LITERATURE REVIEW

Elder Justice Decision-Making Capacity Symposium

Tuesday, April 19, 2022 to Thursday, April 21, 2022

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Basic Information

**Cognitive Aging**


**Dementia**

**Dementia, Cognition, and Elder Abuse**


**Dementia is Not Equivalent to Incapacity**


**Individuals' Awareness of a Dementia Diagnosis** (ASPE)

**Implications of Alternative Methods of Identifying Populations with Dementia Issue Brief** (ASPE)

**Neuroscience, Capacity & the Law**


**Guardianship**


Supported Decision Making (Older Adults)


Diller, R. (2016). Legal capacity for all: Including older persons in the shift from adult guardianship to supported decision-making. Fordham Urb. LJ, 43, 495.


Older Adults as Witnesses in the Justice System


Jones & Elliott (2005). Capacity to give evidence in court: issues that may arise when a client with dementia is a victim of crime. Psychiatric Bulletin, 29, 324-326
Types of Decision-Making Capacity

Capacity for Admission to Long-Term Care Facilities
Assessing Capacity for Admission to Long-Term Care Homes

Capacity to Live Independently


Capacity to Refuse Services (APS)

Contractual Capacity

Financial Capacity


Medical Decision Making Capacity


Sexual Consent Capacity


**Testamentary Capacity**


Testimonial Capacity


Assessing Decision-Making Capacity

Forensic Psychology


Clinician Inter-Rater Reliability

Assessing Capacity
American Psychological Association (2014). Guidelines for Psychological Practice with Older Adults. 
American Psychologist, 69(1), 34–65. DOI: 10.1037/a0035063

American Psychological Association (2013). Specialty Guidelines for Forensic Psychology


Lindsey, J. (2020). Competing Professional Knowledge Claims About Mental Capacity in the Court of Protection. Medical law review, 28(1), 1-29.


The Need for Data on Capacity Assessment

Training for Clinicians in Decisional Capacity


Capacity Assessment Instruments


The Need for the Development of Capacity Assessment Instruments


Undue Influence


Literature Review by Profession

Adult Protective Services


APS TARC: Capacity Screening in Adult Protective Services: Guidance and Resources

Civil Attorneys


Criminal Attorneys
Aequitas (2017) The Prosecutors’ Resource


Judges

**Judicial Determination of Capacity of Older Adults in Guardianship Proceedings: A Handbook for Judges** (ABA/APA)

National Probate Court Standards (2013) ([on NCSC website](#)), pp. 56-58

Boyle, S. (2020). Is the wisdom of a person’s decision relevant to their capacity to make that decision?. Monash UL Rev., 46, 39.


Law Enforcement


Working Together: How Community Organizations and First Responders Can Better Serve People Living with Dementia. ACL, NADRC, RTI International

Medical/Physicians
