Recognizing & Addressing Elder Abuse on Legal Helplines and Hotlines

NATIONAL CENTER ON LAW & ELDER RIGHTS

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The Basics

Helplines and hotlines are a unique legal services delivery system.[1] When an individual calls a helpline, the helpline will screen the individual, and the legal consultation occurs entirely over the telephone. As such, these programs are especially well-suited to populations that may have mobility and other access issues.

These same populations are often victims of abuse, neglect, and exploitation, and identifying these issues in older adults in particular is a legal services priority. Many of the red flag indicators of abuse are observed in person—physical marks and bruises; an apparently unsafe environment; or a nervous, distracted demeanor are some common examples.

Telephone intake presents different challenges, such as:

- What steps should an advocate take to ensure a caller's privacy and safety?
- What questions can help an advocate visualize the caller's environment?
- How can an advocate identify and address abuse when the caller is not present in person?

When abuse is detected on a helpline, the advocate must make a determination of whether the needs of the caller should be addressed on the phone, or if a referral will need to be made for full representation or intervention.

Steps to Ensure Caller Safety & Privacy

Here are some steps that helpline staff can take during telephone intake and during any follow-up after the call to help ensure the caller's safety and privacy:

- **Place calls from a secure line or use "*67" option.** Make sure that no number appears on the reciever's caller ID, or that the number which appears on the read-out will not divulge any sign that a call was received from an attorney or a legal services program. For example, if a call back is attempted, the caller will receive a message that the line is out of service. Give the caller a separate number which allows them to reach the helpline if necessary.
- Ask caller whether they are alone or in a private location and able to talk freely. If the caller has the phone on "speaker," ask if anyone else is with them.
- Unless the appointment is with an authorized agent, spend as much time as possible talking directly to the caller even if the caller asks you to speak to someone else instead. The goal is to elicit the caller's version of events.
- Be flexible enough to arrange a call-back appointment if the caller is not safe to talk at the appointed time.

1 For purposes of this document, we will use the phrase "helpline" throughout for simplicity. However, programs may call themselves helplines, hotlines, advice lines, and other designations.

- Do not leave messages on an answering machine unless the caller indicates it is safe to do so. Note the file accordingly.
- Check safety of mail if your program follows up with written materials. Note the file accordingly.
- Give as much legal advice and information as possible in the context of the intake phone call—you may not be able to reach caller alone for follow-up.

Key Questions to Ask & Information to Gather

In conversations with the caller, there are several ways to begin to gather information about suspected abuse:

- Follow up on verbal hints regarding the caller's environment, financial concerns, etc., regardless of the reason the caller initially contacted your program. Listen for indicators of other legal problems.
- Be alert to the sound of others in the background and ask caller about the presence of others.
- Follow up if the caller does not know their financial basics, such as the amount of the benefit check, or says they have no access to their money. Review a basic budget (expenses versus income) and ask how bills get paid in order to ascertain whether funds are being misdirected.
- Ask about any documentation the caller may have and/or any notices or correspondence received.
- Do not rely on the caller's description of a document—if practical, ask them to read it to you. If it is lengthy (a contract, for example), ask the caller to read the title of the document to you. Ask follow-up questions if the caller has no paperwork for a significant transaction, especially in cases where the caller receives bills for purchases/obligations they do not recall.
- Ask about neutral "helpers" such as individuals at banks, libraries, social workers, or even doctor's offices, who may be able to assist the caller in getting documents to you.
- Gather as much information from online sources like the Clerk of Court's website or the Registry of Deeds to supplement and/or clarify the caller's description.

Trauma-Informed Advocacy

Past trauma can impact an individual's responses and ability to communicate. Adjustments to your approach may help callers feel more comfortable sharing information with you and avoid additional harm.

- Just as you cannot see the caller or evaluate their demeanor, they cannot see you. Be direct and professional, while allowing them to talk. It may take some off-topic conversation before a caller can broach an emotionally-charged subject like abuse, neglect, or exploitation.
- Silence does not necessarily mean that the caller did not hear you. Be patient. Rephrase your question, if necessary.
- Develop approaches to elicit evidence of abuse, neglect, and exploitation. Get the facts. Refrain from judgmental overtones and questions like "you signed this document without reading it?"
- Focus on constructive advice going forward rather than rehashing problems and concerns.
- Repeat important advice. Suggest the caller write down major points. Summarize advice again toward the end of the call. You may wish to ask the caller to repeat the advice; if mailing materials is not a safe option, this may be the last chance to ensure the caller's comprehension.

Referrals

Not all issues of abuse, neglect, and exploitation can or should be handled over the phone. Helpline and hotline advocates should have protocols in place to be able to refer a caller who needs full-representation or immediate intervention. Some referrals can include:

- Emergency Services, such as 911 if the caller is in immediate danger and needs help.
- Family Justice Centers or Court Help Centers if the caller needs immediate intervention, such as a protective order or shelter.
- Legal Services Providers & Victim Assistance Providers if the caller needs ongoing help or representation. Programs can be located using the Office for Victims of Crime Resource Map.
- Adult Protective Services (APS) if the caller wishes to report the abuse to APS.

Additional Resources

- NCLER Webinar: Signs of Elder Abuse, Neglect, and Exploitation
- Administration for Community Living: Elder Abuse Prevention
- Federal Trade Commission: Frauds and Scams
- National Center on Elder Abuse: Dynamics of Abuse
- Journal of the American Psychiatric Nurses Association, Vol. 12, No. 6: Abuse in Later Life: Power and Control Dynamics and a Victim-Centered Response by Deb Spangler and Bonnie Brandl

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.

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