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National Coordinator  
Elder Justice Coalition  
4/17/2008  
Hearing On: H.R. 5464, the “A Child Is Missing Alert and Recovery Center Act”; H.R. 2352, the “School Safety Enhancements Act of 2007”; and H.R. 1783, the “Elder Justice Act”
Chairman Scott and Members of the Subcommittee, on behalf of the nonpartisan 556 member Elder Justice Coalition, I appreciate the invitation to testify today regarding H.R. 1783, the Elder Justice Act. The coalition commends this subcommittee for holding this hearing. We hope it proves to be a catalyst for passing this worthwhile legislation in the House. We especially thank you for holding this hearing during National Crime Victims’ Rights Week. A victim of elder abuse, neglect, or exploitation is a victim of a crime, but the impact of these crimes is especially severe because of the age and vulnerable nature of the victim. Frankly, Mr. Chairman, we need more than a designated week to address a daily national disgrace.

The Elder Justice Coalition also commends Representatives Rahm Emanuel (D-IL) and Rep. Peter King (R-NY), the co-authors of the Elder Justice Act. They have been longstanding champions of this legislation. We also salute the 105 co-sponsors of the bill, including the following Members from the Judiciary Committee: Representative Baldwin, Representative Berman, Representative Boucher, Representative Cohen, Representative Delahunt, Representative Johnson, Representative Lofgren, Representative Sanchez, Representative Sutton, Representative Wasserman-Schultz, Representative Weiner, and Representative Wexler.

H.R. 1783 addresses elder abuse, neglect, and exploitation and its passage is long overdue. The legislation is necessitated by the combination of a growing national problem and an anemic federal response to the problem.

Elder abuse is a multifaceted issue. The abuse takes on many forms, including physical, emotional, sexual, and financial. The common thread involving elder abuse is that it involves one or more persons establishing and then violating a trust relationship with a vulnerable older person.

National data related to elder abuse provides some disturbing present-day realities and future trends:

- According to the National Center on Elder Abuse 2005 fact sheet: Best available estimates are each year between 1 and 2 million Americans age 65 and over have been injured, exploited or otherwise mistreated by someone on whom they depended for care or protection.
- For every one case of elder abuse, neglect, exploitation or self-neglect reported to authorities, at least five more go unreported. As a result, the Senate Special Committee on Aging has estimated the number of elder abuse cases nationally at more than 5 million.
- A 2004 survey of Adult Protective Service agencies revealed a 19.7 percent increase in the combined total of reports of elder and vulnerable adult abuse and a 15.6 percent increase in substantiated cases since 2000.
• Overall, APS agencies received more than 556,000 reports of suspected elder abuse in 2004.
• Another 20,000 cases of abuse in nursing homes were reported by State Long-Term Care Ombudsman Programs. It should be noted that this is only one of several possible reporting sources, suggesting the number of nursing home abuse cases may be considerably higher.
• Of a group of more than 190,000 substantiated cases of elder abuse reported to APS, the two highest forms were caregiver neglect and financial exploitation.
• Among perpetrators of elder abuse, 80% were either a family member of or in an ongoing relationship with the victim.
• According to the Department of Justice Office of Victims of Crime, crime victims 65 and over lost a total of $1.3 billion due to personal and property crimes in 2005, including internet fraud complaints. The median loss for those 60 and over was $866, higher than any other age group.
• The average victim of elder abuse, according to various studies, is an older woman in her upper 70’s living alone. According to the most recent Profile of Older Americans issued by the Administration on Aging, 48 percent of all women 75 and over now live alone. Sadly, data is lacking regarding abuse across race, religion, ethnicity and the diversity of other elderly sub-population groups.
• Earlier studies pointed to the fact that as much as 70 percent of the wealth in our nation is controlled by persons 50 and over, a trend which will continue at the same time as elder financial abuse is one of the fastest rising forms of elder abuse.

