

February 25, 2008

Partnerships in Law and Aging Program
Commission on Law and Aging
American Bar Association
740 Fifteenth St., N.W.
Washington, DC 20005-1022

Final Report – 2005 Partnerships in Law and Aging Grant

Commission on Law and Aging:

The Colorado Bar Association (CBA) is pleased to submit the following report pursuant to the 2005 Partnerships in Law and Aging Program grant. (The Colorado Bar Association received an extension in the term of this grant pursuant to Amendment No. 1, dated April 6, 2007.) The CBA not only reached, but exceeded, the goals outlined in its grant proposal. For instance, instead of three multi-disciplinary trainings with 100 attendees, the CBA facilitated seven trainings with 500 attendees. The funds from the grant provided the opportunity to build awareness statewide on the issues of financial exploitation of the elderly by people in a position of trust. In the process of setting up the multi-disciplinary trainings, local networks were created and enhanced. Some of those networks are exploring additional initiatives to more effectively deal with the issue in their communities.

Goals, Activities, and Materials:

The goals and the outcomes were:

1. *Facilitate the creation of networks of service providers, including lawyers, in communities around the state to deal with financial exploitation of the elderly by people in a position of trust.* Formal and informal multi-disciplinary networks were established in judicial districts to coordinate the trainings. These networks included civil law lawyers, district attorneys, adult protective services professionals, law enforcement, financial institution professionals, and psychologists. Several of these networks are pursuing additional opportunities and funding streams to address jurisdiction specific issues surrounding financial exploitation.

2. *Create a protocol for professionals to refer cases of exploitation to adult protective services, district attorneys offices, and/or pro bono programs.* The project worked with the pro bono programs and ElderWatch (a cooperative project of Colorado Attorney General's Office and AARP) to provide appropriate referrals and resources in financial exploitation cases.
3. *Creation of a list-serv for professionals to share information and seek advice on a case.* After further discussions with Colorado Legal Services (CLS), the Advisory Committee realized that including information on the CLS website would make the information more accessible to the legal community, CLS clients, and the lay community than a list-serv. Information (forms, presentations, and other materials) can be found at www.coloradolegalservices.org. CLS posted materials from the Financial Exploitation of the Elderly project on its homepage, and they are accessible to any website user. CLS also has resources as a result of this project posted in its client pages. The more substantive content is available to civil legal aid (CLS) attorneys, attorneys doing pro bono work, and advocates who work with clients from a similar background.
4. *Fund to cover costs of investigation of financial exploitation cases.* Through monitoring and discussing the issue with a number of professionals, the Advisory Committee determined that the Fund was not needed because many of the cases came through the Colorado Legal Services/pro bono programs that represent people with few assets. However the Advisory Committee anticipates that once a wider array of the elderly, and their families and friends are provided information about the topic, the need for financial experts will grow. The Advisory Committee continues to monitor this issue.
5. *Three multi-disciplinary trainings.* Seven multi-disciplinary trainings were held around the state: 17th Judicial District (Adams and Broomfield counties), 20th Judicial District (Boulder County), 10th Judicial District (Pueblo County), 6th Judicial District (La Plata County), 8th Judicial District (Larimer County), 18th Judicial District (Arapahoe and Douglas Counties), and 4th Judicial District (Colorado Springs). Civil law lawyers, district attorneys offices, adult protective services, law enforcement, and

financial institutions participated in the planning and presentation at each training. As much as possible, the training presenters were local experts and professionals.

6. *Materials.* For each training, a manual was developed that included speaker material plus resources and appendix. The resource and appendix provided comprehensive information relating to prevention and intervention of elder financial exploitation. Much of that material was uploaded to CLS website. (See #3 above.)

Measurable Outcomes:

1. Four hundred eighty three (483) professionals, including lawyers (approximately 75% of the attendees), adult protective service workers, law enforcement, and financial institution specialists attended the 7 trainings.
2. A resource manual was provided to each attendee.
3. Information on financial exploitation of the elderly is available on the Colorado Legal Services website for advocates, clients, and the general public.

