



ELDER JUSTICE

LUNCH & LEARN

AWARENESS, PREVENTION & INNOVATION IN THE AGE OF COVID-19



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Executive Director

Ombudsman Services of Contra Costa, Solano, and Alameda

Welcome & Introductions



YOUR TOOLBOX...



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ASL available via Zoom video feed

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The logo for Elder Justice Lunch & Learn features a stylized sunburst icon above the text "ELDER JUSTICE" in a bold, sans-serif font, with "LUNCH & LEARN" in a smaller font below it.

ELDER JUSTICE

LUNCH & LEARN

Mark your calendars for the **third Thursday of every month** from June 18, 2020, to May 20, 2021. Each session is scheduled from **12 to 1 PM** PST.

**December's webinar will be held on the second Thursday of the month, December 10th.*





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*of Contra Costa
Solano and Alameda*





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CCoA
California Commission on Aging
Healthy and Purposeful Longevity
For All Californians



Planning Partners



CALIFORNIA STATE ASSOCIATION OF
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Civil, Criminal, or Self-Determination



Jim Treggiari

Legal Assistance for Seniors



Jill Nielsen

City and County of San
Francisco



Krishna Abrams

Solano County District
Attorney



An Age for Justice



<https://youtu.be/-eaJXBj87to>



Elder Abuse Cases are Complex

Cases may involve:

- Multiple forms of abuse/neglect/self-neglect
- Cognitive impairment
- Mental illness and substance use disorders
- Family perpetrators and professional scammers
- Real property and advanced legal planning



Elder Abuse Interventions Must Consider

- Safety planning
- The goals and wishes of the elder
- Long term care needs
- Available resources
- Reliability of family/support network
- What is allowed by law



Multiple Intervention Pathways

Criminal

Civil

Social
Services



Social Services Interventions

Adult Protective Services programs

- Will investigate reports of abuse, neglect, self-neglect.
- APS social workers conduct a comprehensive biopsychosocial assessment
- Guiding principle is the adult's right to Self-Determination



Adult Protective Services as a Catalyst

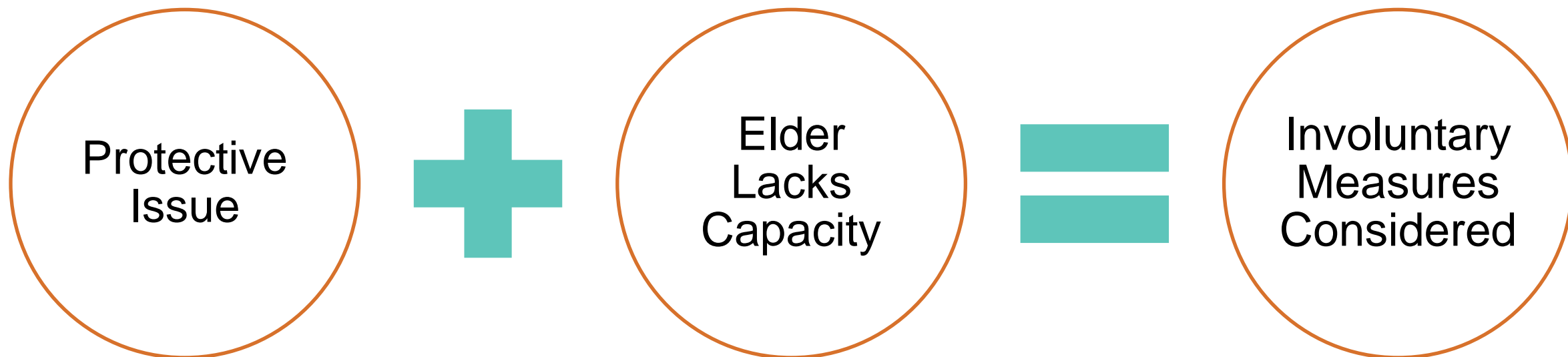
State Mandated
Referrals to Law
Enforcement

Voluntary
Connection to Legal
Services Providers

Referral to
Community
Based Support
Services



What About Conservatorship?



LPS – Lanterman-Petris-Short – Mental health conservatorships for individuals who are *gravely disabled*.

Public Guardian – The program that oversees probate conservatorships for individuals with cognitive impairment and other types of serious functional disabilities.



Key Principles of Conservatorships

- Are only pursued as a *last resort* option
- Conservatees must be in the Least Restrictive setting possible
- Family members are preferred conservators over local government
- Petition must demonstrate a safe, reliable care plan for the conservatee



Local Office of the Public Guardian

Provides conservatorship to people who are frail, elderly, and/or disabled and who are substantially unable to provide for their own personal needs, manage finances, or resist fraud or undue influence.

- Develop a care plan for immediate and long-term care
- Locate and procure housing, medical care, and social services
- Manage finances and estate to marshal and protect assets



Criminal Justice Interventions to Elder Abuse



Civil Interventions to Elder Abuse

- Two Categories of intervention: Protective and Restorative
 - Protective Legal Measures : Elder Abuse Restraining Orders, Powers of Attorney, Advanced Health Care Directive and Conservatorship.
 - Restorative Legal Measures: This can include civil suits for financial abuse and undoing executed legal documents.
 - These cases require a holistic perspective to fully serve the client.





Case Scenario

- Terrance is a recent widower living in his own home
- Estate planning documents completed by Terrance and his deceased husband bequeathed their home and assets to animal shelters
- Terrance has two children, Jessica and Bill from a prior marriage
- Six months after Terrance lost his spouse he suffered a stroke



Case Scenario Continued

- As a result of the stroke, Terrance has memory loss and his son Bill moves into the home to care for him
- Bill takes Terrance to have a capacity declaration completed, and then has his father sign over the deed to his house and create a new will
- In response, Jessica has Terrance appoint her as his DPOA for finance, and she removes \$50,000 from his bank account for safe keeping



Case Scenario Interventions



Criminal

Civil

Social
Services





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REGISTRATION NOW OPEN!

JOIN US for Session #5 – October 15, 2020

Abuse Prevention & Intervention in Long-Term Care



Lori Semtanka

Executive Director, National Consumer
Voice for Quality Long-Term Care



Joseph Rodrigues

State Long-Term Care Ombudsman,
California Department of Aging





Thank you!

