



**TESTIMONY OF LEGAL SERVICES FOR THE  
ELDERLY IN SUPPORT AN ACT TO PROVIDE  
FUNDING FOR ESSENTIAL SERVICES FOR  
VICTIMS OF CRIMES (LD 2084)**

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January 23, 2024

Senator Carney, Representative Moonen, and esteemed members of the Judiciary Committee, my name is Jaye Martin, and I am the Executive Director of Legal Services for the Elderly.

I submit this testimony today in support of LD 2084, an Act to Provide Funding for Essential Services for Victims of Crimes.

Legal Services for the Elderly (LSE) is a nonprofit corporation that was formed in 1974. LSE's mission is to provide free legal help to older people in Maine when their basic human needs are at stake. **We help 3,700 older adults each year** secure shelter, food, health care, public benefits and safety. The number seeking our help is growing at the rate of about ten percent per year.

I can tell you that the current landscape facing older people in Maine is unlike anything LSE has seen in its history. The caseload is increasing, and the cases are more and more urgent and resource-intensive.

Unfortunately, too often this includes elder abuse including financial exploitation. In 2023, LSE took on **443 new cases for older people victimized by a family member, acquaintance, caregiver, financial contact, stranger, or housemate**. Including ongoing cases, last year LSE handled a total of 539 elder abuse matters. While this is only twelve percent of our total caseload, it is our most resource-intensive work with potentially lifesaving impacts.

Our cases assisting older fellow Mainers who are suffering the consequences of a physical attack, fraud, theft, or numerous other crimes or forms of abuse are among the most heart-rending and important cases any lawyer can take on.

A wide range of people come to LSE after being victimized. It is hard to generalize about their circumstances. Some live independently and are entirely

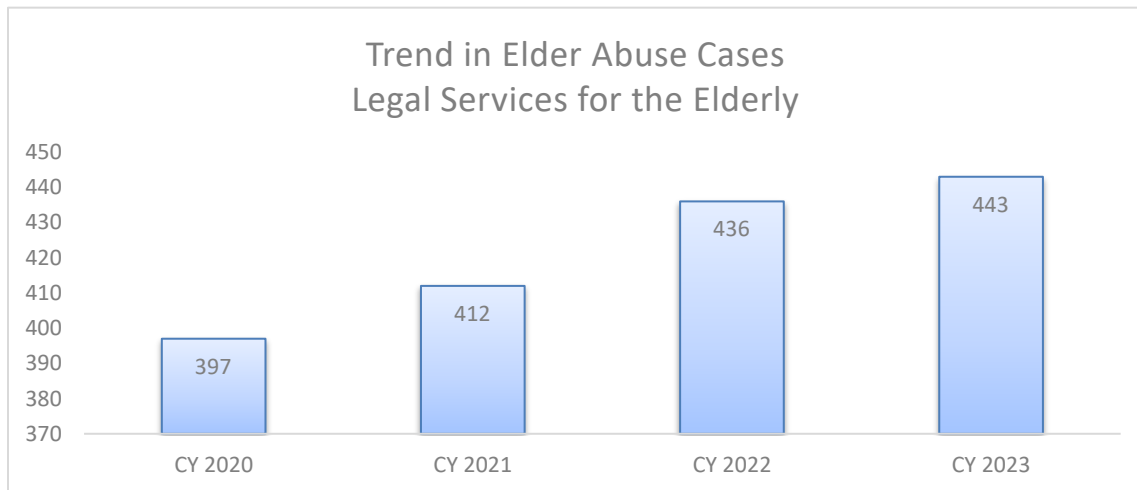
self-sufficient, others live with a modest amount of assistance, and some live in a nursing or assisted living facility. Those who need assistance with daily activities might be considered especially vulnerable to abuse or exploitation.

**But no one asks or expects to be a victim of elder abuse.**

Many cases come through our door as emergencies where elder abuse is ongoing and the victim is grappling with how best to protect themselves from further injury and to mitigate the harm already occurring, most commonly at the hands of someone they know and trusted. In many cases, **LSE attorneys must take immediate action in court** to avert the threat of imminent physical or financial harm. In typical elder abuse cases we help clients by recovering stolen assets, ensuring safe housing, or securing judicial orders that protect from threats of further harm. LSE also assists older people who have dangerous people living in their home, either because they have allowed a family member to move in or because they have rented out a part of their home to help pay the bills.

