

Appendix F

Elder Justice

Elder Justice Activities

Act 2012-495 was passed by the Legislature to officially create the Council for the Prevention of Elder Abuse, hereafter called Council; to provide for its membership and duties, to allow for the adoption of rules for internal operations, and to establish a lead agency for the council. ADSS was designated as the lead agency.

The Council has been extremely successful in its first few years, working on a variety of elder abuse intervention initiatives. They developed new public outreach campaign materials including an Elder Abuse Protection Toolkit for the public and a Law Enforcement Protocol Guide for distribution to various law enforcement agencies. The members are currently developing new training tools to educate first responders, financial institutions, and other professionals.

The passage of Act 2012-495, establishing the Council, facilitated the collaboration among council members to advocate for new legislation. This resulted in legislation called the "Protecting Alabama's Elders Act" which was signed by the Governor in 2013. The Act defines three degrees of elder abuse and neglect, ranging from a class A felony for intentional abuse and neglect that leads to serious physical injury to a Class A misdemeanor for reckless emotional abuse. One of the significant changes in this legislation is the financial exploitation rule, now giving law enforcement the ability to arrest individuals with power of attorney if they are exploiting an older individual. Prior to the act, law enforcement and prosecution could not arrest or prosecute power of attorney exploitation because there were no criminal sanctions. The law classifies first-degree financial exploitation of an elderly person as any financial exploitation of a person 60 or older as a Class B felony if the value of the property taken exceeds \$2,500. A value between \$500 and \$2,500 warrants a Class C felony, while anything less than \$500 is a Class A misdemeanor. There have been several arrests and convictions since this new law was enacted and these actions set the precedence for more prosecutions in the future.

The Council participated in a needs assessment session conducted by ADSS staff to provide specific documentation of what should be implemented by the State in the areas of Education, Systems Change, Legislation and Caregiver initiatives to ensure the rights of older individuals are protected. The council also presented the Alabama Legislature with a Strategic Plan for Elder Rights. These are attached in the following documents as a component of this State Plan.

Council for Prevention of Elder Abuse

September 10, 2015

ADSS State Plan Needs for Prevention of Elder Abuse, Neglect and Exploitation

(Note: Review Strategic Plan developed by Council)

Other areas Council discussed as concerns/solutions to be addressed to ensure Alabama is protecting Elder Rights:

Education

- Professional Speakers Bureau
- Law Enforcement Training
- Caregiver Education
- General Public Education
- First Responder Training
- Training, reporting protocols, Standards as Child Protective Services (CPS)
- Educate Legislators and Policy makers
- Focus/training on the Aging Disabled: Special focus to include Developmental Disabilities and Mental Illness
- Adult Protective Service training certification (like CPS)
- Emphasis on Diminished Capacity for Medical Community
- Emphasis on Banking industry: Training, Protocols for referral and sharing information
- Mail Carriers

Systems Change

- Adequate and appropriate funding for Adult Protective Services
- Background checks on Home Care Providers with Public Access
- Certification and Official Guidelines for Adult Day Care
- Better coordination of systems and information available. Streamline and limit duplication.
- Adequate Medicaid Funding for services that is easily accessible and has fast access.
- Guardianship System: Laws and Practice
 - Coordinated with Probate Judges
 - Comprehensive
 - Holistic
 - Policy driven
 - Adequate education
- Competent, caring people to assist with complex issues to include guardianship

Legislation

- Fully funded budgets that support necessary services
- Elder Abuse Prevention Act updated(plan Legislative session 16)
- A consolidation of all Abuse, neglect, exploitation laws into one statutory law that is holistic and global. Think ahead of the curve.
- Funding for the Administrative functions of the Council and for Educational Initiations

Caregiver Initiatives

- Transportation
- Caregivers included in assessment and other processes for inclusion of benefits as part of the health care plan.
- Education on variety of issues
- Employment supports/tax breaks
- Educate policy makers on the economics of caregiving
- More Respite funding

Other Solutions:

- Address Isolation Issues
- Access to broadband to gain access to information, education and socialization
- Prevention: Education for under age 65 on importance of LTC Planning and LTC insurance and Tax Breaks for those who take initiative to plan



2016 Update
Long-Range Plan to Prevent
Elder Abuse, Neglect and Financial
Exploitation in Alabama

Created By:

The Alabama Interagency Council for the Prevention of Elder Abuse

Presented To:

The Alabama Legislature
March 2016

Detailed Summary of the Long Range Plan (2016 Update)

- The Council drafted the new Criminal Statute, the Protecting Alabama's Elder Act (2013-307), which was passed during the 2013 legislative session and went into effect on August 1, 2013.

