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The Department of Health and Human Services  
Elder Justice Coordinating Council  
2014-2016 Report to Congress

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## EXECUTIVE SUMMARY

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Title XX of the Social Security Act, Subtitle B, the Elder Justice Act of 2009, which was signed into law in March 2010, establishes the Elder Justice Coordinating Council (Council) within the Office of the Secretary of the Department of Health and Human Services (HHS). The purpose of the Council is to make recommendations to the Secretary of HHS on the coordination of elder justice activities within HHS, the Department of Justice (DoJ), and other federal, state, and local entities. The Council was initially convened on October 11, 2012, and currently is comprised of 12 federal agencies.

The Council is required to submit a report to Congress every two (2) years describing the accomplishments and activities of the Council and making recommendations for Congressional action as the Council deems appropriate. As the statutorily-named Chair of the Council, the Secretary of HHS has prepared this report to satisfy the requirement. This report contains the following:

- Introduction
- Summary of activities undertaken by the Council for the period October, 2014 to October, 2016;
- Highlights of the elder justice activities and accomplishments of the Council's member agencies from 2014-2016; and
- Written statements from experts consulted by the EJCC.

In 2014, the Council adopted a set of eight recommendations for federal action to address elder abuse, neglect, and financial exploitation.<sup>1</sup> The Council believes the recommendations represent a focused, but well-balanced, approach for establishing greater federal leadership in the area of elder justice and for improving the federal response to elder abuse, neglect, and exploitation. These recommendations for federal action fall into two categories and address a broad range of elder justice issues important to stakeholders and constituents:

### **Improve the Response to Elder Abuse, Neglect, and Exploitation**

*Recommendation 1:* Support the Investigation and Prosecution of Elder Abuse Cases

*Recommendation 2:* Enhance Services to Elder Abuse Victims

*Recommendation 3:* Develop a National Adult Protective Services System

*Recommendation 4:* Develop a Federal Elder Justice Research Agenda

### **Improve Awareness and Prevention of Elder Abuse, Neglect and Exploitation**

*Recommendation 5:* Develop a Broad-Based Public Awareness Campaign

*Recommendation 6:* Promote Cross-disciplinary Training on Elder Abuse

*Recommendation 7:* Combat Elder Financial Exploitation, including Abuse by Fiduciaries

*Recommendation 8:* Improve Screening for Dementia and Cognitive Capacity, Financial Capacity, and Financial Exploitation

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<sup>i</sup> The full text of the EJCC Recommendations can be found in Appendix A herein.

# INTRODUCTION

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## REPORT OF THE SECRETARY DETAILING THE ACTIVITIES OF THE ELDER JUSTICE COORDINATING COUNCIL FOR 2014-2016

As Required by  
Title XX of the Social Security Act, Subtitle B, the Elder Justice Act of 2009

### OVERVIEW OF THE PROBLEM

Elder abuse is a substantial public health and human rights problem. Available prevalence data suggest that at least 10 percent (or 5 million) of older Americans experience abuse each year, and many of them experience it in multiple forms.<sup>1</sup> In addition, data from Adult Protective Services (APS) agencies show an increasing trend in reports of elder abuse,<sup>2</sup> despite estimates that as few as 1 in 14 cases of elder abuse,<sup>3</sup> and 1 in 44 cases of financial exploitation,<sup>4</sup> come to the attention of authorities.<sup>5</sup>

The term “elder abuse” is used generally as an umbrella term to include physical abuse, neglect, financial exploitation, sexual abuse, and emotional/psychological abuse. Some states and federal statutes also include the concepts of abandonment of an elder by a person who has assumed a duty to care, isolation, and self-neglect.<sup>6</sup> Legal definitions of these terms vary from state to state, and there is no consistently used definition by researchers or at the federal level. The Elder Justice Act defines the following terms<sup>7</sup>:

- Abuse: “the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm”;
- Exploitation: “the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, or gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets”;
- Neglect: “(A) the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an elder; or “(B) self-neglect”;
- Self-neglect: “an adult’s inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including— (A) obtaining essential food, clothing, shelter, and medical care; (B) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or (C) managing one’s own financial affairs.”

Elder abuse results in a wide range of negative health impacts, including the increased likelihood of injury and chronic health conditions, both of which significantly impact health care expenditures. On average, older people have more chronic diseases and access the health care system at higher rates than other age groups. Older adults who are victims of violence have additional health care problems and higher premature mortality rates than non-victims. Older victims of even modest forms of abuse have dramatically (300 percent) higher morbidity and mortality rates than non-abused older people.<sup>8</sup> Research has also demonstrated that older adults who are victims of violence have more health care problems than other older adults, including increased bone or joint problems, digestive problems, depression or anxiety, chronic pain, high blood pressure, and heart problems.<sup>9</sup>

Victims of elder abuse also have significantly higher levels of psychological distress and lower perceived self-efficacy than older adults who have not been victimized.<sup>10</sup> For older victims of sexual violence the negative health impacts of abuse are even more pronounced. One study found that 12.7 percent of older women in the study group reported a history of sexual assault, all of whom experienced significantly increased risks of breast cancer and arthritis. Also, those who experienced repeated violence were up to four times more likely to develop these chronic conditions than women who were never abused.<sup>11</sup>

There is a significant lack of evidence and data about effective methods and practices to prevent elder abuse, despite growing knowledge about the scope of the problem and the growing body of evidence on the negative impacts of abuse. Not only is there a dearth of tested prevention models, but interventions that incorporate multiple service components, as well as multidisciplinary teams, are also generally lacking across states and communities. This has been widely noted in a range of studies, including by the National Research Council, the Institute of Medicine, the U.S. Government Accountability Office, and the Centers for Disease Control and Prevention.<sup>12</sup>

### **THE ELDER JUSTICE ACT**

Title XX of the Social Security Act, Subtitle B, the Elder Justice Act of 2009 (EJA), was signed into law on March 23, 2010 to address weaknesses in federal and state responses to elder abuse, as well as gaps in the literature, outlined above. The EJA contains a number of provisions, including provisions to:

- Improve and enhance adult protective services programs,
- Enhance the long-term care ombudsman program, and
- Receive reports of crimes in long-term care facilities.

In addition, the EJA establishes the Elder Justice Coordinating Council. The purpose of the Council is to make recommendations to the Secretary for the coordination of activities of HHS, the Department of Justice (DoJ), and other relevant federal, state, local, and private agencies and entities, relating to elder abuse, neglect, and exploitation and other crimes against elders.

The Secretary of HHS is identified as the Chair of the Council, and the Attorney General, or a designee, is identified as a permanent member. Other members of the Council are to be federal department or agency heads identified by the Chair as having responsibilities, or administering

programs, relating to elder abuse, neglect, or exploitation. Each member of the Council must be an officer or employee of the federal Government. Current agency membership includes:

- Department of Health and Human Services, Chair
- Department of the Treasury
- Consumer Financial Protection Bureau
- Department of Veterans Affairs
- Corporation for National and Community Service
- Federal Trade Commission
- Department of Housing and Urban Development
- Securities and Exchange Commission
- Department of Justice
- Social Security Administration
- Department of Labor
- U.S. Postal Inspection Service

The Council is required to meet at least twice per year. The Council met four (4) times in this report period, twice in public session and twice in Executive Session. Agendas for those meetings are included in Appendix B.

The Council is required to submit, every two (2) years, a report to Congress describing its activities and accomplishments, and may make recommendations for legislation, model laws, or other action as determined to be appropriate. This report fulfills the statutory requirement for the period October 2014 – October 2016.

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- <sup>2</sup> Teaster PB, Dugar T, Mendiondo M, Abner EL, Cecil KA, Otto JM. The 2004 Survey of Adult Protective Services: Abuse of Adults 60 Years of Age and Older. National Center on Elder Abuse: Washington, DC. Retrieved August 8, 2011 from: [http://www.ncea.aoa.gov/Main\\_Site/pdf/2-14-06%20FINAL%2060+REPORT.pdf](http://www.ncea.aoa.gov/Main_Site/pdf/2-14-06%20FINAL%2060+REPORT.pdf)
- <sup>3</sup> National Research Council. *Elder Mistreatment: Abuse, neglect and exploitation in an Aging America*. Washington, D.C.: The National Academies Press, 2003.
- <sup>4</sup> Lachs, Mark, et al. (2011) *Under the Radar: New York State Elder Abuse Prevalence Study Final Report*. Lifespan of Greater Rochester, Inc.: Weill Cornell Medical Center of Cornell University and New York City Department for the Aging.
- <sup>5</sup> National Research Council. *Elder Mistreatment: Abuse, neglect and exploitation in an Aging America*. Washington, D.C.: The National Academies Press, 2003.
- <sup>6</sup> National Research Council. (2003). *Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America*. Panel to Review Risk and Prevalence of Elder Abuse and Neglect. Richard J. Bonnie and Robert B. Wallace, Editors. Committee on National Statistics and Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.
- <sup>7</sup> Elder Justice Act of 2009, Title XX of the Social Security Act (42 U.S.C. 1397), §2011.
- <sup>8</sup> Lachs, M.S., Williams, C.S., O'Brien, S., Pillemer, K.A., & Charlson, M.E. (1998). "The Mortality of Elder Mistreatment." *JAMA*. 280: 428-432.

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- <sup>9</sup> Bitondo Dyer C., Pavlik V. N., Murphy K. P., and Hyman D. J. (2000). "The high prevalence of depression and dementia in elder abuse or neglect." *Journal of the American Geriatrics Society*. 48:205-208.
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- Stein, M. & Barrett-Connor, E. (2000). "Sexual Assault and Physical Health: Findings from a Population-Based Study of Older Adults." *Psychosomatic Medicine*. Vol. 62: 838-843.
- <sup>10</sup> See full article discussing the negative behavioral health consequences at:  
[http://www.ncea.aoa.gov/NCEAroot/Main\\_Site/Library/Statistics\\_Research/Research\\_Reviews/emotional\\_distress.aspx](http://www.ncea.aoa.gov/NCEAroot/Main_Site/Library/Statistics_Research/Research_Reviews/emotional_distress.aspx).
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- <sup>11</sup> Stein, M. & Barrett-Connor, E. (2000). "Sexual Assault and Physical Health: Findings From a Population-Based Study of Older Adults." *Psychosomatic Medicine*. Vol. 62; p 838-p843.
- <sup>12</sup> See: National Research Council. (2003). *Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America*. Panel to Review Risk and Prevalence of Elder Abuse and Neglect. Richard J. Bonnie and Robert B. Wallace, Editors. Committee on National Statistics and Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.
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<https://www.nia.nih.gov/sites/default/files/d7/meeting-on-research-issues-in-elder-mistreatment-and-abuse-and-financial-fraud.pdf>
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## **SUMMARY OF ACTIVITIES UNDERTAKEN BY THE COUNCIL**

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### **SPRING, 2015**

The spring 2015 meeting was a closed, Executive Session that occurred on April 22, 2015. During this meeting, Council members shared highlights of the upcoming 2015 White House Conference on Aging (WHCOA) and shared opportunities in which our federal partners can collaborate. An agenda for this Executive Session can be found in the Appendix B.

### **FALL, 2015**

The fall 2015 was a closed, Executive Session that occurred on December 2, 2015. The meeting provided Council members with updates from the 2015 White House Conference on Aging and associated regional events, and shared opportunities in which our federal partners can collaborate. The Council also looked ahead to plans for 2016, including plans for a larger spring meeting and plans for recognizing World Elder Abuse Awareness Day in June 2016. An agenda for this Executive Session can be found in the Appendix B.

### **SPRING, 2016**

The spring 2016 EJCC meeting was an open, public meeting that built on momentum from the 2015 White House Conference on Aging. In this meeting, members explored ways to further incorporate elder justice into the work of agencies throughout the federal government. Held on April 27, 2016, national experts from government and private industry discussed the issues of elder abuse research, the financial services industry's response to elder abuse and financial exploitation, and developments in training about elder abuse across a variety of fields. An agenda for this meeting can be found in Appendix B, and written remarks of the panel of experts consulted by the EJCC at this meeting are included in Appendix C to this report.

### **FALL, 2016**

The fall 2016 meeting provided Council members with the opportunity to celebrate the accomplishments it has achieved since the passage of the Elder Justice Act in 2010 and the convening of the Council in 2012. Held on October 5, 2016, the Council also heard from community representatives how they believe the increased federal attention has helped stimulate innovation in their communities. Finally, the Council reflected on next steps for continuing the momentum it has generated. An agenda for this public meeting can be found in Appendix B, and written remarks of the panel of experts consulted by the EJCC at this meeting are included in Appendix D to this report.

## **HIGHLIGHTS OF PARTICIPANT AGENCY ACCOMPLISHMENTS**

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Agencies represented on the Council also have staff attend the Elder Justice Interagency Working Group (EJWG). The EJWG is an informal group that brings together federal staff responsible for carrying out elder justice activities including elder abuse prevention, research, grant and program funding, and prosecution. This group meets to support the Council, as well as to discuss emerging issues, promising practices, and mechanisms for coordinating efforts throughout the federal government.

Listed below are highlights of programs, initiatives, and/or activities relevant to elder justice within each of the participating agencies in this reporting period, October, 2014 to October 2016. When relevant, the authors have referenced the appropriate EJCC Recommendation related to the progress described by each EJCC member. Please note that because of the broad scope of elder justice work across and within agencies, and the diverse individual missions of each EJCC member agency, this report is only able to highlight selected examples. Cataloging the full breadth of the federal government's work on elder justice is beyond the scope of this report.

### **UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES**

#### **ADMINISTRATION FOR COMMUNITY LIVING**

The Administration on Aging (AoA), within the Administration for Community Living (ACL), manages a portfolio of programs for the protection of vulnerable adults. This portfolio consists of several distinct but complementary programs designed to prevent, detect, and respond to elder abuse, neglect, and exploitation. Specific accomplishments under ACL/AoA core programs are highlighted below.

