

WHAT ARE YOUR RIGHTS AS AN OLDER ADULT?

It can be difficult to understand what your rights as an older adult are: JCADA is here to help you understand what you are entitled to, how you are entitled to be treated, and how you can best advocate for your rights. JCADA understands there are many barriers in place when abuse happens to older adults; we are here to help reduce those barriers.

If you are an older adult experiencing abuse, whether from a significant other or from a caregiver, please contact JCADA's free and confidential helpline at 1-877-88-JCADA(52232) or email support@jcada.org. All of JCADA's services are 100% free of charge.

TYPES OF ABUSE OLDER ADULTS CAN FACE

Physical: Any use of force that causes pain or harm

Psychological: Use of verbal threat or harassment to inflict emotional pain in order to intimidate, isolate, or humiliate

Sexual: Any form of non-consensual sexual contact, including situations where the individual does not have the capacity to consent

Financial: Use of an individual's money or property, without their knowledge or against their will, which can include manipulation of the individual in order to accomplish these goals

Neglect: Any situation wherein a caregiver fails to meet the needs of the individual under their care, resulting in harm to that individual

BASIC RIGHTS OF OLDER ADULTS

According to the Older Americans Act: Title VII Vulnerable Elder Rights Protection, an older person in the United States has the right to state legal assistance and the right to social services provided by the state.

Specifically in Maryland, this means older adults have the right to receive a temporary protective order in order to circumvent further abuse¹ and receive services and care from the Department of Aging if they are found to be experiencing abuse.² The law also protects those individuals who in "good faith" make a report of abuse under this subtitle, making them "immune from any civil liability that would otherwise result."³

Specifically in the District of Columbia, older adults have the right to ask that their power of attorney be removed from their position if they fail to meet the needs of their ward or abuse their powers;⁴ the right to be connected with The Ombudsman and Department of Aging, who are charged with advocating for an older person's needs and connecting them with services;⁵ and the right to have Adult Protective Services respond to a report of abuse against them.⁶

Specifically in Virginia, this means that older adults have the right to have Adult Protective Services respond to a report of abuse made against them⁷ and have the right to have assistance meeting their essential physical and emotional health, as well as management of financial resources, through a guardian or conservator if they are incapable of doing so themselves.⁸

¹ MD. CODE ANN., FAM. LAW §4-505 (West 2016)

² MD. CODE ANN., FAM. LAW §14-303 (West 2017)

³ MD. CODE ANN., FAM. LAW §14-309 (West 2017)

⁴ D.C. CODE §21-2049 (2015)

⁵ D.C. CODE §7-702.02 (2017)

⁶ D.C. CODE §7-1903 (2017)

⁷ VA. CODE ANN. § 51.5-148 (2017)

⁸ VA. CODE ANN. §51.5-149 (2017)

CRIMINAL INJURIES COMPENSATION

Criminal Injuries Compensation is a program dedicated to reimbursing victims for economic loss as a result of victimization. While different in each jurisdiction, Maryland, Virginia, and the District of Columbia all have versions of this program. The chart below is meant to give you an overview of the specifics of each area's program. To get a full overview of the programs and to get help seeking reimbursement from a program, please contact JCADA's Legal Staff at legal@jcada.org. You can also call JCADA's free and confidential helpline at 1-877-88-JCADA(52232).

	MARYLAND	DISTRICT OF COLUMBIA	VIRGINIA
Name of Program	Criminal Injuries Compensation Board	Criminal Victims Compensation Program	Virginia Victims Fund
Website	http://www.dpscs.state.md.us/victimservs/cicb/index.shtml	http://www.dccourts.gov/internet/public/crimevictimscomp.jsf	http://www.cicf.state.va.us/
Requirements for filing a claim	Must report crime to law enforcement within 48 hours unless good cause shown; a protective or peace order will satisfy this requirement. Must apply within 3 years of the incident.	Police report filed within 7 days; a protection order will satisfy this requirement. Must file claim within one year of the crime.	Crime must be reported to law enforcement within 120 hours. Undergoing a sexual assault forensic exam may also qualify you. Must file application within one year of the crime unless good cause is shown.
Reimbursable expenses	<p>Total maximum of \$45,000 per victim for:</p> <ul style="list-style-type: none"> • Medical/dental up to \$45,000 • Lost wages or disability up to \$25,000 • Dependency/loss of support up to \$25,000 • Crime scene cleanup up to \$250 • Funeral costs in cases of homicide up to \$5,000 • Counseling for adults up to \$5,000 and for children up to \$1,000 • Other expenses as approved by the board 	<p>Total maximum of \$25,000 per victim for:</p> <ul style="list-style-type: none"> • Medical treatment and medications • Funeral and burial costs up to \$6,000 • Loss of Wages - 80% of net income up to one year or \$10,000 (if employed at the time of the crime and supported by disability statement from physician) • Cleaning of a crime scene up to \$1,000 • Replacement value of clothing held as evidence up to \$100 • Reimbursement for car rental while its being held as evidence up to \$2,000 • Temporary emergency shelter up to \$3,000 • Moving expenses up to \$1,500 • Windows, doors, and lock changes for the safety of the victim name up to \$1,000 • Counseling for adults up to \$3,000 and for children up to \$6,000 	<p>Total maximum of \$25,000 per victim for:</p> <ul style="list-style-type: none"> • Moving up to \$2,000 • Funeral costs up to \$5,000 • Medical expenses • Lost wages up to \$600 per week based on 2/3 of wages • Lost support to eligible family members based on 2/3 of the wages up to \$600 per week • Mileage for medical services • Crime scene cleanup • Other reasonable and necessary expenses, such as changing locks, prescription medications, new eyeglasses, or clothing taken as evidence • Transportation costs to and from counseling • Up to 20 counseling sessions (no specific dollar amount)