

Helping Senior Victims of Crime and Abuse

A Guide for Aging Service Providers

CENTER FOR ADVOCACY
C|A|R|I|E
FOR THE RIGHTS AND INTERESTS
OF THE ELDERLY

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Introduction

Social service professionals are commonly involved with complex, multi-layered cases that involve a variety of systems and require several strategies to address the client's needs. This is particularly true for professionals who assist older adults who are victims of crime and abuse. Knowing this, CARIE developed a guide that lists definitions, potential interventions and a variety of resources that may be useful in assisting these individuals.

What is Elder Abuse and Neglect?

- 1. Physical Abuse:** The infliction of injury, unreasonable confinement, or punishment with resulting physical harm (e.g. slapping, cutting, and burning). This may also include using physical restraints for punishment, or handling an elderly person roughly enough to cause bruising.
- 2. Psychological Abuse:** The threat of injury, unreasonable confinement, and punishment or verbal intimidation/humiliation, which may result in mental anguish such as anxiety or depression. This may include yelling, screaming, or using demeaning language or ridicule.
- 3. Sexual Abuse:** Sexual contact that results from threats, force, or the inability of the person to give consent, including but not limited to assault, rape, and sexual harassment.
- 4. Financial Exploitation:** An improper course of conduct with or without informed consent of the older adult that results in monetary, personal, or other benefit, gain or profit for the perpetrator or monetary or personal loss for the older adult.
- 5. Active Neglect:** The willful deprivation of goods or services which are necessary to maintain physical or mental health. For example, deliberate abandonment or the deliberate denial of food or health related services.
- 6. Passive Neglect:** The deprivation of goods or services, which are necessary to maintain physical or mental health, without a conscious attempt to inflict physical or emotional distress. For example, abandonment or the denial of services because of inadequate knowledge or infirmity.
- 7. Self Neglect:** Not providing oneself with basic necessities or care, due to choice of lifestyle, physical or mental infirmity preventing one from obtaining help, or lack of resources or information. For example, refusing to eat, or refusing care necessary to maintain health.

The Signs and Symptoms of Elder Abuse and Neglect

As a professional, it is important to be able to recognize possible “signs and symptoms” of elder abuse and neglect. Below is a cursory list of things to keep in mind when assessing a situation.

The older person might:

- have bruises, burns, cuts or more serious injuries like a broken hip or cracked rib
- appear dehydrated or thin and malnourished
- be over-medicated, confused or shaking
- need dental care, or missing needed eyeglasses

The older person might act:

- afraid all the time or very nervous
- withdrawn and unwilling to talk
- depressed, ashamed or overly embarrassed
- confused, panicked or lost

The older person's family or caregiver might:

- neglect to provide medication or access to proper medical care
- not keep the older person properly dressed or clean
- display violent behavior or excessive anger
- have a problem with alcohol or drugs

Signs of financial exploitation might include:

- sudden bank account closings or withdrawals
- abrupt changes in an older person's will
- an older person living in poverty or without proper care even though he or she has adequate financial resources

“Tools” That May Be Used as an Intervention

Protection From Abuse Orders

What is a “Protection from Abuse (PFA) Order”?

This is an Order you can get from the Court to protect you from being abused by someone you live with.

How is abuse defined under the Protection from Abuse Act?

Abuse is defined under the Act as:

- Physically injuring or attempting to physically injure someone
- Placing someone in reasonable fear of imminent serious bodily injury
- Stalking
- False imprisonment
- Rape
- Other sexual assaults

Who is a victim under this Act?

A victim as defined in the Act “is a person who is physically or sexually abused by a family member or household member.”

How is a family member or household member defined under the Act?

- Spouses or persons who have been spouse
- Persons living as spouses or who lived as spouses
- Parents and children
- Other persons related by blood or by marriage
- Current or former sexual or intimate partners
- Persons who share biological parenthood

What type of relief is available under the Act?

- A PFA can direct the abuser not to harm, harass, threaten or stalk the victim again
- In some cases, the Order can:
 - Grant the victim exclusive possession of a residence or order the abuser to provide alternate housing
 - Forbid contact between the abuser and victim
 - Award temporary custody of minor children
 - Award temporary support
 - Remove weapons
 - Reimburse for certain expenses incurred because of abuse

How do I obtain a Protection from Abuse Order?

If you do not have an attorney, a victim can file a petition to get a Civil Protection From Abuse Order by going to:

Family Court Building
Family Court's Domestic Violence Unit, Room 242
34 South 11th Street
Philadelphia, PA
215-686-3511 (24-hour information line)

Open: Monday-Friday
8:00 a.m. -5:00 p.m.