Perhaps the most graphic impact of elder abuse can be found in the text of a study by Dr. Mark Lachs entitled “The Mortality of Elder Mistreatment.” The study looked at 176 older persons over a 13 year period and found that those who were reported to APS for elder mistreatment had a 9% survival rate over that time period vs. a 40% survival rate for the persons not so reported, adjusted for disease, cognitive status and several other factors.

As striking as the national data may be, elder abuse, neglect, and exploitation are intensely local issues as well. One of the better sources of information that we use to track elder abuse cases is the newsfeed provided as a service by the National Center on Elder Abuse. In preparation for this hearing, we reviewed articles from the States where the Members of this Subcommittee reside and found a total of 67 articles in just the month of March regarding abuse. A complete list of these articles is included as an attachment. The problem is a local, state, and national one. The solution must involve all three entities. In fact, that is the strength of the Elder Justice Act, which helps coordinate and fund programs but also enables states and local communities to run programs that best serve their needs.

The Elder Justice Act has been proposed in each of the last few Congresses. It is legislation which has always, and still does, enjoy significant bi-partisan support. It is legislation that has passed the Senate Finance Committee on two occasions, and in the 109th Congress a very small provision of the EJA dealing with data collection was passed and signed into law. The Elder Justice
Act also served as a catalyst for changes that were made to the Older Americans Act of 2006, in which Congress broadened the role of the Administration on Aging related to elder justice and elder abuse, including the coordination of elder justice activities.

However the fact remains that of all the federal funds spent on abuse prevention, less than 2 percent is spent on elder abuse, despite the national increase in the number of cases. Many states opt to use some of their Social Services Block Grant funds to support APS, but the amount used for APS varies dramatically from state to state and fluctuates as states adjust their SSBG expenditures to deal with cuts in social services and other priorities. Moreover, the SSBG has incurred more than $1 billion in funding cuts over the past number of years and the president’s budget proposes even deeper cuts to SSBG. A dedicated federal funding stream for Adult Protective Services is urgently needed in order to protect the lives and financial well-being of the rapidly increasing number of older citizens vulnerable to abuse, neglect, and exploitation.

H.R. 1783 includes among its key provisions:
1. Provide the first ever dedicated federal funding for adult protective services – the critical program in every state that assists victims and works with law enforcement.
2. Provide improved APS training and investigations through federal coordination and demonstration grants from HHS.
3. Provide grants to improve ombudsman capacity, conduct pilots, provide support, and improve training.
4. Require immediate reporting to law enforcement of crimes in a long-term care facility and provide better consumer information on Nursing Home Compare.
5. Create a National Training Institute for Surveyors of long-term care facilities.
6. Establish an Elder Justice Coordinating Council to foster coordination throughout the federal government on elder abuse topics and an Advisory Board to the Coordinating Council made up of experts on elder abuse, neglect, and exploitation.

It also contains important provisions under the jurisdiction of this Committee. This includes requiring the Attorney General to invest through grants in improved training, policy development, and other types of support to state and local prosecutors handling elder abuse cases, as well as retaining additional Federal prosecutors and nurse investigators needed to assist with elder abuse cases. The bill would also permit the Attorney General to fund a resource group to assist prosecutors nationwide with respect to elder justice matters.

In addition to the need for greater reporting of elder abuse is the need for greater prosecutions of these cases once reported. Victims of elder abuse are crime victims. They can suffer physical harm or tremendous loss of needed financial resources. Our criminal justice system needs to be aggressive in bringing those who commit elder abuse to justice and H.R. 1783 can help make that a reality. Current laws and policies of the Department of Justice are not sufficiently elder abuse sensitive and H.R. 1783 would make elder abuse prevention a more distinct priority in DOJ.

In addition, H.R. 1783 would require the Attorney General to award grants to provide training, technical assistance, and other types of support to police and other front-line law enforcement personnel handling elder abuse cases. Again, the point is to recognize the critical role that law enforcement must play in elder abuse prevention. Unless training is provided throughout
Further, H.R. 1783 would place responsibilities with the Department of Justice to work to help achieve a coordinated federal response to elder justice, evaluate effective state laws, provide recommendations, and conduct evaluations of all new programs authorized under this legislation.