Strengths:

The format, implementation, and outcomes demonstrate the strength of the project. The project started by leveraging an existing network consisting of court, prosecutor, law enforcement, adult protective services, and elder service providers in one judicial district (17th JD). By working with this network to deliver the first training, a template was developed for facilitating broader understanding of the issue of financial exploitation of the elderly for future trainings. (The planning period for the initial conference was 8 months and started in February 2005, before submission of the 2005 grant application.) Using this template and basic material, individual communities molded their training and network to maximize the strengths and concerns of their community.

The implementation of the project included developing practical material and resources. In most training locations the multi-disciplinary nature of the trainings resulted in extensive discussion among the professionals. For many this resulted in the creation/enhancement of a local network of professionals working together on this issue.

Some of those networks continue and have applied for their own funding to continue with additional training and dialogue.

All trainings were offered at nominal fees to cover incidental expenses (food and room rental) and included an ethics presentation (with CLE credit). The trainings attracted more people than the proverbial “choir,” especially since the ABA funding covered travel, thus providing the opportunity to reach communities outside the Denver area.

Uploading the information to the Colorado Legal Services website provides lawyers and pro bono coordinators access to information when encountering cases involving financial exploitation. This information will continue to be updated.

Weaknesses

The numbers of cases identified during the project were few. The project intends to take the next step by working with the community to educate the elder and the elders’ families about identifying and seeking help with financial issues with a view toward preventing exploitation and requesting assistance when exploitation is suspected.

This project is the first step in a series. It provided multi-disciplinary trainings and local network enhancements. The next step is two pronged. The first prong is to provide more targeted training for professionals, e.g., drafting, revocation, and fiduciary duties surrounding powers of attorney, levels of capacity, etc. The second prong is to educate the elderly, their families and caregivers about financial exploitation.

Plans for Continuation

Continuation proceeds on several levels.

1. Several local networks continue work on this issue. One judicial district is seeking funding from the National Center on Elder Abuse. Another group is looking at the larger picture of elder abuse and applying for a grant from the U.S. Department of Justice, Violence Against Women Office. Another judicial district is exploring how to reach the seniors in their community.
2. The Colorado Bar Association (Elder Law Section and Family Violence Program) is currently in discussion with Colorado’s land-grant university (Colorado State

University) to involve the university's 50 extension offices in providing education to seniors, their families and caregivers, and people soon to be elderly.

Lessons Learned:

1. The project model of working with local communities was very successful, especially in encouraging local ownership of the problem.
2. Each community embraced the issue with its unique perspective and time-table. The planning process by the CBA and the community had to be flexible to accommodate many variables, including the creation of the planning committee, speaker availability, and weather. Usually a local champion would emerge to move the process forward.
3. Financial exploitation of the elderly is a complex problem and the issue often does not come to the attention of the system until it is too late to save the elder's assets.
4. One of the next steps is to educate the elderly, their families and caretakers, and people soon to be elderly. The education process will attempt to reverse the negative stigma associated with reporting and obtaining help.
5. Local coordination of a training facilitates the development and enhancement of professional networks in local communities.
6. Multi-disciplinary training needs to be followed-up with more targeted training for individual professions (prosecutors, law enforcement, financial institutions, adult protective services, etc.).
7. It is important to educate and facilitate networks involved in the issue, so that the infra-structure is in place when education of the elderly, their families and caregivers results in an increase in identification/reporting of exploitation.

Recommendations for Replication

1. It is important to have a coordinator from the project to assist communities in developing their training.
2. Offering low cost continuing legal education credit (including an ethic credit) and continuing education credits for other professionals encouraged a greater number of professionals to attend the training.

3. Including a core package of information in every training manual provided some standardization of information. Local speakers and jurisdiction specific materials added community focus to every training.
4. Once awareness is created, the next step is more skills-building with specific professionals (prosecutors, law enforcement, financial institutions, etc.)

The Colorado Bar Association thanks the American Bar Association Commission on Law and Aging for this grant. The grant provided a platform to educate professionals, not only about the dynamics of the issue, but about the community resources that may be marshaled to address this problem. The Colorado Bar Association appreciates the extension of the grant period so that more areas of the state could be reached by this project. Working with the Commission on Law and Aging has been a pleasure.

I would be happy to answer any questions about this project.

Sincerely,

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Director of Local Bar Relations and Access to Justice