

ELDER LAW RESEARCH: AN UPDATED BIBLIOGRAPHY

This bibliography is an update of the work published in Volume 16 of the Journal of Aging Law and Policy. While earlier volumes addressed elder law from an international perspective, Volume 16 narrows its focus exclusively to developments in U.S. elder law. This bibliography is intended to serve elder law practitioners, legal scholars, and policymakers who concentrate on the American legal landscape as it relates to aging.

As an update, this bibliography highlights recent publications and resources, supplementing the foundational material compiled in Volume 16. The selected sources reflect evolving legal issues, policies, and practices affecting older adults in the United States, including legislation, case law, long-term care, guardianship, retirement planning, and elder abuse prevention.

A wide variety of search terms may be used to locate U.S.-based elder law resources, including but not limited to:

Aged-legal status

- Elder abuse
- Elder law or elderlaw
- Geriatrics
- Gerontology
- Guardians
- Legal assistance to the aged
- Long-term care
- Nursing homes
- Older people
- Retirement
- Retirement Communities
- Senior Law

Materials in this bibliography are arranged in the following categories:

- Agencies and Organizations that focus on elder law issues.
- Conventions, Documents, and Reports relating to elder law.
- Websites, and Databases with a specific elder law focus.
- Web Bibliographies that provide additional resources related to elder law.
- Journal Articles that provide references to articles and titles focusing on elder law.
- Cases that provide emerging case law from areas within elder law such as benefits eligibility, and probate law.

It should be noted that this is a selective bibliography, and no attempt has been made to include every agency, organization, convention, document, report, database, web site, article, or book relating to elder law. Given the tremendous growth in resources in the area of elder law, such an undertaking is beyond the scope of this bibliography. Rather, this bibliography is intended to serve as an overview of materials published in this field and to provide a starting point for further research in elder law. The Authors welcome your comments and suggestions regarding this project.

Agencies and Organizations

AARP

<https://www.aarp.org/>

A nonprofit dedicated to supporting the rights and well-being of individuals aged 50 and older. AARP offers resources and services related to health, financial security, and advocacy, along with a variety of member discounts and benefits.

1601 E Street, NW, Washington DC 20049
Phone: 1-888-OUR-AARP (1-888-687-2277)
Email: member@aarp.org

ABA COMMISSION ON LAW AND AGING

https://www.americanbar.org/groups/law_aging/

The Commission on Law and Aging is dedicated to educating and advocating for the protection of older adults' rights and dignity. It offers legal resources focused on aging, developed through collaboration between public and private legal organizations and the broader aging services network.

1050 Connecticut Ave. NW, Suite 400, Washington, DC 20036,
Phone: (202) 662-8690
Email: aging@americanbar.org

NATIONAL CENTER ON ELDER ABUSE (NCEA)

<https://ncea.acl.gov/home#gsc.tab=0>

NCEA offers resources on research, training, policy, and best practices for preventing and addressing elder mistreatment—including physical, emotional, sexual, financial abuse, and neglect. The organization promotes education, data collection, legal and policy initiatives, and collaborative outreach efforts.

1201 15th St NW #400, Washington, DC 20005,
Phone: 1-855-500-3537
Email: ncea-info@acl.hhs.gov

SENIOR FRIENDSHIP CENTER

<https://friendshipcenters.org/location/sarasota-friendship-center/>

This organization provides a wide range of activities including classes, exercise sessions, arts and crafts, live music, and social events to foster community and engagement. Serves nutritious weekday lunches to promote seniors' health and well-being. Offers educational programs that support lifelong learning and personal growth. Delivers daytime care for older adults with cognitive or physical challenges, giving caregivers a much-needed break. Assists with applications for Medicare, Medicaid, and SNAP, and offers access to

legal consultations and support groups. Also provides emergency financial assistance, helping seniors with rent, utility bills, and other urgent needs.

Sarasota, Venice, Charlotte, Desoto, & Lee Counties in Florida
Phone: (941) 955-2122

THE CENTER FOR MEDICARE ADVOCACY

<https://medicareadvocacy.org/about/>

The Center is a national nonprofit legal organization dedicated to advancing access to comprehensive Medicare coverage, promoting health equity, and ensuring quality healthcare for older adults and individuals with disabilities. Established in 1986, the Center focuses on legal assistance, advocacy, education, policy analysis, and impactful litigation, particularly for those with chronic and long-term health conditions. It operates out of offices in Connecticut and Washington, D.C.

