

National Elder Justice Law Enforcement Summit Bibliography: Restorative Justice

Reports and Online Resources

Joosten, M., Vratsidis, F., & Dow, B. (2017). *Understanding Elder Abuse: A Scoping Study*. Melbourne Social Equity Institute, National Ageing Research Institute.

<https://apo.org.au/node/112716>

The aim of this scoping study is to consider how elder abuse is conceptualised across different dimensions and settings, what mechanisms and interventions have been used to ameliorate abuse, and how effective these interventions have been.

McCann-Beranger, J. (2013). *Exploring the Role of Elder Mediation in the Prevention of Elder Abuse—Final Report*. Department of Justice Canada. <https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/mp-pm/mp-pm.pdf>

The scope of this preliminary report is to convey information available on the use of elder mediation involving seniors (outside the criminal justice system) and some models used (or proposed) within Canada and internationally. The report shares information gleaned from Canada, United States, Ireland, Switzerland, England and Australia. In particular, the report reviews these varied sources of information in order to determine what information is available on the use of elder mediation in potential situations of family conflict involving a senior.

Nerenberg, L. (2022, May 24). In Elder Abuse Cases, Restorative Justice Holds the Promise of Honoring Relationships. *GPSolo EReport*.

https://www.americanbar.org/groups/gpsolo/publications/gpsolo_ereport/2022/may-2022/elder-abuse-cases-restorative-justice/

This article explores the promise of restorative justice programs in elder abuse cases, with processes that allow elderly victims to ask for what they want to happen to their alleged abuser.

Păroşanu, A. (2017). *Elder Harm and Restorative Practices A Literature Review*. University of Wellington. https://www.wgtn.ac.nz/_data/assets/pdf_file/0003/1864641/Occasional-papers-restorative-justice-elder-harm.pdf

Many countries have developed measures and policies to try to prevent or reduce elder abuse and to provide interventions at different levels. The following literature review surveys available research on the prevalence and forms of elder abuse and on the programmes and practices countries have adopted to address it. It also considers the potential of restorative justice approaches to provide an effective response. It concludes with key lessons that should inform future policy and practice in New Zealand.

Păroşanu, A., & Marshall, C. (2020). *A Pilot Project on using Restorative Approaches for Addressing Harms Experienced by Older Persons. An Implementation and Evaluation Report*. University of Wellington. https://www.wgtn.ac.nz/_data/assets/pdf_file/0008/1920635/korero-tahi-final-report.pdf

In 2017, the Diana Unwin Chair in Restorative Justice at Te Herenga Waka-Victoria University of Wellington received funding from the Ministry of Social Development (MSD) to co-design with partner agencies and pilot a scheme for using restorative justice processes for addressing the needs of older persons who are experiencing harm or significant distress. The project was named Kōrero Tahī, meaning “talking together”, to capture the collaborative and dialogical

nature of restorative interventions and their cross-cultural applicability. This report is a description and assessment of what was learned from this pilot.

Articles

Avieli, H., Band Winterstein, T., & Gal, T. (2021). Challenges in Implementing Restorative Justice with Older Adults: Institutional Gatekeepers and Social Barriers. *The British Journal of Social Work*, 51(4), 1445–1462. <https://doi.org/10.1093/bjsw/bcab051>
Despite the consensus regarding the importance of restorative justice (RJ) as an alternative to the criminal justice system, some professionals and researchers have pointed out the challenges involved in its implementation with older adults who have been victimised. The aim of the present study was to explore the primary obstructions to implementing RJ intervention with older adults who have been victimised, as perceived by RJ facilitators, using the conceptual framework of social constructivism. An interpretive phenomenological analysis perspective was used to analyse the narratives of seven RJ facilitators, all of them highly experienced social workers. The narratives revealed three themes: the interpersonal and familial arena—the older person and his/her family as gatekeepers; the institutional arena—judicial and medical system personnel as gatekeepers; and the professional arena—RJ facilitators as gatekeepers. The findings suggest that some individuals and institutions maintain the conservative agenda of gatekeeping older adults to prevent them from encountering any danger. These findings indicate that, in keeping with the social work code of ethics, social workers need to consider older adults' right to self-determination in RJ contexts.