##### *Older Americans Act Formula Grants*

The Prevention of Elder Abuse and Neglect program provides formula grants to states for training and education and promoting public awareness of elder abuse. The program also supports state and local elder abuse prevention coalitions and multi-disciplinary teams. These activities are important elements of ACL/AoA's enhanced focus on elder justice. The program coordinates activities with state and local adult protective services programs (over half of which are directly administered by State Units on Aging) and other professionals who work to address issues of elder abuse and elder justice. ACL/AoA supports these grants by providing technical assistance to states on specific issues and challenges that arise in the operation of the grants, as well as by providing guidance in the development and review of their state plans on aging (EJCC Recommendations 2 and 6).

##### *National Center on Elder Abuse (NCEA)*

ACL/AoA funds the National Center on Elder Abuse (NCEA) ([www.ncea.acl.gov](http://www.ncea.acl.gov)). The NCEA provides relevant information, materials, and support to enhance state and local efforts to prevent

and address elder mistreatment. The NCEA makes available news and resources; collaborates on research; provides consultation, education, and training; identifies and provides information about promising practices and interventions; answers inquiries and requests for information; operates a listserv forum for professionals; and advises on program and policy development. NCEA also facilitates the exchange of strategies for uncovering and prosecuting fraud and scams targeted at seniors.

In 2016, ACL awarded a new grant for the NCEA to continue its work over the next three years to strengthen connections and foster collaboration across organizations dedicated to the well-being of older people and eradicate elder abuse. With this funding, the NCEA has been able to increase identification and reporting of elder abuse, replicated model materials for professionals to support outreach efforts, adopted and disseminated strategy for professional and public communication on elder abuse, neglect and exploitation, and greater engagement with disadvantaged populations and organizations.

#### *National Adult Protective Services Resource Center*

In 2015, ACL launched the National Adult Protective Services Resource Center (NAPSRC). The NAPSRC represents the largest dedication of technical assistance directly supporting the improvements in the quality, consistency, and effectiveness of APS programs across the country. The NAPSRC works to enable state APS programs to enhance their critical role in responding to elders and adults with disabilities who are facing abuse, neglect, and exploitation (EJCC Recommendation 3).

#### *National Adult Mistreatment Reporting System (NAMRS)*

Recognizing the lack of consistent national data on adult mistreatment, in 2013 ACL, in partnership with the HHS Office of the Assistant Secretary for Planning and Evaluation, launched the design and pilot of a national reporting system based on data from state APS agency information systems, called the National Adult Maltreatment Reporting System (NAMRS). NAMRS will be the first comprehensive, national reporting system for APS programs. NAMRS will collect quantitative and qualitative data on the practices and policies of adult protective services (APS) agencies and the outcomes of investigations into the maltreatment of older adults and adults with disabilities. ACL finalized system design and piloting in 2015, and in September 2016 released for user testing the NAMRS system. ACL received final OMB approval in March 2017, and released the first report on the data submitted by states on August 29, 2017 (EJCC Recommendation 3).

#### *State Grants to Enhance Adult Protective Services*

In 2015, ACL received an appropriation to help address the gaps and challenges in state APS systems. With this funding, ACL established a program to provide funding to states to enhance APS systems statewide, to include innovations and improvements in practice, services, and data collection and reporting. The goal of the program is to improve the experiences, health, well-being, and outcomes of the individuals served by APS, and to accurately document the improvements in outcomes in a manner that is consistent with national data collection efforts, including the National Adult Maltreatment Reporting System (NAMRS). In 2015, ACL

provided nearly \$4 million in funding to 11 state APS programs, the first federal discretionary funding opportunity specifically targeted for adult protective services.

In 2016, ACL provided a second set of grants to 13 states to enhance APS systems statewide, to include innovations and improvements in practice, services, and data collection and reporting. With this funding, ACL has provided nearly \$8 million in funding to state APS programs, the only federal agency to have done so to date (EJCC Recommendation 3).

#### *Voluntary Consensus Guidelines for State APS Systems*

In July 2015, ACL began facilitating the development of field-driven, consensus-informed, national guidelines for state APS systems in order to provide a core set of principles and common expectations for APS programs, and to encourage consistency in the policies and practices of APS across the country. Through the guidelines, ACL seeks to help ensure that adults are afforded similar protections and service delivery, regardless of which state or jurisdiction they are in. The process included an environmental scan of the available literature and current practices on the impact and outcomes of APS interventions (completed in 2014), the drafting of an initial set of guidelines by expert stakeholders (spring 2015), and a public stakeholder engagement process to comment on the draft set of guidelines (summer and fall 2015; EJCC Recommendation 3).

#### *IOM Forum on Global Violence Prevention*

ACL/AoA has supported the National Academies Forum on Global Violence Prevention (<http://nationalacademies.org/hmd/Activities/Global/ViolenceForum.aspx>) since FY 2010 by providing \$10,000 per year in funding for Forum Activities. Each year, the Forum conducts two (2) workshops. Due to ACL/AoA involvement, the Forum has consistently considered violence against older adults and elder abuse in the focus of their work and activities.

#### *Late Life Domestic Violence*

For many years, ACL/AoA has been a member of the HHS Violence Against Women (VAW) Steering Committee. The VAW Steering Committee has the responsibility for coordinating the HHS response to issues related to violence against women and their children, and also coordinates HHS violence-related activities with those of other federal agencies. ACL/AoA's participation ensures that the interests of older women victims are represented in the Committee's work. In addition to participating on the HHS VAW Steering Committee, ACL/AoA has partnered with a number of federal and non-governmental organizations to promote the inclusion of older women in responses to domestic violence.

#### *Raising Global Awareness of Elder Abuse*

As a member of the global community, ACL and HHS strive to raise awareness of elder abuse on the global stage. In 2015, ACL co-organized or represented the United States in three international events on the issue of elder abuse and late life domestic violence. On February 6, 2015 ACL participated in AARP International's United Nations Global Ageing Briefing Series on the importance of including older adults in data collection efforts, and in particular the topic of elder abuse and violence against older women. On March 19, 2015, ACL participated in the

59th UN Commission on the Status of Women and spoke about violence against older women as a global human rights and public health crisis, highlighting the paucity of research. And in May, ACL represented the U.S. at the 68th World Health Assembly and participated on a panel that urged for increased data collection across the life span to develop and implement appropriate prevention, treatment and care strategies and programs, especially for older victim (EJCC Recommendation 5).

#### *World Elder Abuse Awareness Day*

Every year, ACL joins with leaders from other federal departments and others throughout the United States and the world to recognize World Elder Abuse Awareness Day (commemorated on June 15<sup>th</sup>; EJCC Recommendation 5). The years 2014-2016 marks the 3<sup>rd</sup> – 5<sup>th</sup> consecutive Presidential Proclamations in recognition of World Elder Abuse Awareness Day.

#### *Legal Assistance and Elder Abuse*

Legal assistance and elder rights programs under Title III-B of the Older Americans Act (OAA) are instrumental in addressing the harmful consequences of elder abuse including financial damage caused by exploitation and fraud. With the rapidly increasing aging population creating unique demands on existing service delivery systems, the need to have aging services, legal services, and elder abuse prevention and response networks working cohesively together to protect the rights of older persons will become even more critical. Legal services provided under Title III-B, Section 321, of OAA are part of the essential core of ACL/AoA's legal assistance and elder rights programs. There are approximately 1,000 OAA-funded legal services providers nationwide, which provide over one million hours of legal assistance per year. Legal services under Title III-B can protect older persons against the direct challenges to independence presented by elder abuse. These cases involve complex legal issues which may include: cases of financial exploitation, fiduciary abuses, and consumer fraud; cases of physical abuse; and cases of neglect/self-neglect

Some examples of legal assistance interventions and cases resolved successfully by III-B funded legal providers include:

- In 2016, Maine Legal Services for the Elderly (“LSE”) provided representational legal services to over 627 older adults. In one notable case, a 78-year-old widow was convinced to sell her home and move in with her daughter and her husband. They promised that they would look after her and manage her finances and medical issues. Instead, they moved her into a camper in their back yard in the heat of summer, where the woman's health declined and she eventually ended up needing nursing home care. Over the course of two years they spent her entire nest egg, leaving her without a home and disqualified from eligibility for Maine's Medicaid program, called MaineCare. LSE pursued litigation in Superior Court and ultimately came to a monetary settlement and also negotiated with the State of Maine to restore her MaineCare coverage upon exhaustion of her recovered funds.
- In 2016, Vermont Legal Aid (VLA) provided full legal representation to 377 older adults, including 22 seniors whose cases involving financial exploitation or abuse. One such case

resolved in 2016 involved a woman in her 80s who was assaulted and strangled by her adult son in the midst of a dispute over control of property in rural Vermont. Adult Protective Services investigated and substantiated the abuse. Vermont Legal Aid then represented the client and filed for a restraining order based on the abuse of a vulnerable adult and after a contested judicial hearing; the Court granted a relief from abuse order for one year. Incidents continued following the hearing, so VLA moved to extend the order, and the court subsequently granted extended relief for another five years.

- Connecticut Legal Services, Inc.'s Consumer Law Project for Elders (CLPE) provided legal services to over 500 seniors in 2016, including 41 victims of elder financial abuse. A case example: An 81 year old woman, whose primary language is Portuguese, contacted the CLPE after learning her daughter had taken money from their joint bank account. Due to her advanced age, AB put the daughter's name on the account for convenience. However, all of the money in the account belonged to AB. AB was so emotionally upset by the incident that she required a short hospitalization in a psychiatric ward. The CLPE advised AB to: file a police report, but the police refused to take a report stating it was a civil matter; to open a new account in her name only, change her Social Security direct deposit to the new account and then close the old account; and, to rescind any Power of Attorney given to the daughter. She was told that while full recovery is difficult to achieve, she could file a civil suit against the daughter and was referred to Lawyer Referral Service. We also suggested she contact the Connecticut state Health Insurance Assistance Program or SHIP, called CHOICES in Connecticut, for advice and counsel as to services and benefits for which she might be eligible.

Nationally, ACL is in the process of revising the State Program Report (SPR) to gather more comprehensive "quantitative data" that will further document the impact III-B legal assistance programs have on the independence, wellbeing, and financial security of older adults in the greatest economic or social need. ACL intends to elicit unduplicated client count data, as well as information about the types of cases handled in the priority case type areas specified in the Older Americans Act (Older Americans Act, Section 307(a)(11)(E)), as well as the level and intensity of the legal services delivered.

#### *National Center on Law and Elder Rights*

Under a new contract awarded in 2016, the National Center on Law and Elder Rights (NCLER) empowers professionals in aging/disability and legal networks with the tools and resources necessary to provide older clients and consumers with high quality legal assistance in areas of critical importance to their independence, health, and financial security. As a streamlined and accessible point of entry, the NCLER supports the leadership, knowledge, and systems capacity of legal and aging provider organizations in order to enhance the quality, cost effectiveness, and accessibility of legal assistance and elder rights protections available to older persons with social or economic needs.

The NCLER will provide much needed resource support to aging/disability, legal, and elder rights networks through a strategic combination of case consultation, legal training, and technical assistance on a broad range of priority legal issues and systems development issues. Types of pervasive legal issues to be addressed by the NCLER include preventing the loss of a senior's

home through foreclosure, protecting against consumer scams and debt collection harassment, addressing elder abuse in the community and in long-term care facilities, and difficulties in accessing benefits essential to financial security, independence, and health. The NCLER will also provide technical assistance on the efficient, cost effective, and targeted provision of state-wide legal and elder rights advocacy services.

#### *Model Approach to Statewide Legal Assistance Systems*

Through Model Approaches to Statewide Legal Assistance Systems (Model Approaches), the ACL continues and expands its support for state leadership efforts in implementing well integrated and cost effective legal service delivery systems that maximize the impact of limited legal resources targeted to older adults in greatest need. The ultimate goal of these grants is to promote and support the continued evolution of legal service delivery systems towards higher levels of capacity, performance, and service delivery impact. Model Approaches grants are moving statewide legal service delivery systems towards greater accessibility for older adults presenting a wide range of complex legal issues, including improved responsiveness to legal issues that emerge from elder abuse, neglect, and financial exploitation. Model Approaches grants are also expanding knowledge and expertise of aging and legal service providers, implementing legal service delivery standards/guidelines, and promoting data collection and reporting systems that measure legal program results and demonstrate tangible impact on the independence, health, and financial security of older adults. For example, the State of Idaho reported 582 new senior clients received Senior Legal Helpline (SLH) services during a reporting period in 2015, with an average of 4.9 clients served each working day. Also, reported data showed that outreach efforts in rural areas resulted in increased SLH calls from 4.3% to 6.4%, with housing continuing to be the most common SLH complaint.

#### *Long-Term Care Ombudsman Program*

Long-term care (LTC) ombudsman programs provide person-centered support for residents of long-term care facilities (nursing homes and residential care communities), including residents who are survivors of alleged abuse, neglect, and financial exploitation. These programs are administered by ACL through Older Americans Act grants to states, which operate the programs. LTC Ombudsman programs are not the primary finder of fact in order to substantiate allegations of abuse. However, they coordinate with adult protective services, regulatory agencies, law enforcement agencies, LTC facilities, and others to prevent abuse, to resolve resident complaints, and to strengthen responses to abuse. In FY 2015, states' LTC Ombudsman programs worked to resolve more than 19,000 complaints related to abuse, gross neglect, or financial exploitation of long-term care facility residents.

