

**CONSULTATION WITH THE
FIFTEENTH JUDICIAL CIRCUIT
ON THE
OPERATIONS OF THE ELDER JUSTICE CENTER
By
Max B. Rothman, J.D., LL.M.
Burton D. Dunlop, Ph.D.
Lourdes T. Rivas
The Center on Aging
Florida International University
October 3, 2003**

Introduction:

This report documents an assessment of the Elder Justice Center (EJC) administered by the Fifteenth Judicial Circuit in Palm Beach County, Florida. The assessment, funded by the Quantum Foundation and conducted by The Center on Aging of Florida International University, consists of two Phases. Phase I addresses a variety of operational issues identified during the first year activity of the EJC and was completed December 31, 2002. It includes a series of recommendations for the Administrative Office of the Court as well as the Office's responses.

Phase II focuses primarily on creation of an effective information system for the EJC that enables it to document case activity and track referrals of individual older people who received services from it. This was a major recommendation in the Phase I report and its importance was magnified in the early months of 2003 when the EJC experienced substantial turnover in staff. The Center on Aging provided technical assistance to new EJC staff to help design a more comprehensive system. This system, now in the process of becoming fully operational, will enable the EJC to track and document outcomes and to compile regular reports on needs and issues affecting older people who have court-related problems. Phase II also updates EJC activity in selected

areas previously identified, such as its role in guardianship matters, and includes recommendations for future consideration.

Overview:

The Elder Justice Center was established in 2001 by the Chief Judge of the Fifteenth Judicial Circuit to improve access to the courts, both civil and criminal, by older people and to enhance linkages between the legal system and health and social services systems in the community that can help remove barriers that might impede effective access. The Palm Beach County Commission recognized the importance of addressing this issue and currently funds the EJC with approximately \$150,000 through June 2004. There was a growing recognition that the demographics of aging in Palm Beach County were having an increasing impact on the courts and justice system. For example, professionals who work with the older population were identifying cases of arrests and jailing of persons with dementia. The court system itself was experiencing an increase of older people, particularly in guardianship cases. In general, there were more older people in the courthouse whose legal problems were not the real underlying problems that caused them to be there. It is the fundamental goal of the EJC to identify those underlying problems and to assist the courts in getting them addressed by appropriate community resources.

Furthermore, in addition to increasing numbers of older people in the community, there also has been an increasing diversity of race, ethnicity, language, education and income, and living arrangements. The physiological, psychological and social profiles of older people have become more complex. Likewise, there is a greater incidence of disease with increasing age, including dementia, cancer, joint and bone diseases, vision and hearing loss, and memory loss and loss of cognition. There is more use of prescription medications. In a broader social context, of course, older adults also may experience loss of roles through retirement, widowhood and bereavement, isolation, depression, and substance abuse. These factors, individually or in many combinations, result not only in more older people coming into contact with the court system, but presenting with more much more varied and complex personal circumstances as well.

In recognition of these factors, the Elder Justice Center represents an important effort by the Administrative Office both to respond to the needs of older people and to promote the more effective administration of the court system. It builds upon the Fifteenth Circuit's experience and tradition, as well as those of other jurisdictions, of creating specialized offices that can enhance the court system's capacity to streamline operations and improve responsiveness to people engaged in the system. Specific examples include the Self-Help Center, the Domestic Violence Intake Unit, and mediation offered by the Alternative Dispute Resolution Office.

The emerging role of the EJC, nonetheless, is still very unique among judicial circuits in Florida and the United States. A number of conceptual and operational issues are still in the process of evolving. Therefore, it is important to continue to analyze the further development of the EJC and the ways in which it addresses and prioritizes the following issues:

1. Ensure physical access to the courts, including appropriate assistance for those with vision and hearing problems.
2. Assess older adults who are incarcerated following arrest or booking in order to assist courts with making appropriate decisions about dementia, mental illness, or physical health problems that could impact the next steps in legal proceedings.
3. Educate the judiciary and courthouse staff about issues of aging and the special concerns and problems of elders engaged in the legal system.
4. Ensure that older adults who otherwise come into contact with the court system are referred, as appropriate, to publicly-funded or private attorneys, and to health, mental health, and social services organizations to address non-legal problems that may affect the older adult's participation in the legal system.
5. Educate law enforcement, and health, mental health and social services organizations about issues and barriers affecting elders' involvement with the court system.

6. Educate older adults and the general community about issues of access to the courts and typical legal issues that may affect them.
7. Address both the availability of sufficient numbers of guardians and the court's capacity to review and monitor guardianship reports.
8. Maintain an information system capable of tracking the case status of individual older adults, documenting outcomes, and compiling summary data on the legal, health and social service needs of older adults entering the Judicial system in order to help identify patterns or issues for legislative, programmatic and/or budgetary improvements.
9. Utilize technology, e.g., video linkages, to help improve access and effective participation by older adults in the court system.
10. Obtain resources and staff to appropriately carry out any or all of these functions.

PHASE I

CONSULTATION WITH THE FIFTEENTH JUDICIAL CIRCUIT ON THE OPERATIONS OF THE ELDER JUSTICE CENTER

By

Max B. Rothman, J.D., LL.M.

Burton D. Dunlop, Ph.D.

The Center on Aging

Florida International University

December 31, 2002

In August 2002, the Quantum Foundation requested that The Center on Aging of Florida International University provide consulting services to the Fifteenth Judicial Circuit on the current and future operations of the Elder Justice Center (EJC). The EJC

is funded by Palm Beach County and administered by the Fifteenth Circuit. This report summarizes the issues identified and recommendations made to the Chief Judge and the Court Administrator.