Beck, E., Lewinson, T., & Kropf, N. P. (2015). Restorative Justice With Older Adults: Mediating Trauma And Conflict In Later Life. *Traumatology*, 21(3), 219–226. <https://psycnet.apa.org/record/2015-26623-001>

In a bold statement, the United Nations declared violence, abuse, and financial exploitation of older adults to be a worldwide human rights challenge (United Nations, 2010). To minimize the damage of victimization and the resulting trauma, the United Nations also encouraged member nations to adopt Restorative Justice (RJ) in the wake of crime and violence (United Nations Office on Drugs and Crime, 2006). Although RJ holds promise as an intervention to heal trauma and resolve conflict in later life, a limited literature exists in this area. This article explores ways that RJ can be used to help older adults bring closure to past wounds and harms, and to heal from trauma experiences. Using case studies, the article focuses on the RJ modalities of Victim–Offender Dialogue and Family Group Conferencing, both of which involve facilitated interactions between victims, offenders, and other involved stakeholders. The intent of the article is to highlight ways that RJ facilitates trauma healing, and its potential utility in work with older adults.

Braun, J. (2012). *Elder Guardianship Mediation: Threat or Benefit to Abuse Victims?* (SSRN Scholarly Paper No. 3698481). <https://doi.org/10.2139/ssrn.3698481>

In 2007 the legislature in British Columbia, Canada passed legislation making mediation mandatory in contested guardianship applications in court. Older adults often are the defendants in these matters, and, therefore will be required to participate in mediation under this statute. Some adults required to participate may also be victims of abuse. However, very little research exists on mediation in situations of elder abuse. This article fills that gap. In this article the author examines existing research on elder mediation and abuse, draws parallels to research on mediation in other abuse situations, gives examples from existing programs, and analyzes the impact of the new legislation on older adults. Additionally, the author makes recommendations for further research and next steps.

Brown, M., & McNeal, M. (2018). Exploring Restorative Justice As A Potential Remedy For Elder Abuse And Exploitation. *Innovation in Aging*, 2(Suppl 1), 525–526.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6227436/>

Elder abuse is a growing threat facing many of today's older adults. Previous studies estimate that 10 % of older adults experience at least one kind of elder abuse, but only 1 in 24 incidents are reported. Women, African-Americans, and people living in poverty, without a partner, or in poor physical health are at greatest risk of victimization. Perpetrators are most likely family members, friends, and home care aids. The current study is a collaboration between an elder law clinic, a school of social work, and community-based agencies serving victims of elder abuse. This study aims to extend previous research, which has historically focused on risk factors and incidence rates, to explore the potential of existing models to address or prevent elder abuse, particularly abuse involving family caregivers. We conducted a meta-analysis of the literature on the history of restorative justice, its principles, and previous applications of those principles. Using purposive sampling, we identified key community stakeholders working with older adults who have experienced elder abuse, to explore their understanding of the potential for restorative justice to address elder abuse. Our literature analysis examines restorative justice principles and identifies evidence of the successful use of restorative justice in resolving family disputes. During our stakeholder interviews, we examined the potential of restorative justice to address elder abuse within families, and discussed potential elder abuse interventions using restorative principles. Based on our findings, we offer recommendations for designing and implementing restorative justice models to address elder abuse involving family caregivers.

Brown, M. T., & McNeal, M. H. (2020). Addressing Elder Abuse: Service Provider Perspectives On The Potential Of Restorative Processes. *Journal of Elder Abuse & Neglect*, 32(4), 357–376.

<https://www.tandfonline.com/doi/abs/10.1080/08946566.2020.1814179>

Older adults often rely on family and friends for care and support. Individuals providing support can take advantage of their vulnerabilities, resulting in neglect, physical, emotional, or sexual abuse, or financial exploitation. Conventional approaches, which older adults are often reluctant to pursue, utilize social service interventions, criminal justice responses, civil litigation, and case review multi-disciplinary teams. This project explored providers' perspectives on using restorative processes, alternative approaches that bring together the person harmed, the person committing the harm, and the community to address the harm and repair relationships. Researchers recruited and interviewed providers working with abused older adults, as referred by a community-based elder justice working group. Providers perceived that restorative processes have the potential to address and prevent social isolation, which often leads to elder abuse. We recommend providers explore restorative processes to address elder abuse, paying attention to implementation barriers and identifying appropriate methods for supporting and maintaining outcomes.

