

NJ Supreme Court Chief Justice Stuart Rabner Speaks on Elder Abuse at Stockton University

Experts Speak on the Court's Role and Prevention of Elder Abuse at Superior Court of NJ's Elder Abuse Awareness Conference June 15

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Contact: Susan Allen
News and Media Relations
Galloway Township, NJ 08205
Susan.Allen@stockton.edu
(609) 652-4790

Galloway Township, NJ—Grown children and spouses, staff at elder care facilities, power of attorneys, scam artists and others who take advantage of vulnerable older adults contribute to an often hidden problem—elder abuse. These cases can appear in all aspects of the courts—criminal, civil, family and probate.

About 200 judges, attorneys, guardianship monitoring volunteers, state judiciary staff and county surrogates attended the Superior Court of New Jersey's Elder Abuse Awareness Conference at Stockton University today, which is the 10th anniversary of World Elder Abuse Awareness Day.

Julio Mendez, superior court assignment judge for vicinage 1 (Atlantic and Cape May County), gave welcoming and closing remarks. Stockton University's Acting President Harvey Kesselman also welcomed guests to the conference.

New Jersey Supreme Court Chief Justice Stuart Rabner, said, "It's projected that in 15 years from now, 20 percent of the population in New Jersey will be age 60 and older."

"We have too many cases in which individuals who have been granted authority, who have been granted responsibility, take advantage of the very people that they have committed, that they have promised, to assist. So building on the work of Judge [Margaret] McVeigh and others, New Jersey created the first statewide guardianship monitoring program...the first such program in our nation," said Rabner.

The state's guardianship monitoring program has volunteers who work with surrogates to review annual filings to identify red flags that need to be brought to the attention of court staff

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Elder Abuse/ page 2

and in turn brought to judges' attention for appropriate follow-up action, Rabner explained.

A guardianship is established when a superior court, probate part judge declares a person incapacitated and appoints a guardian to oversee the incapacitated individual's well-being and/or financial affairs. The guardianship monitoring program monitors guardians in their handling of the affairs of incapacitated individuals.

"Judges appoint, of late, more than 2,000 guardians each year and it's an enormous challenge for surrogates, for the court system, to be able to oversee that large number of guardians. It's simply not possible based on the resources that exist," Rabner said.

With help from volunteers, important information is being discovered.

"What we've seen so far is a high level of non-compliance with the annual reports that are required, and in the more than 2,400 annual reports that have been reviewed to-date, we've identified a number of cases that have been referred to judges for follow-up action. There is a great deal of work that lies ahead notwithstanding the great deal of work that has been done so far. To be sure, we need to enlist, we need to train, yet more volunteers to be able to continue reviewing these reports on a sustained basis," said Rabner.

"The very fact that this program now exists in New Jersey will cause people to think twice before they might even consider to take a step, to take advantage, of those they've promised to help. And that deterrence factor is so critically important," he added.

Dr. Brenda Uekert, principal court research consultant for the National Center for State Courts (NCSC), is the founder and director of the NCSC's Center for Elders and the Courts, which was created in 2008 to serve as the primary resource for judiciary and court management on issues related to aging.

"Very few cases of elder abuse are prosecuted as crimes, but they appear in many, many different areas of the courts," Uekert said.

Her organization created a bench card with the goal that "this template was to make people aware of...elder abuse. It's a resource you can modify locally to bring awareness to the issue of elder abuse," she explained.

Of elder abuse prevalence, Uekert said, "You might have to look for it, but it's there. It's everywhere."

Laws can be narrow and if individuals aren't looking for it, elder abuse cases can be overlooked.

"One in ten older folks reported at least one form of mistreatment and this was not financial abuse, and five percent reported that they were currently being financially exploited by a family member," Uekert said, according to a 2009 elder mistreatment study.

"The issues in the media generally portray elder abuse as the Nigerian scam, the grandmother scam, some stranger is preying on me," said Uekert.

Elder abuse includes physical, emotional, and sexual abuse, financial exploitation, neglect and abandonment.

"Most elder abuse is not reported, so for every report about 24 actually go unreported," Uekert said.

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Elder Abuse/ page 3

Reasons for not reporting abuse include that it's difficult to come forward to ask for help and to admit to being a victim, some adults are too incapacitated to report abuse or signs may be missed.

A panel of experts discussed the court's role in prevention of elder abuse and guardianship monitoring programs.

Susan Sheppard, Cape May County surrogate, said of guardianship monitoring, "I think it's a success. I was a little bit scared when I first started. The surrogates really didn't know how this was going to operate."

To gather volunteers, she distributed a press release and spoke to various groups. She went through training with the volunteers, who have since been going through old reports.

"It's been very exciting and worthwhile. There were a couple matters that I'm very proud to say that because of the guardianship monitoring program...the court became alerted to some situations," she said.

Kristi Jasberg Robinson, Civil Practice Liaison chief, said, "Guardianship monitoring helps to ensure that the guardian is acting in the best interests of the incapacitated individual and for their wellbeing. It is a collaborate effort among a number of key personnel including probate part judges, surrogates and vicinage liaisons, central office program coordinators and staff, and volunteers who are truly the backbone of the program."

James Curcio, Atlantic County surrogate, said, "We can pull records up and anything that's public record, we can go over with people to find out if there is a paper trail. We do have an excellent system in place for compensating victims when something is disclosed."

Passaic County Vicinage 11 Presiding Judge, Chancery Division, Margaret McVeigh, said, "There have been occasions where as a judge, where as you appoint someone a guardian, you have a sense that perhaps there's just something you need to follow up on no matter how busy you are. Something just triggers a sense that you have. So those cases you have the ability to bring back for review. But it's the idea that now you have the volunteers who are looking at these reports who may flag something."

Other presentations included "The Impact of Aging: Capacity and Undue Influence" and "The Judge's Role: What Pennsylvania Courts are Doing."

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