

How is a GAL Elder Abuse Specialist appointed to a particular case?

New York City's Housing Court judges have been educated about the GAL Elder Abuse Specialist Program, and may choose to appoint one whenever the court believes it appropriate. Additionally, whenever a motion is made to appoint a GAL, the moving party or any other party can request, either in writing or orally, that the court select a GAL Elder Abuse Specialist due to red flags present in the case.

How can a professional working in housing court help an older adult stay safe after leaving the courthouse?

If the older adult is in crisis, assure them that calling 911 is appropriate. Provide direct resources to the older adult. Write down names and phone numbers of people the older adult can contact for support. There are a wide variety of local resources which GAL Elder Abuse Specialists have been trained to navigate. Eyes and ears in the home, in any form, are critical. Ultimately, it can be difficult to balance the right of the older adult to make independent decisions and the older adult's cognitive abilities. Involve other professionals when in doubt. To refer an older adult for emergency shelter at the Harry and Jeanette Weinberg Center for Elder Justice, call 1-800-56-SENIOR (567-3646).

**To learn more about the
Guardian-Ad-Litem Elder Abuse Specialist Program,
contact Deirdre Lok at deirdre.lok@hebrewhome.org
or Denise Colon-Greenaway at dcgreena@nycourts.gov.**



The Harry and Jeanette
Weinberg Center for Elder Justice
AT THE HEBREW HOME AT RIVERDALE



Elder Abuse and Housing Court

FREQUENTLY ASKED QUESTIONS

What is elder abuse?

According to the Centers for Disease Control and Prevention, elder abuse is an intentional act or failure to act by a caregiver or another person in a relationship involving an expectation of trust that causes or creates a risk of harm to an older adult.

What are some red flags indicating an older adult with a housing court case may be experiencing elder abuse?

- Older adult is not allowed to speak to court appointed attorney or guardian-*ad-litem* alone
- Social and physical isolation, e.g. the family member or caregiver restricts the older adult's contact with others
- Suspicious or pattern injuries
- Implausible or inconsistent explanation of injury, financial status, or condition of home
- Poor hygiene
- Lack of necessary assistive devices or supportive care
- Expression of fear, e.g. agitation, trembling, nervousness, crying, withdrawn affect
- Sudden change in financial management (history of paying rent)
- Controlling behavior by person suspected of committing abuse, e.g. glaring, verbal threats, unwanted physical contact or disregard for older adult's presence or statements
- Nuisance caused by third party (e.g. drug use, hoarding, noise, property damage, garbage, infestations, harassing other tenants)

Trust your instincts and investigate further if you are concerned. Consider incorporating an elder abuse screen into your practice to identify risk for abuse.

Should a Guardian-*ad-litem* raise the subject of elder abuse with an older adult? How?

Yes. Speak to the older adult privately, away from friends, relatives or caregivers who may be present in the home or courtroom. Attempt to make the older adult comfortable. Try to ensure that the older adult has the appropriate glasses, hearing aids or other assistive devices needed to participate fully in a conversation, as sensory impairments can often be a barrier to meaningful dialogue. Ask questions about the aspects of the older adult's situation that are troubling to you, beginning with less invasive, less threatening topics and language. For example, you may consider using the term "mis-treatment" instead of "abuse." Be prepared for the older adult to react with some degree of anger, shame or denial. If more intensive support or resources are needed, please contact a Guardian-*Ad-Litem* Elder Abuse Specialist.

What is a Guardian-*Ad-Litem* Elder Abuse Specialist?

Guardians-*ad-litem* are appointed under the statutory authority of CPLR §1201 when a party to a proceeding is "an adult incapable of adequately prosecuting or defending his rights." These GALs are empowered to speak on behalf of the litigant, defending and potentially settling the matter on that person's behalf. Based on this standard, GALs are often appointed for older adults in housing court proceedings, due to either physical or cognitive impairments.

Guardian-*Ad-Litem* Elder Abuse Specialists are designated GALs who receive additional training and certification in elder abuse prevention and intervention through a program developed through a partnership between the Harry and Jeanette Weinberg Center for Elder Justice at the Hebrew Home at Riverdale and the New York State Courts Office of Justice Initiatives, which oversees the Guardian-*Ad-Litem* (GAL) program. These GAL Elder Abuse Specialists can be appointed in housing court cases where there is a need for a GAL and elder abuse is suspected, and can also provide consultations to other GALs or housing court professionals.

Should a GAL notify the Court about elder abuse concerns? How?

Yes. It is the obligation of a GAL to advocate on behalf of the best interests of the older adult they are appointed to assist. Older adults who are in immediate danger should be referred to law enforcement or directed to a hospital for a medical assessment. It is appropriate for a GAL or attorney to inform the Court, using language to the effect of: "Due to safety concerns in the home, the older adult was directed to seek assistance from the police or sent to the hospital for emergency medical intervention." In non-emergency or uncertain abusive circumstances, it is prudent to utilize court staff. A GAL should share general concerns with the court or staff attorney for the presiding judge, or make a record that there are safety concerns. Ask to approach the bench or for counsel to be assigned if elder abuse is suspected. The court has the authority to make a referral to Adult Protective Services to investigate and question the parties. See *Bailey v Dixon*, 18 NYS3d 577 (N.Y. Civ. Ct. 2015). The court can order a particular individual out of the courtroom, and all suspicious behaviors should be noted on the record. A GAL can ask the court to have the court officers assist and protect the older adult when necessary. If appropriate, a GAL can inform the court that they will be reaching out to a Guardian-*Ad-Litem* Elder Abuse Specialist for consultation.