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Honorable Deborah A. Kaplan

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The New York State Judicial Committee on Elder Justice Newsletter

May 2024 – Vol. III

Message from the Chair:



*Honorable Deborah A. Kaplan,
Deputy Chief Administrative
Judge for the New York City
Courts*

Welcome to the spring 2024 issue of the newsletter of the New York State Judicial Committee on Elder Justice!

The goal of this newsletter is to raise awareness of elder justice issues in our courts, our community, and beyond. It also serves to keep our committee members connected and provides the opportunity for us to highlight valued members of the committee.

In this newsletter, among other information, you will find a review of an excellent book by Dr. Becca Levy, Professor of Epidemiology at Yale School of Public Health and Professor of Psychology at Yale University, entitled *Breaking the Age Code: How Your Age Beliefs Determine How Long and Well You Live*. Dr. Levy is a leading authority on how beliefs about aging influence aging health. Through some 30 years of research, she demonstrates how age discrimination can take years off one's life, and, conversely, how positive age beliefs support positive health outcomes.

Additionally, we profile committee member Judge Audrey Stone. Judge Stone's experience dealing with elder justice issues is vast, and we are grateful for her many contributions to the committee—and to the court system.

Finally, I would like to take this opportunity to thank all committee members for their tireless commitment to elder justice and their continued service to the committee. It is truly a great pleasure to work with you.

I hope that you enjoy this newsletter and share it with others.

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on Elder Justice
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Breaking the Age Code

By *Brian Balmes, Esq., New York State Unified Court System*

Age. It's more than just a marker of the number of years we have traveled on this Earth. It's a powerful narrative, filled with expectations, limitations, and stereotypes, that we often unknowingly adopt. The truth is, negative age beliefs do more than just dictate how we celebrate (or don't celebrate) birthdays; they can also diminish the quality and quantity of those years. Surprising research reveals that negative age beliefs, often internalized from our environment, can have devastating consequences for our health, happiness, and longevity. Studies have shown that individuals with a positive view of aging tend to live 7.5 years longer than those with a negative view.

In her book *Breaking the Age Code: How Your Age Beliefs Determine How Long and Well You Live*, Dr. Becca Levy, Professor of Epidemiology at the Yale School of Public Health and Professor of Psychology at Yale University, explores how attitudes toward aging have profound effects on various aspects of our lives, including our physical health, mental wellbeing, relationships, and overall quality of life.

Dr. Levy expertly weaves clinical, psychosocial, and demographic studies, personal anecdotal experiences, insight from subject-matter experts, and recollections and commentary from well-known media figures into a narrative of self-empowerment and collective community engagement. She draws upon figures, such as Carl Reiner and Mel Brooks, who point to how positive age beliefs have allowed them to surpass the average male life span by at least 15 years, and journalists such as Carl Bernstein, who, prior to his seminal report on the Watergate scandal, reported on how residents of a Washington, D.C. suburb vehemently opposed the transformation of an apartment building into senior housing and brought structural ageism into the forefront of the national consciousness.

Dr. Levy brings to light how health concerns commonly associated with aging result from, or are made worse by, our decades-long internalization of negative age beliefs and stereotypes propagated through external societal sources including the media we consume, the education we receive, and even the institutions with which we interact. She explains how we internalize ageist stereotypes from our environment beginning in early childhood and continuing throughout our lifespan, how these stereotypes endure and function unconsciously to impact all facets of our overall health, and how their cumulative negative impacts become even more detrimental as we age, and these stereotypes become "self-relevant."

Dr. Levy highlights her groundbreaking study to determine how ingrained age beliefs impact memory health and performance by utilizing implicit priming—a memory effect in which exposure to previous stimuli influences responses to subsequent stimuli. In her lab in Harvard's psychology department, she recruited a group of older participants and directed them to focus on a computer screen as words flashed across. What participants believed to be transitory blurs flashing across the screen were actually positive or negative words about old age: "wise," "alert," and "learned," or "Alzheimer's," "senile," and "confused." Dr. Levy reported that those "who had been primed with positive age stereotypes for just ten minutes improved their memory performance and [t]en minutes of negative age priming saw a comparable decline."