In 2016, the federal government expanded the authorized uses of funding for crime victim services and identified victims of elder abuse as an underserved group making our work here in Maine eligible to receive funding through the Victims of Crime Act (VOCA). Since that time, LSE has received a modest but crucial allocation of VOCA funding for our work representing older victims. In 2023, VOCA funds covered about one-third LSE's cost of representing victims of elder abuse, supporting one full-time paralegal and a small fraction of our staff attorneys working in every county of the state. LSE pairs this essential allocation of federal funding with other sources of funding, including an appropriation of state funding, to strive to meet the growing legal needs of older Mainers, including victims of elder abuse.

As Maine's older population increases, LSE's docket of elder abuse cases is steadily growing:



The cases LSE takes on **are just the tip of the iceberg**. Research shows that most elder abuse victims don't seek or get help.<sup>1</sup>

With our small staff LSE does everything in our power not to turn away clients who need help. We tirelessly pursue any available source of funds. But you have heard testimony about the impending 62% cut in VOCA funding for victim services across the state, and that will hinder this work, bringing real consequences for older victims who need free legal help to restore their safety. The following example cases are representative of the people we help with VOCA funding, and who we may not be able to fully assist in the future:

- At nearly ninety years of age, K suffered a fall and required medical care and admission to a nursing facility. While K was in a locked dementia unit, her granddaughter transferred ownership of K's home to a trust of which the granddaughter was the sole beneficiary. The granddaughter also withdrew \$70,000 from K's bank account without authorization.
- B befriended her neighbor and the two would frequently help each other out with their daily routines. One day B discovered that the neighbor had learned the PIN for B's bank account and withdrawn \$15,000. The theft resulted in a cascade of financial consequences for B, including repossession of her vehicle. The stress on B was so great that B required

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<sup>1</sup> The Maine Elder Justice Roadmap, page 2. [https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/EJCP\\_Roadmap.pdf](https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/EJCP_Roadmap.pdf)

medical care.

- H's niece took care of him until her unexpected death. The late niece's husband tried to physically remove H from their shared apartment, leaving H's possessions behind. The husband also took H's debit card and withdrew funds for his own benefit.
- After T was hospitalized, she asked her son to help with financial matters including paying bills. The son cashed out the retirement accounts of both T and her late husband and walked away with more than \$40,000. This left T with steep debts and a greatly diminished retirement account while she coped with the loss of her deceased husband's income.

It is impossible to overstate the personal toll that cases like these impose on older Mainers.<sup>2</sup> The victims face **financial ruin and are emotionally devastated**. Most abuse is committed by someone known to the older victim, and sixty percent of the elder abuse we see is at the hands of a child of the victim.<sup>3</sup> This is consistent with studies done around the nation. We are saddened but not surprised to see that elder abuse results in measurable decrease in mortality.<sup>4</sup>

The financial consequences are just as disturbing as the emotional and personal harm. According to a study by the Muskie School of Public Service, over a six-year period, older Mainers suffered a **net loss of \$28 million from known cases of financial exploitation**<sup>5</sup> with a median loss of those assisted by LSE of \$27,000 per victim.<sup>6</sup> The study examined cases where the perpetrator assumed ownership of real estate, diverted payments intended for the victim's care, or simply withdrew cash from the victim's bank account.<sup>7</sup>

Though some elder abuse matters may eventually be prosecuted as crimes, this

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<sup>2</sup> The co-occurrence of medical issues is not coincidental. For a variety of reasons, too often an older person faces the perfect storm of risk factors for abuse – a chronic medical condition, a precarious financial situation, and an unstable living arrangement.

<sup>3</sup> Griffin, E., McGuire, C. & Snow, K. (2017). Financial Exploitation of Maine's Older Adults: An Analysis of Maine's Adult Protective Services and Legal Services for the Elderly Case Records. Portland, ME: Muskie School of Public Service, page 17 <https://mainelse.org/content/report-financial-exploitation.pdf>. Hereinafter "Muskie Report." The Executive Summary of the Muskie Report is appended to this testimony.

<sup>4</sup> See Lachs et al. (1998). "The Mortality of Elder Mistreatment," JAMA, Vol. 280(5), 428-432.

<sup>5</sup> Muskie Report, page 31, table 8.

<sup>6</sup> Muskie Report, page 3.

