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How Can Court Personnel Improve Access to Justice for Older Victims of Abuse?

Family and PFA courts will see an increase in the number of cases of elder abuse and neglect as Pennsylvanians age. Courts will be faced with the challenge of identifying and documenting such cases and drafting appropriate responses.¹

Older persons and those who care for them will petition for PFA orders because the PFA Act addresses abuse by “family or household members, sexual or intimate partners or persons who share biological parenthood.” *See page 5*

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What is Domestic Violence in Later Life?

As court personnel, you may encounter victims of domestic violence in later life who are middle-aged or older. You can more effectively assist these victims if you understand the ways domestic violence impacts them differently than it does younger victims. When a victim is older than 55, “domestic violence in later life” is the term used to refer to the abuse.

Domestic violence can impact anyone regardless of age, race, economic status or gender. However, domestic violence against an older person has unique characteristics. Domestic violence in later life occurs when a family member or someone with whom they have an intimate, ongoing relationship subjects an older person to a pattern of coercive control and abuse.¹ Such abuse may be physical, sexual, emotional, psychological or economic.² Abuse in later life may be a continuation of ongoing domestic violence as the partners get older, or it may have just started. Domestic violence in later life may also include neglect and abandonment. An abuser may neglect the victim by not providing the victim with necessities such as food, shelter and clothing.³ An abuser may also withhold medicine and transportation for medical appointments.⁴

Ninety percent of elder abuse is perpetrated by a family member, usually a spouse or an adult child,⁵ which makes Protection From Abuse Courts and other civil courts the arena for cases involving older parties.

(continued, next page)

What is Domestic Violence in Later Life?(cont.)

“Domestic violence in later life” is often used interchangeably with “elder abuse.”

Under Pennsylvania law, domestic violence involves an abuser who is a family or household member, a spouse or a partner. Elder abuse is broader, and can include abuse by an unrelated caregiver. “Domestic violence in later life” is the term used most in this article. However, some studies refer to “elder abuse,” and that term is used in this article when referring to such research. This article’s focus is on abuse of an older person by an intimate partner or family member. It will discuss domestic violence in later life and the particular challenges faced by older victims of domestic violence. The article will also identify ways to enhance access to justice for these victims.

Percentage of older population in Pennsylvania will increase

In 2012, nearly 16 percent of Pennsylvanians – or approximately two million people – were age 65 or older.⁶ Only four other states have a higher percentage of older citizens. By 2030, it is projected that 28 percent of Pennsylvanians will be older than 60.⁷ As the elderly population continues to grow, so does the problem of abuse in later life. In 2012, domestic violence claimed the lives of 16 Pennsylvanians over age 60 (14 victims and two perpetrators).⁸ This number reflects an increase from 2011 when 13 victims age 65 or older were killed, including six who were older than 80.⁹ These victims included wives, husbands, mothers, fathers, brothers and grandparents.



Where does domestic violence in later life occur?

The overwhelming majority of elder abuse occurs in a domestic setting,¹⁰ often with victims who are physically vulnerable. Nearly half of substantiated cases of elder abuse involve older adults who are not physically able to care for themselves.¹¹

Victims may be bedridden or unable leave the house on their own, and forced to rely on the abuser for care. Physically capable victims may not be able to leave the residence because of financial abuse and lack of money to leave.

How often does domestic violence in later life occur?

As with most incidents of domestic violence, domestic violence in later life occurs more often than is reported to the authorities. Data on elder abuse in domestic settings suggest that only one in fourteen incidents, excluding incidents of self-neglect (the behavior of an elderly person that threatens his/her own health or safety), come to the attention of authorities.^{12, 13}

Although domestic violence in later life affects both females and males, female elders are abused at a higher rate than males, even after accounting for their larger proportion in the aging population.¹⁴

Who are the abusers?

