

**Testimony before the
Pennsylvania Department of Aging**

**Public Hearing on the
Pennsylvania State Plan on Aging 2016-2020**

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SeniorLAW Center

Protecting the Rights of Older Pennsylvanians

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Good afternoon. My name is Karen Buck and I have the pleasure of serving as Executive Director of SeniorLAW Center, the only nonprofit organization in Pennsylvania dedicated solely to providing legal protection to Pennsylvania senior citizens. It is a pleasure to be here today to provide testimony on the 2016-20 State Plan on Aging from our perspective as advocates and attorneys serving elders. I've had the pleasure of working with Secretary Osborne and many members of the Department's leadership staff in our common mission of protecting elder rights and pursuing elder justice.

Our mission at SeniorLAW Center is to improve the lives of older Pennsylvanians and protect their rights through legal representation, education and advocacy. We are proud to serve over 5,000 older Pennsylvanians each year, including grandmothers raising grandchildren who have been abused, neglected, or abandoned, the senior facing mortgage foreclosure or eviction by an unscrupulous landlord, the senior veteran exploited of his home, monies and all possessions, including his military honors and memorabilia, going from a comfortable retirement to living in his car in the VA parking lot. Our work in legal services saves lives. We are proud to also provide free legal information, counseling, referrals and advocacy services to seniors in each of Pennsylvania's 67 counties through our Pennsylvania SeniorLAW HelpLine, from small communities in central and Northern and Southeastern Pennsylvania, to farming communities in Lancaster County, to urban centers through central and western Pennsylvania, in diverse urban, suburban and rural communities. We provide a voice, an advocate, and access to justice, and work with hundreds of partners across Pennsylvania to train, educate, share resources and best practices, and promote access to justice. Our goals are to save homes, provide protection from abuse and exploitation, promote access to health care and dignity at end of life, enable grandparents to raise grandchildren in loving homes and out of foster care, and promote healthy lives of independence and dignity. Last year alone, we opened over 5,000 individual cases for Pennsylvania seniors, educated almost 2,000 seniors to prevent legal problems from occurring, and trained over 1200 professionals working with and serving Pennsylvania seniors to help them identify problems and help get their patients and consumers the legal help they desperately need

We thank the Department for holding this hearing today, and for the opportunity to provide our input on ways to make the Plan stronger, more inclusive and more targeted on the crises of our current times, and those expected in the next four years. We appreciate the partnership we have enjoyed with the Department to promote justice for Pennsylvania seniors in past years, despite that discretionary funding support for statewide legal services has been zeroed out in Pennsylvania since 2012. Through our past efforts together, we have brought new resources and national attention and many best practices to our Commonwealth, including statewide legal resources, advocacy for national funding for senior legal assistance, and investments which have produced excellent outcomes and recognition by the US Administration on Aging and others.

As my time is very limited, I will focus my comments on the key area of elder justice.

The field of Elder Justice is broad and expansive, protecting the rights of seniors which affect their safety, income, financial security, health, shelter, futures and indeed

survival. We are delighted to see those two words in the title of the new Plan, but we highly recommend the content in the Plan be expanded.

First, there is no mention of legal services or the Legal Services Developer anywhere in the Plan. Legal services have dramatic impact on the lives of older Americans every day which affect almost all other aging services. Funding for legal services is funding for *essential human needs*. Congress has recognized and mandated this, making legal services 1 of only 3 priority services in the federal Older Americans Act. But Pennsylvania has long failed to, and we are excited to work with you to make legal services and their profound impact on elder justice a priority in Pennsylvania. As you know, Congress considered but did not make changes to the Older Americans Act which would have dramatically changed how legal services are funded in states across the nation, putting decisionmaking in a statewide entity vs. communities at the AAA level. We stand ready to assist with our other legal services providers across Pennsylvania to address how our 52 AAAs can prioritize the critical legal needs of Pennsylvania seniors – to address basic human needs of shelter, safety and security. How to use IIIB funding to save homes, end abuse and exploitation, address poverty -- not the easiest but the most urgent needs. We look forward to working with you to help make Pennsylvania's legal assistance and justice program a model for the nation.

