

Recognizing & Addressing Elder Abuse on Legal Helplines & Hotlines

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Housekeeping

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- Problems getting on the webinar? Send an e-mail to NCLER@acl.hhs.gov.
- Written materials and a recording will be available at NCLER.acl.gov. See also the chat box for this web address.

About NCLER

The National Center on Law and Elder Rights (NCLER) provides the legal services and aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social needs. A centralized, one-stop shop for legal assistance, NCLER provides Legal Training, Case Consultations, and Technical Assistance on Legal Systems Development. Justice in Aging administers the NCLER through a contract with the Administration for Community Living's Administration on Aging.

NCLER Training & Resources for Senior Legal Helplines

- Upcoming Webinar Topics:
 - Ethical Issues
 - Helpline & Call Center Technology
- Tip Sheets:
 - [Reverse Mortgages](#)
 - Medicare
 - Title Issues & Deed Transfers
- Technical Assistance & Consultations
 - ConsultNCLER@acl.hhs.gov

The Florida Senior Legal Helpline & Bay Area Legal Services

Since 2005, The Florida Senior Legal Helpline has provided free civil legal advice and brief services over the telephone to eligible seniors throughout the state of Florida. The attorney-staffed statewide program is managed by Bay Area Legal Services, Inc., a non-profit, public interest law firm for low income residents in the Tampa Bay region.

Pro Seniors

- Legal Hotline
- Hotline Attorney Referral Panel
- Senior Medicare Patrol Project
- Pension Rights Project



Key Lessons

- A telephone advice program presents unique challenges to an advocate
- Certain practices help ensure a caller's confidentiality and safety
- How to best recognize abuse, neglect, and exploitation over the phone
- How to give meaningful advice over the phone

Helpline/Hotline Basics

Many of the basic concepts discussed in this webcast apply to any legal helpline or hotline. We recommend incorporating them in the program protocol. However, we highlight some of the following practices because they are particularly relevant for those helplines which work with older adults.

Terminology

- Helpline/Hotline
 - A program which delivers advice over the telephone.
 - Often:
 - “**Helpline**” denotes a program in which clients talk to an advocate *after a determination of eligibility and with a callback by appointment.*
 - “**Hotline**” may be a program which takes “live” calls *directly off a phone queue.*

More Terminology

- Intake/Screening
 - The process during which a caller's eligibility for the Helpline is determined.
 - Usually includes determination of income/assets, citizenship status, the legal question (as described by the caller), and any conflicts of interest.
- Vulnerable Clientele
 - Many state laws specifically define a victim of abuse, neglect, or exploitation as a "Vulnerable Adult." Though definitions vary, most include a deficit attributable to mental or physical illness or the infirmities of aging which impacts an individual's ability to protect themselves.
 - NOTE: A "vulnerable adult" does not necessarily lack legal capacity.

A Day In the Life of a Telephone-Based Attorney

- You cannot see the caller. Nor can the caller see you.
- You can control your office environment, but you cannot envision (much less control) the caller's environment. You do not even know whether they are alone.
- You cannot read the caller's body language or facial expressions to assess comprehension.
- You cannot see the relevant documents.

The Helpline/Hotline Model is an Asset When Serving Older Adults

- An individual is often more willing to speak about difficult topics over the phone than in person.
- A caller who is homebound or who is under the control of another household member can access advice by phone.
- A phone advocate can be more objective when not distracted or influenced, one way or the other, by the caller's condition or home environment.

Recognizing Elder Abuse, Neglect, & Exploitation on the Phone

Step One: Ensure Safety & Privacy

- Preliminaries
 - Ask whether it is safe to leave a phone message. Note the file.
 - Ask whether it is safe to mail materials. Note the file.
- Getting Started
 - Use a secure line or use *67 option to place the call.
 - Give the caller a separate number which allows them to reach you, if necessary.
 - Ask the caller whether they are alone or in a private location and able to talk freely. If the phone is on “speaker,” ask if anyone else is in the room or within hearing distance.
- Be flexible enough to arrange a call-back appointment if the caller is not safe to talk at the appointed time.

Key Questions & Information to Gather

- Unless the call is with an authorized agent, spend as much time as possible talking directly to the caller even if the caller asks you to speak to someone else instead.
- Follow up on verbal hints regarding the caller's environment, financial concerns, etc., regardless of the reason the caller initially contacted your program.
 - Actively listen for indicators of other legal problems.

Listen

- Be alert to changes in the environment during the call and/or to the sound of others in the background.
- Ask the caller about the presence of others.