Finally, the bill makes grants to establish and operate stationary and mobile forensic centers to develop forensic expertise on elder abuse and to assist in making winnable cases against perpetrators.

Elder abuse prevention is an issue where the resources of the Department of Justice are needed. At the local level, it has been determined over and over again that a multi-disciplinary team approach works best in elder abuse prevention. This means involving the APS, social services, law enforcement, health, and other sectors in the effort. Grants that foster better trained multi-disciplinary responses are sound investments.

There must be a level of shared responsibility in elder abuse prevention. Older people need to be more vigilant to protect themselves and their assets. For the record, some of the common tips include:

- Use Direct Deposit for your checks.
- Don’t sign blank checks allowing another person to fill in the amount.
- Don’t leave money or valuables in plain sight.
- Don’t sign anything you don’t understand.
- Protect your money. The bank may be able to protect your money by arranging your accounts to control access to your funds.
- Be aware of scams. If it sounds too good to be true, it probably is.
- Don’t give anyone your ATM PIN number, and cancel your ATM card immediately if it is stolen.
- Check your bank statements carefully for unauthorized withdrawals.
- Be cautious of joint accounts.
- Build good relationships with the professionals who handle your money.

Finally, we must remember that all seniors do not have equal capacity to manage their financial resources. Where assistance is needed, ensure maximum reasonable decision-making for vulnerable seniors whose resources are at stake.

In conclusion, the shared responsibility for protecting the nation’s elders must finally be extended to the federal response to elder abuse. Our current policy of directing paltry sums in a piecemeal fashion is not the answer. A comprehensive and effective approach as embodied in the Elder Justice Act is the way we need to go. The Elder Justice Coalition strongly urges the enactment of the Elder Justice Act this year.

Thank you Mr. Chairman.
The Elder Justice Coalition: 556 members  4/16/08
*Denotes Elder Justice Coalition Coordinating Committee

Organizational Members: 229
*National Committee for the Prevention of Elder Abuse
*National Academy of Elder Law Attorneys
*National Association of State Units on Aging
*National Adult Protective Services Association
*National Association of State Long-Term Care Ombudsman Programs
*AARP
Adams County Social Services Department, CO
Adult Abuse Coalition of South Central Tennessee, TN
Adult Guardianship Services, OH
Adult Protective Services, Sacramento, CA
Adult Protective Services, San Francisco, CA
Advocates for National Guardianship Ethics and Reform
Aging Solutions
Alabama Dept. of Senior Services
Alabama Long-Term Care Ombudsman
Alaska State Office of the Long-Term Care Ombudsman
Alliance for Better Long Term Care
Alliance for Quality Nursing Home Care
Alliance of Retired Americans
American Art Therapy Association
Alzheimer’s Association
*American Association of Homes and Services for the Aging
American Association for Single People
American Geriatrics Society
*American Health Care Association
American Psychological Association
Americans for Better Care of the Dying
American Society on Aging
Area Agency on Aging, Region One, Phoenix, AZ
Arlington AAA, Arlington, VA
Arizona Elder Abuse Coalition
Arlington Steering Committee for Services to Older Persons
Arkansas Advocates For Nursing Home Residents
Assisted Living Federation of America
Association for Protection of the Elderly
Association for Protection of the Elderly – PA Chapter
Association for Protection of the Elderly – West Coast Chapter
Bay Area Agency on Aging, Inc.
Benjamin Rose Institute, Cleveland, OH
Billings Chapter of NCPEA, Montana
Brookdale Center on Aging of Hunter College
Burden Center for the Aging
California Medical Training Center, UC Davis
Catholic Charities of the Archdiocese of St. Paul & Minneapolis
Catholic Charities Health and Human Services, Cleveland, Ohio
Center for Advocacy for the Rights and Interests of the Elderly
Center on Aging & Disabilities-University of Miami, FL
Center for a Just Society
Center for Medicare Advocacy, Inc.
Center for Social Gerontology
Central PA Critical Jobs Training
Chatham County S.A.L.T. (Seniors And Law enforcement Together), GA
Citizens for Better Care
Coalition of Wisconsin Aging Groups & the Elder Law Center
Coastline Elderly Services, Inc.
Cochise County, Arizona, Elder Abuse Task Force
College of Professional Mediation, Puerto Rico
Collier County S.A.L.T. (Seniors And Law enforcement Together) Council, FL
Consumer Consortium for Assisted Living
Council on Aging - Orange County