From 2014-2016, ACL has conducted a number of activities to enhance the quality and effectiveness of LTC Ombudsman services to residents, including:

- *Issuance of LTC Ombudsman Program Regulations* -- ACL published its first-ever Final Rule on States' LTC Ombudsman Programs in 2015, effective July 2016 (45 CFR Part 1324). Among other things, the Rule provides specific guidance related to LTC Ombudsman resolution of abuse-related complaints and abuse reporting. Additionally, the Rule emphasizes the role of State Units on Aging in providing elder justice

coordination and leadership. ACL is currently working with every state to ensure compliance with the Rule (EJCC Recommendation 2).

- *LTC Ombudsman Program Evaluation* – ACL is currently evaluating LTC Ombudsman program operations. ACL is hoping to build on the findings of this process evaluation in order to conduct an outcomes evaluation to better understand the effectiveness and efficiency of the program (EJCC Recommendations 2 and 4).
- *Reporting LTC Ombudsman Program Activities* – In August 2016, ACL published proposed changes to update the National Ombudsman Reporting System in order to streamline reporting by states, increase reliability and accuracy of the data, implement regulatory requirements, and increase ACL’s ability to analyze the data that states provide. The changes will be finalized in FY 2017 and software requirement design is underway. ACL anticipates that states will implement reporting changes in FY 2019 (EJCC Recommendations 2 and 4).
- *Training and technical assistance* are provided to LTC Ombudsman programs by the ACL-funded National LTC Ombudsman Resource Center (<http://ltcombudsman.org/>), operated by the National Consumer Voice for Quality Long-Term Care. Resources related to LTC Ombudsman response to abuse include a webpage dedicated to this issue and an issue brief on “Complaint Processing and Abuse Reporting” which published in 2015 (EJCC Recommendation 2).
- ACL’s Office of LTC Ombudsman Programs worked closely with CMS in its development of revised requirements for long-term care facilities (published October 2016) and is coordinating with CMS by providing comment and input on CMS’s development of interpretative guidance. Relevant provisions include definitions of abuse, neglect, exploitation and mistreatment; training requirements for facility staff; and resident rights to be free of abuse, neglect and exploitation.
- ACL’s Office of LTC Ombudsman Programs participated with DOJ in the public announcement of its regional Elder Justice Task Forces (March 2016) and continues to coordinate with DOJ, particularly on issues related to abuse and neglect in long-term care facilities.

#### *Elder Justice Roadmap*

DOJ and HHS released the “Elder Justice Roadmap: A Call to Action (<https://ncea.acl.gov/resources/docs/The-Elder-Justice-Roadmap-2014.pdf>) in 2014, an outline for tackling the highest priority challenges to elder abuse prevention and prosecution. The Elder Justice Roadmap was developed by harnessing the expertise of hundreds of public and private stakeholders from across the country and by gathering their input on the most critical priorities and concrete opportunities for greater public and private investment and engagement in elder abuse issues. ACL was a co-sponsor of this project and continues to participate in follow up activities by serving on the Elder Justice Roadmap Steering Committee.



### *White House Conference on Aging*

The sixth White House Conference on Aging (<https://whitehouseconferenceonaging.gov/>) took place on July 13, 2015, and for the first time elder justice was a priority focus for the conference. Leading up to the conference, an Elder Justice Forum was conducted on June 16, 2015 with over 50 national experts and stakeholders to talk about how best to address and prevent elder abuse and financial exploitation. Both the Forum and the Conference created significant momentum, and provided an opportunity to make meaningful progress in the fight against elder abuse and financial exploitation. ACL provided extensive support to the 2015 White House Conference on Aging, including coordination with federal entities in developing a set of deliverables and a policy brief focused on Elder Justice.

<https://archive.whitehouseconferenceonaging.gov/blog/policy/post/elder-justice-policy-brief>

## **CENTERS FOR MEDICARE & MEDICAID SERVICES**

On October 4, 2016, the Centers for Medicare & Medicaid Services (CMS) published a final rule to make major changes to improve the care and safety of the nearly 1.5 million residents in the more than 15,000 long-term care facilities that participate in the Medicare and Medicaid programs (81 FR 68688). The policies in this final rule are targeted at reducing unnecessary hospital readmissions and infections, improving the quality of care, and strengthening safety measures for residents in these facilities. Changes finalized in this rule include:

- Requiring that facilities establish policies and procedures to ensure reporting of crimes in accordance with the Elder Justice Act. The policies and procedures have to include, at a minimum, annual notification of covered individuals, posting a conspicuous notice of employee rights, and prohibiting and preventing retaliation.
- Requiring that facilities report all alleged violations of abuse, neglect, exploitation, mistreatment and misappropriation of resident property to state adult protective services where state law provides jurisdiction in long-term care facilities.
- Ensuring that long-term care facility nurse aides are properly trained in caring for residents with dementia and in preventing elder abuse.

## **HEALTH RESOURCES AND SERVICES ADMINISTRATION**

The Health Resources and Services Administration's (HRSA) Geriatric Workforce Enhancement Program (GWEP) currently supports 44 cooperative agreements to enhance training by transforming clinical training environments to maximize patient and family engagement and integrate geriatrics with primary care. The GWEP supports inter-professional education and practice, including required partnerships with community-based organizations, and aims to address gaps in healthcare for older adults at the individual, system, community, and population levels. All currently funded awardees are also providing dementia training to develop a dementia capable workforce. Of the 44 HRSA funded GWEPs, 30 are providing training on elder abuse awareness, prevention and financial exploitation. The majority of the training is to health

professions students, residents and fellows. There is significant interest and high participation from the community at financial exploitation trainings (EJCC Recommendation 6).

## **NATIONAL INSTITUTES OF HEALTH**

### **NATIONAL INSTITUTE ON AGING (NIA)**

The National Institute on Aging funded or renewed support for 7 grants related to elder abuse between October 1, 2014 and September 30, 2016. These grants covered a wide range of topics, including resident-to-resident elder mistreatment in long-term care settings, injury patterns associated with abuse, an elder abuse research mentoring program for junior investigators, and a training program for medical students (EJCC Recommendations 4 and 6). The specific grant numbers and titles are:

- R03AG049266 - Resident-to-Resident Elder Mistreatment
- R03AG048109 - Improving Recognition of Elder Abuse through Analysis of Highly Adjudicated Cases
- R01AG042318 - Epidemiology of Psychological Distress in a Chinese Aging Population
- K24AG022399 - Midcareer Investigator Award in Patient-Oriented Research
- T35AG029793 - Medical Student Training in Aging and Injury Research
- K76AG054866 - Identifying Injury Patterns and Forensic Biomarkers Diagnostic of Physical Elder Abuse

Additionally, NIA continued to support a Conference grant that supports elder abuse relevant workshops at the 2014 Gerontological Society of America: “Accelerating Translation of Knowledge to Community Practices for Older Adults” (R13AG044930; EJCC Recommendation 4).

NIA grantees have published a number of articles on elder abuse in high impact journals during the past two years (EJCC Recommendations 2, 7, 8). One publication, in *The New England Journal of Medicine*, reviewed the state of science on the scope of the elder abuse problem and how elder abuse is being assessed and managed.<sup>i</sup> Another article examined injury patterns in two elder abuse victims, finding that there is a wide variety of possible injuries in elder abuse cases, but also that there are similarities with radiographic findings in child abuse cases that could potentially be used to identify elder abuse victims in the future.<sup>ii</sup> A final example is an article in *The Annals of Internal Medicine* that discusses the epidemiology and risk factors of age-associated financial vulnerability as well as research directions for the future.<sup>iii</sup>

On October 30, 2015, as part of a national priority to promote elder justice, a key focus of the 2015 White House Conference on Aging, NIH hosted a one-day workshop on understanding and preventing elder abuse and mistreatment.

[https://www.nia.nih.gov/sites/default/files/d7/nih\\_workshop\\_on\\_multiple\\_approaches\\_to\\_understanding\\_and\\_preventing\\_elder\\_abuse\\_-\\_final.pdf](https://www.nia.nih.gov/sites/default/files/d7/nih_workshop_on_multiple_approaches_to_understanding_and_preventing_elder_abuse_-_final.pdf)

Elder abuse and mistreatment is a growing public health problem, and it has a devastating impact on the mental and physical health and wellbeing of some of the most vulnerable members of our communities. Despite growing awareness, the research field is still relatively new and there

remain significant research gaps in detecting, preventing and intervening in elder abuse. Increased understanding of the origins of abuse, risk profiles and effective interventions may resonate across contexts of family violence, including elder abuse, child abuse and intimate partner violence. The purpose of this meeting was to focus on the application of lessons learned across fields, and common challenges and opportunities in elder abuse, child abuse, intimate partner violence and other related fields (EJCC Recommendation 4).

During the October 1, 2014 - September 30, 2016 time period, NIA also published information on elder abuse and where to get help at <https://www.nia.nih.gov/health/elder-abuse> (EJCC Recommendations 5, 8).

## **UNITED STATES DEPARTMENT OF JUSTICE**

### *Elder Justice Task Forces*

To enhance and improve coordination among federal, state and local authorities and stakeholders to respond to nursing homes that provide grossly substandard care, as well as other forms of elder financial exploitation, the Department of Justice launched 10 regional Elder Justice Task Forces (<https://www.justice.gov/elderjustice/task-forces>) in California, Georgia, Kansas, Kentucky, Iowa, Maryland, Ohio, Pennsylvania, Tennessee, and Washington. These Task Forces bring together professionals that provide services to the elderly, including representatives from the U.S. Attorneys' Offices, state Medicaid Fraud Control Units, state and local prosecutors' offices, state and local law enforcement, the Department of Health and Human Services (HHS), state Adult Protective Services agencies, and Long-Term Care Ombudsman programs. Since their launch in March 2016, Task Forces have held regional meetings, convened trainings, and met with local stakeholders (EJCC Recommendation 1).

### *Elder Abuse Resource Roadmap: Financial*

To raise public awareness of available federal resources and to enhance reporting of elder financial exploitation to the federal government, the Elder Justice Initiative worked closely with numerous federal agencies to develop the Elder Abuse Resource Roadmap (EARR): Financial (<https://www.justice.gov/elderjustice/roadmap>). The EARR uses a series of simple questions to direct users (depending upon the type of financial exploitation experienced) to either available federal resources and information, or, the appropriate federal agency to report an incident of elder financial exploitation. The EARR contains information from a wide array of federal agencies, including the Social Security Administration, the Federal Trade Commission, and the Consumer Financial Protection Bureau. The Elder Justice Initiative has begun working to expand the EARR to including reporting and information resources at the state and local levels (EJCC Recommendations 2, 5, and 7).

### *Multidisciplinary Team Technical Assistance Center*

To facilitate the expansion of elder abuse case review multidisciplinary teams across the nation by providing training and technical assistance, in October 2016, the Elder Justice Initiative launched the elder abuse case review Multidisciplinary Team Technical Assistance Center (MDT

TAC). While there are many successful MDT models, the MDT TAC focuses on helping communities create, grow, or sustain an elder abuse case review MDTs. Services include responding to requests for materials, providing on-site and phone consultations, offering educational opportunities, and compiling resources that will be available on the Elder Justice website at: <https://www.justice.gov/elderjustice> (EJCC Recommendations 1, 2, 6, and 7).

#### *Elder Justice AmeriCorps*

To increase elder abuse victims' access to civil legal assistance, the Department of Justice (through the Office for Victims of Crime, the Elder Justice Initiative, and the Office for Access to Justice) collaborated with the Corporation for National and Community Service to establish the first-ever army of lawyers and paralegals to help victims of elder abuse. The program will support 300 AmeriCorps members throughout the country. The program, managed by Equal Justice Works (<http://www.equaljusticeworks.org/usmap>), expects to serve more than 8,000 older adults over the next two years (EJCC Recommendation 2).

#### *Elder Justice Website*

To help prevent and combat elder abuse, neglect, and financial exploitation, the Elder Justice Initiative re-launched the Elder Justice Website (<https://www.justice.gov/elderjustice>) in October, 2016. The website is designed to provide information, resources, and training in an easily accessible format to both professionals and the general public. For example, the website educates the public (in both English and Spanish) about elder abuse through descriptions and warning signs specifically for each type of mistreatment. The Zip Code locator enables victims of elder abuse to locate resources in their community. For prosecutors, state by state sample pleadings and documents are available, as well as compilations of elder abuse laws. For law enforcement officers, the website provides sample state protocols as well as training of various types. Victim specialists will find victim's rights laws, mandatory or voluntary reporting duties, and many webinars focusing on victim specialists. For professionals and the general public alike, the research and related resources section of the website provides over 6000 references to articles, books and government reports on all types of elder abuse and financial exploitation (EJCC Recommendations 1, 2, 6, and 7).

#### *Elder Abuse Prosecution Video Training Series*

To support the successful prosecution of elder abuse cases, the Elder Justice Initiative worked with experienced prosecutors and subject matter experts to develop an elder abuse prosecution video training series, available at: <https://www.youtube.com/playlist?list=PLm82DH6O6H-m2osKTDRXUtAVMb45W512s>. This series of 25 free videos highlights and discusses many of the key issues that prosecutors face including investigations, working with experts and victims with cognitive impairments, and common defenses (EJCC Recommendations 1, 2, and 7).

#### *Victim Specialist Webinar Series*

To raise awareness among and train victim service specialists on elder abuse and financial exploitation, the Elder Justice Initiative collaborated with various federal agencies to host a Victim Specialist Webinar training series (<https://www.justice.gov/elderjustice/webinars>). Three webinars (Executive Office of US Attorneys, US Postal Inspection Service, and Department of

Homeland Security) have been completed (in addition to an FBI webinar that is not accessible on the elder justice website). More than 1000 victim service specialists have participated in these webinars. Additional webinars with other federal agencies are scheduled for spring of 2016 (EJCC Recommendation 2).