Nationally, in almost 90 percent of the elder abuse and neglect incidents with a known perpetrator, the perpetrator is a family member, and two-thirds are adult children or spouses.¹⁵

Impact and unique challenges

Domestic violence in later life can result in a loss of independence, life savings, home, dignity, health and security.¹⁶ And elderly victims who have been abused are more likely to die earlier than those not living with abuse, even in the absence of chronic or life-threatening conditions.¹⁷

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What is Domestic Violence in Later Life? (continued)

Elderly victims face unique challenges in leaving an abusive relationship and accessing the court system for assistance. It's vital for court personnel to understand such challenges.


Shared History: Older victims may be reluctant to report the person who is abusing them or to leave the abuser because of their love for the individual. The older victim may feel bound to stay with the abuser because of a commitment to the relationship and shared history.¹⁸ If the abuser is a spouse, the older victim's beliefs about the sanctity of the marriage vows can become a factor in decisions about leaving the relationship.

Parental Protectiveness: If the perpetrator is the victim's child, the older victim may feel a sense of protectiveness and not want to get the abuser in trouble by reporting the abuse.¹⁹ Older victims also often express intense feelings of shame related to having a child who abuses them, believing it reflects badly on them as parents.

Physical Dependence: Older victims may fear losing their independence if they report the abuse or try to end an abusive relationship.

The abuser may be the victim's caretaker and threaten that if the victim reports the abuse there will be no one to take care of him or her. Victims may fear being moved to a nursing home more than having abusive family or spouses as caretakers.²⁰

Financial Dependence: The older victim may be discouraged from reporting the abuse or leaving the abuser because the abuser supports the victim financially. The victim may not have the necessary financial means to live without the abuser.²¹

Although older victims have challenges, there are resources available for them. Domestic violence programs can assist older victims in abusive relationships, address housing and economic concerns as well as provide them with support throughout the court process. 

Endnotes

¹ Bonnie Brandl, "A Web of Fear and Isolation to a Community Safety Net: Cross Training on Abuse in Later Life," The National Clearinghouse of Abuse in Later Life, published by PCADV as part of a joint training project with the PA Department of Aging, 2002.

² Id.

³ Brenda K. Uekert, [Future Trends in State Courts: Elder Abuse and Neglect](#) 102 (2005). (Hereinafter referred to as Uekert, Future Trends.)

⁴ Id.

⁵ Administration on Aging, Department of Health and Human Services, [A Profile of Older Americans: 2012](#).

⁶ Id.

⁷ [PCADV Fatality Report 2012. Summary by county for 2012](#). Pennsylvania saw 141 domestic violence fatalities in 2012: 110 victims and 31 perpetrators.

⁸ PCADV Fatality Report 2012.

⁹ Brenda Uekert, Interdisciplinary Recommendations on Court Responses to Elder Abuse, *A Closer Look at . . . Families and Problem Solving Courts* 54 (2007).

¹⁰ NCADV, [Abuse in Later Life Factsheet](#), (hereinafter referred to as NCADV Factsheet), citing [National Elder Abuse Incidence Study: Final Report \(1998\)](#), The National Center on Elder Abuse at The American Public Human Services Association in collaboration with Westat, Inc.

¹¹ Uekert, Future Trends.

¹² NCADV Factsheet, citing Karl Pillemer et al., Nat'l Ctr. on Elder Abuse, "The Prevalence of Elder Abuse: A Random Sample Survey," *The Gerontologist*, 28: 51-57 (1998).

¹³ Self-neglect is characterized as the behavior of an elderly person that threatens his/her own health or safety. Self-neglect generally manifests itself in an older person as a refusal or failure to provide himself/herself with adequate food, water, clothing, shelter, personal hygiene, medication (when indicated), and safety precautions. Dep't of Health & Human Services, Nat'l Ctr. on Elder Abuse, Administration on Aging, [Types of Abuse](#). (cont. page 4)

Endnotes continued

¹⁴ Uekert, Future Trends.

¹⁵ NCADV Factsheet, citing [What is Elder Abuse?](#)

¹⁶ NCADV Factsheet, citing [Research on Abuse in Later Life](#), (2003).

¹⁷ NCALL, [Unique Challenges in Abuse in Later Life Cases](#).