METHODOLOGY

In order to assess the operations of the EJC and its capacity to achieve its stated goals, we engaged in the following:

1. Interviews with the Chief Judge, Court Administrator, EJC and other court administration staff, and two other judges of the Fifteenth Judicial Circuit.
2. Interviews with members of the original Advisory Panel, including representatives of the State Attorney, Public Defender, Legal Aid Society, Area Agency on Aging, the private bar, Alzheimer's Community Care, and a state representative.
3. Interviews with representatives of law enforcement.
4. Review of various materials and reports provided by the EJC.
5. Interviews and review of materials of the Elder Justice Center of the Thirteenth Judicial Circuit in Hillsborough County, a similar program now completing its third year of operation.

The purpose of the consultation was to provide the Chief Judge and Court Administrator with an independent assessment of the operations of the EJC as well as recommendations to enhance its future effectiveness in serving older adults.

PURPOSE OF THE EJC

The stated mission of the EJC is "to identify and remove barriers within the local court system and to develop and enhance linkages between older adults, the legal system, medical and social services to ensure that the elderly of this circuit are provided a fair and reasonable voice in, and access to, the courts." In carrying out this mission,

one of the original primary objectives, strongly advocated by some members on the Advisory Panel, was to ensure intervention on behalf of older adults, particularly those with dementia or mental illness, who were arrested and jailed. Intervention is defined as meeting with the incarcerated person as early as possible following arrest, conducting an assessment of the individual's health, psychological and social status, assisting directly or through collaboration with other organizations, and recommending appropriate next steps to the Judge at First Appearance. In general, EJC staff are responsible for providing vital information to the Court and for making appropriate linkages with other legal, health and social organizations and agencies on behalf of all elders who seek their assistance.

CRIMINAL COURT

The EJC is an office of the Fifteenth Judicial Circuit. It is not a "law office" that offers legal representation to incarcerated or other elders charged with a criminal offense. Any court, of course, must ensure neutrality in all of its actions and decisions. Therefore, based upon its prior experience, and in recognition of the often special circumstances that may affect some persons among the Circuit's growing older population, the Fifteenth Circuit determined that the EJC should carry out those responsibilities described above.

Thus, the EJC is not in an "adversarial" position. Rather, it functions as a unit of the Court in providing information and advocating actions that a Judge should take in furtherance of the pursuit of justice in a given case, including conditions for release from jail such as a mental health assessment that might indicate dementia or mental illness. Both the State Attorney and defense counsel, either public or private, have the opportunity to challenge an EJC recommendation at First Appearance or thereafter (in those matters in which EJC staff remain involved on behalf of the Court). Interviews with these attorneys, and with one Judge who sits at First Appearances, reflect agreement that the role as described above is vital to the administration of justice as well as the protection of vulnerable older adults. The EJC also reviews the criminal docket and routinely intervenes in cases involving those 70 and older even if not incarcerated. Staff attend the hearing or trial and consult with the judge as appropriate.

There is a major concern, however, expressed by some members of the Advisory Panel, that EJC staff are not intervening early enough in the process to prevent unnecessary incarceration prior to First Appearance. One judge noted that this is an issue on weekends, typically in domestic violence cases involving elders, when there is little attention available from counsel on either side. This judge recommends that no elder be jailed until the Duty Judge is called and approves, thereby enabling the Court to notify the EJC for appropriate and timely intervention. We agree.

LINKAGES WITH ATTORNEYS AND OTHER ORGANIZATIONS AND AGENCIES

Developing linkages with the private bar and with health, mental health, and social services organizations is a primary function of the EJC. In matters both criminal and civil in nature, EJC staff assess individual situations and provide information and referral services to help guide older adults and their families to appropriate other professionals or organizations who can assist them. Because of the highly skilled backgrounds of the MSW and retired attorney who currently staff the EJC, it appears to provide high quality service to a caseload averaging over 80 individuals per month. This can be expected to increase during the winter months.

This responsibility represents a very unique contribution by the Fifteenth Judicial Circuit to older adults in Palm Beach County. There is only one other similar program, in Hillsborough County that operates in either Florida or the United States. Although there is a need to understand more about the nature and outcomes of referrals, the Fifteenth Circuit's program represents a potential model for providing meaningful access to the court system and to legal services. Nearly every key informant testified to the growing importance of this function in Palm Beach County.

ACCESSIBILITY

There is uniform agreement that the existence of the EJC in the County Courthouse helps to facilitate improved access by older adults to all services available. Some persons are referred to the EJC office by other Courthouse personnel and some

call for assistance by phone. Judges and judicial staff also call upon EJC staff to assist in specific situations.

These situations occur daily and are not always captured for data and informational purposes. One area, access to jury duty, has not yet been addressed by the EJC and offers a unique opportunity to work on issues first identified in the January, 1994 Action Plan of the Supreme Court of Florida Committee on Court-Related Needs of the Elderly and Persons with Disabilities. There is also a geographic issue related to accessibility in other courthouses in the Circuit.

EDUCATION

Education is a critical responsibility which, given the limits of EJC staffing, still needs to be more fully addressed. There has been no sustained effort to educate older adults throughout the community about the EJC and its services. This would include providing an overview of typical legal areas which may affect older people (based on actual EJC experience, these include consumer fraud, mortgage foreclosure and landlord-tenant problems, incapacity and guardianship, abuse, neglect and exploitation, planning for long-term care, and general understanding of the court system) and how they can access services to assist them. Community education is carried out extensively in Hillsborough County by its Senior Program Manager and appears to add greatly to the effectiveness and credibility of the EJC and the judicial system there.