Documents

- Ask about any written documents the caller may have (receipts, notices, correspondence, official documents, vital records, etc.)
- Do not rely on the caller's characterization of a document
 - If practical, ask them to read it to you.
 - If it is lengthy, ask the client to read the title to you.

Obtaining Documents

- Ask about neutral “helpers”
 - Staff at banks, libraries, doctor’s offices, and social workers may be able to assist the caller in sharing documents with you at no charge.
- Gather as much information as possible from online sources like the Clerk of Court’s website or the Registry of Deeds to supplement and/or clarify the caller’s description of the situation.

Follow Up: What You Didn't Hear

- Follow up with additional questions if the caller does not know their financial basics, including:
 - The amount of their benefit check
 - How to access their money
- Review a basic budget (expenses versus income) and ask how bills get paid.

Follow Up Continued: What You Didn't Hear

- Ask follow up questions if the caller does not have paperwork for a significant transaction or relationship.
 - This is especially the case when the caller receives bills for purchases/obligations they do not recall.

Slow Down & Listen

- It make take some off-topic conversation before a caller can broach an emotionally-charged subject like abuse, neglect, or exploitation.
- Develop approaches to elicit evidence of abuse, neglect, and exploitation by getting the facts and refraining from judgmental overtones.
- Acknowledge that contacting an advocate for legal advice is an important and significant first step.

Case Study: Cita Vorleone

- Cita Vorleone is an 80-year old widow who calls about a utility cut-off.
- The intake screener's notes indicate that Ms. Vorleone was very agitated during the screening. The notes also indicate that Ms. Vorleone speaks with a pronounced Italian accent.
- Attorney Pearl Pureheart calls Ms. Vorleone at the appointed time. The person who answers the phone says: "Hello, this is Mrs. Vorleone. Are you the attorney?" The speaker does not have much of an accent at all.

Poll: How Should Pearl Proceed?

Select the best option:

- A. “Yes this is the Legal Helpline. Ready for the appointment?”
- B. “I’m not sure I dialed the right number. I’ll try again.”
- C. Keep them talking to detect if she is talking to Ms. Vorleone

Concepts to Consider

- There are many reasons that a person may sound different on different occasions:
 - Age-related vocal changes (presbyphonia) include shakiness/tremor, lower volume, and limited ability to project.
 - Health factors, especially including stress or a condition, like a cold, which would alter one's voice.
 - Time of day, especially for client who may be suffering from dementia.
 - Perceptions are subjective and may be influenced by experience in speaking with older people or with non-native English speakers. You and your screener may have different perceptions.

How to Decide

- Confirm screening details (birthdate, finances, etc.)
 - Are responses consistent?
- Review prior matters to gain insight about the client's history and affect.
- Ask about reasonable explanations for perceived change:
 - “Do you have a cold?”
 - “Is there anyone else in the household with the same name?”

Case Study: Continued

- Pearl determines it is indeed the right Cita Vorleone on the line and mentions she is calling about the utility cut-off and asks whether this is still a good time to talk.
- Ms. Vorleone politely responds that she isn't even sure she still needs the appointment because the water is back on. She adds that she gave her nephew money to take care of it.
- Pearl considers: She has several more calls to make. If Ms. Vorleone thinks the issue is resolved, then maybe the appointment isn't really necessary....

Case Study: Continued (2)

- But Pearl decides to proceed. She reassures Ms. Vorleone that the time was set aside for her and asks if Ms. Vorleone has any questions about the cut-off. Did she receive notices in advance? Did she understand them?
- At this point, Ms. Vorleone becomes agitated and says she did receive a notice, but doesn't have it now. It's probably in this mess somewhere. Or someone took it. Or she threw it away.

Case Study: Continued (3)

- Pearl hears Ms. Vorleone walking to another room whereupon Ms. Vorleone mentions that although she has the same money coming in, she now gets past due notices. She ends by saying she relies on her nephew who says she is forgetful.

Poll: Which facts are concerning, if any?

- A. Ms. Vorleone's income may not be meeting her expenses
- B. Ms. Vorleone gives several reasons for not having her notice
- C. Ms. Vorleone seems to change locations during the call
- D. Ms. Vorleone relies on her nephew

Next Steps—More Questions!

- How involved is the nephew in her affairs? Does he live there? What does she mean when she says she relies on him?
- Determine whether Ms. Vorleone is afraid of her nephew. If yes, try to get more details. Has she ever had to call the police?
- Determine which expenses are not being met and how frequently this occurs.
- Determine whether she believes the shortfall is attributable to nephew.
- Determine whether nephew is her sole community support.
- Determine how she found out about The Helpline and what made her decide to call.

