

John Caher: Welcome to Amici, news and insight from the New York Judiciary and the Unified Court System.

Today we are joined by Justice Deborah A. Kaplan. After spending seven years in the Matrimonial Division, Justice Kaplan was tasked in June 2015 to serve as a Statewide Coordinating Judge for Family Violence cases. In her new capacity, Justice Kaplan is undertaking a comprehensive review of the State's specialized domestic violence courts, and the integrated domestic violence courts. Working to refine and improve practices in developing programs to address the court system's handling of matters of Elder Justice.

Judge Kaplan was elected to the New York City Civil Court in 2001 following a career as a Legal Aid Society Attorney, Principle Court Attorney to the Deputy Chief Administrative Judge, and Chief Management Analyst in Project Counsel for the Court Systems office of Court Treatment Programs. She was appointed an acting Supreme Court Justice by Chief Judge Jonathan Lippmann in 2007 and elected to Supreme Court in 2012.

John Caher: Judge, thank you for being with us today. First, can you give us a brief overview of what your new task entails?

Judge Kaplan: Thank you for the opportunity to talk to you about my exciting new role and some of the things that we're doing.

John Caher: My pleasure.

Judge Kaplan: As you may know, I was appointed the Statewide Coordinating Judge for Family Violence cases in May of 2015. In this capacity, working together with the State's administrative judges and judges who sit in our Domestic Violence and Integrated Domestic Violence Courts, what I'm striving to do is refine the practices to promote better, more consistent outcomes in matters involving family violence. I have been meeting with judges all around the state to really get a better understanding of how these courts currently function and how my office can be of assistance to them.

We've created a new webpage with more, and I hope much better, resources for our DV and IDV judges and their staffs, and importantly, better information for the public. That website will launch live this week on the court's website and new information will be added in the weeks ahead.

Other things we've been doing is I've sponsored extensive training for judges and their staff, including a two day judicial symposium on domestic violence, and a day of training for our IDV and DV courts in the Fifth, Sixth and Seventh Judicial Districts. A regional meeting and training is set for the Third Judicial District in

April of this year, to be followed shortly thereafter by one in the Fourth Judicial District.

Another critically important aspect of my job is to improve the court system response to older New Yorkers seeking justice in our court system. So I'm working to develop programs, protocols and training to ensure our judges, their staff, and frankly all court personnel, are aware of and responsive to the needs of our older population.

Toward that end, since assuming my position, I have met with well over 150 stakeholders including, and just to name a few and certainly in no particular order, to give you really a sense of our extensive outreach, we've met with, here in the city, the New York City Police Department's Chief of the Domestic Violence Unit, the Deputy Commissioner for Collaborative Policing, we've met with statewide New York State Department for Aging Officials, including the Commissioner, Adult Protective Services commissioners from across the State and their staff, various prosecutors from district attorney offices from around the state, the Attorney General's office, who handles different elder abuse matters and certainly those occurring in nursing homes, representatives from a number of legal service agencies and public defenders from across the state and other members who are part of the bar. Representatives from JASA, the Henry and Jeanette Weinberg Center for Elder Abuse Prevention, LiveOn New York, the Brookdale Center for Healthy Aging and clinical law professors at law schools, who handle issues of older litigants.

After having all of those meetings, many that you just heard about, I then convened a committee on elder justice, and on December 1, 2015, that committee, the New York State Judicial Committee on Elder Justice, was designated as the standing advisory committee of the Chief Administrative Judge of the Courts. That committee has met twice. Subcommittees have been created and goals and a real time table for accomplishing goals have been set.

John Caher: Well you've certainly hit the ground running. Why is there a need for such a specialized position in the first place?

Judge Kaplan: Well John, there are 43 Integrated Domestic Violence Courts and 31 Domestic Violence Courts statewide in New York. There are three Youthful Offender Domestic Violence Courts and oversight of these courts—in which matters impacting on tens of thousands of families in our state are heard—is really critical.