#### *Community Presentation Toolkits*

To raise awareness and educate the general public about elder abuse and financial exploitation, the Elder Justice Initiative has developed two downloadable powerpoint presentations and accompanying guides and brochures entitled *Get Involved, Get Safe: Elder Abuse* and *Get Involved, Get Safe: Financial Abuse* (<https://www.justice.gov/elderjustice/get-involved-get-safe>). These toolkits are intended to be easily accessed to promote the provision of presentations to seniors, community groups, and professionals (EJCC Recommendations 5 and 7).

#### *Law Enforcement Roll Call Videos*

To strengthen the ability of law enforcement officers to recognize and respond to elder abuse and financial exploitation, in the fall of 2016 the Elder Justice Initiative funded the International Association of Chiefs of Police (IACP) to produce a series of five to seven roll call videos. In addition, IACP will be developing dispatcher training. The roll call videos are scheduled to be completed in 18 months at which point they will be disseminated free of charge to all law enforcement agencies in the country (EJCC Recommendation 1).

#### *National Crime Victims' Rights Week (NCVRW) Resource Guide*

To help communities and victim assistance providers nationwide promote awareness of crime victim issues, each year the Office for Victims of Crime (OVC) produces the National Crime Victims' Rights Week (NCVRW) Resource Guide. In 2014, one of the posters raised awareness about elder abuse ([https://ovc.ncjrs.gov/gallery/posters/pdfs/14\\_ElderAbuse\\_clr\\_eng.pdf](https://ovc.ncjrs.gov/gallery/posters/pdfs/14_ElderAbuse_clr_eng.pdf)) and in 2016, one of the fact sheets presented relevant statistical data on elder abuse ([https://ovc.ncjrs.gov/ncvrw2016/content/section-6/PDF/2016NCVRW\\_6\\_ElderAbuse-508.pdf](https://ovc.ncjrs.gov/ncvrw2016/content/section-6/PDF/2016NCVRW_6_ElderAbuse-508.pdf)) (EJCC Recommendation 5).

#### *Addressing Elder Financial Exploitation by Conservators and Guardians*

To enhance our understanding of financial exploitation by conservators and guardians, in 2015 the Office for Victims of Crime funded (through a competitive process) a collaborative: The National Center for State Courts (NCSC), in partnership with the American Bar Association Commission on Law and Aging and the Virginia Tech Center for Gerontology. The ongoing project includes a search for innovative, evidence-based programs and practices that successfully detect and remedy conservator fraud. The collaborative is also collecting and analyzing descriptive and outcome data on criminal cases of conservator financial exploitation in Minnesota (the only state that uses an automated and centralized auditing process) to determine the consequences of conservator financial exploitation. In March 2017, the project will convene a stakeholder forum to review key findings and develop workable, action-oriented recommendations (EJCC Recommendation 7).

### *Legal Services Grant Program for Victims of Elder Abuse*

To provide comprehensive legal and support services to victims of elder abuse and financial exploitation, in 2016, through the Elder Justice AmeriCorps/Center for National and Community Service (NCSC), with financial support from DOJ's Office for Victims of Crime and the Elder Justice Initiative, and guidance from the Office for Access to Justice, the first-ever army of lawyers and paralegals was created. The innovative program has co-located many of the Fellows in seven of the OVC-funded legal clinics across the country to further promote pro bono capacity building in the field. In October 2016, OVC supported the travel of all 30 current Legal Fellows to attend uniquely-tailored training at the National Law and Aging Conference in Washington, DC, and were treated to a special tour of DOJ's Library and then met with Attorney General Loretta E. Lynch (EJCC Recommendation 2).

### *Rule Changes to Victims of Crime Act Crime (VOCA) Victim Assistance Program*

The Victims of Crime Act (VOCA, Title 42 USC Sec. 10601 et sec.) authorizes the Office for Victims of Crime (OVC) to use monies from the Crime Victims Fund to support a number of programs that assist crime victims. Effective August 8, 2016, the new VOCA Crime Victim Assistance Rule provides guidance in how VOCA Victim Assistance Formula funds may be used (C.F.R. 28, part 94, subpart B). The Rule (<https://www.gpo.gov/fdsys/pkg/FR-2016-07-08/pdf/2016-16085.pdf>) clarifies that victims of federal crimes and elder abuse are eligible for VOCA-funded assistance and that services to underserved victims includes victims of elder abuse (see sect. 94.104(c), which sets out the criteria by which State Administering Agencies must identify for allocation of funds, reporting, and compliance purposes services that assist previously underserved populations of victims of violent crime; EJCC Recommendation 2).

### *Civil Legal Attorney On-line Elder Abuse Training*

To enable civil legal aid attorneys to respond appropriately and vigorously to cases involving elder abuse, the Office for Victims of Crime (OVC), in collaboration with the Elder Justice Initiative and the Office for Access to Justice, developed and designed training especially for legal services lawyers, which is available at the following webpage: <https://www.ovcttac.gov/views/dspLegalAssistance.cfm?tab=1onlinetraining>. OVC worked with the National Clearinghouse for Abuse in Later Life, Legal Services of South Central Michigan, and Allen Interactions to produce the training. All four modules were made available in August 2014 (*What Every Lawyer Needs to Know About Elder Abuse; Practical and Ethical Strategies; Domestic Violence and Sexual Assault in Later Life; and Financial Exploitation*). Since its launch, across the four modules 8641 trainings have been completed (EJCC Recommendation 6).

The following identifies elder justice activities undertaken by DoJ in collaboration/partnership with other federal departments/offices.

### *Victim Specialist Webinar Series [also listed in Section 1]*

The Elder Justice Initiative has collaborated with various federal agencies to host a series of webinar trainings to raise awareness among and train victim service specialists on elder abuse and financial exploitation. Three webinars (Executive Office of US Attorneys, US Postal Inspection Service, and Department of Homeland Security) have been completed (in addition to

an FBI webinar that is not accessible on the elder justice website). Additional webinars with other federal agencies are scheduled for spring of 2016.

#### *Elder Justice AmeriCorps [also listed in Section 1]*

Four federal agencies (the Corporation for National and Community Service, the Office for Victims of Crime, the Elder Justice Initiative, with support from the Office for Access to Justice) collaborated to create the first-ever army of lawyers and paralegals unleashed in June, 2016 designed to increase elder abuse victims' access to civil attorneys and paralegals. Hiring is still in progress, but support and training will be provided to over 300 AmeriCorp attorneys and paralegals throughout the country. The program, managed by Equal Justice Works, expects to serve more than 8,000 older adults over the next two years.

#### *APS Contact Information*

ACL's Office of Elder Justice/APS and DOJ's Elder Justice Initiative worked together to insure that contact information for Adult Protective Services statewide offices was the same on both ACL and DOJ websites. In doing so, they reduced redundancy of effort and increased accuracy of information for consumers.

#### *Research*

The National Institute of Justice (NIJ) and DOJ's Elder Justice Initiative collaborated on making the following research awards in FY 2015 and FY 2016:

- University of North Carolina – Chapel Hill (Grant #:2015-IJ-CX-0022, Amount: \$968,933). *Development and Validation of a Screening Protocol to Identify Elder Abuse in United States Emergency Departments*. Elder abuse is a common and morbid problem that is often unrecognized. The prevalence of elder abuse is particularly high among older adults receiving care in emergency departments (EDs). Unfortunately, the potential of EDs to identify elder abuse is not currently realized in part because no protocols to screen for elder abuse have been designed specifically for this setting. The researchers propose to develop and validate an ED-specific protocol to screen for patients at high risk for elder abuse. The protocol will be easy to use by the emergency nurses who will administer it and will significantly improve upon available detection methods. A positive screen will prompt further assessment by a social worker or emergency provider to determine the need for referral to adult protective services.
- University of Southern Maine (Grant #: 2015-ZD-CX-0003, Amount: \$328,940). *The Health Care Cost of Elder Abuse: An Analysis of Medicare, Medicaid, and Adult Protective Services*. The financial impact of elder abuse is not well documented. By analyzing Medicare and Medicaid claims for adults age 60 and older served by Maine's Adult Protective Services (APS), this study will substantially advance our knowledge of the financial impact of elder abuse. In partnership with the Maine Department of Health and Human Services, the University of Southern Maine has access to and will analyze approximately 10,000 case files of APS investigations that were opened and completed from 2007 through 2012. The case files have detailed information about the types of

abuse individuals have experienced, their functional limitations, and severity of risk status. These case files will be linked with the individuals' Medicare and Medicaid claims data, and their claims experience will be examined one year prior to APS contact and two years after APS contact (i.e., for years 2006 through 2014). Using a combination of descriptive, bivariate, and multivariate analytic approaches, we will establish health care use and cost profiles of APS clients, analyze them by type of allegation, functional status, socio-demographic characteristics and other factors, and compare the profiles to those of the general older population.

- University of Southern California (Grant #: 2016-ZD-CX-K008, Amount: \$400,000). *Planning a Family-focused Approach to Prevent Elder Mistreatment*. The University of Southern California, for the first phase of a three-part project, will develop an innovative elder mistreatment intervention based upon lessons learned from preventing other forms of family violence, such as child maltreatment and intimate partner violence. This application proposes a planning phase for a home-based elder abuse preventive intervention with patients aged 65 and older who are discharged from a medical facility and their caregivers. The university, in partnership with health professionals and other stakeholders, will engage in an 18-month planning phase that will include the opportunity for adults 65 and older to take part. Following completion, the university will perform a multi-year demonstration of the program.
- Urban Institute (Grant #: 2016-MU-CX-K006, Amount: \$399,970). *Elder Abuse Prevention Demonstration Project: Planning Phase*. The Urban Institute will design and implement an elder abuse prevention pilot project with at-risk adults 60 and older in Maricopa County, Arizona. This application proposes a planning phase for an evaluation of the Elder Mistreatment Prevention Education Program (EMPEP), a theory-based program that includes home visits, cognitive behavioral skills training, and connections to services for an at-risk elderly population (aged 60+). Participants will be recruited from Maricopa County Agency on Aging's waitlist for home and community-based services. This 18-month study will result in a final published manual, including information for implementing and replicating the program in other locations. Following completion, the institute will perform a multi-year demonstration of the program.

During the reporting period, one research project on financial exploitation was completed, resulting in the following publications:

Wood, S. A., Liu, P. J., Hanoch, Y., & Estevez-Cores, S. (2015). Importance of Numeracy as a Risk Factor for Elder Financial Exploitation in a Community Sample. *The Journals of Gerontology Series B: Psychological Sciences and Social Sciences*, gbv041.

Wood, S., Rakela, B., Liu, P. J., Navarro, A. E., Bernatz, S., Wilber, K. H., Allen, R., & Homier, D. (2014). Neuropsychological profiles of victims of financial elder exploitation at the Los Angeles County Elder Abuse Forensic Center. *Journal of Elder Abuse & Neglect*, 26(4), 414-423.



NIJ collaborated with the Elder Justice Initiative to contribute a chapter to a forthcoming book on elder abuse edited by an eminent geriatric physician and researcher (scheduled to be released December 2016):

Mulford, C. F., & Mao, A. (In press). Department of Justice: Elder Maltreatment Initiatives. In X. Dong (Ed.) *Elder Abuse: Research, Practice, and Policy*. Springer.

*Victim Assistance Professional Development Fellowship Program*

In 2015, the Office for Victims of Crime (OVC), through a competitive solicitation, funded the establishment of the Victim Assistance Professional Development Fellowship – Elder Abuse and Financial Exploitation. The selected Fellow is co-located with and works directly with the DOJ’s Elder Justice Initiative to assist that office (and other federal agencies) in coordinating, planning, and training efforts identified by the Elder Justice Initiative.

*Legal Services Grant Program for Victims of Elder Abuse [also listed in Section 1]*

In 2016, through the Elder Justice AmeriCorps/Center for National and Community Service (NCSC), with financial support from DOJ’s Office for Victims of Crime (OVC) and the Elder Justice Initiative, and guidance from the Office for Access to Justice, the first-ever army of lawyers and paralegals was created to provide comprehensive legal and support services to victims of elder abuse and financial exploitation. The innovative program has co-located many Fellows in seven of the OVC-funded legal clinics across the country to further promote pro bono capacity building in the field. In October 2016, OVC supported the travel of all 30 current Legal Fellows to attend uniquely-tailored training at the National Law and Aging Conference in Washington, DC, and were treated to a special tour of DOJ’s Library and then met with Attorney General Loretta E. Lynch.

## **CONSUMER FINANCIAL PROTECTION BUREAU**

The Consumer Financial Protection Bureau (“CFPB” or “Bureau”) was established under Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”). To create a single point of accountability in the federal government for consumer financial protection, the Dodd-Frank Act consolidated many of the consumer financial protection authorities previously shared by seven federal agencies into the CFPB and provided the Bureau with additional authorities to:

- Conduct rulemaking, supervision and enforcement with respect to the federal consumer financial laws;
- Handle consumer complaints and inquiries;
- Promote financial education;
- Research consumer behavior; and,
- Monitor financial markets for risks to consumers.

## OFFICE OF FINANCIAL PROTECTION FOR OLDER AMERICANS

This office is the only federal office solely dedicated to the financial well-being of older Americans. It works to:

- Ensure that seniors have the information they need to make sound financial decisions, and
- Help seniors, their family members, caregivers, and the professionals who assist them to identify and avoid unfair, deceptive, abusive, and discriminatory practices that target older Americans.