Advice for Ms. Vorleone

- Discuss financial exploitation in general
 - If the facts of Ms. Vorleone's case apply, discuss it with her more specifically
- Discuss her options, both legal and holistic, including supportive services. Offer resources.
- Address the reason for her call, even if abuse, neglect, or exploitation is present.
 - For example, Ms. Vorleone has mentioned new problems with unpaid bills. In addition to information about financial exploitation, advise Ms. Vorleone about her collection-proof status and how to deal with collection calls.

Trauma-Informed Advocacy and Communication Tips

Meaningful Advice

- What does this mean in an elder abuse case? Does it mean something different on a helpline?
 - Someone who has experienced trauma may have difficulty absorbing a lot of information, particularly *over the phone*.
- Consider a “verbal bullet point” approach:
 - Direct advice in short sentences
 - Summarize
 - Repeat—maybe more than once

“Bullet Point” Delivery

- The “bullet point” delivery is especially critical in situations where follow up by phone or by mail is not safe.
 - Do not assume that you will be able to re-contact caller.
 - Focus your advice on the essentials.
 - Allow time for questions.

Case Study: Mr. Olsen

- Helpline attorney Kent Clark reads that his next client, Mr. Olsen, is interested in Long-Term Care Medicaid, the program which would allow him to receive services at home and thereby avoid an otherwise inevitable move to a nursing home.
- When Kent reaches Mr. Olsen by phone, he suggests that Mr. Olsen take notes during the interview. In response, Mr. O says that will be hard with one arm and vision problems.
- Kent moves on and asks about income and assets and assures Mr. Olsen that he satisfies the financial criteria for Long-Term Care Medicaid.

Case Study Mr. Olsen: Continued

- But the program also has medical need requirements, so Kent continues and asks about such factors as Mr. Olsen's activities of daily living (ADLs).
- Only then does Kent learn that Mr. Olsen depends on a walker or wheelchair, has not eaten anything in a week except bananas and can't get up from his toilet so he uses a portable bedside commode. Mr. Olsen also says he has not showered in a month.

Poll: What conclusions about abuse, neglect, or exploitation can be drawn about Mr. Olsen?

- A. Mr. Olsen is unable to maintain bodily hygiene
- B. Mr. Olsen is under-nourished
- C. Mr. Olsen is living in unsanitary conditions
- D. Mr. Olsen's medical needs are not being met
- E. None of the above

What Additional Information is Needed?

- Does Mr. Olsen have any care arrangements in place now? If so, what are they?
- Does he receive any housekeeping services now? If so, how much?
- Does he have family/support in the community?
- Why has he not eaten anything other than bananas this week?
- Has he been able to maintain good hygiene despite being unable to shower?

Meaningful Advice for Mr. Olsen Might Include:

- Summary of Long-Term Care Medicaid generally, his financial eligibility, and the requirement that he have an in-person assessment for medical eligibility.
- Explanation of how to initiate the in-person assessment under your state's law.
- Frank discussion of the possibility that the medical eligibility assessor might report him for self-neglect (or neglect by another, depending upon the facts).

Limits of Helpline Assistance & Appropriate Referrals

Extended Service

- There are many different models of Helpline/Hotlines
 - Most are limited to telephone advice and sometimes, additionally, brief services.
- When the caller has legal issues involving abuse, neglect, and exploitation, extended services may be necessary, such as:
 - Legal aid programs
 - Pro Bono programs
 - Court help centers

Legal Needs for Extended Service

- Protective Orders/Injunctive Relief based on abuse and/or financial exploitation (where available)
- Change in/revocation of advanced directives
- Assistance with removal of a household member
- Imminent loss of shelter

When is Extended Service Appropriate?

- Determine whether caller is ready to take legal action, emphasizing that the decision is theirs.
 - For example, in Ms. Vorleone's case: is she ready to have her nephew removed from her home, if that is a legal option in her state? And would she be able to resist his pleas to return?
- If so, determine whether the caller needs extended service and whether a referral to a local legal services program is an option.
 - Discuss whether alternative caregiving arrangements may be required or whether temporary shelter is available for when process is served.

Tips for Callers Who Do Not Want Extended Service

- If caller is not ready to act, do not judge.
- Offer constructive, achievable suggestions for their safety.
- Make sure they have relevant emergency numbers, as well as your contact information.

Key Takeaways & Best Practices

- When mail is safe, legal advice is better absorbed with written materials.
- Summarize advice. Repeat key points.
- Respect the caller's right to make decisions. Avoid judgment.
- *Listen!*

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