Update: The law was mailed to over 750 designated law enforcement agencies across the state. Many local law enforcement agencies have used the new law for investigative and prosecution purposes. The Council will expand training to multi-jurisdictional law enforcement agencies in 2015.

After an audit and Sunset Committee hearing, the Sunset Committee Members expressed their commitment to the program and potential future financial support of the Council's statewide initiatives.

2016 Update: Training was provided at the Annual Judicial Conference regarding the amended criminal statute addressing elder abuse.

- The Council drafted the Elder Abuse Protection Act which is similar to the Protection from Abuse Act in 2015. Further efforts are underway to develop proposed orders to correlate with the Elder Abuse Protection Act.
- The Council contracted with the Center for Leadership and Public Policy at Alabama State University to conduct a study to identify barriers to reporting elder abuse. To date, three statewide surveys have been developed and distributed to these groups: the general public, caregivers, and legal professionals. The surveys are scheduled for completion by January 31, 2014. The results will be analyzed and reported back to the Council by the spring of 2014.

Update: The three statewide surveys were completed and an internal analysis was conducted in 2014. The Council will establish a special sub-committee to conduct a comprehensive analysis of the survey findings. The sub-committee will develop new recommendations to resolve the identified barriers to reporting abuse and what new statewide initiatives will be implemented.

2016 Update: The sub-committee continues to review and develop strategies utilizing the caregiver survey findings.

- The Council will be conducting focus groups and plan a statewide Elder Abuse Summit after the findings from the three surveys are reported.

Update: This activity will be planned and completed in 2015. The statewide summit will take place in the fall of 2015.

2016 Update: This continues to be a goal for 2016. The statewide council planned and conducted several local elder abuse prevention events across the state in recognition of World Elder Abuse Awareness Day (WEAAD) Also, a large Elder Justice Bridge Builder's Breakfast event was held in Montgomery which was attended by over 250 local and state elected officials and community leaders.

- The Council developed a new Elder Abuse Protection Toolkit which was published and distributed to more than 10,000 seniors statewide in 2013. The Toolkit has also been made available at www.alabamaageline.gov. In addition, other states have requested and received the Toolkit for replication purposes.

Update: During 2014, over 20,000 toolkits have been widely disseminated across the state. The Council secured a special grant from Alabama Power, who provided the funding needed to print and reproduce an additional 10,000 toolkits (totaling 30,000) for Alabama.

2016 Update: Distribution and utilization of the elder abuse toolkit continues and the statewide council has received several requests from other states to replicate use of the toolkit Funding is needed to continue to reproduce the toolkit for dissemination purposes across the state.

- The Council has developed a Professional Speaker's Bureau which includes many Council members and other partners. The Council has developed a comprehensive presentation that is used by the speakers across the state to educate professionals and other groups on recognizing, reporting, and preventing elder abuse.

Update: The comprehensive presentation is being utilized by several Council members across the state. For example, Council members presented at the Alabama State Bar Association's Annual Meeting and the Attorney General's Annual Law Enforcement Summit. In 2015, the Council will tailor the education materials to begin training financial institution professionals and first responders on elder abuse, neglect, and financial exploitation.

2016 Update: Council members continue to seek opportunities for presentations on prevention of elder abuse. Many local law enforcement agencies and state agencies regularly utilize the presentation to train professional groups. The statewide council continuously seeks public grants to secure funds to expand structured training to a greater number of groups.

- The Council developed a new Law Enforcement Protocol Guide. The Guide will be distributed to all local law enforcement agencies in the spring of 2014.

Update: The Law Enforcement Protocol Guide has been widely distributed electronically to various local, state, and federal law enforcement agencies. A statewide training event of law enforcement professionals will be conducted in FY 2015.

2016 Update: Positive feedback has been received from law enforcement on the utilization of the Protocol Guide.

- The Council received a one year grant from the National Medicare Rights Center, 501 Non-Profit Organization to maintain the Elder Justice Advisory Board efforts. The Board members are actively involved with the work of the Council and recruiting, training, and managing volunteers and providing education and outreach across Alabama communities.

Update: The one year grant was extended until June 2014. The Elder Justice Advisory Board members conducted extensive education to community members and professional groups across their designated service areas. The staff and funding source needed to maintain the members in an advisory capacity is not available.

2016 Update: The one year grant from the National Medicare Rights Center has expired. Many of the Advisory Board members continue to serve as an active member on the statewide council. The statewide council continues to apply for public and private grants to secure funding needed to implement new statewide initiatives. Most recently, a grant application was submitted to the Department of Justice Office on Violence Against Women (OVW). The three year grant, if awarded, would provide the funds needed to develop a pilot project to train law enforcement, judicial officers, and other first responders on elder abuse prevention and prosecution. The project would be replicated across other jurisdictions in the state.