As I mentioned, I visit each Judicial District throughout the state, meet with the Administrative Judge for that district and then meet with all of the judges and staff who sit in and work and support the IDV and DV courts. I sponsor statewide training programs as well as regional local training and we just created, as I told you, a website that is much more welcoming and accessible to the public. This office will also implement pilot programs for the filing of petitions for temporary

orders of protection by electronic means across the state, and for the issuance of such orders ex parte by audio/visual means.

Now, regarding the elder justice component of my job, and this will give you some interesting facts for the state of New York - New York State has one of the highest number of adults over age 60 in the nation. While in 2010, there were 3.7 million adults age sixty and older - and I use 60 because that's the statutory number not because I think 60 means someone is older - it is estimated that by 2020 there will be more than four million older adults in New York State and by 2030 there'll be more than five million.

By way of percentages, you get a sense of the numbers, it's projected that by 2020, 23 percent of our state's population will be sixty and over, as compared to a national projection of just 22 percent. As of 2015, last year, in 19 of New York's 62 counties —and I have been to all of them—older adults make up 25 percent or more of the counties' population.

Also, the fastest growing population in our state are those aged 85 and older and if you think about it, these are the people who are the most vulnerable to frailty and to impairment.

John Caher: Very, very vulnerable.

Judge Kaplan: Yes. And many people, including judges and court personnel are not as knowledgeable as they can be about the traits, conditions, and circumstances characterizing the aging individual, and are often unaware of the extent to which these elements have a significant impact on the individual's ability to gain access to our court system.

So, a centralized office that will offer training and guidance to our courts and their staff and develop programs and protocols for how our courts hear these important cases involving older persons is really critical.

John Caher: It sounds like the right initiative at the right time, looking at those numbers and what we're looking at in the coming years. Now, let's turn back for a moment to Domestic Violence Courts, the Integrated Domestic Violence Courts. What exactly are those?

Judge Kaplan: New York State's DV Courts—that is how we refer to our Domestic Violence Courts—adjudicate criminal offenses involving intimate partners. So, the essential features of DV courts include a dedicated judge, a specially trained staff, resource coordination, on-site victim advocacy, enhanced monitoring of defendants, and cooperation with technical assistant teams.

Let's turn to our IDV Courts, there a family must also have a criminal domestic violence case and a Family Court case or a Supreme Court matrimonial case, where

either — or both—the defendant and the complaining witness in the criminal court case is also a party to the family or matrimonial case. So, this is when we have one family in multiple courts where the underlying issue involves domestic violence.

The most common family case types in IDV Court are family offenses, custody or visitation, and matrimonial actions. While misdemeanors represent the bulk of cases that are heard in the IDV Court, certain IDV Courts may take felony level criminal cases as well. And it's important to have one judge hear all of the issues surrounding a particular family.

John Caher: I would imagine that would be very helpful to have a judge who was familiar with the whole situation. Now, we already have lots of courts, civil and criminal, is there something these courts can do that the other courts are not equipped or empowered to do?

Judge Kaplan: Well, let me start by reminding you that domestic violence, in this country, is pervasive. The statistics remain shocking, one in four women will experience domestic violence in her lifetime. 15.5 million children in the United States live in families where domestic violence was perpetrated in the past year. And nationwide 1,300 women are murdered by an abusive partner every single year.

John Caher: As a father with three daughters, I'm not particularly liking those statistics very much.

Judge Kaplan: They're really shocking when you look at the numbers. So, as I always do, let me focus you on New York State. In New York State in 2014 more than 280,000 calls were made to domestic violence and sexual assault hotlines. 202,000 order of protections were entered in our domestic violence registry, and 45 percent of female homicide victims, age sixteen and older, were killed by an intimate partner. So, New York's DV Courts have been developed as part of the justice system's coordinated response to domestic violence. And these courts are really dedicated to enhancing victim safety and holding offenders accountable.

And if you want me to try to sum it up for you, I'll tell you that DV Courts promote informed judicial decision-making based on comprehensive and current information. So, the judge there has all of the information about each of the components of the matters that this family is dealing with in the justice system; the DV courts also promote justice and the protection of due process rights of the defendant - the defendant is heard and represented; promote victim safety and greater access to supportive services; offer linkage to Social Services and other resources; provide a coordinated response and collaboration among criminal justice agencies and community-based groups offering social services and assistance to domestic violence victims; and, really, increased confidence in the court system.