Organizational Members (con’t)
Council of Senior Centers and Services of New York
County Welfare Directors Association of California
Crater District Area Agency on Aging, VA
District of Columbia Long-Term Care Ombudsman Office
Disability, Abuse and Personal Rights Project
Elder Abuse Institute of Maine
Eldercare America
ElderCare Rights Alliance
Elder Financial Protection Network
Elder Law of Michigan
Elder Law Offices of Mitchell A. Karasov, CA
Elder Law Practice of Timothy Takacs, TN
Family Research Council
Foundation for Senior Living
Gallatin County Attorney’s Office, TN
Gary Jones Association, NE
General Federation of Women’s Clubs
Georgia Division of Aging Services
Georgia Office of the State Long-Term Care Ombudsman
Gerontological Society of America
Governor’s Commission on Senior Services, OR
Gray Panthers
Greater Cleveland Elder Abuse/Domestic Violence Roundtable
Hawaii State Long-Term Care Ombudsman Program
Heart and Hand, Inc.
Home Instead Senior Care, Inc.
Hospice Patients Alliance
Idaho State Long-Term Care Ombudsman Program
Institute on Aging
Institute for Caregiver Education, PA
Institute of Gerontology at the University of Louisiana at Monroe
International Association of Forensic Nurses
International Cemetery and Funeral Association
International Longevity Center
Joint Public Affairs Committee for Older Adults, NY
Kansas Advocates for Better Care
Kansas Area Agencies on Aging Association
Kalamazoo County Advocates for Senior Issues
Kentucky Office of the State Long-Term Care Ombudsman
Lawyers for Elder Abuse Prevention, NY
Lee County Sheriff’s Office, Fort Myers, FL
Lifecycles, MT
LIFESPAN, NY
Los Angeles City Attorney’s Office
Louisiana Association of Councils on Aging
Louisiana Geriatrics Society
Louisiana Long-Term Care Ombudsman Program
Lucas County (Ohio) Prosecutor’s Office
Maine Long-Term Care Ombudsman Program
Margate Police Department, FL
Maricopa Elder Abuse Prevention Alliance, AZ
Massachusetts Long-Term Care Ombudsman Program
Meals on Wheels Association
MedAmerica Insurance Company
Mendocino County DHHS, CA
Member of the Family
Individual Members: 325

Pamela Aslderink
Sarah Albert
Nancy Alterio
Debbie Armstrong
Georgia Anetzberger
Ben Antinori
Moya Atkinson
John Attwood
Elder Abuse Cases/News Articles
March 2008

“‘Pals’ Scam 78-year-old Harlem woman out of $15M Fortune” – http://tinyurl.com/ywayns
“Travel and Tour Operator Accused of Preying on Senior Citizens” – http://tinyurl.com/yqmtu3
“Require Reporting of Elder Abuse” – http://tinyurl.com/yqouq5
“Inside an Animal Hoarder’s House” – http://tinyurl.com/2tzc6c
“Six Civil Servants will be honors” – http://tinyurl.com/2yl23w
“New Scam Targets Elderly in Brooklyn” – http://tinyurl.com/2xtubf
“Congress and Albany must protect elders” – http://tinyurl.com/224ym8
“3 in Yates County jailed for photographing mentally handicapped Person” – http://tinyurl.com/3xpmj2
“Family sues Blossom South Nursing Home” – http://tinyurl.com/36f22b
“NY Report signals need to address Elder Abuse” – http://tinyurl.com/27bn4o
“I-Team 10 Investigates: Livonia Man Accused of Bilking Elderly Women” – http://tinyurl.com/363gay

