



Testimony of Legal Services for Maine Elders
In Support of Funding for Services for Victims of Crime

Monday, February 24, 2025

2:00 pm

LD 210 – An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2025, June 30, 2026 and June 30, 2027

Purchased Social Services 0228 on page A-394

Senator Rotundo, Representative Gattine, and members of the Joint Standing Committee on Appropriations and Financial Affairs, and Senator Ingwersen and Representative Meyer and members of the Joint Standing Committee on Health and Human Services:

My name is Jaye Martin, Executive Director of Legal Services for Maine Elders. Today we testify in support of victims of crime and the funding that helps provide them with vital services in their hour of need.¹

Since 1974 Legal Services for Maine Elders has provided free legal help to older people in Maine when their basic human needs are at stake. **We help 4,000 older adults each year** secure shelter, food, health care, public benefits and safety. The number seeking our help grew by 24% in the past year and 49% of the cases involved emergency situations.

Unfortunately, too often this includes elder abuse including financial exploitation. In 2024, LSE took on **508 new cases for older people who were victims of** a physical attack, fraud, theft, or numerous other crimes or forms of abuse. The perpetrator may be **a family member, acquaintance, caregiver, lawyer, financial contact, stranger, or housemate**. These are among the most heart-rending and important cases any lawyer can take on.

¹ Page A-394 of the proposed budget “Provides funding to replace current and anticipated reductions in grants to the department under the federal Victims assistance formula grant program administered by the United States Department of Justice, Office of Justice Programs, Office for Victims of Crime Act of 1984.” The proposed budget includes \$3 million for each year of the biennium.

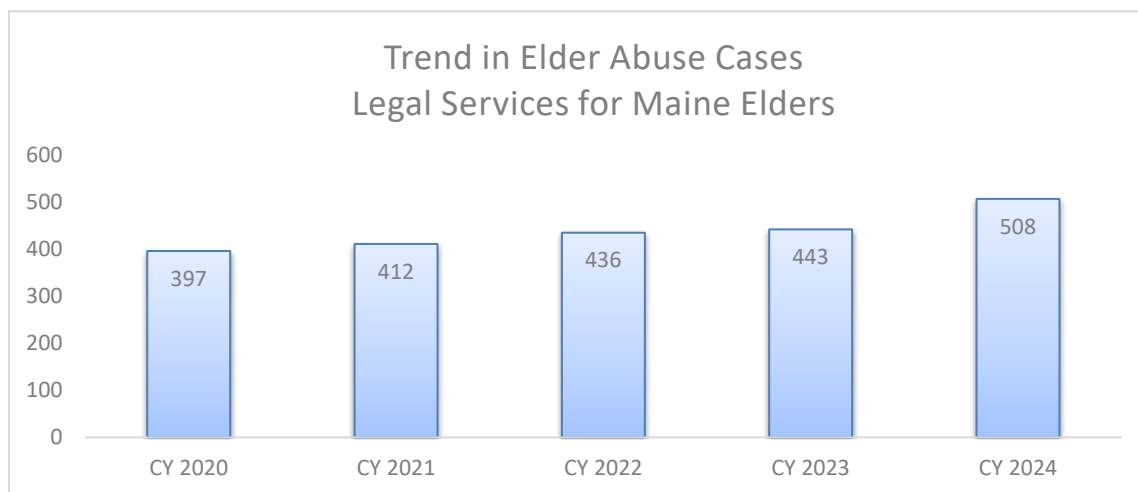
Including ongoing cases, last year LSE handled a total of 633 elder abuse matters. While this is only eleven percent of our total caseload, it is our most resource-intensive work with potentially lifesaving consequences.

Some older Mainers who are victims of crime live independently and are entirely self-sufficient. Others who need assistance with daily activities might reside in assisted housing or a nursing facility. They may be considered especially vulnerable to abuse or exploitation, **but no one asks or expects to be a victim of elder abuse.**

Many of these cases involve ongoing abuse requiring **LSE attorneys to take immediate action in court** to avert the threat of imminent physical or financial harm. We help these clients by securing judicial orders protecting them from threats of further harm, recovering stolen assets, or ensuring safe housing. 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 identified victims of elder abuse as an underserved group. As a result, our work is eligible to receive a modest but crucial amount of funding through the Victims of Crime Act (VOCA). VOCA funds cover about one-third of the 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.

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.²

The imminent cut in VOCA funding will hinder this work. 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 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.³ 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.⁴ This is consistent with studies done around the nation. We

² The Maine Elder Justice Roadmap, page 2. https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/EJCP_Roadmap.pdf

³ 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.