There has been an ongoing, informal effort by EJC staff to educate the judiciary and some courthouse staff about aging and the needs of older adults. This area could be organized more systematically to improve knowledge and understanding by court personnel about issues of aging and to facilitate more effective utilization of EJC expertise. Efforts to educate other organizations, including law enforcement, about the EJC have been limited. Many do not know very much about what the EJC is actually doing at the present time and at least one was unsure whether the EJC was still operating. This requires greater attention in the immediate future.

GUARDIANSHIP

The draft study on guardianship commissioned by the EJC addresses two important issues also raised by the Probate Judge of the Fifteenth Judicial Circuit: the lack of public guardians and the lack of capacity by the Court to review and monitor guardianship reports. The former is outside the scope of the EJC and must be revisited by the judicial system, Palm Beach County Government and the State of Florida. The latter is a resource issue that can be addressed by additional EJC staff and volunteers. Given the excellent experience and the high level of judicial satisfaction in Hillsborough County in this regard, this option offers an appropriate and meaningful approach to resolution of this serious problem. It is essentially a matter of ensuring quality control over guardianships, preventing abuse, and maintaining the integrity of the Circuit Court's Probate function.

STAFF

The EJC currently employs an MSW and an attorney (retired from another jurisdiction), both 80% time, and a clerical assistant. Although the social worker is the nominal "director" of the office, she does not have that title and is not recognized as having that authority by outside organizations or attorneys. One social worker in the Self-Help Office provides coverage for First Appearances on weekends. A second half-time MSW recently has been hired by the Court Administrator to be located at the County Jail to handle First Appearances. There is no regular use of volunteers. The MSW and attorney are both highly motivated and dedicated professionals who bring many years of experience to the program.

Two issues emerge. First is the question of whether there should be an Attorney Director or Senior Program Manager, as in Hillsborough County, who is publicly identified with the EJC. Although it is not absolutely essential to the daily operations of the program, an attorney with administrative skills would enhance the credibility of the EJC with many key players in the legal system. This person, who should function full-time, would bring legal knowledge and some level of experience to the position. A Director or Senior Manager needs to help establish program priorities, organize and manage human resources and budgets, and serve as the public face of the EJC with

older adults, the courts, referral organizations and the broader community. If a decision is made, however, not to have an attorney in this role, someone with legal experience should definitely continue to work in this program.

The second issue concerns additional staffing, particularly in South County and in other judicial venues within the circuit. In the near term, the EJC should seek volunteers from the Senior Leadership Institute managed by the area agency on aging. They can be trained to serve as effective liaisons with the older adult community and can provide routine assistance such as regular follow-up or transportation to the courthouse under the supervision of the EJC's professional staff.

INFORMATION SYSTEM AND DATA

The information system utilized to collect and organize data for the EJC is currently undergoing some changes to improve effectiveness. Written forms for intake, including a specific form for use at First Appearances, are utilized to capture relevant case information. This data will then be input into the program's computers and used for case tracking as well as regular monthly reporting. As of this date, however, EJC staff have not had the time or programming capability to discern trends or compile summary data on needs of those coming into the system. Information management is an area that clearly needs further attention.

The "Monthly Intake Summary Report" for October shows 59 new clients and 97 served in total. Thirty-six of them were criminal, including 6 domestic battery cases that typically involve incarceration upon arrest. The November Report shows 45 new clients and 74 served in total, including 43 criminal, of which 14 were domestic battery. The latter appears to be an area of increasing significance. However, although there is a daily log summarizing "significant" cases, it is difficult to assess the relative importance of each of them in terms of significance or expenditure of staff time. Again, this area should be the subject of further review.

FUNDING SOURCES

County funding currently supports the EJC. However, there is uncertainty whether it will continue following the State of Florida's assumption of funding for the court system. Although a strong argument should be made for continuation of local revenue support, the EJC should aggressively pursue alternative sources as well. These would include local and national foundations, United Way, OMEGA, the area agency on aging, and others. Fund-raising should be a primary responsibility of a full-time Director.

GEOGRAPHIC COVERAGE

There was considerable concern expressed by many key informants about the limited services available in other parts of the Fifteenth Judicial Circuit, particularly South County. Much of this concern focused on the areas of guardianship and community education. With additional staff, including a full-time Director, and creative use of volunteers, the EJC should be able to more effectively address this issue. The increasing numbers of older adults in South County, as well as throughout most of Palm Beach County, will make this a more serious ongoing problem if not resolved in a timely manner.

RELATIONSHIPS WITH AGENCIES, ATTORNEYS, AND ADVOCATES

There is at present a sense of frustration expressed by those representatives who participated on the original Advisory Panel for the EJC. They do not believe they know "what the EJC is doing" or whether it is carrying out its original goals. Intentionally, there has been no formal communication during the period of this consultation other than interviews with them as key informants. Although most of the original panel have their own sense of "original goals," and their own priorities for the EJC, their collective sense of concern should be addressed promptly.

This can be accomplished by reviewing with them the major areas addressed herein and by periodic, perhaps quarterly, meetings to review progress and issues. Since these well-known professionals all represent major interests and constituencies throughout the County, the EJC director also should maintain ongoing, informal

communication and relationships with them individually. Undoubtedly, new and distinct concerns will emerge over time that are best resolved through close collaborative relationships.

SUMMARY

The EJC represents a substantial and innovative undertaking and investment by the Fifteenth Judicial Circuit. It has not been without controversy, but it represents a potential state and national model to improve the quality of access both to the judicial system and to health and special services by substantial numbers of older adults. Furthermore, the EJC has the potential to address effectively each of the areas identified herein and to continue to improve the availability of its services. The Fifteenth Judicial Circuit should continue to build upon its record as a leader on behalf of older adults.

