

**ADVISORY COUNCIL ON ELDER JUSTICE IN THE COURTS  
STATEMENT IN SUPPORT OF PROTECTING THE WELL-BEING  
AND RIGHTS OF ELDERS DURING THE COVID-19 PANDEMIC**

Whereas, it is estimated that one in 10 adults age 60 and over experience elder abuse (physical, sexual, psychological, financial) annually in the United States, and that such abuse is rarely detected and reported; and

Whereas, there are approximately 2 million elders in Pennsylvania; and

Whereas, the COVID-19 virus has brought unprecedented challenges to society generally, and has been disproportionately deleterious and deadly to older adults, who are at the highest risk of serious illness and death from COVID-19, especially those who live in nursing and long-term care facilities; and

Whereas, elders are particularly vulnerable to social isolation, which increases the risk of elder abuse, particularly by family members and caregivers; and

Whereas, COVID-19 has created profound physical distancing and social isolation among elders because of limited in-person contacts, thereby exacerbating the risk of elder abuse and impeding the opportunity to detect such abuse; and

Whereas, COVID-19 has increased the risks of abusive situations for elders, worsening the severity or lethality of existing abusive relationships, as confirmed by a reported increase of elder abuse during the COVID-19 pandemic [1]; and

Whereas, elder support is more important than ever, and positive physical connection to others -- family and friends, guardians, caregivers, social service providers, attorneys, and advocates -- can be life-changing and life-saving; and

Whereas, Pennsylvania's 2014 Elder Law Task Force Report [2] identified the critical importance of access to justice and civil legal assistance to help address the unmet needs of vulnerable elders; and

Whereas, a coalition of advocates for elders recently issued a 30-page position paper [hereinafter the "PA Advocates Report"] [3] of specific recommendations with respect to the care of elders in Pennsylvania's nursing and long-term care facilities and urged their immediate consideration and implementation; and

Whereas, recommendations of the PA Advocates Report state that the rights of residents in long-term care facilities must be honored during times of crisis such as COVID-19, and urges the resumption of on-site access to residents by their attorneys/counsel and fiduciaries (agents,

guardians) who are legally required to protect and promote the well-being of the elders and help them with decision-making; and

Whereas, COVID-19 has had a particularly detrimental impact on elders who are dependent on others to obtain essential services during crises and emergencies (such as protection from abuse, custody of abandoned or neglected grandchildren, utility shutoffs, involuntary discharges and transfers from care homes for elders, the ever-increasing risk of home evictions and residential mortgage foreclosures, and financial exploitation);

Now, therefore, the Advisory Council on Elder Justice in the Courts recognizes the need for Pennsylvania to promptly address the extraordinary challenges created by the COVID-19 pandemic that are severely impacting our vulnerable elders, and urges, consistent with the recommendations of the PA Advocates and Elder Law Task Force Reports, all elder care and elder justice stakeholders to provide the necessary access and accommodations to assist elders in protecting their welfare and securing their legal rights.

Adopted: October 2, 2020

[1] Han, S. Duke, & Mosqueda, Laura (April 20, 2020). Elder Abuse in the Covid-19 Era, *Journal of the American Geriatrics Society*  
<https://onlinelibrary.wiley.com/doi/10.1111/jgs.16496>

[2] Elder Law Task Force of the Supreme Court of Pennsylvania, REPORT AND RECOMMENDATIONS (November 2014).  
<http://media-downloads.pacourts.us/eltf-report.pdf?cb=1601393081727>

[3] PA Advocates for Improved COVID-19 Response in LTC Facilities, *Immediate Actions Pennsylvania Must Take to Address the COVID-19 Crisis in Long-Term Care Facilities* (August 2020).  
<https://www.carie.org/wp-content/uploads/2020/08/Actions-Pennsylvania-Must-Take-to-Address-the-COVID-19-Crisis-in-LTC-Facilities.pdf>

**[NOTE: THE ABOVE STATEMENT REPRESENTS THE VIEWS OF THE ADVISORY COUNCIL ON ELDER JUSTICE IN THE COURTS AND DOES NOT NECESSARILY REPRESENT THE OFFICIAL VIEWS OF THE SUPREME COURT OF PENNSYLVANIA.]**