fields, such as domestic violence and sexual assault advocacy, mental health, health care, religious practice, and legal advice. Federal and state laws may make certain records confidential. Each grantee must research state and federal laws that affect confidentiality and information sharing. CCR and MDT/IDT member agencies should examine their policies and interagency agreements to assure that limitations on confidentiality are understood and honored.

**Coordinated Community Response (CCR):** A victim-centered, collaborative effort initiated by advocacy, legal, criminal justice, social service, and other community systems to create a united and coordinated interagency response to elder abuse that enhances safety for victims of elder abuse and holds offenders accountable for their conduct. This intervention model was originally developed by the Duluth, Minnesota, Domestic Abuse Intervention Project (DAIP) to address domestic violence. A CCR is a "system of networks, agreements, processes and applied principles" designed to make community systems work in a coordinated manner to enhance victim safety.<sup>20</sup> A CCR's core function is to create a coordinated response and enhance cross-system communication and accountability. A CCR holds its members accountable, identifies service gaps, and coordinates efforts to create a seamless response to the needs of victims of elder abuse.

**Data collection:** The process of gathering information about the prevalence and type of elder abuse in the community, official responses, and the impact of interventions on victims of elder abuse and on those who commit elder abuse. Data collection helps inform the CCR's strategic plan. Sources of data can include counts of reported cases and details about the type, frequency, and severity of elder abuse; case dispositions; community surveys; and focus groups discussions.

**Fatality Review Team (FRT),** sometimes called a Death Review Team: A multidisciplinary group of professionals who examine elder deaths to (1) identify

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<sup>20</sup> See <https://www.theduluthmodel.org/about-us/coordinated-community-response/>



and address systemic weaknesses or gaps that if addressed effectively could prevent future similar deaths; and/or (2) develop recommendations for coordinated education and prevention efforts to reduce incidence of elder abuse. FRTs may also examine individual cases to identify criminal responsibility and collect evidence to be used in a particular prosecution.<sup>21</sup> (See also: MDT/IDT Team.)

**MDT/IDT Team:** Multidisciplinary/interdisciplinary team. An MDT/IDT is a group of professionals and others representing different disciplines, professions, and fields who unite as a team to address various aspects of elder abuse. Such a team may be based in a health care, protective services, criminal justice, or community settings or programs. Its efforts tend to be focused on case review or service delivery. Unlike a CCR, the team's role is not to coordinate multiple efforts across a community. (See also: Fatality Review Team.)

**"Messaging":** Clear, concise, and consistent statements of the CCR's mission and goals, particularly to victims of elder abuse and those who commit elder abuse. In a CCR, the primary messages to victims are ones of protection and safety; to perpetrators, messages of accountability and help.

**Mission statement:** A brief, formal statement that defines the overarching purpose and priorities of the CCR. The mission statement is the CCR's statement of its core values, in a form that can be easily presented to CCR partners, intervening practitioners, funders, and the public. (See also: vision statement; strategic plan.)

**Needs assessment:** A systematic process of collecting and examining information about a specific issue (e.g., elder abuse) and its impact on the community in order to (1) determine what people are lacking and set priorities, (2) develop a strategic plan, and (3) allocate resources in response to peoples' identified needs.

**Safety:** The protection of victims of elder abuse from continued physical, sexual, emotional, and financial harm, coercion, and threats.

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<sup>21</sup> See the *Elder Abuse Fatality Review Team Replication Manual*, published by the American Bar Association, Commission on Law and Aging; available at: [https://www.americanbar.org/groups/law\\_aging/resources/elder\\_abuse/elder-abuse-fatality-review-team-projects-and-resources/](https://www.americanbar.org/groups/law_aging/resources/elder_abuse/elder-abuse-fatality-review-team-projects-and-resources/)

**Strategic plan:** The road map to fulfilling the CCR’s mission and vision. A strategic plan sets short- and long-range goals, identifies the actions needed to meet the goals, and assigns responsibility for meeting the goals. The CCR Action Plan included in the self-assessment is a kind of strategic plan. (See also: mission statement; vision statement.)

**Sustainability:** the ability to endure or continue. In the context of a CCR, “sustainability” refers to developing a purpose, procedures, funding, and other elements that will allow the CCR’s work to continue indefinitely and meet evolving and changing needs and challenges.

**“Systems review”:** A review to determine if community systems are meeting the needs of elders, including attention to (1) the role each system plays; (2) how participating systems relate, communicate, and coordinate with one another; (3) gaps in services and service delivery and solutions to address the gaps; and (4) training needs to improve coordination and service delivery. A systems review is typically conducted by a formal team or an informal group of professionals from a variety of systems that provide services for victims of elder abuse and/or perpetrators.<sup>22</sup>

**Vision statement:** An articulation of where the CCR seeks to go and to what it aspires . The vision statement provides inspiration and directs the CCR partners in how to accomplish its ongoing work. (See also: mission statement; strategic plan.)

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<sup>22</sup> Brandl, Bonnie, et al. *Elder abuse detection and intervention: A collaborative approach*. Springer Publishing Company, 2006.

## Appendix 2: Resources

The following organizations provide a variety of resources, training, and technical assistance related to preventing elder abuse and improving intervention and community response.