P.O. Box 350; Willimantic, CT 06226
Phone: 860-456-7790
Email: mshepard@medicareadvocacy.org

FLORIDA ALLIANCE FOR ASSISTIVE SERVICES & TECHNOLOGY

<https://faast.org>

Provides assistive technology support to Floridians with disabilities and their families. The program offers a variety of services—including device loans, demonstrations, reuse programs, and training—to help ensure access to the latest assistive technology throughout the state.

Tallahassee Florida
Phone: 1-877-506-2723
Email: Info@FAAST.org

ELDER JUSTICE COALITION

<https://elderjusticecoalition.com/>

This nonpartisan coalition, founded in February 2003 alongside the introduction of the Elder Justice Act, includes 3,000 members across all generations. Made up of individuals and organizations, it serves as a key resource for Congress, the Administration, media, and the public to raise awareness of elder abuse, neglect, and exploitation, and to advocate for strong national policies to address the crisis.

Elder Justice Coalition
1612 K. Street NW #200
Washington, DC 20006
Email: info@elderjusticecoalition.com

Conventions, Documents, and Reports

Conventions

UN CONVENTION ON THE RIGHTS OF OLDER PERSONS

<https://social.un.org/ageing-working-group/documents/Coalition%20to%20Strengthen%20the%20Rights%20of%20Older%20People.pdf>

This convention advocates for the establishment of a legally binding United Nations convention to safeguard the rights of older adults, aiming to fill the gap in current international human rights law. It underscores the growing global aging population and stresses the importance of ensuring adequate income, employment opportunities, and access to health and social services for older individuals.

Documents & Reports

WORLD HEALTH ORGANIZATION (WHO) GLOBAL REPORT ON AGEISM (2021)

<https://iris.who.int/bitstream/handle/10665/340208/9789240016866-eng.pdf?sequence=1>

This global report explores the definition and effects of ageism, particularly in the context of the COVID-19 pandemic. It reviews existing policies and laws aimed at addressing ageism, highlights current educational initiatives, and outlines future actions needed to combat age-based discrimination and promote equity moving forward.

FLORIDA CARE PLANNING COUNCIL

https://www.careforflorida.org/list11_florida_senior_centers.htm

This report lists senior centers in Florida, depicted by county.

REPORTING OF SUSPECTED ELDER FINANCIAL EXPLOITATION BY FINANCIAL INSTITUTIONS

https://files.consumerfinance.gov/f/documents/cfpb_suspected-elder-financial-exploitation-financial-institutions_report.pdf

This update to the 2016 Advisory Recommendations for Financial Institutions on Preventing and Responding to Elder Financial Exploitation emphasizes Recommendation 4, which addresses the importance of reporting suspected elder financial abuse to the appropriate local, state, or federal authorities. It reinforces key guidance from the original advisory, particularly in light of ongoing uncertainty among financial institutions about reporting such incidents due to privacy concerns.

Websites and Databases

Websites

CENTER FOR ELDER LAW AND JUSTICE

<https://www.elderjusticenyc.org/Summary>

The organization works to improve the quality of life for older, disabled, and low-income adults by providing free legal services, primarily in Western New York.

BRITISH COLOMBIA LAW INSTITUTE CANADIAN CENTRE FOR ELDER LAW

<http://elder-law.ca>

The BCLI carries out law reform initiatives that serve the public interest. By partnering with academics, experts, and community members, it works to clarify and enhance the law, create innovative and inclusive solutions, and promote greater access to justice.

THE ELDER AND DISABILITY LAW CENTER DC

<https://www.edlc.com>

Resources for elderly people who need Elder Law resources in Washington D.C. including life care planning and management, Medicaid Planning and Eligibility, Guardianships and Conservatorships, Probate, Trust Administration, Special Needs Trusts, Disability planning and more.

ELDER JUSTICE INITIATIVE

<https://www.justice.gov/elderjustice>

The mission of the Elder Justice Initiative is to support and coordinate the Department's efforts in enforcing and implementing programs aimed at preventing elder abuse, neglect, and financial fraud and scams targeting older adults in the United States.

US AGING

<https://www.usaging.org/initiatives>

US Aging offers a broad range of services provided by its members to support older adults, individuals with disabilities, and caregivers. This includes enhancing health and quality of life, assisting those with chronic conditions, and developing and coordinating community-based and home services.