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Uekert, Future Trends.

²³ Brenda K. Uekert et al., NCSC White Paper, State Courts and Elder Abuse: Ensuring Justice for Older Americans, 4 (2007).

²⁴ Id.

²⁵ Id.

²⁶ 23 Pa.C.S. § 6106(h)(2).

²⁷ Center for Elders and Courts, National Center for State Courts, [Court Checklist](#).

²⁸ Id.

²⁹ PCADV Fatality Report Summary, 2012 at 1.

Later Life Domestic Violence Fatalities – Pennsylvania 2012

The deaths listed in this issue are taken from news articles and documented by PCADV in its 2012 Fatality Summary (FS) by County. <http://www.pcadv.org/Resources/fatalsums2012.pdf>

Spouses & Intimate Partners

A 71-year-old woman was beaten to death with a pipe wrench in the home she shared with her 75-year-old husband. The husband called 911 and reported that his wife was dead. When police arrived at the home he refused several police demands and was shot by the deputy after he allegedly pointed his gun at the deputy. He died at the hospital. (FS p.1)

An 86-year-old man died the day after firefighters pulled him from the burning row home he shared with his wife. His 59-year-old wife was severely burned in the blaze that police say she set on the first floor. She told the police the fire was a suicide attempt. (FS p. 10)

A 62-year-old woman and her 48-year-old husband were found dead of single gunshot wounds to the head in the bedroom of the home they shared. Police said her husband killed the woman as she slept. He then killed himself. They were married 15 years,

and there were no prior reports of domestic violence in their home. (FS p. 10)

A 82-year-old woman was fatally shot outside a nursing home facility by her 87-year-old husband, who then killed himself. (FS p. 13)

A 69-year-old woman was fatally shot by her 85-year-old boyfriend of 30 years, who then killed himself. Police said the victim was in the process of moving out when her boyfriend killed her. (FS p. 15)

Grandparents and Grandchildren

A 77-year-old man and his 75-year-old wife were brutally beaten and stabbed in their home. A day later their 30-year-old grandson fatally shot himself in a car after leading police on a high-speed chase. He was the only suspect in his grandparents' killing. (FS p. 5)

A 67-year-old woman and her 69-year-old husband were found fatally shot in their home. Police charged their 13-year-old grandson with the killings. They said he was upset with his grandparents for talking poorly of his mother. (FS p.19)

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How Can Court Personnel Improve Access?

(continued from page 1)

Ensure the courts are accessible to older victims:

- Modifications to courtrooms and waiting areas – Make sure the courtroom and waiting areas are safe, comfortable and accessible for elderly victims. Ramps, railings and adequate lighting all contribute to an older person's ability to participate in the court process. In addition, courthouse security personnel should be stationed in and around proceedings involving elderly victims of abuse and conduct routine screenings as they would for similar cases not involving the elderly.
- Docket management - Take into account the age and health of the parties involved. Cases can be sped up to ensure that justice is served during an older person's lifetime. Schedule cases to accommodate physical impairments, the need for assisted transportation or limitations that impact cognitive ability during certain hours of the day.²
- Accommodate the victim's needs pertaining to mobility, language and communication, medication, nutrition, hydration, oxygen and other medical treatment. Older persons may also need more frequent breaks and comfortable seating.³
- Office accessibility- Make sure court offices are accessible for elderly persons, such as accommodating wheelchairs. Consider whether the office doors are wide enough, whether there is room in the office near a desk and in the waiting area and whether there are elevators instead of stairs. If the office is not accessible, is there a more comfortable and accessible office elsewhere in the building?

Encourage the use of domestic violence advocates, who can be particularly helpful for older victims who may be intimidated by court proceedings.⁴

- Provide referrals in English and Spanish to the local domestic violence program and legal service providers as required by the PFA Act.⁵
- Schedule more time for hearings. The elderly victim may need more time for the ex parte hearing after speaking with a domestic violence advocate and learning about his or her options. The victim may need more time for the final hearing because of health or cognitive issues.
- Be patient. Older persons may need more time to respond to questions being asked of them.⁶ Older persons may not understand all of their options for safety. A domestic violence advocate can provide the victim with options and safety planning that may go beyond what is asked for in the PFA petition.

