

**LEGAL SERVICES
FOR MAINE ELDERS**

Free Legal Help for Older Mainers

Testimony of Legal Services for Maine Elders

In Support of LD 1139—An Act to Provide Funding for Essential Services for Victims of Crime

Senator Carney, Representative Kuhn, and esteemed members of the Judiciary Committee, my name is Jaye Martin, I live in Stockton Springs, and I am the Executive Director of Legal Services for Maine Elders (formerly known as Legal Services for the Elderly).

I am testifying today in support of LD 1139 An Act to Provide Funding for Essential Services for Victims of Crime.

Legal Services for Maine Elders (LSE) mission is to provide free legal help to older people in Maine when their basic human needs are at stake. This includes shelter, food, health care, public benefits and safety. We also provide advocacy services to people having trouble accessing Medicare benefits.

Since 1974 LSE 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 is most often a **family member, acquaintance, caregiver, or housemate**. These are among the most heart-rending and important cases any lawyer can take on.

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.**

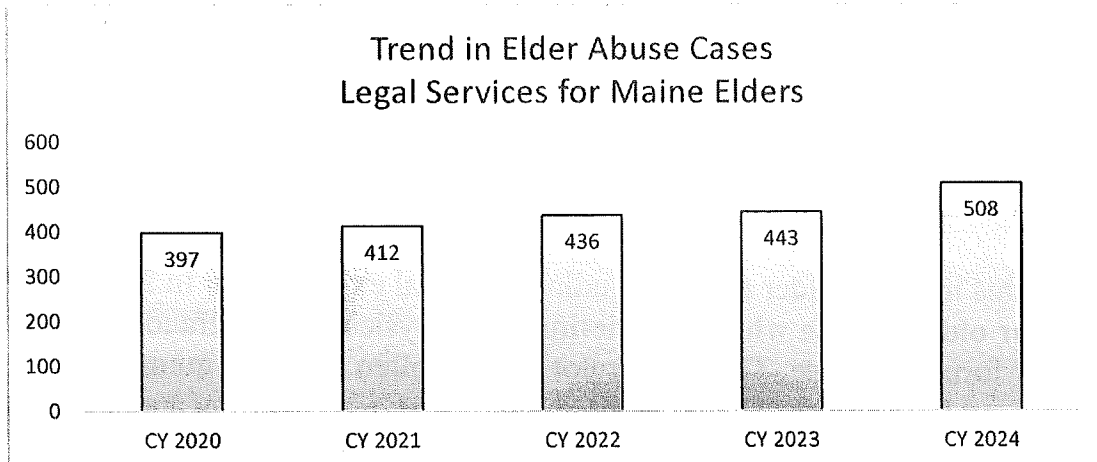
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Many of these cases involve ongoing abuse requiring **LSE attorneys to take immediate action in court** to avert the threat of imminent physical or financial harm. We help these clients by securing judicial orders protecting them from threats of further 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.¹

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

¹ The Maine Elder Justice Roadmap, page 2. https://www.maine.gov/dhhs/sites/maine.gov/dhhs/files/inline-files/EJCP_Roadmap.pdf



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ownership of K's home to a trust of which the granddaughter was the sole beneficiary. The granddaughter also withdrew \$20,000 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.² 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 family member of the victim.³ This is consistent with studies done around the nation. We are saddened but not surprised to see that elder abuse results in measurable increases in mortality.⁴

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**⁵ with a median loss of those assisted by LSE of \$27,000 per victim.⁶ 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.⁷

² 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.

³ 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.

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

⁵ Muskie Report, page 31, table 8.

⁶ Muskie Report, page 3.

⁷ 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>



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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.⁸

Unabated elder abuse costs an individual their safety, independence and dignity. The surge of elder abuse cases also adversely 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, **hundreds of innocent older 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 full range of other types of civil legal problems faced by low income older Mainers. As you know we also ask that you adopt LD 1022 that will put increased permanent funding for legal aid into the budget to ensure the continuity of these vital services.

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

Thank you.

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