RECOMMENDATIONS

The following are recommendations for the Fifteenth Judicial Circuit to address issues identified above. They are sequenced in order of ease of implementation in order to achieve maximum impact.

1. Staff

- a. Name a director or senior manager.
- b. Recruit volunteers from the AAA's Senior Leadership Institute.

2. Criminal Court

- a. Develop a strategy to ensure that older adults incarcerated upon arrest do not remain in jail overnight without the opportunity to be assessed by an EJC staff member.

3. Linkages and Relationships

- a. Meet with members of the original Advisory Panel to inform them of issues identified herein and actions taken or planned to address them.
- b. Charge the director with responsibility to maintain effective ongoing relationships and communication with them and, very importantly, with other referral organizations and agencies.

4. Education

- a. Develop a strategy to systematically inform older adults and their families about the existence and role of the EJC and about typical legal areas that may affect them. This strategy should include the use of trained volunteers.
- b. Develop a strategy to educate the judiciary, courthouse staff and, especially, law enforcement, about the role and functions of the EJC.

5. Geographic Access

- a. Develop a strategy, including use of Self-Help Centers, volunteers, and video linkages, to provide access to the EJC by older adults in courts throughout the County.

6. Guardianship

- a. Develop a strategy to implement recommendations from the draft study on guardianship concerning review and monitoring of guardianship reports.
- b. Review the current availability and quality of public guardians in the Circuit and develop a strategy to resolve current issues.

7. Information System

- a. Develop a strategy to implement an information system that can track referrals and case status of individual older adults.
- b. Design the system to track the outcomes of individual cases and referrals from the EJC.
- c. Design the system to compile summary data on the legal, health, and social service needs of older adults entering the system in order to help identify issues for legislative, programmatic and/or budgetary improvements.

8. Funding

- a. Charge the director with the responsibility of securing alternative funding sources for the future operations of the EJC.

1/7/2005



ADMINISTRATIVE OFFICE OF THE COURT
FIFTEENTH JUDICIAL CIRCUIT
OF FLORIDA

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SUSAN D. FERRANTE
COURT ADMINISTRATOR

COUNTY COURTHOUSE
WEST PALM BEACH, FLORIDA 33401
561/355-2431
[HTTP://WWW.CO.PALM-BEACH.FL.US/CADMIN](http://www.co.palm-beach.fl.us/cadmin)

February 11, 2003


Max B. Rothman, J.D., LL.M.
3000 N.E. 151st Street, AC1-234
North Miami, Florida 33181

Dear Mr. Rothman:

On behalf of the 15th Judicial Circuit, thank you for your insightful report on our Elder Justice Center. Toward that end, staff has reviewed your recommendations and is responding with respect to the anticipated action(s) to be taken.

In the meantime, our offices look forward to working with you to further develop the services and resources of our Elder Justice Center.

Sincerely,


Susan D. Ferrante
Court Administrator

cc: Chief Judge Edward Fine
Timothy Henderson, Quantum Foundation
Mayra Amador, Elder Justice Center

Responses to Recommendation

1. *Staff*

- a. The 15th Circuit will closely monitor program activities to determine need for a program director. .
- b. The 15th Circuit will actively pursue volunteer recruitment.

2. *Criminal court*

The 15th Circuit concurs with this recommendation and will work closely with law enforcement, Pretrial Services and Elder Justice Center to ensure reasonable accommodations.

3. *Linkages and Relationships*

- a. The 15th concurs with this recommendation
- b. The 15th concurs with the assignment of these duties when and if a director selection is made.

4. *Education*

- a. The 15th concurs with this recommendation
- b. The 15th concurs with this recommendation

5. *Geographic Access*

- a. The 15th concurs with this recommendation

6. *Guardianship*

- a. The 15th concurs with this recommendation and will work closely with Legal Aid and the community in developing a reliable and cohesive guardianship-monitoring program.
- b. The 15th concurs with this recommendation.

7. *Information System*

- a. The 15th concurs with these recommendations and will evaluate programs in other jurisdictions for possible implementation in Palm Beach County.
- b. The 15th concurs with these recommendations and will evaluate programs in other jurisdictions for possible implementation in Palm Beach County.
- c. The 15th concurs with these recommendations and will evaluate programs in other jurisdictions for possible implementation in Palm Beach County.

8. *Funding* The 15th concurs with the recommendation that the program director be charged with the task of securing alternative funding sources.

PHASE II

**CONSULTATION WITH THE
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Burton D. Dunlop, Ph.D.

Lourdes T. Rivas

The Center on Aging

Florida International University

October 3, 2003

The primary objectives of Phase II are as follows:

- a. Develop a strategy to implement an information system that can track referrals and case status of individual older adults who come in contact with the EJC.
- b. Design the system to track the outcomes of individual cases and referrals from the EJC.
- c. Design the system to compile summary data on the legal, health, and social service needs of older adults entering the system in order to better understand the nature of issues affecting them in the justice system so that legislative, programmatic, or budgetary improvements can be considered, and to help identify issues for future community resolution.
- d. Provide assistance on operational issues raised by the EJC staff.

Background

Phase II of this assessment began in April 2003. In early 2003, the EJC experienced turnover in staff affecting the program director and the clerical staff member responsible for creating a physical file as well as entering data electronically. Staffing also included a non-licensed Florida attorney working a part-time schedule. The Court Administrator then named a new Director, an MSW who had worked part-time with the EJC while a member of the Self-Help Center, and also approved a full-time position combining the responsibilities of a caseworker with some clerical duties. This person has an educational background in criminal justice and began in April. She had been working for the past seven months in another branch of the court. Finally, in August, another MSW with experience in guardianships and background as a care manager, was added to the staff specifically to handle guardianship matters in the Probate Division. In total, there are now four staff members working specifically on elder justice cases. However, given the increasing volume of cases handled by the EJC, staff in the Self-Help Center have been cross-trained to assist EJC staff as needed.