And what it does away with are any decisions that are incompatible or that might contradict each other because it's one judge issuing the decisions that affect a family.

John Caher: Now, the judges who are on these courts are, of course, judges of other courts who were elected or appointed to whatever position they had and then assigned to these special courts. Do they receive any special training or have any special expertise in these areas?

Judge Kaplan: Sure. Our IDV Courts were created so that one judge could hear multiple criminal, family, and matrimonial disputes involving families where domestic violence is the underlying issue. So, certainly they're specially trained in the unique nature of domestic violence and its impact on children. Our IDV judges are also trained to handle the other family issues, such as custody, visitation, civil protection orders, and divorce, which can also be very complicated.

Judges who sit in DV and IDV Courts attend training every single year. As I said, this past year for example, the Family Violence Task Force held a one day training on September 16, at the New York State Judicial Institute entitled, "Understanding the Ties that Bind, Judicial Responses to Domestic and Sexual Violence." And the courses that were offered were: The Power of Language in Domestic and Sexual Violence Proceedings, Trauma and Domestic Violence, Implementation of State and Federal Firearms Laws, and Ethical Issues Facing Jurists in Domestic Violence Cases.

And my office, as I mentioned, held it's 2015 statewide judicial symposium on November 19th and 20th. I think you'll find the sessions interesting. They included: Trauma, Mental Health and High Conflict Separation; Domestic Abuse in Later Life—focusing here again on how it affects people as they get older; Fairness and Bias in Domestic Violence Case; and Balancing a Life on the Scales of Justice: Health and Well Being in the Twenty-First Century. There were also facilitated break-out sessions, so judges from around the state could discuss best practices for DV and IDV judges. Also, court staff had facilitated meetings to try to figure out the best ways to do their jobs and be the most responsive.

John Caher: Are those materials available? Are they online or anywhere someone might access them?

Judge Kaplan: Well, there's information about all of our educational training that is on our new website. So, I'll suggest that you visit it.

John Caher: Great, thank you. Now, there are critics, one lawyer in particular who lectures me on this every time he sees me, who say that the courts should just stick to their core business and resolve disputes based on the law and stay out of the social service and human service realms. What do you say to that?

Judge Kaplan: Well, I would tell that lawyer and anyone else who raised that thought, that really after much, much research, thought, collaboration and deep deliberation, DV and IDV Courts were created by the New York State Unified Court System, through the Office of Court Administration, to provide critical services and a coordinated response to domestic violence. And these courts are led by a judge and court staff trained to handle the numerous complex issues that arise in these cases. And these courts ensure intensive judicial monitoring, enhanced victim safety, and hold offenders accountable.

They also promote increased coordination among the court, community stakeholders, and victim service providers.

So, I think the goal of our court system, and in fact society's goal, should be to create a more effective, efficient, and humane justice system. And when we create courts that address specific needs in a thoughtful, innovative, educated way, the result is improved safety of victims and their families and enhanced offender accountability. It also helps with efficiency in the processing of cases throughout our system.

John Caher: Thank you. You've given me lots of ammunition for the next time my friend scolds me on this.

What sort of things will you be looking at in your comprehensive review of the domestic violence courts? And what do you hope to achieve? And when, how quickly?

Judge Kaplan: Well, DV and IDV Courts were designed to promote and enhance victim safety and offender accountability and I want to make sure that we are really staying true to our mission. And this is accomplished by having a dedicated judge preside over the case from post-arraignment—that's when the case comes to our system -- through sentencing and compliance. So it's one judge from beginning to end. That judge must closely monitor offenders and hold them accountable by promoting compliance with orders of protection and other court orders, such as program attendance. If an offender is in violation of court mandates this has to be responded to.

IDV Courts are premised on one family, one judge. That is the underlying concept, and accordingly, these courts have jurisdictional authority over both civil and criminal cases. It's essential we maintain this structure.