<sup>7</sup> For more statistics about elder abuse, see the website of the Maine Council for Elder Abuse Prevention, <https://elderabuseprevention.info/learn-about-elder-abuse/statistics-data>

is far from the norm, and even if there is an investigation and eventual prosecution, the criminal justice system moves very slowly. Victims need **immediate civil legal representation** to protect their interests from further harm. LSE attorneys help by seeking protection and restraining orders, revoking Powers of Attorney, recovering lost assets, restoring control over income streams, securing payments intended for the benefit of the victim, and restoring credit ratings.<sup>8</sup>

In addition to the loss of safety, independence and dignity experienced by individuals, unabated financial exploitation and other forms of elder abuse afflicts every community and the entire state. The surge of elder abuse cases exacerbates existing burdens on caregivers, strains various public and private assistance programs, and adds to health care and social services budgets.

Fundamentally, LD 2084 is about serving people in dire need. The harsh reality is that if the Legislature does not step in to sustain current funding, thousands of **innocent Mainers facing a devastating crisis will have nowhere to turn.**

We respectfully ask that you pass LD 2084. Furthermore, knowing that this funding is only a small portion of what is needed to meet the legal needs of older victims, let alone the range of other types of legal problems faced by low income older Mainers, we ask that you also put permanent funding for legal aid into the budget to ensure the continuity of these vital services.<sup>9</sup>

Together we can assist victims of crime, including older Mainers, in their hour of need.

Thank you.

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<sup>8</sup> Many older people desire and would benefit from more extensive help, but the resources are not available to allow for that.

<sup>9</sup> This year LSE and other legal services providers are also seeking a permanent increase in the Maine Civil Legal Services Fund appropriation. The MCLSF benefits Mainers with a wide array of legal needs, not just victims of crime or abuse. These include landlord-tenant issues, domestic violence matters, child custody proceedings, asylum cases, and cases involving worker rights.

# FINANCIAL EXPLOITATION OF MAINE'S OLDER ADULTS

## Financial Exploitation Increases the Vulnerability of Maine's Older Adults

Financial exploitation occurs when a person misuses or takes the assets of a vulnerable adult for his or her own benefit. As a result of financial exploitation, victims may be robbed of the resources they need to meet their personal needs.

Because **only a fraction of financial exploitation cases is ever reported**, we used the APS and LSE data to estimate the total amount of money Maine's older adults lost as a result of financial exploitation, including both reported and unreported cases.

**\$74 to \$451 million**

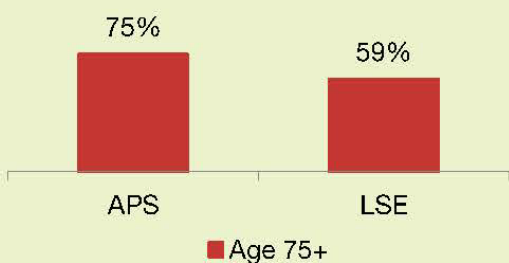
*The estimated range of how much money Maine's older adults lost as a result of financial exploitation between July 1, 2009 through June 30, 2016.*

\* According to different estimates only one in 10 or one in 44 cases of financial are reported

Estimated loss does not include the cost of public benefits required because of the loss (e.g., nutrition assistance, housing, or Medicaid and Medicare) or the cost of protective services, legal services or the criminal justice system.

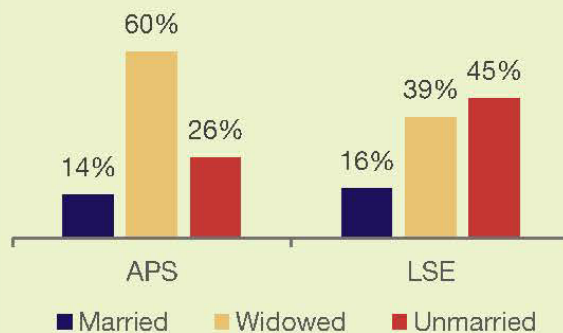
## The Victims of Financial Exploitation

- ▶ Victims of financial exploitation are more likely to be **older**.



75% of APS and 59% of LSE financial exploitation victims were age 75 and older.

- ▶ Victims of financial exploitation are less likely to be **married**



For APS, 15% of victims of financial exploitation were married. For LSE, 16% were married. (Unmarried includes divorced separated and never married.)