Burnes, D., Connolly, M.-T., Salvo, E., Kimball, P. F., Rogers, G., & Lewis, S. (2023). RISE: A Conceptual Model of Integrated and Restorative Elder Abuse Intervention. *Gerontologist*, 63(6), 966–973. <https://academic.oup.com/gerontologist/article-abstract/63/6/966/6608975>

Despite a growing number of elder abuse (EA) cases nationwide, response programs such as adult protective services (APS) lack a defined, prolonged intervention phase to address these complex situations. This article presents RISE, a model of EA intervention that works alongside APS or other systems that interact with at-risk older adults. Informed by an ecological-systems perspective and adapting evidence-based modalities from other fields (including motivational interviewing, teaming, restorative justice, and goal attainment scaling), the RISE model intervenes at levels of the individual older adult victim, individual harmer, their relationship, and community to address EA risk and strengthen systems of support surrounding the victim-harmer

dyad. The RISE model addresses an intervention gap in existing systems to better meet the needs of EA victims and others in their lives, leading to more sustainable outcomes.

Burnes, D., MacNeil, A., Connolly, M.-T., Salvo, E., Kimball, P. F., Rogers, G., & Lewis, S. (2022). A Qualitative Evaluation Of The “RISE” Elder Abuse Intervention From The Perspective Of Adult Protective Services Caseworkers: Addressing A Service System Gap. *Journal of Elder Abuse & Neglect*, 34(5), 329–348. <https://doi.org/10.1080/08946566.2022.2140321>
Our understanding of effective elder abuse (EA) response interventions is limited. Adult Protective Services (APS), the primary agency responsible for responding to EA, lacks a coherent, conceptually driven, prolonged intervention phase. Informed by an ecological-systems perspective and adapting evidence-based modalities from other fields, the RISE EA intervention addresses this APS systems gap. Based on a three-year pilot project involving a partnership between RISE and Maine APS, the current study conducted a qualitative evaluation of RISE, from the perspective of APS caseworkers (n = 14) who worked with RISE, to understand RISE strengths and areas for improvement. Findings suggest APS workers perceive that RISE complements the scope and nature of APS, enhances APS caseworker well-being, and reduces repeat APS cases, while further APS/RISE collaboration and clarification on RISE role responsibilities and referral eligibilities are areas of growth. This study provides preliminary evidence for RISE as a community-based EA intervention in partnership with APS.

Crampton, A. (2013). Elder Mediation in Theory and Practice: Study Results From a National Caregiver Mediation Demonstration Project. *Journal of Gerontological Social Work*, 56(5), 423–437. <https://doi.org/10.1080/01634372.2013.777684>
Mediation is a process through which a third party facilitates discussion among disputing parties to help them identify interests and ideally reach an amicable solution. Elder mediation is a growing subspecialty to address conflicts involving older adults, primarily involving caregiving or finances. Mediation is theorized to empower participants but critics argue that it can exacerbate power imbalances among parties and coerce consensus. These contested claims are examined through study of a national caregiver mediation demonstration project. Study implications underscore the importance of gerontological social work expertise to ensure the empowerment of vulnerable older adults in mediation sessions.

Crampton, A. L., & Kropf, N. P. (2010). Restorative Justice and Aging: Promise for Integrated Practice. In E. Beck, N. P. Kropf, & P. B. Leonard (Eds.), *Social Work and Restorative Justice: Skills for Dialogue, Peacemaking, and Reconciliation*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780195394641.003.0012>
This chapter focuses on an important shared concern in gerontological social work and restorative justice: helping older adults who become frail, dependent, and vulnerable. It explores the benefits and limitations of social work and restorative practice approaches when working with older adults. It explores a basic contrast between the two disciplines in that gerontological social work focuses on the care of individual older adults, while restorative justice focuses on harm caused to individuals, families, and the community. Social work outcomes focus on preserving or enhancing the older adult’s autonomy and dignity, while restorative outcomes focus on healing injury and repairing relationships.