Information System

The information system in place to log and enter data is an ACCESS database. The system is divided into two main components: EJC-Generated Information and Outside Agency Information. Each area has its respective screens that are used to capture relevant data. The EJC-Generated information contains: 1) an index screen which captures basic demographic information; 2) an intake screen which captures general information on the case, including referral sources; 3) a criminal and civil screen that captures information such as case numbers, booking numbers, and charges; and finally, 4) a case notes screen in free-form format that allows the user to enter narratives and notes related to the case. The Outside Agency Information component is not being used by the EJC at this time, partly because screens contained in this section are more appropriate for recording information gathered in drug court.

In general, the database was not being used all the time to capture information that the EJC caseworkers were collecting. This was mainly due to two reasons: 1) EJC staff had very little training on how to use the database, and 2) the fields were not defined so the user was able to type in any answer in the data fields and the database would accept and record it. For example, a data field in the intake screen may ask "reason for intake", and the EJC caseworker could type in I&R, or information and referral or just leave it blank. Regardless of the answer, and how the answer was typed in, the database would accept and record the transaction.

The reporting capabilities in an ACCESS database are very strong. It allows the user to create a large variety of reports that can be used for management as well as produce case statistics defined by the user. To produce valid and complete reports, it is essential that the data fields within the respective data screens 1) identify and give a selection of the most common responses for the data field in question, and 2) be given an operational definition, which would ensure that the data collected and inputted into the database are treated in a consistent manner. EJC staff were not fully trained as users of the database and were unfamiliar with the full capability of the system and availability of reports. These challenges were quickly recognized and, shortly thereafter, the MIS Director of the Fifteenth Circuit Court was contacted to provide initial user training. At the same time, The Center on Aging staff began the process of defining and documenting the purpose and use for the data fields. This began by identifying the most commonly used screens pertinent to the work of the EJC, i.e., the index and intake screens of the database. This effort would ultimately ensure that information being entered could be outputted and interpreted in a consistent and understandable manner, thereby ensuring reliable back-end reports. The goal of standardizing the data has been a main focus for Phase II of this project.

The process began by identifying the source documents in place and the process flow of information used for purposes of capturing and recording specific case information. There was a one-page "intake and inquiry form" used by EJC staff for jail cases only. The inquiry form captured basic demographic information and included space for medical and psychological history. The intake and inquiry form would eventually become part of the client physical file. Client physical files had been created

and maintained by the former clerical staff. The Center on Aging staff discussed with the EJC Director possible methods for maintaining the physical files in consistent order to supplement information being captured in the database. At this time, the EJC staff is in the process of establishing a filing methodology.

Aside from the intake and inquiry form that was being used to gather information for jail cases, there was no other source document being used to record and note user information gathered at different points of contact. Lack of an adequate and more comprehensive source document for recording most types of cases and contacts, and actual work being performed, precluded the EJC staff from clearly documenting and recording their volume of work or producing statistics on types of cases handled. Thus, over several months The Center on Aging staff worked closely with EJC staff to create two new source documents that would be all-inclusive of their daily activities and contacts: a Comprehensive and a Short Intake and Information form. (See addenda I & II). These newly created forms contained specific data field responses for each of the questions most commonly asked by the EJC case worker across contacts, meaning it could be used to document information for phone contacts, jail cases, criminal and civil cases, and information inquiries, etc. The source documents were tested by the EJC staff for several weeks and went through many revisions before they became final. Today, staff are consistently using the source documents for gathering and recording all types of client contact information. The next step in completing this part of the project is to have the court MIS Director add the detailed data menu guided by the source documents for each of the fields previously discussed as they relate to the index and intake screens of the database. Once this step has been accomplished, the EJC staff will be able to identify the type and frequency of reports they will produce. The Center on Aging staff has had some preliminary discussion with the EJC staff on the categories of reports that can be created in the system (i.e., client reports by status, incident, month, and caseworker). This type of report will assist the EJC staff manage their caseloads and ensure timely follow-up on assignments of the EJC caseworker. Furthermore, it is important that the EJC's information system be utilized to produce other types of operational, client and management reports. For example, it appears that although relatively few in number, jail cases account for a substantial expenditure of

time of one member of the staff. Misdemeanors, serious motor vehicle offenses, and guardianships, however, appear to be areas generating the most cases. This needs to be documented through regular reporting. Likewise, guardianship data need to be captured in the monitoring process in order to generate regular reports.

Outcomes

EJC staff provide information to individual older persons, make referrals, conduct screenings, collect background data for the Court, and make recommendations to judges to assist in reaching the most appropriate outcomes for each case. Ultimate outcomes, of course, vary on a case-by-case basis and will differ depending on the specific circumstances and facts pertaining to each case. The EJC, it is worth mentioning, bears no responsibility for ultimate litigant outcomes. Much that determines such end results does lie within the purview of the Court system, however.

Nonetheless, there are some intermediate outcomes at the aggregate level, which the EJC should pursue. Actions leading to these intermediate outcomes could be expected to increase the chances of positive impacts for litigants and older adults otherwise engaged in the court system as well as assist in the processes of the court:

Information System

EJC staff are able to produce from the information system accurate and up-to-date monthly and yearly as well as ad hoc reports on all cases processed by the EJC by type of case.