### *Managing Someone Else's Money Initiative:*

To assist financial caregivers who manage money or property for a family member or friend who is unable to pay bills or make financial decisions, in 2013 the CFPB issued four easy-to-understand guides for non-professional fiduciaries, which are available at: <https://www.ovcttac.gov/views/dspLegalAssistance.cfm?tab=1onlinetraining>. The guides are for agents under a power of attorney, court-appointed guardians of property, trustees under revocable living trusts, and government benefit fiduciaries. The guides tell financial caregivers how to watch out for scams and financial exploitation and what to do if their loved one is a victim. During FY 2015 and 2016, the CFPB launched the next phase of the initiative focusing on state-specific guides. CFPB released guides for Virginia, Florida and Oregon, and also released tips and templates for adaptation of the guides by experts in other states. By the end of FY 2016, CFPB had distributed approximately a million guides (EJCC Recommendation 7).

### *Money Smart for Older Adults Initiative:*

The CFPB continues to distribute its Money Smart for Older Adults (MSOA) program since releasing it in June, 2013 in collaboration with the FDIC. MSOA is an instructor-led training module within the FDIC's Money Smart program. It provides older consumers and their caregivers with information on preventing and responding to elder financial exploitation. The Office for Older Americans offers in-person and webinar training sessions. MSOA is delivered to consumers through a broad range of intermediaries, including state and local governments and nonprofit and financial service organizations. By the end of Fiscal Year 2016, the initiative had reached 49 states. The materials include a Resource Guide available for download from the CFPB, and instructor materials, available from the FDIC. For more information, please see <https://www.consumerfinance.gov/consumer-tools/managing-someone-elses-money/> (EJCC Recommendations 5 and 7).

### *Placemat Initiative:*

In 2016, the CFPB developed, printed and distributed placemats printed with consumer education messages for use in meal delivery services. The placemats feature simple graphics and plain-language tips to help older consumers avoid financial exploitation. The CFPB Office for Older Americans partners with Meals on Wheels America and other meal service providers to distribute the placemats to older people nationwide. In FY 2016, over 500,000 placemats were distributed to meal providers (EJCC Recommendation 7).

*A Closer Look at Reverse Mortgage Advertising and Consumer Risks:*

Reverse mortgage advertisements, which are marketed to older homeowners, are found across many of the major media channels in the United States, including television, radio, print, and internet. Incomplete or inaccurate statements made in advertisements about reverse mortgages can pose serious risks to older Americans. The CFPB reviewed advertisements from a variety of lenders that appeared in five large urban U.S. markets. The Bureau also convened focus groups and conducted one-on-one interviews with homeowners, age 62 and older, in three cities to explore their impressions of the advertisements. The results of CFPB's research, published in a report in June, 2015 ([http://files.consumerfinance.gov/f/201506\\_cfpb\\_a-closer-look-at-reverse-mortgage-advertising.pdf](http://files.consumerfinance.gov/f/201506_cfpb_a-closer-look-at-reverse-mortgage-advertising.pdf)), suggest that some reverse mortgage advertisements tend to confuse the consumers they seek to reach. After consumers viewed reverse mortgage advertisements, they often misunderstood one or more important features of the loans and the loans' potential risks (EJCC Recommendation 7).

*Elder Financial Protection Networks Report and Resource Guide:*

Elder financial protection networks of state and local governments, elder justice advocates, law enforcement agencies, financial service providers, and other key stakeholders have been working to increase prevention of, and improve community response to, elder financial exploitation. In August 2016, the CFPB released a report and toolkit to support stakeholders in creating or expanding local networks (<https://www.consumerfinance.gov/data-research/research-reports/report-and-recommendations-fighting-elder-financial-exploitation-through-community-networks/>) (EJCC Recommendations 6 and 7).

*Advisory and Recommendations and Report for Financial Institutions on Preventing and Responding to Elder Financial Exploitation:*

Because banks and credit unions are uniquely positioned to detect elder financial exploitation and take action, the CFPB developed a set of best practices to assist these financial institutions with their efforts to prevent elder financial abuse and intervene effectively when it occurs. In March, 2016, the Bureau published a concise *Advisory* ([https://s3.amazonaws.com/files.consumerfinance.gov/f/201603\\_cfpb\\_advisory-for-financial-institutions-on-preventing-and-responding-to-elder-financial-exploitation.pdf](https://s3.amazonaws.com/files.consumerfinance.gov/f/201603_cfpb_advisory-for-financial-institutions-on-preventing-and-responding-to-elder-financial-exploitation.pdf)), and a more in-depth *Report* ([https://s3.amazonaws.com/files.consumerfinance.gov/f/201603\\_cfpb\\_recommendations-and-report-for-financial-institutions-on-preventing-and-responding-to-elder-financial-exploitation.pdf](https://s3.amazonaws.com/files.consumerfinance.gov/f/201603_cfpb_recommendations-and-report-for-financial-institutions-on-preventing-and-responding-to-elder-financial-exploitation.pdf)). In May, 2016, the CFPB held a webinar for industry stakeholders to discuss the recommendations and had over 1,000 participants (EJCC Recommendation 7).

*Spanish language publications:*

The CFPB has translated the *Money Smart for Older Adults* materials and the national versions of the *Managing Someone Else's Money* guides into Spanish. All of these documents are available online and in print.

The following elder justice activities were undertaken in collaboration/partnership with other federal departments/offices.

- In June, 2015, the CFPB and the SEC jointly released a plain language consumer advisory entitled *Planning for Diminished Capacity and Illness* ([http://files.consumerfinance.gov/f/201505\\_cfpb\\_consumer-advisory-and-investor-bulletin-planning-for-diminished-capacity-and-illness.pdf](http://files.consumerfinance.gov/f/201505_cfpb_consumer-advisory-and-investor-bulletin-planning-for-diminished-capacity-and-illness.pdf)) to help people understand that planning ahead will help people to stay in control of their finances even if diminished capacity becomes a serious problem. The advisory encourages people to be proactive as they age and urges family members and friends to help (EJCC Recommendations 5 and 7).
- In September, 2016, the CFPB joined with the Department of Justice, the U.S. Postal Inspection Service, and several other federal agencies in a public awareness campaign about mass mailing fraud. CFPB created a placemat to accompany home-delivered meals, for distribution by Meals on Wheels America and other groups, focused on making older consumers aware of mail fraud (EJCC Recommendations 5 and 7).
- To improve awareness and prevention of elder abuse, neglect and exploitation, CFPB routinely collaborates with the Federal Trade Commission (FTC) in its outreach efforts. Over the past two years, CFPB and FTC co-hosted eight resource tables at national conferences. The agencies co-authored and published a blog which was distributed on World Elder Abuse Awareness Day in June 2016. The agencies also each promoted the other agency's resources in presentations at national conferences (EJCC Recommendations 5 and 7).

### **FEDERAL TRADE COMMISSION**

The Federal Trade Commission (FTC), through various divisions of its Bureau of Consumer Protection, focuses on strategies to combat unfair, deceptive, abusive and fraudulent practices that impact older adults. These strategies include maintaining a strong enforcement presence, developing education materials to promote awareness of frauds that commonly affect older adults and collaborating with community-based organizations to enhance outreach about the FTC's programs and consumer rights. All of the FTC's elder justice work is related to EJCC Recommendation 7.

For example, the FTC recently prosecuted scams involving international sweepstakes; prize promotions and lotteries; medical alert devices; government imposters; work from home programs; unnecessary computer technical support; and credit card interest rate reduction promises. Additionally, the FTC reached settlements requiring two companies to stop saying their brain training programs can delay (Lumosity) or reverse (LearningRx) age-related cognitive decline, unless they have solid scientific evidence to back the claims.

The FTC also focuses on identity theft issues involving older adults, and encourages all Americans to put their numbers on the Do Not Call Registry to help reduce the number of unwanted sales calls they get. The FTC manages <https://IdentityTheft.gov>, the federal government's free, one-stop resource to help people fix problems caused by identity theft. When

people use IdentityTheft.gov to report a problem, the site asks questions about their situation, and uses the responses to build personal recovery plans.

The FTC coordinates its law enforcement initiatives with a broad range of local, state and federal enforcement agencies, participates in information-sharing, case referrals and case generation, and coordinates joint enforcement strategies. For example, in cooperation with Canadian law enforcement authorities, the *Commission got a permanent telemarketing ban* (<https://www.ftc.gov/news-events/press-releases/2015/03/court-orders-ringleader-scam-targeting-seniors-banned>) and \$10 million judgment against a Montreal-based telemarketer whose US-based accomplices billed elderly consumers for products or services, such as fraud protection and medical prescription benefits, that defendants never provided.

### *Education & Outreach*

Every FTC enforcement action is accompanied by relevant, targeted consumer education in English and Spanish. Information is distributed in print and electronically, and shared with websites, the media, libraries, legal services groups and other community-based organizations for the broadest possible reach. More than 150,000 people subscribe to the FTC's consumer blog in English, and 40,000 to the blog in Spanish. Recent blog posts covered business opportunity scams that targeted older adults, a settlement with a dietary supplement maker, staying safe online, and car buying.

**Pass It On**, the FTC's fraud education campaign aimed at active older people, is based on the idea that older adults are part of a solution to fraud, not just its victims. Older adults have vast life experience and social networks, and Pass It On acknowledges their experience, expertise, and trusted place in the community. It reinforces their familiarity with some common scams, and gives them tools to start conversations about the scams with a friend, neighbor or relative. First generation Pass It On materials addressed identity theft, charity scams, health care scams, paying too much, "you've won" and general imposter scams. After a surge in imposter scams, the FTC added tip sheets and videos about IRS, tech support, romance and grandchild scams. In fiscal years 2015 and 2016, the FTC distributed a combined 4.9 million pieces of Pass It On material in English and Spanish. Pass It On campaign materials are available free at: <https://www.consumer.ftc.gov/features/feature-0030-pass-it-on>, and in bulk at: <https://www.bulkorder.ftc.gov/>

The FTC also provides information, training and free education material on multiple topics to government and community based organizations nationwide. Over the past two years, the FTC delivered nearly 100 presentations and trainings about identity theft and fraud prevention to legal service providers, advocates and older adults.

The following elder justice activities were undertaken in collaboration/partnership with other federal departments/offices.

The FTC and Department of Justice co-chair the International Mass Marketing Fraud Working Group, a multi-lateral network of civil and criminal agencies that enforce laws prohibiting mass marketing fraud. The FTC filed a case against a global sweepstakes (<https://www.ftc.gov/news-events/press-releases/2016/09/ftc-charges-fake-prize-scheme-operators-fraud>) scheme targeting

older consumers on the same day the Department of Justice filed four similar cases (<https://www.justice.gov/opa/pr/justice-department-and-law-enforcement-partners-announce-civil-and-criminal-actions-dismantle>) against mass mailing fraud operations. The FTC, DOJ, US Postal Inspection Service and other EJCC members jointly provide information to prevent mass mailing fraud (<https://www.justice.gov/civil/consumer-protection-branch/mass-mailing-fraud>) and financial exploitation (<https://www.justice.gov/elderjustice/roadmapon>) of older adults.

## **SOCIAL SECURITY ADMINISTRATION**

All of the elder justice work undertaken by the Social Security Administration relate to EJCC Recommendation 7.

### *Strengthening Communication with the Judicial System*

The Social Security Administration (SSA) is collaborating with key stakeholders at the state court level to develop a communications protocol that will include notifying SSA when judges remove guardians who also serve as representative payees. SSA must take the additional step to remove the party as the representative payee from beneficiary records and appropriately document the records to protect the beneficiaries from having the individual reappointed. This is an important step to ensuring critical communication between the courts and the agency, thereby, strengthening SSA's ability to protect seniors and vulnerable adults from financial exploitation.

### *Public Awareness*

SSA is constantly seeking opportunities to raise public awareness about the growing incidence of elder abuse and financial exploitation. Through partnerships with other federal entities like the Administration on Aging within the Administration for Community Living and the Corporation for National and Community Service, SSA has worked to raise public awareness at various national and local aging conferences. SSA has also developed an interdisciplinary training series for use by staff and other organizations who serve seniors and members of the public. The agency specifically aimed to educate staff, broaden community awareness, and provide key resources to those seeking to reduce the incidents of elder abuse, neglect and financial exploitation. The training includes a series of modules that address topics including elder abuse and financial exploitation, effective ways to monitor and safely conduct business with the banking community, and ways to recognize the changes in decision-making capacity among seniors. These modules are available free of charge and accessible on the agency website via the representative payee resource webpage and on the intranet learning portal for staff.

### *Working Interdisciplinary Networks of Guardianship Stakeholders Collaboration*

SSA has expanded its representation on the American Bar Association-sponsored Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS). This organization currently exists in 16 states and provides technical assistance to court officials in states to create innovative, consensus-driven WINGS. SSA has designated a regional SSA representative for each state WINGS group and hosts periodic calls convening the WINGS coordinators and the SSA representatives. SSA along with the WINGS groups engage in outreach, education and

training, and serve as an ongoing forum to address the issues that frequently arise in adult guardianship, such as abuse, neglect, exploitation and misuse of SSA benefits. This collaboration has helped to increase coordination and strengthened communication resulting in an increased ability to protect seniors.

## **UNITED STATES DEPARTMENT OF THE TREASURY**

The Department of the Treasury engages in a number of activities that are generally supportive of the EJCC's Recommendations, particularly recommendation 7, as well 1, 2, 4 and 8. Activities highlighted in this report are focused on financial education and capability and bank regulation and supervision.

The Department of the Treasury believes that increasing financial capability and well-being of individuals and families is an important piece of avoiding financial exploitation. In the area of financial education and capability, the Department of Treasury coordinates the Financial Literacy and Education Commission (FLEC), an interagency body that promotes the financial education and capability of Americans across their lifespans. The FLEC's recent activity has focused on "starting early for financial success," through which agencies have collaborated to build the financial capability of Americans of all ages at key moments in their lives. Actions in this regard can be found at the FLEC's Strategy for Promoting Financial Empowerment (<https://www.treasury.gov/resource-center/financial-education/Documents/2015%20SAFE%20Report.pdf>) and the recent 2016 Update to the National Strategy for Financial Literacy (<https://www.treasury.gov/resource-center/financial-education/Documents/National%20Strategy%20for%20Financial%20Literacy%202016%20Update.pdf>).