Familiarize the older victim with the general court process and environment of PFA hearings.

- Courts often schedule PFA court to begin at a certain time, and require all PFA litigants to be in the courtroom at that time. Older victims must understand that they could be waiting for quite some time for their case to be called.
- Provide a tour of the courtroom and seating arrangements.
- Point out the rest rooms, water fountains and cafeteria to older litigants.
- Ask whether the older person has special needs to be accommodated.⁷

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- Learn about the dynamics of elder abuse and Adult Protective Services as well as other aging network services available to assist older abused persons.
- Consider the types of court-focused, elder abuse initiatives that have been used in other areas to enhance access to justice for older victims. Discuss with your courts or domestic violence task force whether similar ideas could work in your county.



ENDNOTES

¹ Brenda K. Uekert, [Future Trends in State Courts: Elder Abuse and Neglect](#) (2005),

² Brenda K. Uekert et al., NCSC White Paper, *State Courts and Elder Abuse: Ensuring Justice for Older Americans* 4 (2007).

³ Id.

⁴ Id.

⁵ 23 Pa.C.S. § 6106(h)(2)

⁶ Center for Elders and Courts, National Center for State Courts, [Court Checklist](#).

⁷ Id.

Webinar Recording: Working with Victims of Domestic Violence in Later Life

[Watching this webinar](#) can prepare court personnel to:

- Define domestic violence in later life and challenges faced by older victims
- Recognize accommodations in the courthouse environment that older individuals may require
- Identify ways to enhance access to justice for victims of domestic violence in later life

[Click here to watch the webinar](#)

Working with Victims of Domestic Violence in Later Life is supported by Grant No. 23860 awarded by the Pennsylvania Commission on Crime and Delinquency (PCCD), the state administering office for the STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this webinar are those of the author(s) and do not necessarily reflect the views of PCCD or the U.S. Department of Justice, Office on Violence Against Women.

Fatalities – Parents and Children

A 55-year-old man fatally shot himself after he called 911 to report that he had shot his mother and would be waiting for police to come kill him. The man then stopped speaking, and the dispatcher heard a gunshot. Police found him dead on the porch. He had shot his 73-year-old mother in the eye, twice in the shoulder and twice in the torso. She survived. (PCADV Domestic Violence Fatality Summary 2012, p. 1)

A 79-year-old man died at a hospital two days after his 54-year-old son assaulted him during a heated argument in the home they shared. Police were called to the home for an assault in progress. The victim told police that his son hit him, jumped on him after he fell to the floor and threatened to kill him. (FS p. 6)

A 64-year-old woman was fatally stabbed two days before Mother's Day in the living room of the home she shared with her 38-year-old son. He was charged with criminal homicide. Police, answering a domestic violence call at the home, found the victim on the floor. She had been stabbed multiple times. (FS p. 12)

A 77-year-old woman died of head injuries a day after being severely beaten in her home. Her 78-year-old husband also was badly beaten but survived. Their 51-year-old son walked out of the house with blood on his hands and told responding police, "I had to kill them." (FS p. 12) (Cont. p.8)

SPECIALIZED COURT INITIATIVES ADDRESS ELDER ABUSE

Some jurisdictions around the United States have implemented initiatives in their courts to improve the criminal justice response to elder abuse.