In addition, I want to ensure that the DV and IDV Courts are working closely with community agencies that have a stake in the court system, such as police, probation, district attorneys, defense counsel, the local Legal Aid Society, the assigned counsel panel, civil attorneys, victim service agencies, batterer's program staff, mental health and substance abuse providers and, importantly, children's services and lawyers for children.

It is of the utmost importance that the DV and IDV Court hold regular stakeholder meetings so that all the community partners remain in communication with one another. These meetings may also be an opportunity for education as well, with a local expert making a presentation. Many of our DV and IDV Courts have a speaker and some are able to even offer continuing legal education credit to the people who participate in the meeting, who are lawyers, but certainly it's an important opportunity to discuss things and to gain further knowledge and to raise any issues of concern and problem solve. I want to make certain that this is being done and to help in any way I possibly can to facilitate these meetings.

My intention is also to confirm that all of our judges, sitting in these critical parts are participating in ongoing training and provide ample opportunity for them to do so.

John Caher: Let's circle back to an issue we touched on at the start that I find interesting and intriguing and troubling, the issue of elder justice. First of all, let's define it, what is elder justice? What do you mean by that?

Judge Kaplan: Well, when I talk to you, John, about elder justice, I mean not only elder abuse, but the need for increased awareness of issues relating to aging. How given those issues, we can improve access to the court. So, if you ask me what I mean, we have to think about the physical, mental, and cognitive changes, experiences, as a person gets older. We have to understand how aging may impact on intellect, memory, hearing, vision, taste, smell, pain and touch, movement, durability and resilience, health and a person's attitude towards life.

So, let me give you some examples.

Many older people have trouble getting to court on time for a typical start of 9 or 9:30 for a calendar call for a myriad of issues, including maybe they just don't move as quickly as they once did. Also, a person as they age, his or her ability to recollect events and testify competently may fluctuate, depending on the time of the day or when he or she may take medication. In addition, coming to court itself can be extremely overwhelming. It can be a frightening and intimidating experience for anyone, particularly for an older person, and this is amplified if an older person suffers from a lack of mental clarity.

Many elder litigants may be unfamiliar with the courtroom and not understand the roles of personnel involved in the court proceeding, and sometimes elder litigants may have some memory loss and need to be oriented to place and time.

In talking to you a little bit then about elder abuse, let me define to you what that means. Elder abuse is generally defined as a single or repeated act, or lack of appropriate actions, which can cause harm, risk of harm, or distress to an individual 60 or older and occurs within any relationship where there is an

expectation of trust, or when a targeted act is directed towards an elder person by virtue of age or their disability.

So, elder abuse can be intentional or unintentional and can take various forms. It's not just limited to physical or psychological or emotional but can be sexual abuse, neglect, abandonment, and even financial exploitation. So, I can give you some examples?

John Caher: Yes, please do.

Judge Kaplan: So, physical abuse, let me start with that, is any behavior that results or, frankly, is likely to result in injuries to the body which can be bruises, cuts, broken bones. And so that comes about whether it's hitting, pushing, choking, burning, punching, throwing objects at a person or restraining them. But you have to remember that these behaviors also instill a great fear in the person who's being hurt.

I'll give you an example. These are obviously all made up names. Mrs. Rose's thirty-seven year old son, Derrick, who has a drug problem, pulled a fistful of his mother's hair out of her head during an argument when she refused to give him money, that's just one example of physical abuse.

Let me turn to sexual abuse, which happens more frequently than people realize with older folks. Sexual abuse is any behavior that hurts you sexually or includes unwanted sexual conduct without a person's consent. An example can include inappropriate touching, fondling, kissing, rape, taking photographs in sexually explicit ways, and or exposure to explicit sexual contact without your approval.

I'll give you another example with made up names: Mrs. Newnan's 32-year-old stepson forced her to watch pornography with him and exposed himself.