If the victim needs to file after 5:00 p.m. or on weekends or holidays, go to:

Criminal Justice Center
1301 Filbert Street
Room B-03
Philadelphia, PA

There is no filing fee.

Do I need an attorney to file a petition for a PFA?

No, but you may want to have representation at the hearing. Older adults who need legal assistance for the PFA hearing or general information on how to file for protection may contact:

SeniorLAW Center
Land Title Building
100 South Broad Street
Suite 1810
Philadelphia, PA
215-238-6390

Tips on filing a PFA petition

- Due to the large volume of people filing for a PFA on Mondays through Fridays, you should plan to arrive as close to 8:00 a.m. as possible. This process may take several hours and people are processed on a "first come, first served" basis.
- It is helpful if the victim knows the abuser's address, date of birth and social security number. If you have that information, bring it along with you when filing the petition.
- The abuser must receive a copy of the petition and notification of the hearing date. It is recommended that the victim have the police serve these papers to the alleged abuser. To have this done, the victim should take these papers to the police district closest to where the defendant lives.

Older Adult Protective Services

What is “Older Adult Protective Services”?

This is a 24 hour/ 7 day a week hotline that receives and investigates reports of abuse, neglect, and exploitation of persons sixty years of age or older.

How do I make a report of elder abuse to Older Adult Protective Services?

You should call the Area Agency on Aging in the county where the older adult resides. Below are the listings for the Delaware Valley area:

Bucks County:

Bucks County Area Agency on Aging

- Protective Services: 1-800-243-3767

Chester County:

Department of Aging Services, Government Services Center

- Protective Services: 610-344-6610

Delaware County:

County of Delaware Services for the Aging (COSA)

- Protective Services: 610-490-1300

Montgomery County:

Montgomery County Office on Aging and Adult Services

- Protective Services: 1-800-734-2020

Philadelphia County:

Philadelphia Corporation for Aging (PCA)

- Protective Services: 215-765-9033

302 Petition

What is a “302 Petition”?

It is an authorization for an involuntary emergency psychiatric evaluation. You can make this request if a person exhibiting a severe mental disability poses a present danger to self or others.

How do I file a “302 Petition”?

The Mental Health Delegate will review the situation to see if filing a “302” petition is appropriate. If it is, s/he will refer you to the closest crisis response center or dispatch a mobile mental health evaluation team for further assistance.

Call: Mental Health Delegate (Philadelphia County)
24 hours a day, 7 days a week
215-685-6440

Defiant Trespass Order

What is a Defiant Trespass Order?

This is a court order that, in certain situations, can be obtained and used to assist in removing a person who is living in your home.

Under what conditions could you obtain a Defiant Trespass Order?

The person who is resistant to leaving the home:

- Cannot be removed via a Protection from Abuse Order because s/he does not fit the criteria.
- Is a family member age 18 or over or is unrelated to you and does not have a written or verbal lease agreement or landlord/tenant understanding with rent or other compensation involved.

How do I obtain a Defiant Trespass Order?

- Notify the person, via certified mail, that they have 10 business days to vacate the premises and that failure to comply will result in the filing of criminal charges.
- If the person does not leave the home within 10 business days, the owner of house should file a Defiant Trespass, Private Criminal Complaint with:

District Attorney's Complaint Unit
34 South 11th Street, 6th Floor
Philadelphia, PA
215-686-9863

Hours: Monday – Friday
9:00 a.m. – 5:00 p.m.

Fees and acceptable methods of payment:

\$38.00 filing fee, in cash or money order,
which you must have at the time of filing

- The owner of the house must retain a copy of the notice and proof of mailing for the court hearing.
- The owner of the house must also show proof of ownership of the house at the court hearing.

What happens after the order is filed?

- There will be a hearing before a trial commissioner, and the parties will be urged to make an agreement, which may include a “stay away” order. If the trespasser does not agree, the case will be listed for a Municipal Court trial.
- The trespasser is prosecuted by the District Attorney's Office, so there is no need for the person filing the complaint to have an attorney. If the trespasser is found guilty, the person will be required to vacate the premises immediately.

Private Criminal Complaint

What is a “private criminal complaint”?

A private criminal complaint is the initiation of criminal charges against someone 18 years of age or older. By filing this, you are accusing them of committing a crime.

What types of “crime” are covered by a private criminal complaint?

If you have been assaulted, threatened, or someone has damaged your property, you may be able to file a criminal complaint.

How do I file a private criminal complaint?

