

LESSONS LEARNED FROM MS. MARY

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Disclosure

- The planners, presenters, and content reviewers of this course disclose no conflicts of interest.
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- The International Association of Forensic Nurses is accredited as a provider of continuing nursing education by the American Nurses Credentialing Center's Commission on Accreditation.

Challenges

- Victim safety
- Medical needs
- Forensic evidence collection (SART/SANE)
- Supporting Ms. Mary throughout incident and process
- Disbelief this happens
- Assumptions about elderly witness' memory and accuracy, dementia

Thinking About Ms. Mary

- Strengths
- Deficits

How Can You Incorporate This
Information in Your
Interactions with Other Older
Victims?

Prosecution

- Do you think Ms. Mary is typical in desiring prosecution of her grandson?
- How do you assist/work with a victim of elder sexual violence who does not desire prosecution?
 - Can you provide services? (Eligibility)
 - Who can provide services
 - How do you (or other provider) effectively assist that victim?

Developing Responses

- Victim centered approach
 - Victim makes own choices
 - Victim is presumed competent to make own decisions
 - Victim has a voice-”with” not “around” the victim
 - Full disclosure with victim about nature of relationship, limits of confidentiality
- Build trust with victim
- Educate about court process
- Update on case developments if case proceeding

Developing Responses

- Assign an advocate who has experience working with older persons
 - Understand generational differences
 - Clarify that cooperation with the CJS is not required to receive services
- Collaborate with sexual assault, APS, Victim Witness, aging services, etc. to develop and implement an appropriate safety plan
 - Relationships with other service providers/team members (formal or informal)

Ms. Mary as a Witness

- Concerns?
- How can they be addressed?

Enhancing Her Participation

- Early memorialization of her testimony
 - She may not survive the trial
 - Premature death (Lachs)
 - Need opportunity for cross examination
 - Crawford v. Washington line of cases
 - Fundamental right of defendant to cross examine witnesses
- Avoid unnecessary continuances
- Trial setting priority
- Scheduling of Ms. Mary's testimony
- Allow victim advocates to accompany and support

Accommodations

- ADA is a right not a request !
- Take victim's testimony in medical setting if necessary
- More frequent breaks as needed
- Set time frames for witness to be examined
- If she cannot walk to witness stand, ramp for wheelchair or reconfigure courtroom
- Adaptive aids such as microphones, hearing assistance (CAART), closed circuit television

Enhancing Her Participation

- Transportation to court (need ambulance?)
- Medications
- Food and liquids
- Oxygen
- Separate waiting areas from defendant's supporters
- Escort in and out of court (bailiff)
 - Consider having victim leave before anyone else

Who Helped Ms. Mary

- Law Enforcement and Prosecution
- Advocates
- Adult Protective Services
- Aging Services
- Health Care Providers
- Nursing Home Staff

Who Turned Away From Ms. Mary

- Her family
 - Son and daughter in law (parents of defendant)
 - Testified for defense and against Ms. Mary claiming she was untruthful and made things up
 - The defendant's wife (vanished)

