

The Role of Attorneys on Multidisciplinary Teams

Multidisciplinary Teams

Elder mistreatment is a complex and nuanced phenomenon, crossing medical, legal, social, financial, and familial domains. Case response and redress often necessitate the expertise of inter-sectorial professionals. Elder abuse multidisciplinary teams (MDTs) are an effective, evidence-based intervention designed to facilitate case discussion, coordination, and resolution among professionals who might otherwise operate in silos. Through regular meetings and shared insights, participating MDT members collaboratively present the options for relief and identify best practice responses to optimize outcomes for elders who experience mistreatment. Team constituents vary based upon local community needs and available resources, but often include adult protective services, long-term care ombudsman, victim advocates, law enforcement agencies, geriatricians, psychologists, and attorneys.



Attorneys and Multidisciplinary Teams

Among the core team members, attorneys play pivotal and wide-ranging roles within elder abuse MDTs. Legal expertise is valuable to MDT practice and essential to older adults seeking physical, emotional, and economic relief from elder harms. In their respective capacities as prosecutors, civil practitioners, and advisors, they work to investigate claims, prosecute offenders, litigate civil remedies, and preserve elder rights.

Goals in addressing elder abuse can vary from case to case, depending upon the facts and circumstances, state statutory mandates, and agency imperatives. The interests and wishes of the older adult living with abuse, and most directly impacted, should also be considered in MDT case review. Though the MDT may bring perspectives from other reporting parties involved in the case, such as relatives and neighbors, best practice case resolutions will integrate the person-centered preferences and objectives of the older adult.

Within the scope of the MDT, attorney-facilitated goals for resolution may include securing protective orders, assisting with the creation or activation of financial or healthcare instruments, reducing recidivism, and recovering assets. Prosecutors, civil attorneys, and local and federal government attorneys offer critical support to victims and partner agencies, respectively, to intervene in cases of mistreatment, ameliorate harms in the aftermath of abuse, and pursue justice. Attorneys can also assist older victims in accessing resources related to the mistreatment or related social comorbidities, such as substance abuse, mental health issues, housing issues, and public benefits.



Prosecutors, civil attorneys, and local and federal government attorneys offer critical support to victims and partner agencies.

Collaboration with Multidisciplinary Partners

During case review, attorneys provide procedural and substantive legal guidance to allied MDT members. They can identify and explain legal remedies appropriate to case facts and circumstances. This may include guidance on legal protections and interventions, such as the creation of trusts, protective orders, and guardianships. Attorneys can assist with reviewing legal documents, unpacking complex legal terminology, and explaining statutory provisions that directly affect cases and older victims.

More specifically, attorneys can advise law enforcement on avoiding common legal pitfalls in working up a case, such as the proper preservation of evidence, identifying witnesses, and ensuring timely responses. They can subpoena medical records to facilitate case review by MDT geriatricians and recommend capacity assessments of older adults by team psychologists. Attorneys may provide referrals and connections to social workers, victim advocates, private fiduciaries, mediators, and private attorneys. They can counsel protective services agencies and public guardians on the propriety of and mechanisms for seeking guardianship and/or conservatorship.

Legal Roles and Remedies

Below are examples of specific areas where **prosecutors, civil attorneys, and government attorneys** can offer support to agencies and older adults through their participation in MDTs:



Prosecutors

- **Prosecution of crimes** including physical or emotional abuse, sexual abuse, theft or other financial exploitation, fraud, and neglect.
- **Legal remedies** including restitution orders, criminal protective orders, wellness checks by law enforcement, freezing assets, restorative justice, or other harm reduction measures.
- **Special court proceedings** including death review or coroner inquiries.
- **Investigations**, for example, of including long-term care facilities through state attorney general facility enforcement units.