CENTER FOR ELDERS AND THE COURTS (CEC)

<https://www.eldersandcourts.org/>

The Center for Elders and the Courts (CEC), part of the National Center for State Courts, serves as a key resource for the judiciary and court administrators on aging-related issues. The center aims to raise judicial awareness of aging concerns, offer training and

resources to enhance court responses to elder abuse and adult guardianships, and foster a collaborative community of judges, court personnel, and aging specialists.

NATIONAL INSTITUTE OF AGING

<https://www.nia.nih.gov/health/elder-abuse>

This institute has spearheaded extensive scientific research to understand the aging process and promote longer, healthier, and more active lives. Additionally, the NIA is the leading federal agency supporting and conducting research on Alzheimer's disease and related dementias.

LONG TERM CARE OMBUDSMAN PROGRAM

<https://ombudsman.elderaffairs.org/>

This Florida agency works to enhance the quality of life for all long-term care residents in the state by advocating for and safeguarding their health, safety, well-being, and rights.

DISASTER RESOURCES FOR OLDER ADULTS & PEOPLE WITH DISABILITIES

<https://www.disasterassistance.gov/get-assistance/forms-of-assistance/4505>

This federal agency's website offers resources and assistance for older adults and individuals with disabilities before, during, and after natural disasters.

FLORIDA DEPARTMENT OF ELDER AFFAIRS

<https://elderaffairs.org/>

This federal agency's website offers resources and support for older adults and individuals with disabilities, including food assistance, Medicaid information, and elder abuse hotlines.

VA GERIATRICS AND EXTENDED CARE

<https://www.va.gov/geriatrics/>

This federal agency's website provides resources and support for older veterans, including assistance with aid and attendance and long-term care.

Databases

ELDERCARE LOCATOR

<https://eldercare.acl.gov/>

Created by the U.S. Administration on Aging, the Eldercare Locator is a nationwide service that connects older Americans and their caregivers with reliable local resources. It helps users find services like meals, home care, transportation, and caregiver support, making it easier to access state and community-level assistance.

Web Bibliographies

ELDER LAW RESEARCH GUIDE: JOURNALS

Published by Loyola University Chicago Law School

<https://lawlibguides.luc.edu/c.php?g=610779&p=4239338>

SELECTIVE BIBLIOGRAPHY OF ELDER LAW MATERIALS

Published by the University of Georgia

https://digitalcommons.law.uga.edu/law_lib_rg/7/

ELDER LAW: ORGANIZATIONS AND CURRENT AWARENESS

Published by Florida State University College of Law

<https://guides.law.fsu.edu/c.php?g=539084&p=3772181>

Journal Articles

PRIVATE LONG-TERM CARE INSURANCE: NOT THE SOLUTION TO THE HIGH COST OF LONG-TERM CARE FOR THE ELDERLY

<https://publish.illinois.edu/elderlawjournal/files/2016/02/Frolik.pdf>

This article explores why few elderly Americans purchase Long-Term Care Insurance (LTCI), despite the high costs of long-term care. It outlines the rational reasons behind this trend, including limited need, Medicaid as a safety net, high premiums, and insufficient coverage. It also examines how changing care preferences and policy design affect decisions. The article concludes by proposing a policy solution: making LTCI mandatory to better distribute costs and reduce Medicaid reliance.

APPROPRIATE HOUSING FOR OLDER CLIENTS

<https://scholarlycommons.law.hofstra.edu/actecj/vol46/iss1/10>

This article offers estate planners guidance on helping clients evaluate their current and future housing needs as they age. It emphasizes the importance of discussing age-appropriate housing, exploring options like downsizing, renting before relocating, or moving into age-restricted communities. The article also highlights key factors to consider, including physical and mental health, financial situation, and long-term suitability of different housing arrangements.

CHALLENGING PREVENTATIVE CARE, THE ACA'S PHILOSOPHY OF ACCESS AND DEFERENCE TO SCIENTIFIC EXPERTISE: IMPLICATIONS FOR A HEALTHY AGING POPULATION

<https://theelderlawjournal.com/wp-content/uploads/2025/02/Gluck.pdf>

This article explores the Affordable Care Act's (ACA) mandate for preventive services, which requires insurers to cover these services without cost-sharing. It analyzes the legal challenges to this mandate, with a particular focus on the case of *Braidwood Management Inc. v. Becerra* and places these challenges within the larger context of debates surrounding healthcare policy and the administrative state.