- If you have been assaulted, threatened, or someone has damaged your property, you should first contact the Police.
- After the Police have investigated your allegations, they may refer you to the District Attorney’s Private Criminal Complaint Unit, located at:

34 South 11th Street, 6th floor
Philadelphia, PA
215-686-9863

Hours: Monday through Friday
9:00a.m. - 4:30p.m.

- Minimum requirements:
 - You must have evidence that the crime was committed (i.e. you or someone else who is willing to testify witnessed the crime, etc.)
 - You must have the full name and address (either work or home) of the person against whom you are filing a complaint.
 - You are required to pay a \$38.00 filing fee at the time of filing (cash, money order, or credit card in your name and must arrive prior to 3:30 p.m.)

Private Criminal Complaint - Family Court

When would I file a private complaint in Family Court?

When you want to file a complaint of abuse, harassment, or criminal mischief against a minor (under the age of 18).

How do I file a private criminal complaint against a minor?

Make application for a complaint by calling 215-686-8370. The complaint will then be handled in the Family Court System at 1801 Vine Street, and may require a court appearance by the person filing the complaint.

Small Claims Court

When do you file in “small claims court”?

This is a venue to sue someone you think has cheated you. You can claim up to \$10,000.

Where do I file a claim?

First Filing Office
Room 500, 5th Floor
34 South 11th Street
Philadelphia, PA
215-686-7987 or 7988

Hours: Monday through Friday
9:00 a.m. – 4:00 p.m.

- An interviewer will assist you and will set a time and location for a hearing. The hearing will be held in courtroom at 34 South 11th Street within 90 days.
- If you are disabled, you may be able to file by mail.

What information should I bring along when I file?

- Bring three copies of bills, estimates, contracts or other documents pertaining to the case.
- The correct name of the defendant and the correct address where service can be made.
- Be prepared to tell the interviewer the exact nature of your complaint, including dates, places and amounts involved in your claim.
- If the defendant is a business, you must be able to advise the interviewer of the nature the business (e.g. whether it's a corporation, partnership, or individual proprietorship).
- In the event of an automobile accident, you must also have the defendant's date of birth, operator's number and automobile license number.

Are there any filing fees?

- Yes. They are as follows:
 - a. \$62.00 if your claim is between \$.01 and \$2,000.00
 - b. \$82.00 if your claim is between \$2,000.01 and \$10,000.00
- Payment must be given in cash, business check or attorney's check.
- If you are suing more than one defendant or if the defendant is out of this county, there will be additional filing fees.

Resources

CARIE

100 South Broad Street, Suite 1500
Philadelphia, PA 19110
215- 545-5728 or 1-800-356-3606
www.carie.org

The CARIE LINE is a free telephone information and consultation service for professionals, older adults and their caregivers. Advocates educate callers about options and resources.

Legal Services

SeniorLAW Center

Land Title Building
100 South Broad Street, Suite 1810
Philadelphia, PA 19110
www.seniorlawcenter.org

Telephone intake: 215- 988-1242; Spanish line: 215-701-3211
Mondays through Fridays, 9:00 a.m.-1:00 p.m.

Walk-in hours: Mondays-Wednesdays, 9:00 a.m. - 4:00 p.m.

Can assist with obtaining Protection From Abuse (PFA) & Defiant Trespass orders

Community Legal Services, Elderly Law Project

3638 North Broad Street
Philadelphia, PA 19140
215-227-2400

Walk-in hours: Monday, Wednesday, Friday, 9:00 a.m. – 12:00 p.m.

Pennsylvania Bar Associations’ “Lawyer Referral Service”

Provides referrals to attorneys in private practice who charge for their services. The caller’s legal needs are assessed and s/he is connected with an attorney who identified him/herself as having expertise in that particular area of law. Please note: Some counties charge for this referral service.

- Bucks County: 215- 348-9413 or 800-479-8585
- Chester County: 610-429-1500
- Delaware County: 610-566-6625
- Montgomery County: 610-279-9660
- Philadelphia County: 215-238-1701

Police Assistance

Victim Assistance Officers in each Police District

1 st District: 215-686-3010	16 th District: 215-686-3160
2 nd District: 215-686-3020	17 th District: 215-686-3170
3 rd District: 215-686-3030	18 th District: 215-686-3180
4 th District: 215-686-3040	19 th District: 215-686-3190
5 th District: 215-686-3050	22 nd District: 215-686-3220
6 th District: 215-686-3060	23 rd District: 215-686-3230
7 th District: 215-686-3070	24 th District: 215-686-3240
8 th District: 215-686-3080	25 th District: 215-686-3250
9 th District: 215-686-3090	26 th District: 215-686-3260
12 th District: 215-686-3120	35 th District: 215-686-3350
14 th District: 215-686-3140	39 th District: 215-686-3390
15 th District: 215-686-3150	

CARE UNIT (Crimes Against the Retired and Elderly)

39th & Lancaster Avenue, 2nd floor

16th Police District

215-685-9486 or -9487

The Crimes Against the Retired and Elderly Unit (CARE) is a department in the Major Crimes Unit of the Philadelphia Police Department that investigates frauds, flimflams, scams, and abuse or neglect where the complainants are elderly.