The law affects our lives in profound ways. And it affects the lives of elders and the poor more profoundly and more frequently than any of us, as many are facing the loss of their most basic daily needs – their home, their safety, their health care, their income, their families. We are today in our country and Commonwealth facing a **civil justice crisis**. Only 1 in 5 low-income Americans facing legal crises, which affect their shelter, safety, health, independence, families and indeed, their very survival, get legal help for their problems – 80% must navigate the legal system alone. Our clients are the older homeowners who face, in growing numbers today, foreclosure and the loss of the roof over their heads; they are victims of physical abuse and domestic violence, often at the hands of their own families or caregivers; they are targets of identity theft, financial exploitation, and home repair contractor fraud; they are grandmothers seeking custody of their grandchildren who have been abandoned by a drug-addicted parent; they are seniors at risk of losing their health care or basic income, and long term care recipients facing termination of critically-needed in-home services or eviction from their nursing homes.

Pennsylvania needs a comprehensive elder justice system and program of elder abuse prevention and response. That response must be inclusive and comprehensive, recognizing that there are many key players in the elder justice network beyond Protective Services, including legal services, and also the courts, victim services network, domestic and family violence agencies, law enforcement, financial institutions, and diverse other professionals both in and out of the traditional aging network.

Every Pennsylvanian can be proud that our state Supreme Court has made elder justice a priority and we at SeniorLAW Center are proud to have been appointed to the Court's Elder Law Task Force, and deeply involved in its groundbreaking work over the past several years and creation of its Advisory Council on Elder Justice. At the highest

level of our judicial system, elder justice is a priority. Few states can say this. We are pleased that the Secretary is an instrumental part of this work and we'd ask that the recommendations made in the Task Force report that relate to **elder abuse and exploitation and civil justice** be referenced in the Plan and addressed – these are innovative, creative, bold steps deserving of our attention in elder justice. While the 4-year Plan makes reference to *guardianship* recommendations, these are just a piece of the Task Force report.

The Pennsylvania Commission on Crime and Delinquency has been a key player in this work, and is another of many other state partners whom we encourage the Department to bring into the conversation on elder justice. As one of the primary providers of senior victim services in Pennsylvania, along with our friends at CARIE, we have trained and supported other senior victim services providers throughout the Commonwealth and advocated zealously over the past decade to increase senior victim services. Thank you for including victim services in the Plan to serve the growing needs of Pennsylvania's elders, but the role of **victim services** goes beyond working with Protective Services, and includes partnerships with law enforcement, the courts, domestic and family violence organizations, the senior center and broader aging network, and much more. 2016 presents an historic and massive increase of over \$60 million in funding for victim services, as a result of advocacy that many of us collaboratively engaged in with our victim services, child abuse and domestic violence partners to lift the VOCA cap. We should all applaud PCCD for making **elder victims** and **civil legal aid** two of its priorities in 2016 as it decides how to distribute the immense increase in VOCA funding for victims of crime in Pennsylvania. PCCD will be a strong partner in pursuing elder justice.

Justice should not be denied or allocated dependent on where you live. That is why statewide legal services and a statewide helpline is essential. We ask the Department to make Pennsylvania a state that values justice for all of its older adults.

From 2007-10, we worked closely with the Department to analyze, develop resources for and create a strategic plan for the delivery of legal services and justice for older adults in Pennsylvania, after being selected in a competitive national funding program to help develop a "Model Approach" for our Commonwealth and its seniors in the field of Elder Rights and Legal Services. Much work went into that Model Approaches project with PDA staff and diverse partners across Pennsylvania, and we ask that the Department re-examine the recommendations it made in the final Blue Print report, and incorporate key pieces into its State Plan. These include:

1. Ensuring compliance with Older Americans Act requirements and sharing and enforcing best practices with AAAs about how to meet the *priority* legal needs of older Pennsylvanians of greatest need in cost-effective ways.

2. Developing more legal educational materials to help older adults identify legal issues and direct them to appropriate legal resources

3. Supporting the SeniorLAW HelpLine in serving Pennsylvania seniors in all 67 counties and expansion of its free legal, advocacy and prevention services as one of the strengths of Pennsylvania's legal services delivery system on which to build. Since 2007, Pennsylvania's only statewide legal service is running on fumes, whatever we as a nonprofit organization can raise for it and our many other programs, with all state support cut. Pennsylvania, like the strongest of our other states, should invest in this essential service that seniors and AAAs across Pennsylvania, legislators, the aging network and the Department itself rely on.