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Dr. Levy's study has since been replicated time and again, and studies across five continents have confirmed the universal nature of her results.

The repercussions of negative age beliefs reverberate through the broader societal landscape, including the economy—most notably, through escalating healthcare costs. When negative age beliefs influence medical decisions, older individuals may receive inadequate treatment, leading to preventable health complications that strain healthcare systems and increase overall medical expenses for both individuals and societies. In her research, Dr. Levy's team found that the healthcare costs of negative age beliefs totaled \$63 billion per year in the United States, greater than the cost associated with morbid obesity, considered one of the costliest chronic conditions in America.

The appendices of Dr. Levy's book present pragmatic approaches to resist and reverse negative age beliefs within ourselves and our communities, provides categorical yet concise rebuttals to negative age stereotypes, and offers a bullet-point blueprint of how to end structural ageism in every aspect of society.

Through her research, Dr. Levy has developed a practical method to bolster positive age beliefs that individuals can use to improve their own health. Her "ABC" approach asks us to:

- Increase our **Awareness** by identifying where negative and positive images of aging are found within us and in our environment,
- Place **Blame** on ageism by understanding that health and memory problems can result partly from the negative age beliefs propagated by external societal sources, and
- **Challenge** negative age beliefs that perpetuate stereotypes and act against ageism so that it is no longer harmful.

In Appendix 3, entitled "A Call to End Structural Ageism," Dr. Levy begins with a quote from Paul Irving, Chair of the Milken Institute Center for the Future of Aging:

The miracle of longevity provides such incredible opportunity to individuals and the societies in which we live. Yet, today so much of that potential remains unrealized because we haven't adequately addressed these challenges that hinder older populations from living their later lives in meaningful, productive ways.

Here, in the appendices, armed with the substance and fullness of context embodied in the pages that came before them, we recognize what Dr. Levy's book represents: a clarion call to unabashedly confront ageism and negative age beliefs. Dr. Levy reminds us that the journey toward a more age-inclusive society begins with a collective commitment to dismantling age-related biases that hinder progress, stifle innovation, and undermine the beauty of human experience and longevity.

For more information, please visit: [Becca Levy](#)

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Caregiving with Style

Reprinted with the permission of Cheryl Deep, Institute of Gerontology at Wayne State University

Amanda Leggett is committed to understanding caregivers and their varied approaches and to using that understanding to keep caregivers and recipients healthier. Her \$2 million, four-year RO1 grant from the National Institute on Aging will help her do just that: study the impact of different networks of caregivers on the health of persons with dementia. Delineating caregiving styles and using those styles to tailor interventions that improve caregiving outcomes has upended the traditional view that caregiving is “one size fits all.”

Dr. Leggett is an assistant professor and a member of the Leaders Initiative and Clinical Core of the MADRC, a combined WSU, U-M and MSU effort to study non-amyloid causes of Alzheimer's. With degrees in human development and family studies, she didn't set out to study caregiving. She enjoyed working with children and adolescents but also saw value in a lifespan perspective. Caregiving research offered the perfect marriage. “I get to interview spouses, children, grandchildren, neighbors. It's a unique, intergenerational approach I enjoy.”

In 2017, Dr. Leggett studied caregiving styles for persons with dementia and their effect on health. In interviews with about 100 primary caregivers, five caregiving styles emerged. Health care professionals subsequently honed and affirmed them. Dr. Leggett had tapped into a new way to understand caregiving. Caregiving styles are not judged or ranked. “Every profile has strengths and room to grow,” she said. “By understanding the styles, interventions with caregivers can have more impact. We can speak their language.” Since persons with dementia are often cared for by more than one person, her new grant explores broader networks of up to five caregivers per recipient.

“We'll tie health outcomes like depression and sleep quality to types of networks,” Dr. Leggett said. “Does one type keep mom out of the ER? Or rush her to the ER though she could have been helped at home? The goal is tailored interventions to help caregivers provide good care while staying healthy themselves.”