Friesen, J., & Meek, W. (2017). *The Little Book of Restorative Justice for Older Adults*. Good Books. <https://www.skyhorsepublishing.com/9781680992083/the-little-book-of-restorative-justice-for-older-adults>
The Little Book of Restorative Justice for Older Adults is about providing safe and respectful processes to assist in resolving conflict and addressing abuse involving older adults, families, caregivers, and communities. Authors Julie Friesen and Wendy Meek explore ideas to help

connect and support people, building on the strengths and capacities of older adults and their families, in order to strengthen communities. Restorative justice dialogues help older adults and their families talk constructively and safely to find ways to move forward together.

Greyvenstein, L. (2017). Elderly Abuse And Alternative Dispute Resolution. *Servamus Community-Based Safety and Security Magazine*, 110(6), 78–79.

<https://journals.co.za/doi/abs/10.10520/EJC-75f906a69>

In dispute resolution, we find that dealing with conflicts involving elderly people is one of the most challenging areas of peacemaking. In my career of three and a half decades in litigation and alternative dispute resolution, where I seek to find solutions outside legal processes, elderly persons often find themselves in a very weak position from which to enforce their rights. Creativity and wisdom are required to bring real justice to this vulnerable group in society. Legislation and policies in the workplace lead to elderly persons becoming inactive in formal society, eventually resulting in them expressing feelings of irrelevance and worthlessness.

Groh, A. (2013). Restorative Justice: A Healing Approach To Elder Abuse. In *New Directions in Restorative Justice* (pp. 199–216). Willan.

<https://www.aaceus.com/courses/NL1008/Article10.pdf>

Although many cases of elder abuse may be offences under the Criminal Code of Canada, relatively few come to the attention of the criminal justice system. Seniors may fear losing their relationships with abusive family members or friends if they identify mistreatment or seek assistance. In addition, allegations of abuse may be discounted by the police and by others. An innovative project in Waterloo, Ontario provides a safe environment in which to address the mistreatment of an older adult in a way that is fair and just for all concerned...

Groh, A., & Linden, R. (2011). Addressing Elder Abuse: The Waterloo Restorative Justice Approach to Elder Abuse Project. *Journal of Elder Abuse & Neglect*, 23(2), 127–146.

<https://www.tandfonline.com/doi/abs/10.1080/08946566.2011.558780>

The Community Care Access Centre (CCAC) of Waterloo Region, in partnership with a number of other social service agencies, designed and implemented a restorative justice model applicable to older adults who have been abused by an individual in a position of trust. The project was very successful in building partnerships, as many community agencies came together to deal with the problem of elder abuse. The program also raised the profile of elder abuse in the community. However, despite intensive efforts, referrals to the restorative justice program were quite low. Because of this, the program moved to a new organizational model, the Elder Abuse Response Team (EART), which has retained the guiding philosophy of restorative justice but has broadened the mandate. The team has evolved into a conflict management system that has multiple points of entry for cases and multiple options for dealing with elder abuse. The team has developed a broad range of community partners who can facilitate referrals to the EART and also can help to provide an individualized response to each case. The transition to the EART has been successful, and the number of referrals has increased significantly.

Kilaberia, T. R., & Stum, M. S. (2022). Successful Family-Driven Intervention in Elder Family Financial Exploitation: A Case Study. *The Gerontologist*, 62(7), 1029–1037.

<https://academic.oup.com/gerontologist/article-abstract/62/7/1029/6381143>

Background and Objectives: The prevalence and consequences of elder family financial exploitation reinforce the need for a range of effective intervention strategies. This article describes how and why one family successfully intervened in the family-based financial exploitation, constructing, and achieving meaningful processes and outcomes for the specific family and context.; Research Design and Methods: Case data analysis and interpretation were

guided by Stake's (2015) systematic phases of case summary (factual information), inductive case themes (issue relevant meanings), and case features (abstractions to the existing knowledge). The case was selected from a larger study examining the meaning and experience of elder family financial exploitation based on the following case boundaries: reliance on family members with minimal private sector support, no report to the authorities, and successful outcomes for the victim, perpetrator, and the family system.; Results: The case family successfully resolved family-based financial exploitation by (a) honoring the victim's wishes, (b) providing support and accountability for the perpetrator, (c) restoring family relationships and functioning, and (d) family-driven decision making. A family systems approach and the application of restorative justice principles are identified as overarching case features.; Discussion and Implications: As a study of a previously undocumented experience of successful family involvement, the case findings are useful for researchers and practitioners when constructing and examining the effectiveness of future intervention strategies.