Civil Attorneys

- **Protective orders, guardianships, and conservatorships.**
- **Advance planning instruments** including the creation or termination of healthcare proxies, trusts, wills, and supported decision-making agreements.
- **Homecare issues** that may include receiving adequate hours paid for by Medicaid, responding to abusive, neglectful, or exploitative caregivers, and dealing with long-term care and hospice vendors.
- **Patient's rights** such as the right to refuse treatment, avoiding involuntary mental health interventions, and upholding nursing home residents' rights.
- **Disability rights** including assisting with reasonable accommodation requests.
- **Long-term care facility issues** such as unlawful evictions, abusive treatment, and visitation issues.
- **Housing issues** involving, for example, landlord-tenant rights, evictions, and avoidance of foreclosures and homelessness.
- **Property rights** such as the recovery of unlawfully seized assets, quieting title, and negotiating with mortgage lenders.
- **Consumer protection issues** that may embrace restoration or repair of credit, protection against unfair business practices, incomplete work by contractors, submission of regulatory reports, and navigation of bankruptcy after losses caused by financial abuse.
- **State and federal benefits** including the appointment of Social Security representatives or payees, and guidance regarding Medicaid asset protection.
- **Contractual matters** such as failure to perform, unconscionable terms, return of payments, and contracts for long-term care services and supports.
- **Immigration issues** including visa or deportation.



Government Attorneys

- **Advisory services** to MDT member agencies, including APS and the public guardian.
- **Legal claims** such as financial abuse, on behalf of conservatees or guardians under public guardian jurisdiction.
- **Subpoena requests** for APS records.

Benefits and Challenges of Attorney Involvement

As MDT members, attorneys may be able to spot legal issues and identify solutions that are not readily apparent to other members of the team. They may also be called upon to advocate for low-income, limited English proficient elders who may be unable or less able to advocate for themselves. According to a justice gap study, most low-income older adults do not receive legal help for the majority of their civil legal needs. MDT-affiliated attorneys who represent elders living with abuse may be able to recognize additional legal needs and offer ancillary legal assistance.

Attorneys may also be able to recognize opportunities for less restrictive alternatives to preserve elder rights and liberties. For example, rather than recommending older adults for guardianship, attorneys may suggest and design tailored options such as powers of attorney or supported decision-making agreements to assist older adults with a range of decisional abilities. Similarly, protective orders or elder mediation may, depending upon the contextual factors presented, be appropriate alternatives to more onerous legal remedies such as prosecution.

Conversely, attorneys may be singularly focused on legal remedies and neglect to appreciate an elder's particular needs and circumstances, including their unique family circumstances, experiences, and cultural values. Listening to the intersectoral guidance and perspectives gleaned from MDT members provides attorneys with a broader, holistic lens and an invaluable opportunity to better serve older people living with abuse. Collaborative case review and response with, for example, social workers or victim advocates, may facilitate trust and rapport with older adults and enhance what can be a fraught legal exposure for older adults in abusive situations. Attorneys may also rely on the expertise of medical professionals to navigate crossover issues such as undue influence and cognitive impairment. Cross-agency collaborations enable attorneys to consider person-centered, trauma-informed, and culturally responsive strategies that preserve and uphold the older adult's agency and right to self-determination.

Resources

Reports

[The Role of Civil Attorneys on Elder Abuse Multidisciplinary Teams](#) (report) – Describes the role of civil attorneys on elder abuse MDTs, collaboration with other disciplines, skillset criteria, and utilization on elder abuse cases.

[The Role of Local Prosecutors on Elder Abuse Multidisciplinary Teams](#) (report) – Describes the role of prosecutors on MDTs, from the perspective of prosecutors, MDT Coordinators, and team members. Including discussion of the mutual benefits, challenges, and considerations in recruiting prosecutors to MDTs.

Webinars

[Closing the Justice Gap for Older Adults](#)

[MDT Cross Training for Prosecutors](#)

Issue Briefs

[NCEA Issue Brief: Multidisciplinary Teams](#) (2023)



Special thanks to attorneys Laurence Wilkinson, LLB, and Dani Kaiserman, JD, for their contributions to this issue brief.