For more information, please visit: [WSU Institute of Gerontology 2022 2023 Report \(wayne.edu\)](https://www.wayne.edu/gerontology); [Institute of Gerontology - Wayne State University](https://www.wayne.edu/gerontology)

Surplus Equity, Property Tax Foreclosures, & Older Adults

By Megan H. Schnader, Esq., New York State Unified Court System

The struggle to pay property taxes, the loss of surplus equity in a home sold at auction, and home foreclosures are challenges faced by homeowners on a daily basis across the United States. Older adults are among the populations most widely affected, due to a fixed income, lack of mortgage, or cognitive difficulties. Individuals of color, those with lower incomes, or individuals saddled with high property taxes struggle with these issues as well.

For more information regarding tax sales and procedures in different states, visit:

[NCLC Digital Library](#)

[The Other Foreclosure Crisis: Property Tax Lien Sales - NCLC](#)

[NCLER - National Center on Law and Elder Rights](#)

[Cited References](#)

Andrea Bopp Stark and John Rao, National Center on Law and Elder Rights, *Property Tax Foreclosures & Older Adults: Tyler v. Hennepin* [August 2023], available at <https://vimeo.com/850617756>

Minnesota Statutes § 580.10; [Sec. 580.10 MN Statutes](#)

Tyler v. Hennepin County, 598 U.S. 631 (2023); [21-166 Tyler v. Hennepin County \(05/25/2023\) \(supremecourt.gov\)](#)

Featured Podcast



“Defining and Studying Elder Abuse Polyvictimization”

Justice Today Podcast, hosted by Stacy Lee Reynolds, with an interview of NIJ Social Science Analyst Yunsoo Park, discusses elder abuse and polyvictimization of older adults (originally aired on January 9, 2023)

To listen to this podcast, please visit: [Defining and Studying Elder Abuse Polyvictimization | DOJ Office of Justice Programs](#)

Each state has its own foreclosure laws that govern the seizure, foreclosure, and sale of homes by the government. Many states have processes in place that outline the steps that must be taken by the government in order to execute a foreclosure. Those processes also provide homeowners an opportunity to redeem their property prior to foreclosure. Several states also allow homeowners to claim any compensation that remains after the property has been foreclosed on, sold, and all expenses have been paid.

There are still a few states, however, that do not afford homeowners the same opportunities. Minnesota, one such state, specifically provides that after the sale of a property, the officer making the sale shall be paid the surplus money—meaning, the excess proceeds from the sale of the property remaining after all interest, taxes, and fees are paid.

On May 25, 2023, the U.S. Supreme Court decided that Hennepin County, Minnesota was not entitled to pocket the surplus equity after the sale of a county resident’s home. In *Tyler v. Hennepin*, Geraldine Tyler, a senior citizen who owned a condominium in Hennepin County moved to a senior community in 2010. For five years, her family failed to pay her property tax bill. And because Ms. Tyler’s mortgage was paid off, she also did not have an escrow or mortgage company to pay the taxes. By 2015, Ms. Tyler owed \$2,300 in taxes, to which Hennepin County added thousands of dollars of interest, penalties, and fees, bringing the total outstanding bill to \$15,000. The county proceeded to foreclose on and sell Ms. Tyler’s condominium for \$40,000 and pocketed the \$25,000 surplus equity. Ms. Tyler did not receive any proceeds from the sale of her condo.

The Supreme Court determined that the government has the right to foreclose on and sell a homeowner’s property if the homeowner does not pay their property taxes. The government is also entitled to compensation for outstanding taxes, costs, interest, and penalties attached to property. But, according to the Supreme Court, the government is not entitled to surplus equity after the property is sold. Instead, the Supreme Court held that homeowners have a fundamental right to surplus equity. By selling Ms. Tyler’s condo and keeping the surplus equity, Hennepin County violated the Takings Clause of the Fifth Amendment to the U.S. Constitution.

For homeowners who have not reached the stage of foreclosure, many organizations exist that can aid them in repossessing their land. If an individual seeks intervention before foreclosure, they may be able to avoid it all together. Organizations such as the National Center on Law and Elder Rights (NCLER) and the National Consumer Law Center (NCLC) aid individuals across the country in avoiding foreclosure.

