



PRO SE / SELF-REPRESENTED GUIDE

# Elder Abuse & Guardianship Exhibit Guide

Organize medical records, financial exploitation evidence, and facility documentation for APS reports and guardianship proceedings

Elder abuse takes many forms — physical, financial, emotional, and neglect. The Elder Justice Act (42 U.S.C. § 1397j) established federal standards, but most enforcement happens at the state level through Adult Protective Services (APS) and civil courts. Nursing home residents have federal protections under 42 U.S.C. § 1395i-3, which requires facilities to meet minimum care standards. Whether you're filing an APS report, pursuing a guardianship petition, or suing a facility for neglect, your case depends on documented evidence. Medical records, financial records, photos, and witness statements must be organized by category and presented clearly. This guide covers how to build that evidence package.

## Medical and Physical Evidence

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## Financial Exploitation Evidence

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## Facility Documentation

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## Legal and Administrative Records

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## Witness and Communication Evidence

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### COMMON MISTAKES TO AVOID

1. Not photographing physical signs of abuse or neglect with dates — bruises and bedsores heal, and without photos the evidence disappears
2. Waiting too long to file an APS report. Evidence of neglect fades quickly, and delay can be used against you in court
3. Mixing financial exploitation evidence with neglect evidence. These are different claims with different elements — organize them separately
4. Not requesting the facility's inspection reports and deficiency citations, which are public records in most states
5. Confronting the suspected abuser before preserving financial records. They may destroy evidence.

## ORGANIZATION TIPS

- Separate your exhibits into categories: medical, financial, facility records, legal documents, and witness statements
- For financial exploitation, create a chronological transaction log showing the pattern of unauthorized activity
- Pair every injury photo with the corresponding medical record entry for the same date
- Put the APS report or guardianship petition first — it frames everything that follows
- If the elder has cognitive decline, include the most recent capacity evaluation or neuropsychological assessment
- Label facility inspection reports by date and highlight the specific deficiency citations relevant to your case

## COURTROOM PREPARATION

- Guardianship hearings move fast. The judge may spend 30-60 minutes on your case. Lead with your strongest evidence.
- If alleging financial exploitation, bring a clear summary: total amount taken, dates, how it was taken, and what records prove it
- The elder's own testimony (or inability to testify) is significant. If they can't appear, bring a physician's statement explaining why.
- Judges take APS findings seriously. If APS substantiated the abuse, put that finding front and center.
- For nursing home cases, the facility's own deficiency citations are your strongest evidence — the state already found problems.
- Be prepared for the opposing side to argue the elder is competent and making their own choices. Capacity evaluations counter this.
- If requesting emergency guardianship, you need to show imminent risk of harm. Organize your evidence to tell that story clearly.

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