- ☐ **National Clearinghouse on Abuse in Later Life:** <https://www.ncall.us/>  
NCALL provides technical assistance, training, and program and policy development to address the nexus between domestic violence, stalking, sexual assault, and elder abuse and neglect. NCALL will sponsor sessions to discuss the self-assessment tools and their use at orientation and other stages of the grant process and implementation.
- ☐ **National Center on Elder Abuse:** <https://ncea.acl.gov/>  
NCEA is a national resource center dedicated to the prevention of elder mistreatment. It has an online library and links to other publications on elder abuse and related issues.
- ☐ **National Adult Protective Services Association:** <https://www.napsa-now.org/>  
NAPSA provides training, resources, and support to APS administrators and staff throughout the country. It conducts an annual national conference on issues related to elder abuse.
- ☐ **National Council of Juvenile & Family Court Judges and the National Judicial Institute on Domestic Violence:** <https://www.ncjfcj.org>  
The Council provides training, research, and technical assistance to judges and their staff, including Enhancing Judicial Skills in Elder Abuse Cases.
- ☐ **National Center for State Courts:** <https://www.ncsc.org/>  
NCSC serves as the information hub for the state court community by answering questions, maintaining and distributing information, creating original content, and analyzing trends and best practices in the courts.
- ☐ **Battered Women's Justice Project:** <https://www.bwjp.org/>  
BWJP is a national resource center that provides training and resources on coordinated community response, with a primary focus on domestic

violence. The Resource section of the BWJP Website includes materials that may be of interest to communities developing an elder-abuse-specific CCR.

☐ **Praxis International:** <https://www.praxisinternational.org/>







Praxis is a national technical assistance provider to OVW-grantees that has developed materials related to establishing and maintaining a coordinated community response, with a primary focus on domestic violence.

<https://praxisinternational.org/library/coordinated-community-response-ccr/>

## Appendix 3:

### Figure 1: Self-Assessment Process

The self-assessment process is much the same, whether using the discipline-specific workbooks or the CCR tool. Instructions specific to the different tools are noted under each step, under the corresponding symbol.

Self-Assessment Steps, Roles, & Responsibilities	
 Workbooks	 CCR Tool
<b>(1) Designate a coordinator to guide the process.</b>	
<ul style="list-style-type: none"><li>✓ Schedule meetings.</li><li>✓ Provide copies of the tool(s) to the team.</li><li>✓ Facilitate discussions.</li><li>✓ Keep the discussions moving and the process on track.</li><li>✓ Assure that every perspective is respectfully heard and considered.</li><li>✓ Track conclusions and agreements.</li><li>✓ Track progress in implementing changes.</li></ul>	
	Use one or more of the 5 discipline-specific self-assessment workbooks.
	Involve all CCR partners.
<b>(2) Convene the team &amp; conduct the self-assessment.</b>	
<ul style="list-style-type: none"><li>✓ Review the tool(s) and their purpose, content, and process.</li><li>✓ Determine how the team will work together. For example:<ul style="list-style-type: none"><li>• Complete the tool together at one or more staff or CCR meetings.</li><li>• Work in small groups and bring the results to an organization-wide meeting.</li><li>• Use “real life” cases to examine practices and complete the grids.</li></ul></li><li>✓ Complete the assessment.</li><li>✓ Encourage full participation and candid discussion.</li></ul>	
	Complete Section 1: Assessment Grid.
	Complete the 4 assessment categories. <ul style="list-style-type: none"><li>• Agree on Philosophy &amp; Mission first; complete the remaining segments in any order. Recommended, but not required: complete the policies and procedures section before moving to Internal and External Functions and Activities.</li></ul>

### Self-Assessment Steps, Roles, & Responsibilities



Workbooks



CCR Tool

- Document the process and deliberations: e.g., minutes or flip chart.

#### **(3) Design a plan for change.**

- ✓ Determine how the team will work together to design the plan. For example:
  - A day-long retreat
  - A series of staff or CCR meetings
  - Regularly scheduled “assessment meetings”
- ✓ Review the findings and information from the completed self-assessment workbooks and/or CCR tool.
- ✓ Identify strengths & accomplishments.
- ✓ Set priorities.
- ✓ Determine next steps.
- ✓ Assign tasks.
- ✓ Encourage conversation and dialogue.
- ✓ Allow time to reach agreement or closure (i.e., “agree to disagree”).



Complete Section 2: Recognize Strengths and Accomplishments.

Complete Section 3: Design an Action Plan.



Complete the Coordinated Community Response Action Plan template.

- Draw on the answers to the assessment categories to develop the action plan.
- Identify any additional activities and functions to include in the plan.

### Self-Assessment Steps, Roles, & Responsibilities



Workbooks



CCR Tool

#### **(4) Track progress.**

- ✓ Review the action plan at regular, selected intervals.
- ✓ Note accomplishments.
- ✓ Note work to be completed.
- ✓ Identify obstacles & solutions.
- ✓ Plan next steps.
- ✓ Assign tasks.
- ✓ Approach the plan as a “living document.”
- ✓ Engage in a process of ongoing reflection, planning, action, and reassessment.



Complete Section 4: Track Your Progress.



Use the check-in sections of the Action Plan.

**Figure 2: Abuse in Later Life Wheel**



In 2006, NCALL adapted the Power and Control Wheel, developed by the Domestic Abuse Intervention Project, Duluth, MN. Resource updated, April 2011. For a detailed discussion of the Wheel and related information, go to [www.ncall.us](http://www.ncall.us).