Individual physical files on all cases processed by the EJC are maintained in standardized, complete, and up-to-date form and can serve as a reliable back-up to the computerized system.

Prioritizing Cases

Specific standards are in place and consistently followed pertaining to: the types of cases that will be accepted for potential assistance from the EJC and type and

extent of services to be provided by type of case, including procedure for receiving and responding to weekend notification of arrests and jailing of older persons.

Jail Cases

All jail cases referred by Corrections are screened and, when appropriate, recommended to the Court for a full physical or mental assessment.

Linkages with Providers

All provider agreements are replaced with ones that require on-going feedback to the EJC on persons the EJC refers.

The EJC obtains a signed release from all persons served that allows the EJC to access their medical records for use in providing recommendations to the court when appropriate.

Guardianships

The roles and level of training required for EJC staff and volunteers involved in investigation of guardianship cases are clearly specified and consistently followed.

All cases on the list of wards assigned to the EJC are categorized as open, closed, or deceased and their addresses as well as contact information on their guardians and attorneys are all updated.

Trained volunteers check on the well-being of all wards whose annual reports have not been filed by their guardians or whose situations are identified by the Probate Judge as needing investigation.

Other Objectives

I. Prioritizing cases

The EJC receives referrals from numerous sources including the Clerk's Office, the State Attorney's Office, the Public Defender's Office, family members and, of course, older people themselves. The most consistent referral source for the EJC is pre-trial services. Because the EJC receives referrals from so many different sources, however, staff has developed through time certain informal processes to assist them in prioritizing their involvement with cases.

The Fifteenth Circuit Clerk's Office faxes to the EJC a daily "EJC criminal docket" (it is also available to the EJC caseworker online). This docket is specific to the EJC in that it lists only those individuals 60 or older who are scheduled for court that day. The EJC docket also is specific to the type of court the older person is scheduled for and is inclusive of both the South Court appointments located in Delray Beach and the North Court located in West Palm Beach. The EJC caseworker attempts to contact each individual listed on the docket at North Court in order to remind each of his or her court appointment. It also allows the EJC caseworker to introduce herself and explain the EJC's role. Not all older persons listed on the EJC criminal docket become clients of the EJC. In fact, those individuals who already have private attorneys are not contacted at all. This recent effort by EJC staff was undertaken to reduce the substantial number of older persons who miss their court appearances and appointments. While commendable, EJC staff do not have access to demographic information for them and, therefore, spend a considerable amount of time attempting to obtain telephone contact information.

The other most common referral source is pre-trial services located at Gun Club (the County jail). Jail cases are a high priority for the EJC caseworker. Each weekday morning, after receiving a phone call from pre-trial services whenever a person 60 or older has been placed in jail within the previous 24 hours, the EJC receives a formal document from pre-trial services titled, "Arrest Record". The arrest record provides the EJC caseworker with necessary information relative to the case, including the charges. These cases are all scheduled for First Appearance in court located at the jail either first

thing in the morning or early in the afternoon. The EJC caseworker will visit the older person, usually just prior to First Appearance, to conduct a preliminary screening. Typically, the EJC caseworker has only ten to fifteen minutes to explain the purpose of the EJC and to interview the older individual. This brief visit presents a major challenge to the EJC caseworker because it may not always provide enough time to gain a level of trust necessary for gathering information concerning health or mental status or other background detail needed by the Court. This suggests the need to work with the Palm Beach County Sheriff's Office to address arrests of persons 60 and over in a more timely and responsive manner. On the other hand, the EJC staff have established relationships with many Public Defenders and the State Attorneys' Office, allowing the caseworker to interact with them constructively and coordinate efforts relative to this stage of the case. While this coordinated effort is becoming more prevalent and customary, some private attorneys remain hesitant in their interaction and coordination with the caseworker because of a level of uncertainty about the EJC's role.

While the two most common referral sources for the EJC remain pre-trial services and the Clerk's Office, EJC's method of prioritizing cases to ensure they are aiding those older persons most in need of assistance continues to evolve. Cases involving domestic violence and theft are current priorities; however, all cases are discussed and "staffed" with the Director to ensure that staff time remains focused on cases identified as high priority.

II. Linkages with providers

The EJC has referral agreements with many community providers, including mental health, social services, legal aid, alcohol and substance abuse organizations. In instances where the EJC caseworker makes a recommendation to a judge regarding a mental health evaluation, the older person's insurance coverage may be adequate to pay for it; if not, the EJC caseworker will make a referral to the public mental health facility. However, due to strict privacy laws surrounding mental health, the EJC staff rarely receives feedback from the service provider on the outcome of the evaluation (the evaluation results are provided directly to the Court). Other types of referrals to providers such as social services or home health agencies are sometimes made by the

EJC caseworker. However, because of loosely worded referral agreements, providers are not contractually obligated to accept a referral from the EJC and, if they do, they are not obligated by contract to provide feedback. Since the provider does not receive any reimbursement directly from the EJC for referrals, little incentive exists to report back client outcomes.

In fact, this issue is symptomatic of what is a major underlying gap in the health and social services fabric of most communities in Florida and throughout the United States: the inability to identify, assess, and provide appropriate residential treatment options for older persons with mental health problems and/or dementia. This is a quality of life issue that goes to the heart of the revolving cycle of arrests, guardianship proceedings, serious motor vehicle violations and other situations that ultimately produce the burgeoning numbers of elders in the courthouse. The EJC can take a leadership role in the community by clearly documenting these phenomena and by working with the human services community, law enforcement, Palm Beach County government, and funding organizations to fashion realistic solutions.

