Elder Abuse and Its Prevention: Legal System Interventions in the U.S.

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Washington, DC
Legal System Components

Civil

Criminal

Judicial

Legislative

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Civil

Public Services Lawyers
• Legal Aid/Legal Services
• Law School Clinics
• Pro Bono
• Others

Private Lawyers
• Elder Law
• Probate and Trust
• Family Law
• General Practice
• Others
Criminal – Local/State/Federal

- Law Enforcement
- Prosecutors
  - Region/State
  - Attorneys General
  - Medicaid Fraud Control
- Corrections
- Community Corrections
  - Pretrial
  - Probation
  - Parole

- Victim Services
  - System-based
  - Community-based
- Victim Compensation
Judicial

State
• Trial Courts
  – Civil
    • Probate
  – Criminal
  – Specialized
    • Elder
    • Domestic Violence/Family
    • Drug
    • Housing
• Appellate Courts

Federal
• Trial Courts
• Appellate Courts
Prevent/Detect/Remedy

• Civil
  – Screening
  – Counseling
  – Preparing or Revoking Documents
  – Litigating
    • Protect Victim or Assets
    • Recover Assets or Obtain Damages
Prevent/Detect/Remedy

• Criminal
  – Policing
  – Punishment
  – Restitution
  – Supervision
Criminal - Initiatives

• Resources
  – Training
  – Tools

• Services
  – Special Law Enforcement or Prosecution Units
  – Participating in MDTs

• Remedies
  – Criminalizing activity
  – Tougher penalties
Judicial - Initiatives

• Resources
  – Guidelines/Standards
  – Training
  – Tools

• Services
  – Domestic/Family Violence Coordinating Councils
  – Court-Focused Elder Abuse Initiatives
Civil - Initiatives

• Resources
  – Training

• Services
  – Prioritizing and developing expertise
  – Screening
  – Representing
  – Participating in MDTs

• Remedies
  – Legislative advocacy
Gaps

• Technical Assistance
• Capacity Assessment
• Affordable, High Quality Legal Services
• Information Sharing
• Remedies
• Data
• Evaluation