How about psychological and emotional abuse? That's behavior that results in fear, mental anguish, or emotional pain. So, thinking about it, that can include intimidation; harming pets; destroying property; name calling; the "silent treatment", where you ignore someone and then don't respond, infantilizing; isolating; threatening; undermining spiritual or religious practices; devaluing cultural identity or public humiliation. For example, taking an older person's dentures and then forcing them to go out in public without their teeth, taking away somebody's hearing aid so they can't hear and properly respond.

So here's another example, Mr. Koff's 44-year-old mentally ill daughter, Karen, threatened to rip the phone out of the wall and nail his bedroom door shut when he sleeps if her father did not let her boyfriend spend the night and move in.

How about neglect? Neglect is really a failure to intentionally or unintentionally fulfill a care-taking obligation, resulting in a wide range of problems, including

bedsores, dehydration, poor hygiene, poor nutritional status, which can sadly lead to death.

Intentional neglect is sometimes motivated by greed or other forms of self-interest. There's unintentional neglect, which is usually based on factors such as ignorance or denial that an older person needs as much care as they may actually need due to the provider's lack of time, emotional resources, physical or cognitive abilities to provide the needed care, and it can result in reckless endangerment or even worse.

And if you think about it, intentional and unintentional neglect can actually co-occur. So neglect can include not providing items that you need for daily living. That is, not purchasing glasses or a needed wheelchair, refusing to repair a wheelchair, refusing access to transportation for mobility impaired person, not providing heat or adequate nutrition or hydration or necessary medication. Or maybe not following medical recommendations, like physical therapy, or altering the doses of medicine.

So again, here's another made up name but a true example. Mr. Simon is cared for by his wife, who often yells at him, and she blames him for ruining her life and is frequently too busy or forgets to give him dinner or his medicine.

I can tell you about financial exploitation. It involves the unauthorized or improper use of funds, property, or assets. So, it can include coercing the change of a will or a bank account or a property transfer, or using cash or credit cards without permission or knowledge, or forging signatures on checks.

For example, Mrs. Goffard's 20-year-old granddaughter, Ivy, stole her grandmother's jewelry without permission and used the money to pay back a debt to her own friend.

So, I think John, if you can glean from the sum of these examples that I've talked about, elder abuse takes many, many, forms. And is frequently not so easy to identify.

John Caher: It seems pervasive and, as you mention, a little difficult to know it when you see it. You've been a judge for quite a while, what sort of elder abuse cases have encountered in your role as a judge and how they impacted you?

Judge Kaplan: Well, in addition to this job and my statewide responsibilities, I also sit as a full time matrimonial judge on the Supreme Court in New York, and as a matrimonial judge I've had cases where one spouse was quite elderly and the other one was much younger and there were allegations of the misappropriation of funds. For example, a common form of financial exploitation involves when one spouse, the younger, obtains a power of attorney over the older spouse's finances and then abuses that role.

For many years, I sat in the criminal court and I would see an older child, or grandchild who lived with his or her older grandparent or parent misusing their credit card or ATM card. Repeatedly going and making multiple withdrawals from the account or driving the older person to the bank when they normally would only come maybe once a month to deposit their check, suddenly taking to them to the teller and making multiple withdrawals.

In fact, in New York State, over half of all reported abuse cases involve the children or grandchildren of the abused. In addition to seeing examples of elder abuse as a judge, every person that I talk to, and I talk to a lot of people about this, tells me about some form of abuse perpetrated on their parent or grandparent or someone they know. But really the problem is that elder abuse, as you mentioned, is really largely hidden. And it's shrouded in secrecy and shame and it is severely under reported.

Many older adults are reluctant to reveal instances of abuse, particularly, when the perpetrator is their family member. The New York State Elder Abuse Prevalence Study—here I am giving you statistics again but I think it's important to show what's going on—found that for every case known to programs and agencies, 24 cases were unknown. So for every single case known, 24 were not. An estimated 260,000 adults age sixty and over in New York State were the victims of at least one form of elderly abuse, in a year. The captured year was 2008-2009.

