



# Wilkey Legal Consultants, LLC

Providing Cost Effective, Quality, Successful, Reliable Legal Services

## Expanding the Older Adults Protection Services Act in Pennsylvania

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A recent [study](#) is highlighting the severity regarding the exposure of the elderly to financial exploitation, where in 2014, it was estimated that “the financial loss by victims of elder financial crimes and exploitation exceeds \$2.9 billion dollars annually.” In fact, 2014 was a monumental year for state legislation focused primarily on financial abuse of the elderly and aging, [where](#) “twenty-eight states addressed financial exploitation of the elderly and vulnerable adults in the 2014 legislative session [and] seventeen bills were enacted in 2014.” Many states including Pennsylvania continue to greatly expand the power and oversight of Adult Protective Services and Departments of Aging, to intervene on behalf of such elderly victims, including for instance in [Rhode Island](#), where there is now a “*rebuttable presumption that any donative transfers to certain individuals by persons age 60 years of age or older and any dependent persons of any age for whom a conservator, guardian or trustee has been appointed by a probate court of this state are a product of fraud or undue influence*” (emphasis added). Pennsylvania has in place a number of relevant laws, specifically geared toward addressing elderly and aging abuse related matters, including the Older Adults Protective Services Act, which describes its legislative purpose as assisting “older adults who lack the capacity to protect themselves and are at imminent risk of abuse, neglect, exploitation or abandonment shall have access to and be provided with services necessary to protect their health, safety and welfare [where] *it is not the purpose of this act to place restrictions upon the personal liberty of incapacitated older adults, but this act should be liberally construed to assure the availability of protective services to all older adults in need of them* [and] such services shall safeguard the rights of incapacitated older adults while protecting them from abuse, neglect, exploitation and abandonment” (emphasis added). As the senior population of 65 and over is [projected](#) to increase from “35 million in 2000 to 40 million in 2010 (a 15% increase) and is projected to increase to 55 million in 2020 (a 36% increase for that decade)” various States will need to continually

seek evaluate, expand, and otherwise reevaluate its elderly and aging safeguards in this regard.

### **About Us**

Robert N. Wilkey, Esq. is the Principal Attorney of Wilkey Legal Consultants, LLC (“WLC”) located in Exton, PA, with over a decade of class action, mass tort, and complex civil commercial litigation experience, including claims involving Federal and State laws involving unfair trade practices and consumer protection; banking and lending standards, credit services and truth in lending regulations, breach of good faith and dealing claims, and breach of fiduciary duties. Mr. Wilkey is an advocate for Asian-American based domestic and international issues. He holds a BA/MPP from Brigham Young University and a JD from the University of Iowa College of Law, and currently provides regulatory, legal, and consultation and litigation services to individuals, corporations, industry, non-profits, school districts, and government entities.

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