- *Elder Protection Court* (Alameda County, CA) includes a special civil and criminal docket for elder abuse cases, including protection order cases.¹
- *Elder Justice Center* (Hillsborough County, FL) provides residents over 60 years of age with assistance (but not legal advice) in completing court documents such as an application for a protective order, referrals to legal and social services programs in the community, and case management services in guardianship matters.²
- *In-Home Emergency Protective Order Initiative* (Jefferson County, KY) helps medically fragile/homebound victims of abuse 60 years of age and older to obtain emergency protective orders and longer-term domestic violence orders by telephone without having to leave their home.³
- *Elder Temporary Order of Protection Initiative* (Kings County, NY) assists eligible victims of domestic violence who are over 60 years of age and unable to travel and appear personally, or for whom it is a great hardship due to infirmity or disability, in obtaining temporary orders of protection. This initiative includes social workers and lawyers providing emergency counseling, direct services and information on services for the elderly.⁴
- *Elder Justice Center* (Palm Beach County, FL) helps residents age 60 years and older who are arrested for certain crimes, involved in guardianship proceedings, and need other assistance with court-related matters. This initiative provides assistance (but not legal advice) in completing court documents (applications for protective orders), guardianship investigations and/or monitoring upon judge's request, referrals to legal and social service community programs, and accompaniment to civil and criminal hearings.⁵

Researchers on law and aging issues⁶ reviewed the effectiveness of these five programs. Judges, court administrators, policy makers, and funders can use the information to decide whether to support similar initiatives.⁷ The courts provided accommodations for elder abuse victims either in getting to court or dealing with the court process.

The assessment found that access to justice was enhanced because the judges and court staff involved became more knowledgeable about elder abuse and sensitive to the challenges that victims face in pursuing justice. In turn, they helped other judges, prosecutors and their investigators, public defenders, social workers and others in the court system to become more knowledgeable and sensitive.⁸

In general, the assessment found that the elder abuse initiatives:

- Helped the court function more efficiently and expeditiously.⁹
- Enhanced access to justice for elder abuse victims by improving the courts' handling of their cases.

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Court Initiatives Address Elder Abuse (continued)


- Fostered improvements in the criminal justice system's response to elder abuse.¹⁰
- Helped protect victims' safety and prevent additional harm by providing services and referring them to other community services.
- Accomplished many of the *ABA Recommended Guidelines For State Courts Handling Cases Involving Elder Abuse*.¹¹

The jurisdictions themselves gave suggestions for courts considering such initiatives:

- Have ongoing support from and collaboration with the chief judge and court administrators, as well as other judges who have a high level of clout and credibility with their colleagues on the court.
- Have the support of key stakeholders from agencies outside the court, such as law enforcement, area agency on aging staff, domestic violence programs, and other social service agencies. These stakeholders may be able to give the court perspective on elder abuse issues and how courts could better assist elder victims.¹

It is particularly important to **include your local domestic violence program** as you prepare to work with victims who experience abuse in later life.

Any court can become involved in local initiatives to create a coordinated community response to meet the needs of older victims of abuse and violence. These initiatives can include collaborating with agencies that work with elderly abuse victims to identify ways to provide necessary services.

The ABA Recommendations and these court-focused elder abuse initiatives can provide inspiration and ideas for policies and protocols for working with elderly victims. 

Endnotes

¹ Lori A. Stiegel & Pamela B. Teaster, Final Technical Report to the National Institute of Justice on "[A Multi-Site Assessment of Five Court-Focused Elder Abuse Initiatives](#)" (A.B.A. & Univ. of Ky.) vi (2011).

² Id.

³ Id.

⁴ Id.

⁵ Id.

⁶ Researchers were from the American Bar Association Commission on Law and Aging and the University of Kentucky College of Public Health/Department of Gerontology.

⁷ Id.

⁸ Id. at ix. *See also* Lori A. Stiegel, [Recommended Guidelines for State Courts Handling Cases Involving Elder Abuse](#) (A.B.A.) (1996)

⁹ Id. at x.

¹⁰ Id. at ix. *See also* Lori A. Stiegel, *Recommended Guidelines* (note 8).

¹¹ Id. at x.