The Office of the Comptroller of the Currency's (OCC) primary mission is to charter, regulate, and supervise all national banks and federal savings associations. The OCC's goal in supervising banks and federal savings associations is to ensure that they operate in a safe and sound manner and comply with laws requiring the fair treatment of their customers and fair access to credit and financial products.

The OCC co-sponsored two events focused on strategies to prevent elder financial exploitation. On January 16, 2016, the OCC co-sponsored an Age-Friendly Banking Roundtable in Baltimore, Maryland with the National Community Reinvestment Coalition (NCRC) and the Maryland Consumer Rights Coalition. The event, which included representatives from the ABA Community Engagement Foundation, the Consumer Financial Protection Bureau, the Social Security Administration and nonprofit organizations, provided information concerning preventing elder financial exploitation. On March 2, 2016, OCC co-sponsored a forum entitled "Meeting the Financial Needs of Older Adults" with the Federal Reserve Bank of Philadelphia and NCRC.

On October 2, 2015, OCC staff attended the Summit on Elder Financial Exploitation, sponsored by the National Adult Protective Services Association, in Orlando, Florida. OCC staff also attended the World Elder Abuse Awareness Day event on June 16, 2016, at the offices of the

U.S. Securities and Exchange Commission. Information gathered at these events was added to the OCC's internal Web page that provides background information to bank examiners on financial elder abuse, a review of legislation and regulations pertaining to financial elder abuse, and other resources. Applicable information was also added to the "Elder Financial Exploitation" section of the OCC's public Financial Literacy Web Resource Directory at OCC.gov.

Additionally, the OCC publicizes the financial literacy and education news, including events, initiatives and resources that help to prevent elder financial abuse, of Federal government agencies of the Financial Literacy and Education Commission as well as nonprofit organizations in its Financial Literacy Update, the OCC's bimonthly e-newsletter. The Financial Literacy Update reaches about 30,000 financial institutions, government agencies, and community development and consumer organizations and their constituencies located across the United States.

### **UNITED STATES POSTAL INSPECTION SERVICE**

The U.S. Postal Inspection Service, founded in 1775 by Benjamin Franklin to regulate the Post Offices and bring accountability to postmasters, is one of the country's oldest law enforcement agencies. Its mission is to protect postal employees, infrastructure, and customers; to prevent postal crimes; to enforce laws that defend the nation's mail system from illegal or dangerous use; and to ensure the public's trust in the mail. The Postal Inspection Service investigates a variety of consumer fraud, including investment and lottery fraud that disproportionately victimize the elderly. The Postal Inspection Service works closely with the Department of Justice in coordinated efforts to combat mass-marketing fraud schemes that target Americans, actively participating in various working groups and criminal investigations. The Postal Inspection Service also works to prevent older Americans from being victimized through public awareness campaigns that help individuals and businesses more readily recognize fraudulent solicitations and take action to avoid losses. Examples of prevention efforts include, producing Public Service Announcements, distributing materials related to consumer fraud prevention, and maintaining a consumer fraud website as a resource for professionals and the public, especially older Americans and their caregivers. All of the elder justice work undertaken by the Postal Inspection Service is in response to EJCC Recommendation 7.

Between October 1, 2014, and September 30, 2016, Postal Inspectors investigated 141 cases of foreign lottery fraud—a scheme that disproportionately victimizes older adults. Twenty-five lottery fraud perpetrators were arrested, mostly in connection with schemes originating in Jamaica.

Alleged psychic schemes also target seniors. Postal Inspectors investigated a mail-order psychic scheme where victims were sent solicitation letters that appeared to be personalized but were actually mass produced. Recipients were promised large sums of money or good fortune for purchasing various talismans and services. The scheme's operator knew exactly who to target as they had purchased mailing lists with the names of vulnerable individuals, mostly older adults, who had already shown an interest/responded to astrology mailings and psychic predictions.



Postal Inspectors estimate the operators collected up to \$2 million annually in the scheme and the names of 200,000 people. Enforcement action was taken to shut down the fraudulent scheme.

In a related case, Postal Inspectors investigated a global network that collectively defrauded millions of elderly and vulnerable adults across the United States out of hundreds of millions of dollars. The investigation led to wide-ranging enforcement actions against a host of international operators that included criminal charges, seizure of criminal proceeds and civil injunctions. The network spanned Canada, France, India, the Netherlands, Singapore, Switzerland, Turkey and the United States. The fraud operators collected and sold the names and addresses of persons, mostly elderly, known to be vulnerable to phony pitches such as lottery scams and solicitations purportedly sent from psychics. Other members of the operation included professional mailpiece designers who used techniques and special phrasing designed to entice and manipulate anyone who received one of their letters, often claiming that the recipient had won, or will soon win, cash or valuable prizes. The letters appeared to come from legitimate sources but were actually fraudulent form letters. Additional charges are pending.

To promote elder fraud awareness, Postal Inspectors redesigned our fraud prevention website to feature elder financial exploitation information. Postal Inspectors also reached over 500,000 postal employees during National Consumer Protection Week, with elder fraud prevention messaging through in-house newsletters and information booths/fairs.

In addition, in 2015, the U.S. Postal Inspection Service launched a weekly half-hour dramatic television series, “The Inspectors,” extending our reach of our consumer awareness communication campaign into an audience of Saturday morning viewers. The show airs Saturdays at 10:30 a.m. ET on CBS. The series teaches viewers of all ages how to avoid becoming crime victims. It demonstrates the integral role of the Postal Inspection Service to the U.S. Postal Service (USPS) and highlights our crime prevention and consumer education efforts. Almost half of the 26 episodes that aired its first season concerned mail fraud schemes such as lottery, charity and investment scams that overwhelmingly victimize older adults. Each episode concludes with specific prevention messages directed to the audience.

The following elder justice activities were undertaken in collaboration/partnership with other federal agencies/departments.

In March 2016, the Postal Inspection Service collaborated with the Department of Justice (DOJ) and other federal partners to provide elder financial exploitation training for law enforcement personnel.

In September 2016, Postal Inspectors worked with the DOJ to publicize the results of an international crackdown on frauds that target the elderly. A multi-agency initiative, led by the DOJ was announced, focusing on risks to older adults posed by mass-marketing fraud—especially fraud schemes that originate through the mail. The Postal Inspection Service’s Criminal Investigations Group developed an electronic press kit to encourage the media to develop more in-depth stories on the financial exploitation of older adults.

## **UNITED STATES SECURITIES AND EXCHANGE COMMISSION**

The mission of the U.S. Securities and Exchange Commission (SEC) is to protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation. As part of this mission, the agency participates in initiatives to protect older Americans from abusive sales practices and investment fraud. This work includes educating senior investors so they can better protect themselves, and regulating the sales practices of financial professionals registered with the SEC, with a particular focus on sales practices associated with products and services frequently marketed to seniors. SEC staff also conducts its examination and inspection program with an eye toward issues affecting seniors. In addition, the SEC identifies violations against seniors as a target for its enforcement actions, and brings enforcement actions against individuals or firms for defrauding senior investors, and committing other violations of the federal securities laws. All of the elder justice work undertaken by the SEC related to EJCC Recommendation 7.

### *Educating Seniors Through In-Person Outreach*

In FY 2015-2016, the SEC's Office of Investor Education and Advocacy (OIEA) participated in nearly two hundred in-person outreach events, dozens of which focused on senior investor issues or were attended by older Americans. These events ranged from speaking at the National Adult Protective Services Association's annual conference to staffing exhibit booths at financial fairs and local events. In addition, OIEA staff regularly collaborated with other organizations to help and protect seniors, including joint educational programs for older Americans and training programs for law enforcement personnel and victim advocates.

### *Raising Elder Abuse Awareness*

On June 15, 2015, the SEC hosted the First Global Summit to recognize World Elder Abuse Awareness Day. The event was convened by the National Adult Protective Services Association, the National Center for Victims of Crime, and the International Network for the Prevention of Elder Abuse, in collaboration with national and international partners. The SEC also hosted the second annual event in 2016.

### *Issuing Investor Alerts and Bulletins*

OIEA published a variety of investor alerts and bulletins warning investors of possible fraudulent schemes, and educating them on investment-related matters, many of which focus on topics relevant to senior investors. OIEA worked with the Consumer Financial Protection Bureau's Office of Older Americans to issue a joint investor bulletin and consumer advisory to help investors and consumers understand the potential impact of diminished capacity on their ability to make financial decisions and to encourage them to plan for possible diminished financial capacity well before it happens. OIEA also released an investor alert to help seniors identify investment fraud. The alert highlights five "red flags" that seniors should be on the lookout for when making an investment decision.

### *Conducting Examinations*

In April 2015, staff in the SEC's Office of Compliance Inspections and Examinations (OCIE) and FINRA issued a report on the National Senior Investor Initiative (<https://www.sec.gov/ocie/reportspubs/sec-finra-national-senior-investor-initiative-report.pdf>). The report includes observations and practices identified in examinations that focused on how firms conduct business with senior investors. The examinations focused on the types of securities purchased by senior investors, the suitability of recommended investments, training of brokerage firm representatives, marketing, communications, use of designations such as "senior specialist," account documentation, disclosures, customer complaints, and supervision.

### *Detecting Cognitive Impairment in Brokerage Customers*

SEC staff regularly discusses with broker-dealers, other regulators and senior advocates (including medical professionals) the possibility of cognitive impairment affecting their customers to help them better manage and address their customers' needs. In June 2015, Division of Trading and Markets and OCIE staff participated in the 2015 White House Elder Justice Forum. Participants in the forum discussed how best to address and prevent elder abuse and financial exploitation.

### *Bringing Enforcement Actions*

Deterrence through strong enforcement action has been an important part of the SEC's efforts to protect senior investors from fraud. The SEC vigorously prosecutes violations of the federal securities laws. For example, the SEC charged a Staten Island, N.Y.-based firm, its former president, and two sales representatives involved in a fraudulent boiler room scheme targeting seniors to invest in speculative start-up companies.

### *Other Elder Justice Activities and Accomplishments*

- In July 2015, the SEC's Investor Advisory Committee (IAC) adopted a recommendation that is intended to impact senior investors. Specifically, the IAC recommends, among other directives, that the "SEC develop a disciplinary database for violations of the securities laws that will allow elders and other investors to easily conduct searches of any person or firm sanctioned for these violations."
- In FY 2015, the SEC's Office of the Investor Advocate (OIAD) made it a priority to identify methods to help protect elderly investors from financial exploitation. In particular, OIAD looked for ways to give financial service professionals more effective tools to protect vulnerable clients.

The following elder justice activities were undertaken in collaboration/partnership with other federal departments/offices.

*Joint Investor Bulletin and Consumer Advisory on Planning for Diminished Capacity and Illness:*

In June 2015, the SEC's Office of Investor Education and Advocacy (OIEA) worked with the Consumer Financial Protection Bureau's Office of Older Americans to issue a joint investor bulletin and consumer advisory to help investors and consumers understand the potential impact of diminished capacity on their ability to make financial decisions and to encourage them to plan for possible diminished financial capacity well before it happens.

*"Prevent Mass Mailing Fraud" Education Campaign:*

The Department of Justice's Consumer Protection Branch and Elder Justice Initiative led a multi-agency education campaign to inform the public about mass mailing fraud and how it can be avoided. As part of this joint effort to combat elder financial exploitation, OIEA released an investor alert on advance fee and mass mailing fraud and promoted it on Investor.gov, SEC.gov and social media.

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<sup>i</sup> Lachs MS and Pillemer KA. (2015). Elder abuse. *N Engl J Med*, 373, 1947-1956.

<sup>ii</sup> Wong NZ, Rosen T, Sanchez AM, Bloemen EM, Mennitt KW, Hentel K, Nicola R, Murphy K, LoFaso VM, Flomenbaum NE, Lachs MS. (2016). Imaging Findings in Elder Abuse: A Role for Radiologists in Detection. *Canadian Association of Radiologists Journal*, 2016 Oct 13. pii: S0846-5371(16)30045-6. doi: 10.1016/j.carj.2016.06.001. [Epub ahead of print].

<sup>iii</sup> Lachs MS, and Han, D. (2015). Age-Associated Financial Vulnerability: An Emerging Public Health Issue. *Ann Intern Med*, 163(11), 877-878.

## APPENDIX A

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### RECOMMENDATIONS FOR INCREASED FEDERAL INVOLVEMENT IN ADDRESSING ELDER ABUSE, NEGLECT, AND EXPLOITATION

#### IMPROVING RESPONSE

**Recommendation 1: Support the Investigation and Prosecution of Elder Abuse Cases**

Support the investigation and prosecution of elder abuse, neglect, and financial exploitation cases by providing training and resources to federal, state, and local investigators and prosecutors.

**Recommendation 2: Enhance Services to Elder Abuse Victims**

Support and protect elder abuse victims by improving identification of elder abuse and enhancing response and outreach to victims.

**Recommendation 3: Develop a National Adult Protective Services (APS) System**

Develop a national APS system based upon standardized data collection and a core set of service provision standards and best practices.

**Recommendation 4: Develop a Federal Elder Justice Research Agenda**

Establish a coordinated research agenda across federal agencies to identify best practices for prevention of and intervention in elder abuse and elder financial exploitation.

#### IMPROVING AWARENESS AND PREVENTION

**Recommendation 5: Develop a Broad-Based Public Awareness Campaign**

Develop a comprehensive, strategic, and broad-based national public awareness campaign, with clear and consistent messaging to raise awareness and understanding of elder abuse, neglect, and exploitation.

