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## *News and Updates*

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### **CEJC News**

## Second Elder Justice Summit nears

On September 26, 2013, CEJC and the California Commission on Aging (CCoA) will host a follow up to CEJC's 2010 Summit in Sacramento. Other partners include the County Welfare Directors Association (CWDA) and the California Association of Area Agencies on Aging (C4A). Delegates will review progress in implementing CEJC's *Improving California's Response to Elder Abuse, Neglect, and Exploitation: A Blueprint*, identify new developments and needs, and provide opportunities for advocates and stakeholders to meet with state policy makers.



Photo from NCEA website

## World Awareness Day kicks off Assembly brown bag lunch series

In observance of World Elder Abuse Awareness Day (WEAAD) on June 15th and in anticipation of the September summit, CEJC and CCoA, in collaboration with the Assembly Committee on Aging and Long-Term Care, are organizing a series of informal sessions to acquaint Assembly members, staffers, and advocates with elder justice issues and experts, the state's elder justice statutory framework, unmet needs, and promising practices. Topics to be discussed include the state's reporting system, abuse in long-term care facilities, financial abuse, legal system responses, and elder justice in the age of managed care.

## CEJC provides input on financial crimes

On May 13, 2013 CEJC Chair Lisa Nerenberg participated in a focus group sponsored by the National Center for Victims of Crime and the Financial Industry Regulatory Authority (FINRA) Foundation to assist in developing a toolkit on elder financial exploitation for victim advocates. Prior to the event, Steering Committee members assisted in identifying promising practices for assisting exploited victims and their unmet needs, which include restitution; financial assistance or safe loans for cash-strapped seniors who might otherwise resort to riskier alternatives; advocacy with creditors; legal assistance; and mental health services. Members also shared findings from the WISE & Healthy Aging Elder Abuse Therapy Project, which provides mental health and case management services to financial crime victims. The project was developed with support from the Archstone Foundation.



## Jill Nielsen selected for NCPEA Mentoring Program

Steering Committee member Jill Nielsen has been selected as the first mentee in the National Committee for the Prevention of Elder Abuse Toshio Tatara Mentoring Program, the purpose of which is to match NCPEA members who are established elder abuse experts with newer professionals in the field and to provide a mechanism to foster the development of the next generation of elder abuse experts across professional

disciplines. Nielsen will be working with Pat Brownell, Associate Professor Emerita of Social Work at Fordham University, a former Hartford Geriatric Faculty Scholar, a fellow at the Gerontological Society of America, and the United National Representative to the International Network for the Prevention of Elder Abuse.

### Tell us your news!



Every day brings important new developments in elder justice and abuse prevention. Help us keep our colleagues informed by sharing updates on your new products, projects, and activities. We also welcome your thoughts and comments. You can reach us by [clicking here](#).

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## State and local news

### Advocates halt IHSS cuts

Advocates for the disabled and the unions representing In-Home Support Services (IHSS) workers have successfully blocked efforts by the state to cut beneficiary hours and reduce IHSS worker pay to minimum wage. The cuts would have meant a significant reduction in hours and perhaps disqualification from services for thousands of IHSS

recipients. IHSS, which is funded by a mix of federal, state, and county funds, pays caregivers (many are family members) hourly wages and benefits between \$8 and \$14.78 per hour to help the infirm dress, cook, bathe, and carry out other daily activities.



### Cal MediConnect postponed

California's Department of Health Care Services (DHCS) announced a delayed start-date of January 2014 for implementation of Cal MediConnect (previously referred to as the Dual Eligible Demonstration), a three-year pilot project to shift people who are eligible for both Medicare and MediCal into managed care programs that will integrate medical, social, and mental health services. The project has drawn fire from advocates who warn that the program is being implemented too quickly without adequate safeguards. The California Collaborative, organized by the SCAN Foundation, has taken the lead in soliciting stakeholder input. For more information, visit [www.calduals.org](http://www.calduals.org).

### Bills to watch

Multiple bills addressing elder justice and abuse are being considered by state lawmakers. Two bills that address issues identified in CEJC's Improving California's Response to Elder Abuse, Neglect, and Exploitation: A Blueprint are:



**SB 60** (Wright) includes financial abuse of an elderly or dependent adult within the definition of crimes for which victims can receive compensation for injuries and services to help them recover.

**AB 140 (Dickinson)** defines undue influence in the Elder and Dependent Adult Civil Protection Act (EDACPA). The bill was approved on May 16, 2013 by a bipartisan 57-10 vote by the state assembly.