And making the problem even worse is the fact that many healthcare, law enforcement, financial, and aging service professionals may not understand or recognize elder abuse, neglect, or exploitation or are unaware of where they need to go to seek help. By the way, the highest rate of elder mistreatment in New York occurs for financial exploitation and major financial exploitation.

Indeed, there was recently an article on financial exploitation, which said, "If a new disease entity were discovered that afflicted nearly one in twenty adults over their lifetimes and differentially struck our most vulnerable sub populations, a public health crisis would be declared," and the data in their study suggested that financial exploitation of older adults is just such a phenomenon.

John Caher: It is striking.

Judge Kaplan: And I think it's critical that judges, their staff, and all court personnel understand the aging process. And I think it's important that there be training so everyone who works in the court system understands the types of elder abuse, neglect, and exploitation. And our courts want to be responsive. And I say that with confidence, you know, from the highest levels of the court system. So furthermore, in as much, as cultural taboos may influence what and whether certain acts are viewed as elder abuse and whether an elder person recognizes they're being victimized, judges and staffs must learn about the role of culture, as well, in elder abuse.

Such training might include how elder abuse specifically impacts LGBT elders or African American elders, Latino elders, Korean elders, Indian elders, Native American elders, Chinese elders—across diverse groups. Training for us has to be ongoing so that judges and court personnel are ever more knowledgeable about elder abuse and sensitive to the challenges that older adults generally face in having to come to the court.

John Caher: Now you mention that the courts want to be more responsive. How can they be more responsive and receptive to the needs, not only of elderly litigants and victims, but witnesses, jurors, everyone who comes in contact with the court system?

Judge Kaplan: Well, I think the court system wants to be responsive and I am certain of that. So, generally we have to find thoughtful and creative ways that help put the older person at ease when he or she comes to court. So older litigants can be familiarized with the seating arrangements in the courtrooms and the roles of the court staff. You know, we have been thinking about maybe there could be a video or some way to explain the layout of a courtroom that an advocate or attorney could use, the different stations and the role of court personnel at each of these locations.

I think older litigants should have an understanding of how their case will proceed. The court should be flexible in calendaring cases involving older litigants so as to best accommodate medical needs or fluctuations in capacity and mental alertness.

We talked about how sometimes there are parts of the day where someone may be less sharp when they're older. The court should also consider the length of a hearing and perhaps schedule a break so the older litigant can, if necessary, take medication, go to the restroom, or eat something. Delays should be avoided once the victim is present. We try to do this in every case, but we need to be even more sensitive if an older person is there. When a delay is unavoidable, it would help to explain the reason.

Judges and staff need to be patient with older litigants and treat them with dignity and respect. That is always our goal with every litigant who comes in to see us, to treat everyone with dignity and respect. And that should certainly hold true with this group.

We need to be cognizant of the fact that, truthfully, older persons may process information a little slower. There should also be safe, comfortable, accessible waiting areas. Advocates should be available throughout the judicial process, and the court system is thinking about how can we maybe create a calendar dedicated to elder abuse cases and to give some prioritization to those cases and bring them through.

Technology might also be more widely used to eliminate the need for an older person to come to court in certain circumstances. We really need to look at how an older person gets to the courthouse. And this is really working with community partners. Many older litigants simply don't have adequate transportation, especially in the rural areas. You have to remember New York is a pretty big state but even in cities it is not always easy for an elderly person to get around.

And then if an older person does get to the courthouse, there are sometimes physical challenges which I haven't even touched on yet.

I read an article about courthouse construction, and it said part of the problem is that courthouses are designed to accommodate a "normal" person, which is in this article defined as a healthy, adult male, who is right handed and about 30-years-old, as well as "instill reverence for justice" with beautiful architectural features like granite staircases, traditional columns and weighty doors, and that's true for a lot of our courts.

So, we have to ask: Are there are a lot of stairs to be negotiated when they come in, in order to enter the courthouse? Could the door be too heavy for them to open? Can a wheelchair, scooter, or walker fit comfortably through the door, through the courtroom aisles? Are the chairs in the courtroom sturdy enough for them? Are there any sharp edges to chairs and tables? How about getting in the witness box, is that accessible?