**Recommendation 6: Cross-disciplinary Training on Elder Abuse**

Develop training to educate stakeholders across multiple sectors and disciplines on preventing, detecting, intervening in, and responding to elder abuse, neglect, and exploitation.

**Recommendation 7: Combat Elder Financial Exploitation, including Abuse by Fiduciaries**

Prevent, detect, and respond to elder financial exploitation through federal enforcement activities, policy initiatives, coordination, oversight, and education, and by collaborating with industry to enhance fraud detection and provide resources for victims.

**Recommendation 8: Improve Screening for Dementia, Cognitive Capacity, Financial Capacity, and Financial Exploitation**

Improve the ability of APS and first responders to screen for diminished capacity, diminished financial capacity, and vulnerability to or victimization of financial exploitation.

## **APPENDIX B**

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### **EJCC MEETING AGENDAS**

<b>APRIL 22, 2015.....</b>	<b>B-2</b>
<b>DECEMBER 2, 2015.....</b>	<b>B-3</b>
<b>APRIL 27, 2016.....</b>	<b>B-4</b>
<b>OCTOBER 5, 2016.....</b>	<b>B-5</b>



# ELDER JUSTICE COORDINATING COUNCIL

## EXECUTIVE SESSION

WEDNESDAY, APRIL 22, 2015  
WASHINGTON, D.C.

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### AGENDA

- Welcome Remarks
  - ✚ Kathy Greenlee, Assistant Secretary for Aging, Administration for Community Living, HHS
- Planning for the 2015 White House Conference on Aging
  - ✚ Nora Super, Executive Director, White House Conference on Aging
- EJCC Member Updates
  - ✚ World Elder Abuse Awareness Day
  - ✚ Office of Elder Justice and Adult Protective Services (APS Guidelines and Stakeholder process)
- Thinking Ahead: Fall 2015 EJCC Meeting
  - ✚ Kathy Greenlee



# ELDER JUSTICE COORDINATING COUNCIL

## EXECUTIVE SESSION

WEDNESDAY, DECEMBER 2, 2015  
WASHINGTON, D.C.

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### AGENDA

- Welcome Remarks
  - ✚ Kathy Greenlee, Assistant Secretary for Aging, Administration for Community Living, HHS
  
- Highlights of the 2015 White House Conference on Aging
  - ✚ Nora Super, Executive Director, White House Conference on Aging
  
- EJCC Member Updates
  - ✚ WEAAD
  - ✚ OEJAPS (APS Guidelines and Stakeholder outreach)
  
- Thinking Ahead: Spring 2016 EJCC Meeting
  - ✚ Kathy Greenlee





# ELDER JUSTICE COORDINATING COUNCIL

## ELDER JUSTICE COORDINATING COUNCIL MEETING AGENDA APRIL 27, 2016

### Welcome and Introductions

- **Kathy Greenlee**, Designated Chair and HHS Assistant Secretary for Aging
- Greetings from members of the Council
- Congressional Member Remarks

### Panel Presentations

#### 1. Research—Opportunities to Advance the Field

- **Jeff Hall**, PhD, Centers for Disease Control and Prevention
- **Marie Bernard**, MD, Deputy Director, National Institute on Aging, National Institutes of Health
- **Carrie Mulford**, PhD, Department of Justice, National Institute of Justice
- **Laura Mosqueda**, MD, Director of the National Center on Elder Abuse

#### 2. Financial Exploitation—Incorporating the Financial Services Industry Into the Work of Elder Justice

- **Jason Karlawish**, MD, Professor of Medicine, University of Pennsylvania
- **Ken Bentsen**, CEO, Securities Industry and Financial Markets Association
- **Deb Whitman**, PhD, EVP AARP, Chief Public Policy Officer
- **Naomi Karp**, JD, Senior Policy Advisor, Office for Older Americans, Consumer Financial Protection Bureau

#### 3. Training—Expanding the Family of Responders

- **Andy Mao**, JD, Director of the DOJ Elder Justice Initiative
- **Stacy Rodgers**, MPA, Social Security Administration, Agency Chief of Staff
- **Mark Lachs**, MD, Cornell Weill Medical Center, Co-Director New York Center on Elder Abuse



# ELDER JUSTICE COORDINATING COUNCIL

WEDNESDAY, OCTOBER 5, 2016  
WASHINGTON, D.C.  
AGENDA

## I. Welcome, Introductions, Opening Remarks

## II. Highlights of Federal Accomplishments on 8 Recommendations

### III. Cross-Agency Collaborations

- **Mass Mailing Fraud Education Campaign**  
*Richard Goldberg, Assistant Director, Consumer Protection Branch, U.S. Department of Justice*  
The Department of Justice is working closely with various federal agencies and NGOs on a public education and outreach campaign on mass mailing fraud. Among the federal agencies with whom the Department is coordinating are Postal, FTC, CFPB, SSA and others.
- **Planning for Diminished Capacity and Illness**  
*Naomi Karp, JD, Senior Policy Analyst, Office for Older Americans, Consumer Financial Protection Bureau, Washington, DC*  
CFPB and the SEC released a joint consumer advisory/investor bulletin in 2015 to educate consumers and prevent financial exploitation.
- **Working Interdisciplinary Networks of Guardianship Stakeholders**  
*Ben F. Belton, Senior Advisor to the Acting Administrator, U.S. Social Security Administration, Washington, D.C.*  
The Social Security Association, along with ACL and the VA, participate in these court-community partnerships to help facilitate efforts to advance guardianship and fiduciary best practices, improve judicial processes, protect individual rights and meet needs.
- **EJCC Member Q&A**

#### **IV. EJCC: Real World Impacts**

- Increasing National Attention To Elder Abuse  
*Robert B. Blancato, National Coordinator, Elder Justice Coalition, Washington, D.C.*
- Enhancing Adult Protective Services  
*William F. Benson, National Policy Advisor, National Adult Protective Services Association, Washington, D.C.*
- Improving Investigation and Prosecution of Elder Abuse, Neglect, and Exploitation  
*Paul R Greenwood, JD, Deputy District Attorney, Head of Elder Abuse Prosecution Unit, San Diego, CA District Attorney's Office*
- Preventing Elder Financial Exploitation by Fiduciaries  
*Erica Wood, Assistant Director, ABA Commission on Law and Aging, Washington, D.C.*
- Improving Local Community Responses to Elder Abuse: The Elder Shelter Model  
*Daniel Reingold, JD, MSW, President and CEO, RiverSpring Health, Riverdale, New York*
- EJCC Member Q&A

#### **V. EJCC Member Discussion: Lessons Learned & Next Steps**

#### **VI. Closing Remarks/Adjourn**

## APPENDIX C

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### WRITTEN REMARKS OF PANEL OF EXPERTS CONSULTED BY THE EJCC<sup>i</sup>

#### EJCC PUBLIC MEETING - APRIL 27, 2016

The spring 2016 EJCC meeting was a public meeting built on momentum from the 2015 White House Conference on Aging. Held on April 27, 2016, national experts from government and private industry discussed the issues of elder abuse research, the financial services industry's response to elder abuse and financial exploitation, and developments in training about elder abuse across a variety of fields. Following are the written materials submitted by the panelists.

#### PANEL 1: RESEARCH—OPPORTUNITIES TO ADVANCE THE FIELD

<b>JEFF HALL, PHD.....</b>	<b>C-2</b>
<b>MARIE A. BERNARD, MD .....</b>	<b>C-6</b>
<b>CARRIE MULFORD, PH.D. ....</b>	<b>C-10</b>
<b>LAURA MOSQUEDA, M.D.....</b>	<b>C-13</b>

#### PANEL 2: FINANCIAL EXPLOITATION – INCORPORATING THE FINANCIAL SERVICES INDUSTRY INTO THE WORK OF ELDER JUSTICE

<b>JASON KARLAWISH, MD .....</b>	<b>C-16</b>
<b>DEBRA B. WHITMAN.....</b>	<b>C-19</b>

#### PANEL 3: TRAINING—EXPANDING THE FAMILY OF RESPONDERS

<b>ANDY J. MAO, ESQ.....</b>	<b>C-21</b>
<b>STACY RODGERS .....</b>	<b>C-25</b>
<b>MARK LACHS, MD, MPH.....</b>	<b>C-27</b>

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<sup>i</sup> **DISCLAIMER:** The Written Remarks provided by speakers at the EJCC public meetings reflect the opinions and thoughts of the authors as submitted to the Elder Justice Coordinating Council. They do not represent the interests or positions of the Elder Justice Coordinating Council nor any of the federal agencies that are members of the Council. The Council has reviewed the remarks and has taken their contents under advisement, but does not endorse nor adopt these papers wholly or in part as representing the policies or positions of the federal government.

**JEFF HALL, PHD**

Center for Disease Control and Prevention, U.S. Department of Health & Human Services

**EXECUTIVE SUMMARY OF REMARKS**

ELDER JUSTICE COORDINATING COUNCIL MEETING

APRIL 27, 2016

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**Overview**

For more than 20 years, the Centers for Disease Control and Prevention (CDC) has been the nation's leading public health authority on violence prevention. CDC is committed to stopping violence before it begins. Our mission is to prevent violence and its consequences so that all people, families, and communities are safe, healthy and free of violence.

CDC leads a unique approach to prevention focused on preventing violence throughout the lifespan – from early childhood into older adulthood - and before it occurs - with a focus on individuals, families, communities and society as a whole. CDC defines and monitors the problem through data collection and analysis; conducts research to understand risk and protective factors; develops new prevention strategies and assures widespread adoption of effective strategies.

CDC recently released a five-year vision, *Preventing Multiple Forms of Violence: A Strategic Vision for Connecting the Dots*, which outlines its areas of strategic focus to help us understand, respond to, and ultimately prevent violence across the lifespan, including in older adulthood. The centerpiece of this vision is that the different forms of violence—child abuse and neglect, youth violence, intimate partner violence, sexual violence, elder abuse and suicidal behavior—are interconnected and often share the same root causes. Understanding the overlapping causes of violence and the things that can protect people and communities can help us better prevent violence in all its forms.

A key element of CDC's interconnected approach to violence prevention is to strengthen public health surveillance and research. Our ability to demonstrate impact and evaluate progress in preventing multiple forms of violence rests on having solid, high-quality data at the local, state and federal level. It also rests on being on the cutting edge with our science so that individuals, communities, and states have timely information, useful tools and resources, and effective solutions.

CDC's most recent contribution to strengthening public health surveillance and research in the area of elder abuse is its *Elder Abuse Surveillance: Uniform Definitions and Recommended Core Data Elements* publication, released in early 2016. This set of uniform definitions and recommended core data elements may move the field focused on elder abuse closer to obtaining robust, accurate and reliable epidemiologic estimates. They may also provide a stronger basis for evaluating the effectiveness of population level strategies for prevention and intervention and for setting prevention priorities and objectives.

More information on each of these recent publications is below.

### **Preventing Multiple Forms of Violence: A Strategic Vision for Connecting the Dots**

[https://www.cdc.gov/violenceprevention/pdf/strategic\\_vision.pdf](https://www.cdc.gov/violenceprevention/pdf/strategic_vision.pdf)

- The different forms of violence—child abuse and neglect, youth violence, intimate partner violence, sexual violence, elder abuse and suicidal behavior—are interconnected and often share the same root causes. Understanding the overlapping causes of violence and the things that can protect people and communities can help us better prevent violence in all its forms.
- CDC’s *Preventing Multiple Forms of Violence: A Strategic Vision for Connecting the Dots* describes the Division of Violence Prevention’s 5-year vision and areas of strategic focus to help us understand, respond to, and ultimately prevent violence across the lifespan.
- CDC uses a cross-cutting approach because several decades of research, prevention, and services have revealed a lot about the different forms of violence and how to prevent and respond to them. One fact clearly emerging from this body of work is that the different forms of violence are strongly interconnected. Previous research indicates:
  - Victims of one form of violence are likely to experience other forms of violence.
  - People who have been violent in one context (e.g., toward peers) are likely to be violent in another context (e.g., toward dating partners).
  - The different forms of violence share common consequences that have health effects across the lifespan such as mental, emotional, physical or social problems. These consequences may contribute to chronic health problems such as cancer, cardiovascular disease, lung disease, or diabetes.
  - Different forms of violence share common risk and protective factors.
- To impact multiple forms of violence, prevention efforts should start early and continue across the lifespan. They should be designed to use resources efficiently and effectively and in ways that result in substantial reductions in violence. Toward this end, CDC will strategically focus its attention on four areas: 1) the developmental periods of childhood and adolescence, where we are likely to achieve the greatest long-term impact, 2) the populations and communities that disproportionately bear the burden of violence, 3) the shared risk and protective factors that are most likely to influence multiple forms of violence, and 4) by giving priority to the programs, practices, and policies that are most likely to impact multiple forms of violence.
- There are three elements that are central to this vision: 1) fostering collaboration and exchange to maximize impact; 2) using effective communications and dissemination strategies; and **3) strengthening public health surveillance and research.**
- Our ability to demonstrate impact and evaluate progress in preventing multiple forms of violence rests on having solid, high-quality data at the local, state and federal level. It also rests on being on the cutting edge with our science so that individuals, communities, and states have timely information, useful tools and resources, and effective solutions.

- To strengthen public health surveillance and research, CDC will focus on strengthening data systems to monitor the burden, identify changing patterns of violence, and to evaluate cross-cutting impacts; and generating new knowledge.