Other bills to watch include SB 156 (Beall), which protects conserved adults from being charged excessive fees by their conservators when they contest questionable charges (currently conservatees pay conservators' legal fees even if judges ultimately find the conservators' fees are unjustified or excessive). The problem came to light in a highly publicized San Jose case where a man contested his estate manager's \$108,000 fee for four months of work. Although the judge in the case lowered the fee, he had no choice but to require the trust to pay out nearly \$150,000 in fees to the conservator's attorney.

### California Department of Aging Four-year Plan

The California Department of Aging (CDA), in partnership with CCoA, held three public hearings on the draft California State Plan on Aging – 2013-2017. The federal Administration on Aging mandates the plan as a condition for the state to receive funding under the Older Americans Act. CDA and CCoA seek input from older adults, persons with disabilities, family caregivers, agencies, advocacy groups serving these individuals, and other interested parties. A copy of the draft state plan is available at <http://www.aging.ca.gov>.

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## National news

### Sequestration's impact on the elderly

According to the National Council on Aging, the across-the-board cuts in discretionary spending engendered by sequestration will result in the following reductions: Administration for Community Living, \$75 million; Senior Community Service Employment Program, \$23 million; Low-Income Home Energy Assistance Program, \$175 million; Social Services Block Grant, \$117 million; Prevention and Public Health Fund, \$51 million; and Section 202 Housing for the Elderly, \$19 million.

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## Recent Research

### Drug use in nursing homes

Following months of deliberation, members of the California Partnership to Improve Dementia Care and Reduce Unnecessary Antipsychotic Medication Drug Use in Nursing Homes have issued a summary report, which is available by clicking [here](#).



### Financial Institutions track exploitation

In February 2011, the Financial Crimes Enforcement Network (FinCEN), a national network of financial institutions, law enforcement officials, and regulatory agencies, issued an advisory alert regarding elder financial exploitation instructing financial institutions to document abuses in suspicious activity reports, or SARs. The advisory specifically requested filers to include the term elder financial exploitation in the narratives of relevant SAR filings.

In its recently released **SAR Activity Review--Trends, Tips, & Issues (Issue 23)**, FinCEN reports a 382% increase in the mention of financial abuse in SARs in the 12-month periods prior to and after the release of the advisory. According to the report, SARs generally describe patterns of financial exploitation perpetrated by relatives or caregivers, including situations in which perpetrators coerced or cajoled victims into completing financial transactions that benefited them at the expense of the elders. Also

reported were abused powers of attorney, unusual wire activity such as multiple same-day wire transfers or wires to high-risk countries, and "sweetheart scams." To see the Activity Report, click [here](#).

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## Weigh In: Advocacy Opportunities

### Elder Justice Coordinating Council invites input

On May 13, 2013, Assistant Secretary for Aging and Administrator for Community Living Kathy Greenlee hosted the second meeting of the Elder Justice Coordinating Council, during which the council reviewed nine recommendations for federal action to address elder abuse, neglect, and exploitation proposed by the Elder Justice Interagency Working Group. The next step is to develop implementation strategies for each proposal. The Council invites the public to review the proposals and share their comments and suggestions. You can email comments to [EJCCC@acl.hhs.gov](mailto:EJCCC@acl.hhs.gov). To see the proposals, click [here](#)

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## Special feature

### New tort claim: Intentional interference with expected inheritance (contributed by John O'Grady, Esq.)

Unfortunately, some people will do anything when money is at stake, even snatch someone else's inheritance for themselves. They may even lie to a dying family member to prevent him from signing his will. Marc Christian MacGinnis tried to finalize his will before having surgery, but he never had the opportunity to sign it because his estranged sister, Susan Dahl, who promised to have it drawn up for his signature, did not follow through. After MacGinnis' death, Dahl inherited the entire estate by default as his last living blood relative, including the half that MacGinnis had intended for his domestic partner, Brent Beckwith. The California Court of Appeals granted Beckwith half of the estate because Dahl was found guilty of interfering with MacGinnis' final wishes in order to deliberately disinherit Beckwith. This precedent established a new tort claim known as intentional interference with expected inheritance. Most states already recognize it, but now in California you can finally sue for your fair share of an estate if someone deceptively disinherits you. *Beckwith v. Dahl* (2012) 205 Cal. App. 4th 1039.



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