We strive for this in all of our court facilities for all of the people who come to see us, but we're really taking a hard look at this. What's the lighting like? What kind of floor is there? Is the floor slippery? Are there tripping hazards? Is the courtroom too cold? And, importantly, what are the acoustics like?

If any of these impediments to the older person's access to justice exists, we should really discuss it. To the extent possible, we would really like to look at having a list of devices available. Maybe it's just something as simple as having a pair of reading or magnifying glasses on hand or a document reader which would enlarge print. And maybe we can talk about having forms printed in a larger font.

But going forward, as our population ages, we have to start to think about more systematic changes. And if you ask me my dream in this area, it would be that the courts of the future will be designed specifically with the needs of the elderly and disabled people in mind. A courtroom should be really easily accessible to everyone and that is our goal here.

And as our population ages, a barrier free courtroom will be even more important.

John Caher:

That's a wonderful dream and I hope it comes true. We've covered a lot of ground here today, is there anything you'd like to add to this discussion? Anything we neglected to cover or anything you'd like to expand upon?

Judge Kaplan: John, I want to really reinforce a couple of points.

John Caher: Sure.

Judge Kaplan: As I said before, elder abuse is incredibly under-reported and, specifically, signs of abuse are often present but may go unnoticed. So physical signs of physical abuse, sexual abuse or active neglect can include: bruises; black eyes; welts; especially if they're on both sides of the body, as if somebody has roughly grabbed or restrained someone; broken bones or fractures; broken eyeglass frames; signs of hair pulling, signs of over or under medication; dirty living environment, including clothing or bed linens; bed sores; rashes; unattended medical needs; lack of needed equipment such as; dentures or glasses or hearing aids or walkers or commodes, despite available funds to provide them; poor hygiene or exacerbation of chronic disease, despite a care plane; worsening dementia, malnutrition, dehydration, weight loss, dry skin.

So if you see things like this, they may be signs of elder abuse. There also may be signs of neglect in the home, such as an inadequate supply of food, water or heat, inadequate living environment, no utilities, animal or insect infestation, and the home may be unsanitary and need a repair.

Any behavioral changes in the older person may also indicate abuse. If suddenly an otherwise outgoing person becomes withdrawn or detached, fearful, distressed, or feel invalid guilt about something, he or she might be reluctant to engage with friends or may exhibit regressive or self-destructive behavior or sudden loss of appetite that might be unrelated to a medical condition. Also, a strained or tense relationship or frequent arguments between the older person and his or her caregiver might just be a sign of abuse.

Indicators of financial abuse might include sudden changes in a bank account or a banking practice—I gave you some examples of that—inclusion of additional names suddenly on an older person's bank signature card or unauthorized withdrawals using an ATM, abrupt change in the will or other financial documents, unexplained disappearance of funds or suddenly bills going unpaid, or someone who has always paid their rent on time and has a pension and Social Security is suddenly the subject of an eviction. What is going on there that has suddenly happened? Or the appearance of previously uninvolved relatives claiming rights to the older person's affairs or having extraordinary interest in their assets and making transfers to themselves can be signs that there is financial abuse going on.

Elder abuse is a really complex issue and addressing it requires a coordinated, multidisciplinary, multi-agency, and multi-system response. And I'm pleased to tell you, in the strongest way, that the court system is working together with their community partners and agency partners to make certain that the needs of

New York's older population, in regard to the legal system, are being comprehensively addressed. So that's it in a nutshell.

John Caher: Well, thank you, Judge. Thank you for spending so much time with us this afternoon. And thank you for all the work you're doing in this really important initiative.

Judge Kaplan: Well, thank you, John, for giving me the opportunity to discuss it. As I said to you, I am grateful that the court system is dedicated to working hard on these important issues and welcome the collaboration with partners throughout the state on these issues.

Voiceover: Thank you for listening to this edition of Amici. If you have a suggestion for a topic on Amici, call John Caher, 518-453-8669 or send him a note at jcaher@nycourts.gov. In the meantime, stay tuned.