Kirk, C. A., Killick, C., McAllister, A., & Taylor, B. (2019). Social Workers' Perceptions Of Restorative Approaches With Families In Cases Of Elder Abuse: A Qualitative Study. *Journal of Adult Protection*, 21(3), 190–200. <https://www.emerald.com/insight/content/doi/10.1108/JAP-12-2018-0029/full/html>

Purpose: The purpose of this paper is to explore professional perspectives on restorative approaches with families in elder abuse cases. Design/methodology/approach: Data were gathered from 37 social workers in statutory and voluntary organisations through nine focus group sessions in one region of Northern Ireland. A thematic analysis was undertaken and themes were derived from the data using NVivo software. Findings: This paper reports main findings under the themes of engaging families and service users; managing risk in working with families in adult safeguarding; and challenges for professionals in practice. A key finding was that professionals felt challenged personally and professionally in managing the risks and working with families in these highly complex cases. Originality/value: Investigative approaches have their limitations in relation to adult abuse situations. This study adds to the existing knowledge base, identifies potential practice developments and discusses the challenges in adopting restorative approaches with families in elder abuse cases. The study highlights the need for further specialist training. Managers should consider the creation of specialist teams with a focus on alternative or restorative approaches with families.

Lachs, M., Mosqueda, L., Rosen, T., & Pillemer, K. (2021). Bringing Advances in Elder Abuse Research Methodology and Theory to Evaluation of Interventions. *Journal of Applied Gerontology: The Official Journal of the Southern Gerontological Society*, 40(11), 1437–1446. <https://journals.sagepub.com/doi/abs/10.1177/0733464821992182>

The elder abuse field needs high-quality intervention research to assess the best strategies to combat the problem, but few such studies exist. Significant advances have been made in elder abuse research methodology, measurement, justice theory, and other relevant areas, which may remedy this gap. Particular advances include the use of elder abuse severity measures and goal attainment scaling, and the application of restorative justice theory to intervention. Elder abuse research also may benefit from advances in biomedical clinical trial methodology, including characterizing and following up with subjects excluded from trials or those who drop out, estimating numbers needed to treat to assess cost-effectiveness, and a priori stopping rules for when an intervention proves quickly beneficial or harmful. In this article, we argue these advances can and should inform elder abuse intervention research, propose a theoretical framework to guide such efforts, and demonstrate how this framework can inform practice, using elder abuse multidisciplinary teams and nursing home shelters as examples.

McNeal, M. H., & Brown, M. (2019). Elder Restorative Justice. *Cardozo J. Conflict Resol.*, 21, 91.
https://static1.squarespace.com/static/60a5863870f56068b0f097cd/t/60a5de54064ee75be0ca470d/1621483092265/McNeal_Final.pdf

This article explores the viability of utilizing restorative principles to address elder abuse and recommends the continuing implementation of an “elder restorative justice” paradigm.

Smyth, G. (2011). Mediation In Cases Of Elder Abuse And Mistreatment: The Case Of University Of Windsor Mediation Services. *Windsor Rev. Legal & Soc. Issues*, 30, 121.
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1857899

Mediation in the case of elder abuse and mistreatment is increasingly employed in North America to resolve conflicts that disproportionately affect older adults. The attendant dangers of mediation in these cases require awareness of and sensitivity to issues facing older adults and their families, including elder abuse, ageism, and consent and capacity. This article charts the introductory stages of an elder mistreatment mediation project started through a law school-based mediation clinic. Responding to expressed local need, the project developed an Intake Guide that attempts to balance the autonomy of the older adult with safety screening. The model employs an interdisciplinary approach, with specialist social workers acting as advocates throughout the process. Lessons learned from the project include: the importance of training; the need for flexible and responsive approaches to mediation; the importance of a specialized intake and screening tool; the benefits of interdisciplinary, strengths-based approaches and the centrality of collaborative community relationships to ensure program sustainability.