



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

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Elder Law Task Force delivers report with recommendations to aid Supreme Court in protecting elders from abuse and neglect

New office will help improve how elders interact with the court system

HARRISBURG — The Pennsylvania Supreme Court has adopted a blueprint to improve the way Pennsylvania elders interact with the court system and are protected from abuse and neglect.

The court's 38-member Elder Law Task Force, which was appointed by the Supreme Court in 2013 and chaired by Justice Debra Todd, delivered a [comprehensive 284-page report](#) detailing 130 specific recommendations to help lay the foundation for improvements in tackling issues in the courts and by other government entities involving guardianship, elder abuse and neglect, and overall access to justice.

“If societies are judged on how they help their most vulnerable, then now is the time to craft solutions as older Pennsylvanians increasingly face life-altering, physical, emotional and financial abuses by those who take advantage of our elders,” said Chief Justice of Pennsylvania Ronald D. Castille

The Elder Law Task Force was comprised of experts with an interest in elders and different perspectives of how elder Pennsylvanians engage with the judicial system. Court Administrator of Pennsylvania Zygmunt A. Pines, who had been involved in elder law issues on the national level, served as the administrative chair. The task force met between April 2013 and September 2014.

“As our population ages, courts are facing unprecedented challenges,” said task force chair Justice Todd. “The increasing population of elders anticipated during the next 20 years is likely to result in a substantial increase in court cases regarding the protection of vulnerable elderly persons, including guardianship, elder abuse proceedings and other types of cases. This report is a blueprint on how the courts and others can tackle that challenge.”

The task force recommendations announced today are intended to serve as model practices and to encourage leaders in government and local communities to be both advocates and instruments of reform for elders, who increasingly need and deserve assistance due to advancing age.

Most of the recommendations are directed to the Supreme Court, which will review the recommendations and determine how best to put them into practice. Others are directed to the

executive and legislative branches of state government, the federal government, prosecutors, elder and victim service providers, bar associations and the public.

The first task force recommendation, which has already been approved by the Supreme Court, is the creation of an Office of Elder Justice in the Courts to study, coordinate and implement report recommendations. The new office, which is being staffed by existing personnel, will be established in January 2015 in the Administrative Office of Pennsylvania Courts at the Pennsylvania Judicial Center in Harrisburg.

“This court has to thank the committee members for their great assistance in giving their time and expertise in creating this important report,” Chief Justice Castille said.

Also approved was the creation of an Advisory Council on Elder Justice in the Courts, to serve as a liaison to the executive and legislative branches and to advise the Supreme Court. Superior Court Judge Paula Francisco Ott has been appointed chair of the advisory council.

Other recommendations include:

- Distributing a “Bill of Rights of an Alleged Incapacitated Person” to inform alleged incapacitated persons, interested family members, concerned parties and guardians when a person is served with a petition for guardianship and at the time the person is adjudicated incapacitated.
- Amending the Pennsylvania Slayer Statute to prevent an individual who has been convicted of abusing or neglecting an elder from benefitting from that elder’s estate.
- Changing court rules to mandate training for all guardians, including, but not limited to, matters of liability and ethics.
- Enactment by the General Assembly of a statute requiring financial institutions to be mandatory reporters of suspected financial abuse or exploitation of elders.
- Encouraging Pennsylvanians who believe an elder is displaying the warning signals of mistreatment to report such symptoms by calling either of the state’s two Elder Abuse Hotlines. Callers may remain anonymous and have legal protection from retaliation, discrimination, civil suit or criminal prosecution.
 - Statewide Elder Abuse Hotline: 1-800-490-8505
 - Office of Attorney General Elder Abuse Hotline: 1-866-623-2137

The following statistics on Pennsylvania’s elder population are highlighted in the task force report:

- Pennsylvania has nearly 2.7 million people (21.4 percent) age 60 and older and more than 300,000 people (2.4 percent) 85 and older.
- By 2020, approximately 3.3 million Pennsylvanians are expected to be over 60.
- Pennsylvania is the nation’s fourth oldest state in percentage of population 65 and over.
- Research suggests that one out of every 10 people 60 years and older who lives at home suffers abuse, neglect or exploitation.
- It is estimated that only one of every 24 cases of elder abuse is reported to authorities.
- A 2000 study indicated that 44 percent of 2,000 nursing home residents reported having been abused and 95 percent reported that they or another resident had been neglected.
- Elder abuse is estimated to affect about 5 million Americans each year.

- The direct medical costs associated with violent injuries to elders are estimated to add more than \$5.3 billion to the nation's annual health expenditure.

[Link to report](#)

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Media contact: [Amy Kelchner](#), 717-231-3317 (office), 717-329-9382 (cell)

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