

The Honorable Joe Sestak
House Judiciary Subcommittee on Crime, Terrorism and Homeland Security
Testimony on Elder Abuse Victims Act
April 17, 2008

Before I begin, I would like to thank Chairman Scott and Ranking Member Gohmert for inviting me to speak on a piece of legislation about which I feel so strongly. If passed into law, the Elder Abuse Victims Act will strengthen the way our justice system prosecutes perpetrators of elder abuse and protect its victims.

Seniors represent this country's history and national memory. They are vital to our families and communities; however, the elderly are also vulnerable to physical, mental, financial, and sexual abuse. Sadly, the incidence of elder abuse in this country is a growing epidemic. Every year, according to one study, between one and two million Americans age 65 or older become victims of abuse. This number is expected to rise rapidly as the population of Americans age 65 and older grows from 35 million today to 60 million by 2030.

However, the current approach to elder abuse will not be able to handle these changes. Last year, the federal government spent approximately \$153 million on programs addressing elder abuse. The Department of Health and Human Services (HHS) spent approximately \$143 million and the Department of Justice spent \$10 million. These funding levels pale in comparison to the \$6.7 billion spent on child abuse and the \$520 million mandated by the Violence Against Women Act (VAWA), both measures which I strongly support.

The greatest failure of our nation's approach to elder abuse, however, is the prosecution of perpetrators of abuse. The Elder Abuse Victims Act addresses this failure by focusing on enforcement.

This legislation requires a comprehensive review and study of states' elder justice systems, because state-to-state variations in the definitions and standards vary so widely

that the FBI is unable to categorize elder abuse in the national Uniform Crime Reporting System.

These variations are the result of a lack of one federal body dedicated to this type of abuse. Therefore, the Elder Abuse Victims Act, establishes the Center for the Prosecution of Elder Abuse, Neglect, and Exploitation at the American Prosecutor Research Institute and secondly, the Elder Justice Coordinating Council, whose membership would include the Secretary of Health and Human Services (HHS) and the Attorney General, among others.

With two centralized bodies in place, we can then direct a uniform policy that aligns the wide spectrum of state and federal agencies that have jurisdiction over elder abuse cases, and reduce the confusion that leads to cases of abuse going unreported. This is significant because estimates suggest that as many as 84% of elder abuse cases go unreported.

With 2 million senior citizens, the third largest elderly population in the country, this legislation is particularly important to the Commonwealth of Pennsylvania, my home state. According to the Pennsylvania Department of Aging, between 2006 and 2007 there were 2,484 substantiated reports of elder abuse in Pennsylvania. That is a 39.2% increase from the 2005-2006 level of 1,784 and a 19.7% increase from the previous decade. Considering that the fastest growing segment of Pennsylvania's population is those who are 85 years of age or older, this trend will worsen.

As I meet the people behind these statistics at senior groups, I am troubled that we are failing victims like Louis V. Long, an elderly resident of Pottsville, Pennsylvania, who died in March 2006 after a couple purportedly drained \$84,000 from his bank accounts as he slipped into dementia. He became one of the 40% of elder abuse victims who suffer financial exploitation and will continue to as the elderly are expected to control \$10 trillion in assets within the next 10 years.

I also believe we have failed an elderly Alzheimer patient that was struck at least six times with a belt buckle by an aide at an assisted living facility in King of Prussia, Pennsylvania, in my district. These acts leave more than just bruises; older adults who are abused are 3 times more likely to die within 10 years than those who are not.

In Pennsylvania we have a qualified Elder Abuse Unit at the State Attorney General's office that investigates and prosecutes individuals who deceive, cheat or abuse the elderly; the 26 prosecutors, agents and support staff of this unit, however, can not solve this growing epidemic alone. Federal legislation is needed immediately.

According to a recent study by the National Academy of Sciences, HHS and the National Institutes of Health, the occurrence and severity of elder abuse is likely to increase in coming years. If we do not act now, a growing number millions of seniors will suffer from unabated physical, financial, and emotional abuse and neglect.

The need for prosecution in this arena is so great that we can not risk losing the language of enforcement in the Elder Justice Act for political reasons. That is why I have introduced this more focused legislation, the Elder Abuse Victims Act, and will continue to fight for victims of abuse. As Hubert Humphrey once said, "the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped."

Again, thank you for the opportunity to testify before this subcommittee.