“Family Law councils Advocate for Relatives in Nursing Homes” – http://tinyurl.com/389nlf
“Woman pleads not guilty to injury to elderly individual indictments” – http://tinyurl.com/39mfuw

North Carolina (Rep. Coble)
“Dunmore Grandmother alleges Elder Abuse by Grandsons” – http://tinyurl.com/2mnwqe
“It’s like Open Season on Seniors” – http://tinyurl.com/2ywhkv

Virginia (Rep. Scott)
“Sex Assault Charges Certified Against Adult Day Care Worker” – http://tinyurl.com/2y72mt
“Patient Advocate Makes Sure Seniors are Heard” – http://tinyurl.com/33q735
“Gretna Man Sues Daughter” – http://tinyurl.com/2f4rh6

“Ex-Patton Employee Charged” – http://www.sbsun.com/sanbernardino/ci_8737553
“Panel Approves Wolk Bill to Increase Reporting Elder Abuse” – http://www.californiachronicle.com/articles/56606
“Mental Health Patients turn to clinics” – http://tinyurl.com/3e2ogk
“Suit Filed, 7 arrested in Mortgage Fraud Ring” – http://www.montereyherald.com/business/ci_8623095
“Martinez Nursing Home Comes under Federal Scrutiny” – http://winyurl.com/3a5sva
“Ashburn’s Caregiver Background Checks Bill passes legislature, now goes to the governor” – http://www.californiachronical.com/articles/54909
“Caregiver gets 3 months for videotaped assault” – http://tinyurl.com/23p67c
“Officials to discuss filthy Villa Park Home” – http://tinyurl.com/274pgv
“Deputies find mentally disabled adults in cockroach-infested house” – http://tinyurl.com/2vjhe4
“Nurse facing 10 years in federal prison for Medicare Fraud” – http://www.mercurynews.com/breakingnews/ci_8462331
“State Fines Nursing Homes $100,000” – http://www.modbee.com/local/story/229305.html
“Son Investigated for Elder Abuse in Filthy House Case” – http://tinyurl.com/3xxef7

Alabama (Rep. Davis)
“Cuts to DHR Could Eliminate Vital Adult Care Services” – http://tinyurl.com/2tyaod
“SEC Chairiman discusses scams targeting seniors” – http://tinyurl.com/39cm36
“Police: Scammer Targeting Elderly” – http://tinyurl.com/2jy9g8

Massachusetts (Rep. Delahunt)
“Arraignment set for Brockton elderly abuse suspect” – http://tinyurl.com/vvpqdv
“Police, Fire, Senior Care Advocates part of ‘Traid’” – http://tinyurl.com/2rf8le
“Seniors Warned about new tax rebate scam” – http://www.metrowestdailynews.com/state/x1379332448
“Methuen Man Charged with Sexual Assault of Retarded Relative” – http://tinyurl.com/378gmf

Georgia (Rep. Johnson)
“DHR urges you to report Elder Abuse” – http://tinyurl.com/3sqyrd
“Sales Tactics can put Seniors at Disadvantage” – http://tinyurl.com/2vf8db
“Nursing Home Employee Charged with Sodomy” – http://tinyurl.com/2g3esg
“Police: Elderly Cobb Man Killed Wife, Shot Himself” – http://tinyurl.com/2n59bt

“Waupun man charged with abusing elderly mother” – http://tinyurl.com/28p794

“Woman gets 1 year in prison” – http://tinyurl.com/2dco2a
The Elder Justice Coalition
A National Advocacy Voice for Elder Justice in America
John B. Breaux, Honorary Chair • Robert B. Blancato, National Coordinator

“The Elder Justice Coalition”

“Protecting seniors from abuse” – http://tinyurl.com/36kz6q
“Relatives in dark over man’s death” – http://tinyurl.com/yud861
“Nursing Homes ‘deplorable’ – http://tinyurl.com/2qzssh