III. Guardianship

In Phase I, The Center on Aging raised two specific issues relating to the Guardianship program: the inadequate number of guardians and the lack of capacity by the Probate Court to review and monitor guardianship reports. In May 2003 the EJC inherited responsibility for assisting the Probate Court for the north part of Palm Beach County (at this time, it does not have responsibility in the south part of the County). As of August, there were 1800 wards that needed to be contacted to update their information with the Clerk's Office. Given this new responsibility, EJC staff have attended basic training, but will require more in-depth training in order to provide effective direction to five older volunteers who were recruited to assist in this process.

As noted above, in order to address these important tasks, the EJC hired a full-time person possessing experience working with guardianship issues in the community to serve as guardianship project leader. The EJC's current responsibilities are as follows:

- a. categorize every case on the 1800 person list as open, closed or deceased,
- b. update ward information on living arrangements/addresses and names of guardians and attorneys,
- c. check on the well-being of wards whose annual reports have not been filed by their respective guardians, and
- d. investigate (when necessary) cases that are identified by the Probate Judge for review (i.e., may require a visit to the ward's home and an assessment of his or her well-being, finances, and physical surroundings).

Responsibilities for guardianship matters likely will continue to evolve and the volunteer component will most likely become a major component of the process. The guardianship project leader believes the volunteer component is key to future improvement and a strong, viable system for monitoring guardianships. Volunteers will be thoroughly screened and trained appropriately to handle both routine and more complicated cases. Monitoring of cases is scheduled to begin as soon as training is completed, which the EJC project leader estimates will be in November. In addition to volunteer recruitment and training, the EJC will propose a standard fee structure for guardians. This will help ensure that guardian fees and rates are reasonable and commensurate with services rendered as well as protect the assets of wards against excessive charges.

The Center on Aging provided information to the EJC guardianship project leader regarding a new State advisory group on guardianship. Through contact with this group, the EJC can assist the State in developing new protocols and standards for ensuring the safety, protection and overall well being of elder wards in Florida's system as well as stay abreast of statewide developments in this increasingly visible arena of public policy.

RECOMMENDATIONS-PHASE II

During the next 12 months, the EJC should undertake the following activities:

Information System

1. Create operational definitions for data fields in the database as related to the relevant system screens utilized by EJC staff.
2. Establish written policies and procedures particular to the database and how information is captured and subsequently entered.
3. Standardize the type of information that will be kept in the individual physical file as well as establish a methodology for the filing system.
4. Identify type and frequency of operational, client and management reports that will be generated from the system.
5. Document the type of cases handled by the EJC on a monthly basis and yearly basis, including jail cases, misdemeanors, motor vehicle offenses, and guardianships.
6. Work to incorporate measures of the guardianship monitoring process into the information system.

Outcomes

1. Operationalize all proposed outcome measures, including making use of the information system whenever applicable.

Prioritizing Cases

1. Develop specific standards for matters that will be accepted by the EJC, including such factors as type of case, age of older person, or other factors defined by the EJC in collaboration with the Court Administrator's Office.
2. Develop specific guidelines for the type and extent of services to be provided by EJC staff in each different type of case.
3. Work with the Palm Beach County Sheriff's Office to standardize procedure for receiving and responding to evening and weekend notification of arrests and jailing of older persons.

Linkages with providers

1. Review the current provider agreement to strengthen language that would require on-going feedback to EJC staff on persons referred to providers.
2. Obtain authorization from persons referred for access to personal and medical information (post-referral) in order to assist with providing recommendations to the court for appropriate disposition.
3. Initiate a community-wide effort to address the needs of older persons with problems of mental health and/or dementia.

Guardianship

1. Review the specific roles and level of training required for staff and volunteers involved in the investigation of guardianship cases.

General

1. Further define the mission and objectives of the EJC and communicate this consistently to older persons, court staff, providers, and the community-at-large.
2. Educate court offices that most typically interact with the EJC on the role of the EJC caseworker in relation to routine cases.
3. Prepare one or more proposals for pilot projects to enhance EJC capacity.

Addendum I

Elder Justice Center
Comprehensive Information & Intake Form

| | |
|--|---|
| <p><u>Demographic Information</u></p> <p>Date _____</p> <p>First name _____</p> <p>Social Security No. ____/____/____</p> <p>Phone Number: () _____</p> <p>Address: _____</p> <p>Other Address: _____</p> <p>Family Contact: (Name) _____ Tel: () _____</p> <p>Race: ____ White ____ Black ____ Hispanic ____ Asian ____ Indian</p> <p>Marital Status: ____ Married ____ Single ____ Separated ____ Widow ____ Divorced</p> <p>Spouse/partner name: _____ DOB: ____/____/____ Age _____</p> | <p>EJC Case Manager: _____</p> <p>EJC Case Number: _____</p> <p>New Client: ____ Yes ____ No</p> <p>Gender: ____ Male ____ Female</p> <p>Last Name _____</p> <p>Date of Birth: ____/____/____ Age _____</p> |
|--|---|

1. Initial Contact was made:

In-court Walk-in By mail or fax
 By phone In jail EJC daily docket
 Third party: Name: _____

2. Reason for Intake:

Information (only) Information & referral

 Civil legal matter (specify)
 lawsuit
 probate
 eviction
 ejection
 small claims
 bankruptcy
 divorce

Criminal legal matter (specify):
 DIU
 simple battery
 domestic violence/assault
 speeding
 leaving the scene of an accident
 driving w/suspended/revoked license
 other: _____
 booking # _____ case # _____

3. Referred by:

Pre trial services Self-help Family member
 Judge Self-referral Court records
 State Attorney Public Defender
 Other _____

