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Elder abuse: 'PREVNT' Initiative takes aim at an age-old problem



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— Thomas Jankowski

By Linda Laderman

Legal News

Despite exponential growth in Michigan's aging population, no legal and policy definition of elder abuse exists in Michigan, according to recently released research by Elder Law of Michigan (ELM) and Wayne State University's Institute on Gerontology (IOG.)

As reported by the Michigan Administration on Aging (AOA), more than 20 percent of Michigan's residents will be 60 or older by 2030, a 32 percent increase from 2012.

Currently, 1.9 million or 19.5 percent of Michigan's nearly 10 million people are past the age of 60.

One of the report's authors, Thomas Jankowski, a gerontologist and associate director of research at IOG, said, "Without a precisely worded statute there is no way to distinguish between a vulnerable adult and one who is a victim of elder abuse. Age is not a distinct indicator.

"That means that integration and coordination of efforts to address and prevent elder abuse on a statewide basis is that much more difficult," said Jankowski.

The data gathered by Jankowski and his colleagues is part of the PREVNT Initiative, a collaborated response to elder abuse and neglect.

Funded by the Michigan's Aging and Adult Services Agency, the research found that the lack of an integrated elder abuse reporting system, along with staffing shortages, hindered service providers, agencies and attorneys from acting quickly to help elder abuse victims find a solution.

Since 2012 there has been a three-fold increase in reporting but only a 23 percent increase in staffing at Adult Protective Services, Jankowski said.

"While the number of reports of and investigations into elder abuse increased, the rate at which reports were investigated went down.

"In 2000, there were 11,950 reports of elder abuse of which 9,064 were investigated, for an investigation rate of 76 percent. In 2014, there were 37,242 reports of elder abuse of which 21,389 were investigated, for an investigation rate of 57 percent," Jankowski noted.

Besides state agencies and service providers, legal aid groups like ELM, are working with elder abuse victims to give them legal advice and, when possible, connect them to an organization or agency that can help them resolve their issues. To that end, ELM provides a hot line where injured parties can call for support.

Yet, ELM turns away as many calls as it accepts.

"Last year we handled 30,000 calls," Keith Morris, president of ELM said. "Fifteen thousand of those went unaided because there was not enough evidence to pursue the caller's cases."

Often the calls are made too late to help, Morris said.

"Most of the time I get a caller who says, 'I just wired money to someone.' No one ever needs a lawyer until something happens. It's hard to go back and undo something that has already been done."

Demand often outweighs supply when it comes to finding aid for Michigan's exploited adults.

"This is a big tangled web with everyone doing their best to work with what they are given. But there are only so many resources and capacity with which to get things done," Morris said.

Morris said the economic downturn of 2008 pushed nonprofits and state agencies to cooperate and collaborate to help those suffering from elder abuse.

"The recession forced us to work more holistically, people stepped out of their silos."

Governor Rick Snyder's readiness to discuss the financial exploitation of his mother by a health care aide opened the door to a more candid assessment of the situation, Morris said.

"Because he came forward with his experience, more people were willing to talk about



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it."

In 2012, Governor Snyder signed legislation to further protect Michigan's older adults. Approximately a million dollars was allocated for community services through area agencies on aging.

"We are very grateful that the state government has been willing to step up and take action," said Morris.

Michigan's agencies and service providers have successfully brought the issues surrounding elder abuse into the public forum, said Alison Hirschel, director of the Michigan Elder Justice Initiative and the elder law specialist at the Michigan Poverty Law Program. Hirschel also contributed to the PREVNT report.

"Michigan has done a good job raising awareness through local programs. Still, we need more services," Hirschel said. "Our agencies are dramatically understaffed and underfunded. Now that we have more awareness we need a wide array of groups to fund those efforts. Funding elder abuse is really a team sport."

Echoing remarks articulated in the PREVNT Initiative, Hirschel urged attorneys to be aware of signs of abuse in their elderly clients.

"It is really important for lawyers to ensure they are not unwittingly assisting someone in committing elder abuse. Since family members are often very involved in the legal affairs and representation of older people and may pay for the legal work done allegedly on behalf of the older person, it is important that the lawyers are clear who is the client, what does the client, not family members, want."

Hirschel added, "Lawyers are probably seeing far more elder abuse than they realize. A client may come in to discuss mortgage foreclosure or credit card debt or bankruptcy, for example, but a little digging will reveal that the older person is suddenly in financial distress only because he or she has been victimized. If lawyers are better at identifying victims or potential victims, they can better serve clients and refer them to the multidisciplinary resources that can safeguard or help restore the older person's financial resources, health, and safety. "

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