Victim Services

May provide counseling, court accompaniment, and assistance completing applications to Crime Victims Compensation Fund.

1. Northwest Victims Services
6301 Germantown Avenue
Philadelphia, PA 19144
215-438-4410
Districts served: 5th, 14th, 35th, and 39th Police Districts
Zip Codes Served: 19118, 19119, 19120, 19126, 19127, 19128, 19129, 19132, 19138, 19140, 19141, 19144, 19150
2. Victim/Witness Services of South Philadelphia
1210 South Broad Street
Philadelphia, PA 19146
215-551-3360
Districts served: 1st, 3rd, 4th, and 17th Police Districts
Zip Codes Served: 19145, 19146, 19147, 19148

3. West/Southwest Victim Services
5429 Chestnut Street, Suite G-3
Philadelphia, PA 19139
215-748-7780
Districts served: 12th, 16th, 18th and 19th Police Districts
Zip Codes Served: 19104, 19131, 19139, 19142, 19143, 19151, 19153
4. East Division Crime Victim Services
North Mascher Street
Philadelphia, PA 19140
215-426-4810
Districts served: 24th, 25th, 26th Police Districts
Zip Codes Served: 19122, 19123, 19125, 19133, 19134, 19140
5. Center City Crime Victim Services
42 South 15th Street, Suite 1103
Philadelphia, PA 19102
215-665-9680
Districts served: 6th and 9th Police Districts
6. North Central Victim Services
1415 North Broad Street, Room 219
Philadelphia, PA 19122
215-763-3280
Districts served: 22nd and 23rd Police Districts
Zip Codes Served: 19121, 19122, 19123, 19130, 19132, 19134
7. Northeast Victim Services (NEVS)
2824 Cottman Avenue, Suite #4
Philadelphia, PA 19149
215-332-3888
Districts served: 2nd, 7th, 8th, and 15th Police Districts
Zip Codes Served: 19111, 19114, 19115, 19116, 19124, 19135, 19136, 19137, 19149, 19152, 19154
8. PAVE (“Providing Advocacy for the Victimized Elderly”)
CARIE
100 South Broad Street, Suite 1500
Philadelphia, PA 19110
215-545-5728 or 1-800-356-3606
An elderly victim assistance program that serves adults 60 years old and over in Philadelphia.

Hotlines

Provides counseling, support groups, and shelter information for victims of domestic violence.

The Philadelphia Domestic Violence Hotline

1-866-723-3014 (1-866-SAFE-014)

The hotline service includes services from a variety of agencies within Philadelphia: Women Against Abuse; Women in Transition; Congresso de Latinos Unidos, Inc.; Lutheran Settlement House. Provides Language Line service for those who speak languages other than English or Spanish.

Suburban Philadelphia Hotlines:

- A Woman's Place (Bucks County): 1-800-220-8116
- Domestic Abuse Project of Delaware County: 610-565-6272
- Domestic Violence Center of Chester County: 610-431-1430
- Laurel House (Montgomery County): 1-800-642-3150
- Women's Center of Montgomery County: 1-800-773-2424
- Camden County Women's Center: 856-227-1234

National Hotline:

National Domestic Violence Hotline: **1-800-799-7233 (1-800-799-SAFE)**

TDD for the Hearing Impaired: **1-800-787-3224**

Long Term Care Ombudsman Program

Investigates and resolves complaints of nursing and personal care home residents.

1. CARIE

100 South Broad Street, Suite 1500

Philadelphia, PA 19110

215-545-5728

Provides ombudsman services for facilities located in the West, South, Center City, and North Central Philadelphia

2. Northwest Interfaith Movement (NIM)

6757 Greene Street, 3rd Floor

Philadelphia, PA 19119

215-843-0304

Provides ombudsman services for facilities located in the Northeast and Northwest

Resources Available in Other Counties

Other resources such as victim services, legal services, police and courts are available in other counties. If you need information about these services in a county outside of Philadelphia, please call CARIE at 215-545-5728.

CARIE
100 South Broad Street, Suite 1500
Philadelphia, PA 19110
215-545-5728
www.carie.org
e-mail:carie@carie.org