



Elder Justice Advocate Program

Elder Abuse Court Card

This Card has been created to assist the Judiciary and other court personnel to identify and respond to complex cases of elder abuse and mistreatment.

<i>Types of Elder Abuse</i>	Emotional/Psychological Financial Neglect (active, passive, self) Physical Sexual	⚖️ Reference: New York State Social Services Law, Article 9B, Adult Protective Services, §473(6) for definitions of types of abuse ⚖️ See: §473-b for immunity for good-faith reporting of endangered adults
-----------------------------	---	---

Risk Factors and Considerations

<i>History of abuse, violent behaviors, Orders of Protection</i>	⚖️ FCA §814 provides for communication between Family & Criminal Courts. ⚖️ <i>Reminder: ID Theft, Larceny, and Coercion are family offenses under CPL §530.11 and FCA §812.</i>
<i>Presence of weapons</i>	♦ Increases risk of lethality ⚖️ See: CPL §530.12 - 14, FCA §828, §841, & §842-a (including 2018 changes), PL §400.00 et seq.
<i>Co-occurring Disorders (mental health and substance use disorders)</i>	♦ <u>Of victims</u> : increases vulnerability and decreases likelihood of being believed. Also: <ul style="list-style-type: none"> ♦ <i>Multiple medications are common.</i> ♦ <i>May be prescription, over-the-counter, recreational, or a combination.</i> ♦ <i>Older adults are prescribed opioids more often than any other age group.</i> ♦ <u>Of suspects</u> : <i>potentially</i> increases both unpredictability and risk of lethality . ⚖️ <i>Potential Remedy: Problem-solving courts such as Mental Health, Domestic Violence, and Veterans' Courts.</i>
<i>Health considerations</i>	♦ Older adults <i>may</i> have medical challenges that impact their ability to access and navigate the system. Some examples include: <ul style="list-style-type: none"> ♦ <i>Sensory impairments such as low vision or hearing loss.</i> ♦ <i>Bowel and bladder incontinence.</i> ♦ <i>Ambulation challenges.</i> ♦ <i>Cognitive decline/dementia.</i> ♦ <i>Sundowning.</i> ⚖️ <i>Potential remedies: conditional examinations (CPL §660.20), priority court times (CPLR §3403-a[4]), courtrooms with easy physical access, increased light, firm chairs, hearing amplification devices, and Remote Access to Court (if applicable; under FCA §531-a).</i>
<i>Financial and/or physical dependency</i>	♦ Victims and perpetrators may rely on each other for various needs; personal care, transportation, income, housing, and more. ♦ <i>Reminder: older adults' ability to rebound after a financial loss may be impacted by their ability to seek gainful employment and invest over time.</i>
<i>Other lethality predictors</i>	♦ Any physical or sexual abuse. ♦ Strangulation/ Criminal Obstruction of Breathing. ♦ Stalking. ♦ Abuse of others, including pets.

Some New York State Statutes to Consider

While NYS does not have a specific “elder abuse” statute, there are several statutes that contain enhancers based on the age of the victim.

⚖️ <i>PL §120.05</i>	Assault 2nd – provides that if the statutory requirements for Assault 3 rd (physical injury required, but NOT serious physical injury); <i>and</i> the victim is age 65+; <i>and</i> the perpetrator is at least 10 years younger than the victim – the crime can be charged as Assault 2 nd .
⚖️ <i>PL §260.32-34 & §260.24-25</i>	Endangering the Welfare statutes can be considered for myriad crimes against older adults. Consider what constitutes a “vulnerable elderly,” “physically disabled,” or “mentally incompetent” person, and whether a perpetrator can be charged in the absence of an injury. Note the definition of “caregiver” in PL 260.31(1).
⚖️ <i>PL §190.65</i>	Scheme to Defraud - §190.65(1)(c) contains enhancements for “vulnerable elderly persons.
⚖️ <i>GBS §349-C</i>	Deceptive Practices & False Advertising allows for additional civil penalties.
⚖️ <i>PL §485.05</i>	Hate Crimes has a consideration for age (60+) and disability.

Additional consideration – Animal Abuse

- ⚖️ Agriculture & Marketing (A&M) §353 (Overdriving, Torturing, & Injuring Animals).
- ⚖️ A&M §353-a (Aggravated Cruelty to Animals).
- ⚖️ PL §145.00; 145.05; 145.10 (Criminal Mischief – NYS law considers pets to be “property”).

FINDING HELP

Adult Services Helpline (for contact information for your local Adult Protective Services office):	844-697-3505
NY Connects through Office for the Aging (local resources for older adults and their caregivers):	800-342-9871
NYC Elder Abuse Center’s Helpline for family, friends, & neighbors of NYC-residing older victims offers support, information, and referrals. (Non-emergency, no-fee service)	212-746-6905 e: helpline@nyceac.org
NYC Elder Abuse Center offers professionals consultations on elder mistreatment cases re: medicine, psychiatry, forensic accounting, law and social work. (NYC cases only; no-fee)	212-746-7211
New York State Hotline for Sexual Assault and Domestic Violence:	800-942-6906
New York State Unified Court System - ADA Office:	212-428-2760
New York State Judicial Committee on Elder Justice:	646-386-5540
Upstate Elder Abuse Center at Lifespan (to locate an Elder Justice Advocate near you; direct services in Monroe & surrounding counties):	585-244-8400 lifespanrochester.org



DISCLAIMER: this material is provided for reference only; it is not meant to be legal advice of any kind

This project was supported by cooperative agreement # 2017-VF-GX-K134, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations

expressed in this product are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.