⁴ 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

are saddened but not surprised to see that elder abuse results in measurable increases in mortality.⁵

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**⁶ with a median loss of those assisted by LSE of \$27,000 per victim.⁷ 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.⁸

Though some elder abuse matters may eventually be prosecuted as crimes, this is far from the norm, and even if there is an investigation and eventual prosecution, the criminal justice system moves slowly. Victims need **immediate civil legal representation** to protect their interests from further harm. LSE attorneys act immediately 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.⁹

Unabated elder abuse costs an individual their safety, independence and dignity. The surge of elder abuse cases also impacts the community, exacerbating existing burdens on caregivers, straining public and private assistance programs, and adding to health care and social services budgets.

Fundamentally, VOCA replacement funding 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.**

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 increased permanent funding for legal aid into the budget to ensure the continuity of these vital services.¹⁰

"Muskie Report." The Executive Summary of the Muskie Report is appended to this testimony.

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

⁶ Muskie Report, page 31, table 8.

⁷ Muskie Report, page 3.

⁸ 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>

⁹ Many older people desire and would benefit from more extensive help, but the resources are not available to allow for that.

¹⁰ This year LSE and other legal services providers are also seeking an increase in the Maine Civil Legal Services Fund appropriation. The MCLSF benefits Mainers with a wide array of legal needs, not just victims

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

Thank you.

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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.

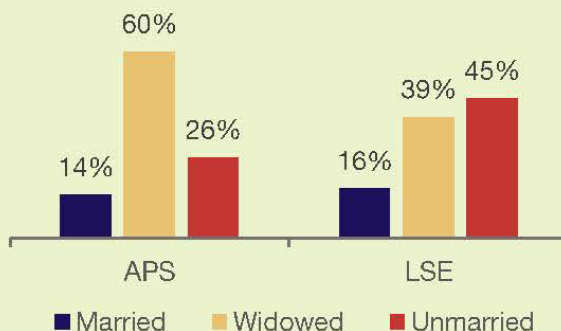
The Victims of Financial Exploitation

- ▶ 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

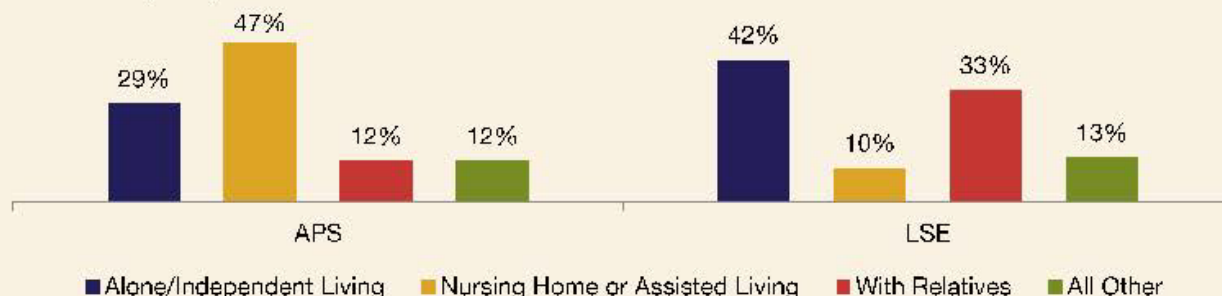
To better understand the nature of financial exploitation in Maine, this study analyzes cases handled by Maine's Adult Protective Services and Maine's Legal Services for the Elderly for **state fiscal years (SFY) 2010 – 2016** (459 cases and 205 cases respectively).

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.

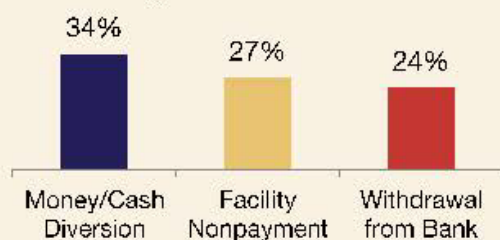
Where Victims of Financial Exploitation Live at the Time They Are Exploited

- 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.

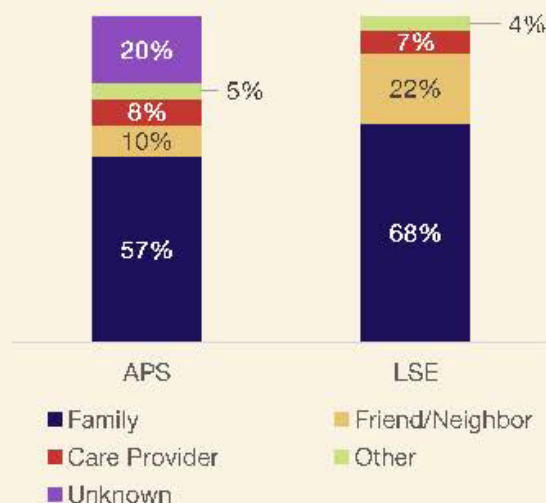


- For LSE, the **loss of a house (25%)** was most common, **diversion of cash next (20%)**, and **withdrawal from a bank (19%)** was the third most common type of loss.



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.