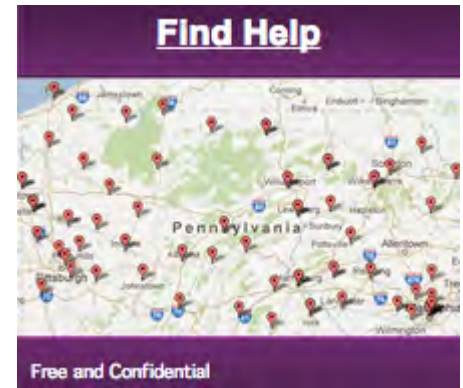
Fatalities – Brothers

A 61-year-old disabled man died from cumulative abuse in the home he shared with his brother and his family and a housemate. His 56-year-old brother and 22-year-old housemate were charged with third-degree murder, aggravated assault, neglect of a care-dependent person and conspiracy.

The prosecutor said that the two men probably did not intend for the victim to die, but evidence shows that the frail victim, who used hand gestures to communicate after a stroke, had suffered dozen of injuries, including broken ribs and bleeding on the brain. The victim had lost more than 60 pounds during the six months he lived in the house. (PCADV Domestic Violence Fatality Summary 2012, p. 2)

Resources to Support Your Efforts to Help Victims of Abuse in Later Life

The Pennsylvania Coalition Against Domestic Violence (PCADV) provides training and technical assistance on issues related to domestic violence in later life. Information about Domestic Violence in Later Life/ Elder Abuse can be found at <http://www.pcadv.org/Learn-More/Domestic-Violence-Topics/Elder-Abuse/>. PCADV has 60 member programs located throughout Pennsylvania that provide direct services to victims of domestic violence in later life.



To find the domestic violence program in your area, please visit <http://www.pcadv.org/Find-Help/>.

Area Agencies on Aging

should be the initial point of contact at the county level for services for the elderly. They provide a wide range of services including assessment of need, care management, in-home services, transportation, protective services, adult daycare, legal services, health care counseling and senior centers. The Area Agencies on Aging also provide information and referrals to other local agencies and/or organizations as appropriate.

NATIONAL RESOURCES

The National Clearinghouse on Abuse in Later Life (NCALL) information sheets

for service providers and justice professionals who work with older victims. The information sheets increase awareness of abuse in later life and provide valuable information and resources. **NCALL** provides advocacy and education to improve victim safety, increase abuser accountability, expand coordinated community response and end abuse in later life.

The National Center for State Courts (NCSC) Resources on Elder Abuse

NCSC provides research, information services, education, and consulting focused on helping courts to plan, make decisions and implement improvements that save time

and money, while ensuring judicial administration that supports fair and impartial decision-making.

American Bar Association (ABA) Recommended Guidelines for State Courts Handling Cases Involving Elder Abuse

ABA Commission on Law and Aging legal resources related to elder abuse

RESOURCES SPECIFICALLY FOR JUDGES

Enhancing Judicial Skills in Elder Abuse Cases Workshop

Sponsored by the National Council of Juvenile and Family Court Judges' National Judicial Institute on Domestic Violence. The workshop, offered twice a year, addresses topics such as Aging and the Dynamics of Elder Abuse, Evidence in Elder Abuse Cases, Leadership and Access to Justice, Fairness and Culture Issues in Elder Abuse Cases and Decision-Making Skills. The workshop addresses these topics by using hypothetical cases, role-plays, small group workshops and faculty demonstrations.

For more information on how your court can enhance access for victims of domestic violence in later life, please contact the PCADV Legal Department at 1-888-235-3425.

The screenshot shows the PCADV website interface. At the top left is the PCADV logo with the tagline 'Prevention • Intervention • Change'. A search bar is located at the top right. Below the logo is a navigation menu with links: About Us, Find Help, Get Involved, Learn More, Public Policy, Training, and Newsroom. The main content area features a large photo of three smiling professionals. Below the photo is the section header 'JUDGES AND COURT PERSONNEL'. The text describes technical assistance services, including training and legal support for court personnel. A sidebar on the right contains a 'DONATE' button, social media sharing options (Facebook, Twitter, LinkedIn), a newsletter sign-up form, and a list of 'Domestic Violence Topics' such as Attorneys, Educators, and Judges And Court Personnel.

Visit our new webpage with resources designed for Court Personnel

- webinars
- technical assistance
- online newsletters
- resources for victims



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