Cases

Federal

Health & Hosp. Corp. v. Talevski, 143 S. Ct. 1444 (2023)

In a 7-2 ruling, the U.S. Supreme Court determined that private individuals can file lawsuits against public nursing homes under 42 U.S.C. §1983 for violations of patient rights established by the Federal Nursing Home Amendments Act of 1987 (FNHRA). Justices Thomas and Alito dissented.

Massachusetts

Dermody v. Exec. Office of Health & Human Servs., 201 N.E.3d 285 (Mass. 2023)

The Massachusetts Supreme Judicial Court ruled that the Executive Office of Health and Human Services is the beneficiary of an annuity purchased by a husband to qualify his wife for Medicaid.

Nebraska

Koetter v. Meyers (In re Estate of Koetter), 980 N.W.2d 376 (Neb. 2022)

Koetter, aged 88, passed away in 2017, and his son filed a petition to probate his father's 2014 will. Koetter's daughter contested the will, claiming it was partially the result of undue influence. Over the previous 14 years, Koetter had executed several wills, but his final will represented a significant departure from the terms of his earlier ones. At the time the will was executed, Koetter required physical and medical care from family members and neighbors, and he had become agitated and restless. The court concluded that undue influence was present.

Illinois

Estate of Watts v. Watts, 456 Ill. Dec. 608, 193 N.E.3d 848 (2022)

Watts, a disabled adult, had a guardian ad litem (GAL) appointed, and after his death, the GAL petitioned the court for the payment of fees from the Legal Aid Society's involvement in the case, which the trial court approved. However, the Appellate Court reversed the decision, ruling that the trial court lacked the authority to assess fees under §11a-10c of the Illinois Probate Act when the person under guardianship is unable to pay and when the party being directed to pay falls under a statutorily exempt category, such as APS.

Iowa

Driesen v. Kerr-Davis, 967 N.W.2d 367 (Iowa Ct. App. 2021)

The claimant, Driesen on behalf of Ms. Cindy Davis, alleged that the guardian of her adult son was committing elder abuse by preventing Davis from visiting her son, who was Ms. Katherine Kerr-Davis's ward. The court ruled that the prevention of visitation did not constitute elder abuse, as Cindy Davis was not considered a "vulnerable adult" solely because she was over 60. The court stated that she would need to assert that her age prevented her from protecting herself, but she only claimed that she was unable to obtain legal representation.

California

Indian Harbor Ins. Co. v. Casa de Monte Vista, LLC, No. CV 23-2019-SMG (SPx), 2024 U.S. Dist. LEXIS 110936 (C.D. Cal. June 20, 2024)

This case involved a dispute over an insurance claim for fire damage to property owned by Casa De Monte Vista LLC and the Luisi family. Indian Harbor Insurance accused the Luisis of making misrepresentations on their policy application. In response, the Luisis filed a counterclaim for financial elder abuse based on the denial of their claim. The court determined that the counterclaim included enough factual allegations to meet the pleading standard under Rule 9(b). At this stage, the court could not conclude whether Indian Harbor's denial of the claim was reasonable or made in good faith.

Annie Ma v. Bank of Am., N.A., No. CV 23-09456-MWF (AGRx), 2023 U.S. Dist. LEXIS 23428 (C.D. Cal. Dec. 20, 2023)

The plaintiff, a 74-year-old senior citizen and long-time customer of Bank of America (BANA), was given a phone number by a BANA employee in January 2021 to add a beneficiary to her account. When she called the number, scammers pretending to be from BANA and Chinese authorities informed her that she owed debts and needed to wire money to assist with an investigation. The plaintiff sent a total of \$690,000 from her BANA account to the scammers, incurring wire transfer fees. The plaintiff claims that BANA failed to prevent the transfers or report the fraud. The complaint failed to state a claim for financial elder abuse under California Welfare and Institutions Code Sections 15610.30(a)(1) or (a)(2) because it did not allege that the bank itself took, retained, or assisted in taking the plaintiff's property with wrongful intent or actual knowledge of the scam.

Georgia

In re Sessions, 367 Ga. App. 426 (2023)

The evidence supported the probate court's decision to award the widow the value of a life estate in the marital home. It was determined that the widow would face a shortfall of about \$36,000 to cover her regular expenses based on her usual standard of living, and the value of the life estate fell within the range of this annual shortfall. The court concluded that the award appropriately considered the estate's solvency and explained its equitable rationale, addressing the widow's immediate financial needs after her husband's death.