4. Medical Information:

Treating Physician: Name _____
 Phone Number () _____
 Current Meds: _____

Medical history (conditions): _____
Psychological history: _____
Alcohol/drug history: _____

5. Insurance Information: (What kind of health insurance coverage do they have)

___ VA ___ Medicaid only ___ Medicare only ___ Dual eligible
___ Private insurance _____

6. Income Information: (sources of income)

___ Social security Total Monthly Income \$ _____
___ Pension
___ Employment ___ F/T ___ P/T
___ Alimony ___ Other _____

7. Initial Services provided:

o IF IN JAIL

___ Face to face assessment date: ___/___/___
___ Assistance at 1st appearance date: ___/___/___
___ Other _____

o IF A COURT CASE

___ Assistance in finding the court room
___ Accompany the client to court
___ Other _____

CONDITIONS BY THE COURT

Division _____ Room # _____
Judge _____
Name: _____

PD Appointed: ___ Yes ___ No

Private Attorney: ___ Yes ___ No

Name: _____

o IF INFORMATION & REFERRAL

___ Social service provider ___ Private attorney
___ Mental health provider ___ Legal aide
___ Self-help center ___ Housing Authority
___ Alcohol and substance abuse provider
___ Other: _____

8. Case Status: ___ Open ___ Closed: date ___/___/___ ___ Not applicable

9. Follow-up required: ___ Yes ___ No

10. Reason for follow-up:

___ Court date ___ Pending information ___ On-going assistance
___ State Recommended action: _____
o Begin date: ___/___/___ End date: ___/___/___

Comments:

Addendum II

Elder Justice Center
Short Information & Intake Form

| | |
|--|--|
| <u>Demographic Information</u> | EJC Case Manager: _____ |
| Date _____ | EJC Case Number: _____ |
| First name _____ | New Client: _____ Yes _____ No |
| Social Security No. ____/____/____ | Gender: _____ Male _____ Female |
| Phone Number: () _____ | Last Name _____ |
| Address: _____ | Date of Birth: ____/____/____ Age ____ |
| Other Address: _____ | |
| Family Contact: (Name) _____ | Tel: () _____ |
| Race: _____ White _____ Black _____ Hispanic _____ Asian _____ Indian | |
| Marital Status: _____ Married _____ Single _____ Separated _____ Widow _____ | |
| Divorced _____ | |
| Spouse/partner name: _____ | DOB: ____/____/____ |
| Age _____ | |

8. Initial Contact was made:

In-court Walk-in By mail or fax
 By phone In jail EJC daily docket
 Third party: Name: _____

9. Reason for Intake:

Information (only) Information & referral

| | |
|---|---|
| <input type="checkbox"/> Civil legal matter (specify) <input type="checkbox"/> lawsuit <input type="checkbox"/> probate <input type="checkbox"/> eviction <input type="checkbox"/> ejection <input type="checkbox"/> small claims <input type="checkbox"/> bankruptcy <input type="checkbox"/> divorce | <input type="checkbox"/> Criminal legal matter (specify): <input type="checkbox"/> DIU <input type="checkbox"/> simple battery <input type="checkbox"/> domestic violence/assault <input type="checkbox"/> speeding <input type="checkbox"/> leaving the scene of an accident <input type="checkbox"/> driving w/suspended/revoked license <input type="checkbox"/> other: _____ booking # _____ case # _____ |
|---|---|

Addendum III

Case Examples

1. Civil Court--- assisted an 83-year old woman whose adopted daughter had engaged in identity theft involving the woman's credit cards. The EJC caseworker counseled the woman who had been sued by a credit card company, accompanied her and her son to court, provided background about the case to the judge and explained to the woman that the judge recommended that they (the credit card company) pursue another option for collection. The final disposition of the case has not been determined.
2. Criminal Court--- assisted a 73-year old man in jail for carrying a concealed weapon and resisting arrest. The caseworker investigated background information on the case and recommended a mental health intervention. The judge placed him under house arrest, probation and ordered regular contact with the EJC. Because of issues of non-compliance, the caseworker is investigating further details on his health status and the case remains open.
3. Traffic--- assisted an 81-year old woman arrested for driving with a suspended license. A preliminary screening indicated the need for an assessment from the Memory Disorder Clinic. This resulted in confirmation of vascular dementia. The caseworker made a recommendation to the woman's daughter that she seek an attorney and provided to her about information on guardianship.
4. Criminal--- assisted a 76- year old female charged with domestic battery (spouse abuse). After a screening in jail, the caseworker recommended that the court order a mental health evaluation. Based upon further observation in the home, the caseworker made a referral to the Alzheimer's Community Care Association, which diagnosed dementia with delusions. The spouse was referred to a psychiatrist. The Court has accepted a plea agreement at the arraignment and both parties were eventually placed in an assisted living facility.

5. Criminal--- assisted a 70-year old woman arrested and jailed for shoplifting \$8.00 worth of merchandise. The caseworker noted indications of dementia at the screening prior to the First Appearance. The worker contacted her daughter who confirmed that her mother lived in Gainesville where she had been diagnosed with Alzheimer's Disease. Upon recommendation of the State Attorney, the case was dismissed at the arraignment.

6. Criminal--- assisted a 67-year old woman charged and jailed with domestic battery against her daughter. The initial screening prior to the First Appearance revealed a history of psychological conditions, including bi-polar disorder. The woman ceased taking medication because of severe side effects. The caseworker recommended an inpatient hospital mental health evaluation. A psychiatrist saw her and new medications were prescribed. The caseworker recommended continuation of this treatment plan, which was accepted by the court in connection with a plea agreement by the woman with the State Attorney.

* * *