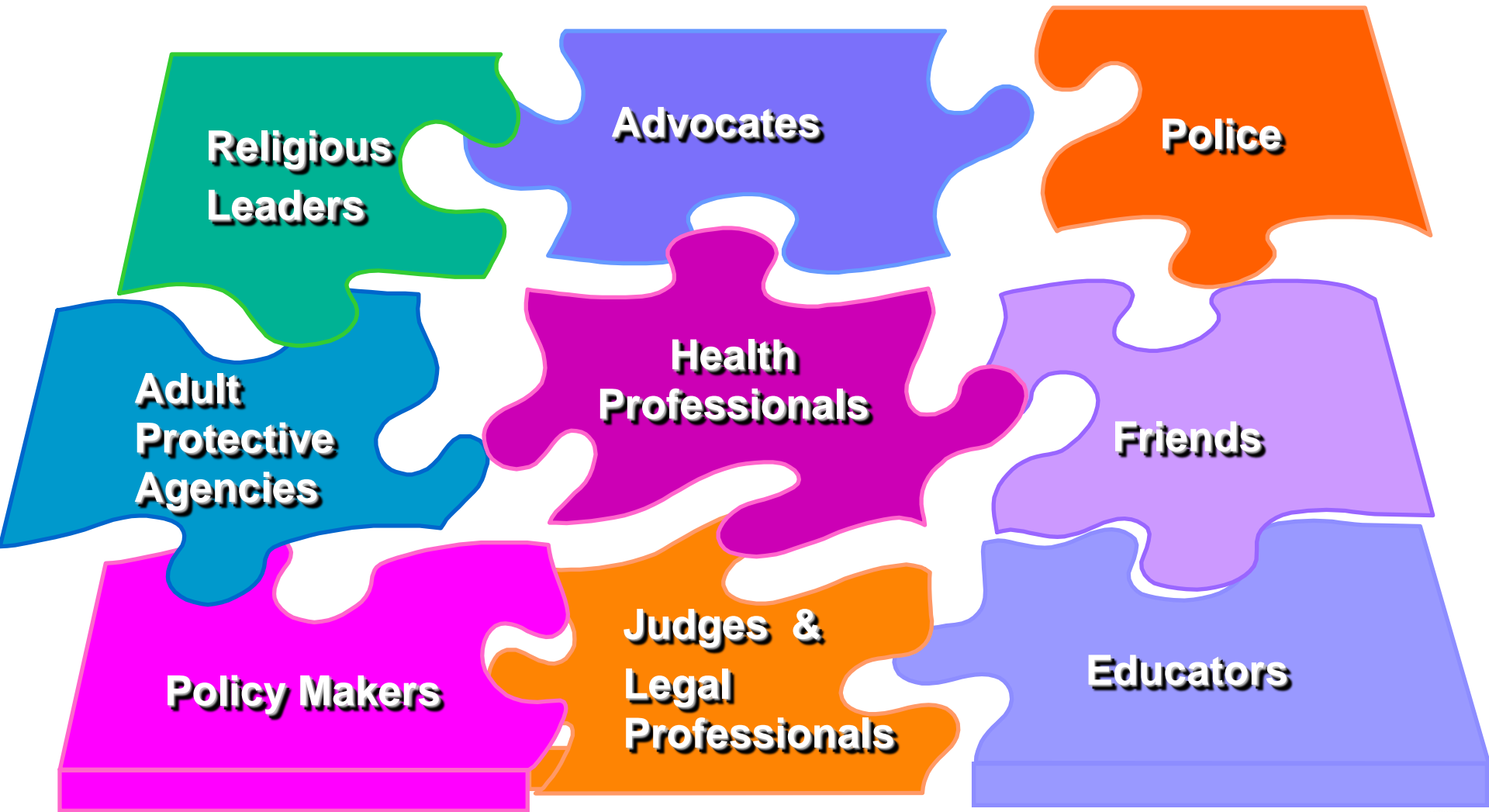
Critical Disciplines

- In Your Community
 - How do they work together?
 - What exists to authorize and support this collaboration?
 - What could be built on or created?

Role of Ms. Mary's "Team"

- How Important Was Role of Advocates, Law Enforcement and Prosecution to Ms. Mary?
- When did that role end?
- What did you think of what they did? Is this "part of your job"? Is this something that should be planned for and encouraged? How do you do this in your community?

Coordinated Community Response



What Do You Think Are the
Lessons From Ms. Mary?

Resources

- National Center on Elder Abuse, Materials on Multidisciplinary Teams available at [https:// ncea.acl.gov](https://ncea.acl.gov)
- US DOJ Elder Justice Initiative, Multidisciplinary Teams, Toolkit, available at <https://www.justice.gov/elderjustice/mdt-toolkit>

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- National Clearinghouse on Abuse in Later Life website, “Coordinated Community Response” at www.ncall.us
- Bonnie Brandl, Carmel Bitondo Dyer, Candace J. Heisler, Joanne Marlatt Otto, Lori A. Stiegel, and Randolph W. Thomas, Elder Abuse Detection and Intervention: A Collaborative Approach, 2007, Springer Publishing Company

Thank You!

- Questions?
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