NCLC ensures that homeowners are receiving all exemptions to which they are entitled, thereby lowering their tax bills. With lower tax bills, homeowners will be more likely to stay current and have the means to pay their property taxes. If a homeowner does not have counsel, NCLC will help them find an attorney to handle their case. NCLC also aids attorneys representing homeowners at all stages of the foreclosure process. Once a homeowner is in the final stage of foreclosure, not many options remain. Seeking assistance prior to that stage increases a homeowner’s chances of repossessing their home.



Committee Member Spotlight: The Honorable Audrey E. Stone

Acting Supreme Court Justice, Criminal Term, Bronx County

The Honorable Audrey E. Stone, a member of the NYS Judicial Committee on Elder Justice since its inception, has presided over criminal cases in Bronx County since 2019.

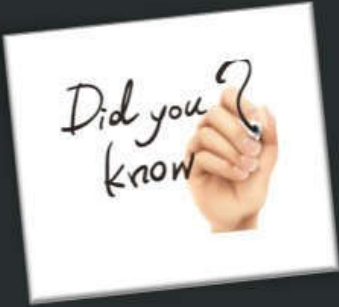
In 2023, Judge Stone became an Acting New York State Supreme Court Justice in the Criminal Term, Bronx County. In this position, she presides over felony domestic violence cases. She enjoys the court community and collegiality that exists in Bronx County.

Previously, Judge Stone served as the Director at Pace Women's Justice Center, where she partnered with prosecutors and defense attorneys to identify issues faced by domestic violence victims and older adults who were victims of elder abuse. While at Pace, Judge Stone had the opportunity to work with the Hebrew Home in Riverdale as they developed a specialized shelter for older adults who were identified as victims of elder abuse.

After six years at Pace, Judge Stone moved on to the Westchester County District Attorney's Office to become the Chief of the Special Prosecutions Division. In this role, she was responsible for all domestic violence, child abuse, and elder abuse cases in the county. She utilized a multidisciplinary approach for each case, including working with law enforcement, the Office of Social Services, medical professionals who encountered these adults, and others to determine how to intervene and assist these adults in the community.

In 2016, Judge Stone joined the New York State Unified Court System as Chief Counsel for the Office of the Statewide Coordinating Judge for Family Violence Cases. In this role, she worked closely with Deputy Chief Administrative Judge Deborah Kaplan, the then Statewide Coordinating Judge for Family Violence Cases, training judges and attorneys on domestic violence issues, and working with judges and staff, who handled domestic violence matters, in an effort to promote better and more consistent outcomes in cases in the Domestic Violence and Integrated Domestic Violence Parts. In addition, Judge Stone focused on the role of the court system in ensuring that court users, specifically older adults, could navigate the use of court facilities, court processes, and more. Further, she worked to better understand what physical limitations existed for older adult users and how technology could be used to assist older adults, such as with orders of protection.

Judge Stone believes that the Committee contributes heavily not only to making changes to court users' experiences within the court system, but also to providing an array of training and resources for its members to take back to their own chambers or place of practice. The Committee, in Judge Stone's view, provides members with a structure, better appreciation, and understanding of how to practically resolve problems relating to older adults. Even while hearing criminal cases, Judge Stone uses the knowledge and training that she has gained from the Committee and judicial training



to ensure that justice is upheld and that court users receive accommodations in order to fully participate in court proceedings.

Throughout her career, Judge Stone has served as a member of Fatality Review Teams and conducted trainings for law enforcement and judges on the issues of elder justice. As a judge, she receives gratification from knowing that her participation in a case had a memorable impact on the parties.

Judge Stone is also very proud of a court decision she issued in 2020 that involved an older adult who endured elder abuse, which was inflicted by her adult child.

College students around the country are visiting with Alzheimer's patients on a weekly basis in order to build friendships and engage patients during this challenging time of life. Students also communicate with the patients' families as to positive parts of their visits, how family members can reconnect with one another, and more.

For more information, please visit:

National Alzheimer's Buddies
(alzbuddies.org)



The New York State Judicial Committee on Elder Justice is a standing advisory committee of the Chief Administrative Judge of the Courts pursuant to an Administrative Order dated December 1, 2015.