4. Maintain and expand connections with groups that work with the most vulnerable elder populations, including those receiving home health or personal care services, to do more effective outreach and cross-training on legal issues.

5. Refine the role of the Legal Services Developer at the state level.

While there is not enough time today to address each of these issues, I refer you to the final Blue Print report for further discussion. It provides excellent information, guidance and recommendations, and is an investment already made by the Department and its staff with key partners which should help guide us into the next four years.

We ask that the Department State Plan recognize the *mandates* of the Older Americans Act to make legal assistance and elder rights and justice *a priority* for all communities, to set minimum funding requirements, and to augment the Congressionally mandated role of the Department's Legal Services Developer as an essential leadership role. We ask that you tailor the Plan to prioritize more on the needs of seniors with the *greatest social and economic need*, particularly in this time of economic crisis.

We are very concerned that there is no reference to the words "**state legal assistance development**" in this new State Plan. Pennsylvania does indeed need and federal law *requires* that Pennsylvania have a **State Legal Assistance Developer**, per the requirements of the Older Americans Act. Why? Because states with strong legal assistance development are states with strong and coordinated programs of pursuing justice for elders – programs which include statewide legal resources, programs which are highly cost-effective and efficient, which maximize resources, volunteers, knowledge and best practices. AAAs are required to provide legal services for the elder in their communities. Legal Assistance Developers help maximize the required investment of AAAs in legal services, and also make the entire aging network stronger. This role, however, goes well beyond responses to elder abuse to the other critical needs of older Pennsylvanians – housing and homelessness prevention (a fundamental first step in pursuing aging in place), financial security, access to income, health care, and benefits, consumer protection, long-term care, strengthening families, and life planning.

Legal services strengthen the ability to **Age in Place**, the second priority of the Plan. Just one example is the relationship between our work in housing law and emphasis on home and community-based services. Last year alone, we handled over 500 housing cases, preventing homelessness and saving the homes of senior homeowners and

senior tenants. Without a home, the provision of home and community-based services is relatively meaningless. We applaud the priority of Aging in Place. However, **there will be no point to “aging in place” if there is no place, no home.** Or if that home is uninhabitable. Or stolen by the filing of a fraudulent deed. Or sold at sheriff sale due to foreclosure. Or left to deteriorate due to an unscrupulous repair contractor.

We applaud the Department for addressing Guardianship in its new Plan – a key legal issue which affects Pennsylvania seniors in dramatic ways. The rights of seniors whose very liberty and decisionmaking are at risk often go unprotected and unmonitored. Much attention is needed: ensuring that those who face a legal proceeding affecting every aspect of their life and independence have representation, that oversight, reporting and monitoring occurs, that those who object to guardianship or allege abuse by a guardian are given the opportunity to be heard *and protected*. Every week, we receive calls from seniors seeking representation in these situations. Guardianship is a powerful tool that can be highly useful for those who are vulnerable but can also destroy lives if misused or abused. Guardianship representation, oversight, and statewide best practices to assure that rights are not violated should be a priority of this Plan.

As should kinship care. The Plan makes no mention of the thousands of grandparents who are raising their grandchildren. The impact is enormous: attention to kinship care is attention to two generations, strengthening care at both ends of the life cycle, strengthening grandparents and other elders who are serving essential roles in saving their families, saving the Commonwealth and communities funds, and saving lives. We need to support these elders who are making enormous sacrifices to their own comfort and making enormous contributions to both the present and the future. A State Navigator system is a best practice which Pennsylvania should pursue and which Pennsylvania grandparents and other kinship caregivers deserve. Legal representation and services are critical as well for these brave and selfless grandparents. Let’s help them and the kids they are raising succeed.

Thank you for your leadership and for being committed to bold steps and vision. We look forward to working with the Department and all our partners in the aging network and new partners to make Pennsylvania an exceptional place to age, with justice for all.

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