## This Study

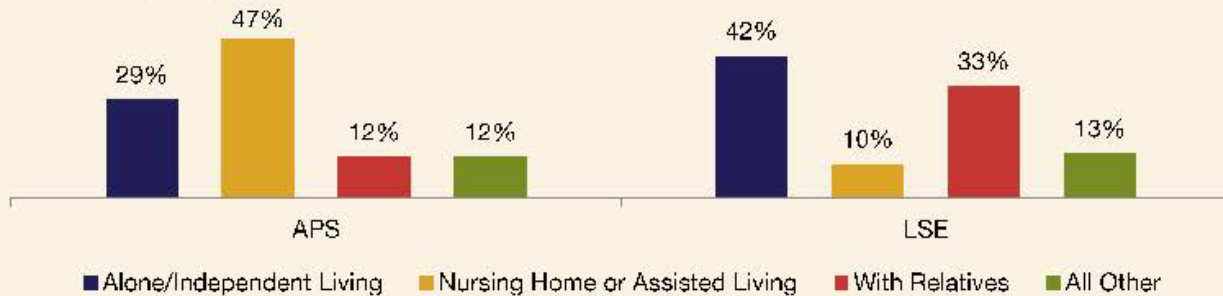
To better understand the nature of financial exploitation in Maine, this study analyzes cases handled by Maine's Adult Protective Services and Maine's Legal Services for the Elderly for **state fiscal years (SFY) 2010 – 2016** (459 cases and 205 cases respectively).

**Adult Protective Services (APS)** serves victims of abuse, neglect and exploitation who are incapacitated or dependent because of a disability.\*\* **Legal Services for the Elderly (LSE)** provides free legal services to Maine residents age 60 or older when their basic human needs are at stake.

\*\* APS serves adults age 18 and older. This study is limited only to adults age 60 and up.

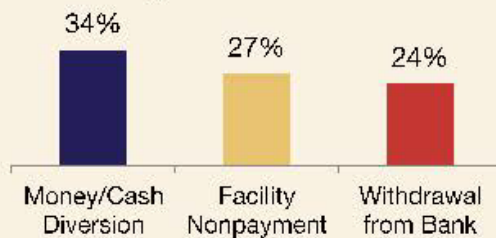
## Where Victims of Financial Exploitation Live at the Time They Are Exploited

- ▶ Victims served by APS are more likely to reside in a **nursing home or assisted living facility (47%)**. Those served by LSE are more likely to **live alone or independently (42%)** or **with relatives (33%)**.

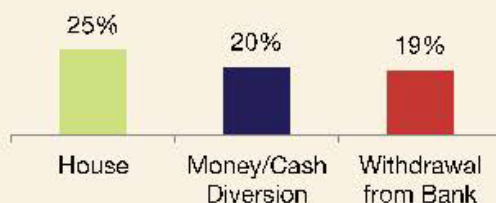


## The Most Common Types of Financial Losses

- ▶ For APS, **diversion of cash (34%)**, **failure to pay for nursing facility services (27%)**, and **withdrawal from bank accounts (24%)** were the most common types of losses.

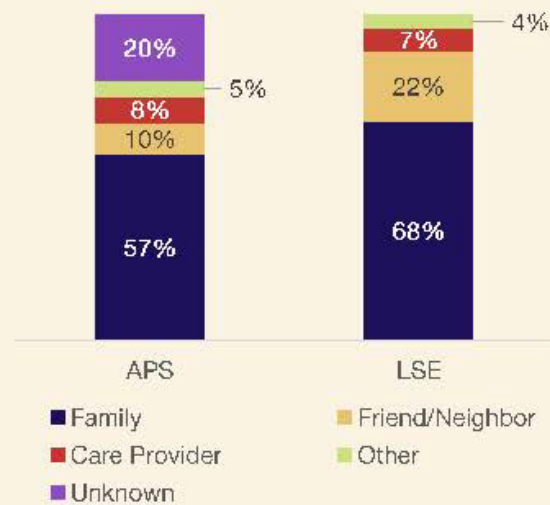


- ▶ For LSE, the **loss of a house (25%)** was most common, **diversion of cash next (20%)**, and **withdrawal from a bank (19%)** was the third most common type of loss.



## The Perpetrators

- ▶ In most cases, financial exploitation is perpetrated by a **family member**. For those perpetrators who were family members, the majority were **the victim's child**.



For APS, 57% of perpetrators were related to the victim; for LSE 68% were related. Among related perpetrators, for APS 66% were the victim's child; for LSE, 60% were the victim's child.

The prevalence of financial exploitation in Maine suggests the need for more public awareness; new strategies for detecting and preventing financial exploitation before it occurs; and improved capacity to recover lost personal resources, protect vulnerable older adults, and bring perpetrators to justice.