### **Elder Abuse Surveillance: Uniform Definitions and Recommended Core Data Elements**

[https://www.cdc.gov/violenceprevention/pdf/ea\\_book\\_revised\\_2016.pdf](https://www.cdc.gov/violenceprevention/pdf/ea_book_revised_2016.pdf)

- CDC's most recent contribution to strengthening public health surveillance and research in the area of elder abuse is its *Elder Abuse Surveillance: Uniform Definitions and Recommended Core Data Elements* publication, released in early 2016.
- We know that elder abuse can be prevented or halted. However, preventing elder abuse at the population level requires data that will support effective action. Such data enable the effectiveness of prevention and intervention strategies to be assessed and facilitate decisions regarding strategies that should be implemented or further evaluated. The data also inform decisions on how resources should be allocated to achieve elder abuse prevention and intervention objectives.
- Numerous organizations and agencies collect elder abuse-related data that could be used for the previously stated purposes. Unfortunately, these data have often been collected for elder abuse cases using different case definitions. Moreover, the frequently used data collection instruments, protocols, and systems tend to capture information on persons and incidents that is too often incompatible. Such inconsistencies reflect variations in the legislation, statutes or regulations that provide the criteria used to identify cases, or variations in the goals, philosophies, or scope of specific studies.
- These divergences have made it difficult to determine the magnitude of elder abuse nationally, to compare the problems across states, counties, and cities, and to establish trends and patterns in the occurrence and experience of elder abuse.
- Given these conditions and consequences, the creation of uniform definitions and data elements for use in collecting elder abuse data was essential. Use of uniform definitions and data elements may move the field focused on elder abuse closer to obtaining robust, accurate and reliable epidemiologic estimates. They may also provide a stronger basis for evaluating the effectiveness of population level strategies for prevention and intervention and for setting prevention priorities and objectives.
- Proposed uniform definitions were developed for the following phenomena (and for associated terms or elements that could be sources of confusion or disagreement).
  - Elder Abuse
  - Involved Parties
  - Physical Abuse
  - Sexual Abuse
  - Emotional/Psychological Abuse
  - Neglect
  - Financial Abuse/Exploitation

- Other Related Phenomena
- Elder Abuse Circumstances or Consequences (associated concepts)
  
- The development and use of uniform definitions and recommended core data elements is an important first step in a larger process addressing data collection features that cause important discrepancies, gaps, and limitations in what is known about elder abuse.
  
- This initial release of *Elder Abuse Surveillance: Uniform Definitions and Recommended Core Data Elements, Version 1.0* is intended to serve as a starting point. Many definitions, data element descriptions, and coding specifications are new, and field testing is necessary to evaluate them. Systematic field studies are needed to gauge the usefulness of the content of Version 1.0, identify optimal models, methods, and processes of data collection, and specify resource requirements for implementation.



**MARIE A. BERNARD, MD**

Deputy Director, National Institute on Aging,  
National Institutes of Health

**EXECUTIVE SUMMARY OF REMARKS**

ELDER JUSTICE COORDINATING COUNCIL MEETING  
APRIL 27, 2016

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**NIH Workshop: Multiple Approaches to Understanding and Preventing Elder Abuse and Mistreatment**

- The National Institutes of Health (NIH) hosted a workshop on October 30, 2015, on understanding and preventing elder abuse and mistreatment as part of a national priority to promote elder justice which was a key focus of the 2015 White House Conference on Aging. The workshop was convened to discuss the state of the science in elder abuse research that is within NIH's mission, and to identify research with the potential to advance solutions to this growing problem.
- The workshop was co-chaired by the National Institute on Aging (NIA) and the NIH Office of Research on Women's Health (ORWH). A total of 13 NIH Institutes, Centers and offices supported the workshop, including the National Institute on Minority Health and Health Disparities (NIMHD), the NIH Office of Behavioral and Social Sciences (OBSSR), the National Institute of Mental Health (NIMH), the National Cancer Institute (NCI), the National Institute of Nursing Research (NINR), the National Institute of Child Health and Human Development (NICHD), the National Institute on Drug Abuse (NIDA), the NIH Office of the Director (OD), the NIH Office of Emergency Care Research, the NIH Office of Disease Prevention, and the NIH Office of Science Policy. In addition to panel members, a number of federal partners and faculty from several colleges and universities also participated.
- The purpose of this meeting was to discuss lessons learned across fields, and common challenges and opportunities in elder abuse, child abuse, intimate partner violence, and other related interests.
- The workshop focused on research accomplishments, gaps, and opportunities in:
  - Understanding abuse (including influencing factors and the mental and physical effects)
  - Preventing abuse (e.g., organizational factors, quality metrics, or interventions for long term care/assisted living that shed light on best practices)
  - Screening tools or methods to identify abuse victims
  - Effective interventions
  - Research in related areas that might inform research on elder abuse (e.g., child abuse and mistreatment, domestic violence)
  - The workshop was structured with three panel discussions and four breakout sessions to address key areas of concern in elder abuse.

- Panel 1 focused on identifying abuse screening, standards, and detection challenges.
  - Panelists were asked to consider identifying abuse in clinical, institutional, and home settings. They discussed research opportunities in elder abuse and how findings from child abuse, intimate partner violence (IPV), and emergency geriatric care research could inform elder abuse research strategies and directions.
- Panel 2 focused on the origins of abuse, early adversity and the cycles of abuse.
  - The panel's discussions examined the long-term health impacts of early adversity (including maltreatment, neglect, and deprivation) on health outcomes in later life. A part of this discussion concentrated on identifying the mechanisms (behavioral, psychological, biological, and interpersonal) that account for the continued risk for both poor health and for repeated cycles of abuse/adversity over the life course in order to identify potential targets for intervention. The moderated discussion focused on scientific and structural barriers to building an evidence base, lessons learned, key findings across fields, ongoing challenges, evidence gaps, and high-priority research directions.
- Panel 3 focused on novel intervention and prevention strategies.
  - The panel discussed novel strategies for preventing abuse, mitigating its effects, and preventing recurrence. This panel (a) discussed findings from evidence-based programs to reduce elder abuse and (b) drew findings and insights from evidence-based programs for child abuse and family violence and discussed their relevance to prevention of elder abuse.
- Breakout session 1 focused on health disparities and cultural dimensions of abuse.
  - The goal of this breakout session was to discuss relationships between elder abuse and health disparities and to consider the role that cultural factors may play in detection, identification, and intervention.
- Breakout session 2 focused on preventing mistreatment in familial environments.
  - The goal of this breakout session was to discuss family and social risk factors that may lead to elder abuse and neglect and protective factors that may prevent it. In considering the family as a natural social system operating within the larger context of communities and society, the panel discussed features of challenging environments within and outside of the family context that can contribute to elder neglect, mistreatment, and intentional abuse.
- Breakout session 3 focused on risk factors for individuals with diminished cognitive/decisional capacity.
  - This session invited participants to discuss research gaps and opportunities in the study of how decisional capacity is a risk factor for elder abuse. The discussion built on advances in research on the decision neuroscience of aging and research on decisional capacity in at-risk elders.

- Breakout session 4 addressed bioethics and law in elder abuse research.
  - This breakout session provided an opportunity for discussion of bioethical and legal considerations for elder abuse research and strategies for conducting ethical research.
- Key examples of critical gaps that were discussed during the workshop include the need for strengths-based interventions with a focus on skills to manage the challenges of dealing with an impaired family member or a stressful situation, simplified screening tools, and decision aids for clinicians in determining decision-making deficits for those at risk of abuse.

### **Current National Institute on Aging Funding and Projects in Elder Justice and Abuse**

- NIA has provided support for research on the scientific basis for understanding, preventing, and treating elder mistreatment in both community and institutional settings through Requests for Applications (RFAs) for Developmental Research on Elder Mistreatment in 2005 (<http://grants.nih.gov/grants/guide/rfa-files/RFA-AG-05-009.html>) and 2006 (<http://grants.nih.gov/grants/guide/rfa-files/RFA-AG-06-009.html>), and more recently, through funding opportunity announcement opportunities for investigator-initiated applications. The primary goal of these efforts has been to generate evidence-based data to be disseminated across all sectors and settings. Examples of NIA-funded projects include:
  - R01-AG014299: Mark Lachs - Resident-to-Resident Elder Mistreatment (2007-2011)
  - R03-AG048109: Anthony Rosen - Improving Recognition of Elder Abuse through Analysis of Highly Adjudicated Cases (2014-2015)
  - K24-AG022399: Mark Lachs - Midcareer Investigator Award in Patient-Oriented Research (2007-2015)
  - R01-AG042318: XinQi Dong - Epidemiology of Psychological Distress in a Chinese Aging Population (2012-2016)
  - K23-AG043553: Winston Chiong - Neuroeconomics of Framing Effects and Risk Attitudes in Early Dementia (2013-2016)
  - T35-AG029793: Linda Meurer - Medical Student Training in Aging and Injury Research (2007-2016)
- NIA currently has several funding opportunities to which research on elder abuse would be responsive. The Program Announcements (PA) are:
  - PA-14-159 Translational Research to Help Older Adults Maintain Independence in the Community (R21)
  - PA-14-161 Translational Research to Help Older Adults Maintain Independence in the Community (R01)
  - PA-13-246 Research to Characterize and Reduce Stigma to Improve Health (R21)
  - PA-13-247 Research to Characterize and Reduce Stigma to Improve Health (R03)
  - PA-13-248 Research to Characterize and Reduce Stigma to Improve Health (R01)
  - PA-15-042 Family and Interpersonal Relationships in an Aging Context (R01)
- The Administration for Community Living (ACL) supported the assessment of elder abuse prevalence in the NIA-funded National Social Life, Health, and Aging Project (NSHAP) in

2013, and has provided additional funding for development of national probability statistics on elder abuse, for which a second wave of data is being collected.

- NIA currently funds approximately \$1 million annually in investigator-initiated research and research training on elder abuse. Additionally, the NIA has a growing investment and interest in research addressing the challenges of Alzheimer's disease (AD) caregiving, which should be highlighted, for the reason that individuals living with cognitive impairment and dementia are among the most vulnerable elders. Additional support for research related to elder abuse and mistreatment from other Institutes and Centers at NIH has been focused largely on intimate partner violence.

#### **NIH Workshop Follow-Up**

- Workshop participants plan on developing a set of joint publications for submission to the Journal of Elder Abuse and Neglect.
- The NIA has interest in incorporating input from the workshop in future Funding Opportunity Announcements (FOA).
- In anticipation of increased funding for Alzheimer's disease research, NIA released a series of Program Announcements with special review (PARs) that are active through FY 2018. Two of those announcements may be of interest to researchers in elder abuse who are considering cognitive impairment and/or dementia and its contribution to elder care and potential abuse. Those announcements are:
  - PAR-15-351 Research on Informal and Formal Caregiving for Alzheimer's Disease (R21)
  - PAR-15-348 Research on Informal and Formal Caregiving for Alzheimer's Disease (R01)

**CARRIE MULFORD, PH.D.**

NIJ/OJP/DOJ

**EXECUTIVE SUMMARY OF REMARKS**

ELDER JUSTICE COORDINATING COUNCIL MEETING

APRIL 27, 2016

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I am delighted to have been invited to speak to you all today about the range of research and evaluation projects that have been funded by the National Institute of Justice (NIJ), the research arm of the Department of Justice (DOJ). In collaboration with the Civil Division of DOJ, NIJ has made grant awards in 10 of the past 11 years. Since 2005, NIJ has funded over 30 projects, for a total investment of approximately \$13 million. NIJ's research in the area of elder mistreatment has been organized around six research themes – 1) research on forensic markers; 2) evaluation of interventions; 3) research on incidence, prevalence, and risk factors; 4) tool development for practitioners; 5) financial exploitation; and 6) elder mistreatment in residential care facilities.

NIJ has established a research program that specifically focuses on the issue of elder mistreatment to assist the field in its response to the current and emerging needs of the elderly population. Many of the priorities identified in NIJ solicitations have come from the National Research Council's 2003 landmark publication *Elder Mistreatment: Abuse, Neglect and Exploitation in an Aging America* and subsequent interdisciplinary meetings with researchers and practitioners in the field.

The funded grants are examining or have examined diverse elder mistreatment issues, including the identification of factors that put elderly individuals at risk for abuse, neglect, and financial exploitation; the exploration of the long term health and mental health effects of elder mistreatment; measurement of incidence and prevalence of abuse, including mistreatment in residential care facilities and resident-on-resident abuse; documentation of bruising, pressure ulcers, and other physical injuries as they relate to abuse, neglect, and care; examination of forensic technologies in the detection of elder abuse; exploration of the factors that promote reporting and facilitate investigation of elder abuse; evaluation of the forensic center model; production of screening and assessment tools for financial exploitation; development of screening tools for use in Emergency Departments and by EMTs; and calculating the costs of elder abuse.

The largest, most comprehensive and most commonly cited statistics on the prevalence of elder mistreatment experienced by elderly individuals living in the community comes from the NIJ-funded National Elder Mistreatment Study (NEMS), a nationally representative study of nearly 6,000 U.S. residents ages 60 and older. The results indicated that 11 percent of elders reported experiencing at least one form of mistreatment – emotional, physical, sexual or potential neglect – in the past year. Financial exploitation by a family member was reported by 5 percent of elders.<sup>1</sup> In 2014, NIJ funded a five year follow-up of the original victims identified in the 2009 NEMS study, plus a matched sample of participants who did not report any past year

victimization in the original NEMS study. The follow-up study will provide the field with the information about the physical health, mental health, social service utilization, and criminal justice outcomes for victims of elder abuse.

Early NIJ-funded research on forensic markers documented bruising patterns among abused elderly individuals and found that abused elders were able to explain the cause of their bruises and that the bruises on abused elders were large and commonly found on their head, neck or torso.<sup>ii</sup> Another NIJ-funded forensic marker project is underway that will compare elderly victims of physical abuse to a matched sample of non-abused older adults to document a broader spectrum of injuries seen in physical elder abuse cases and will identify which forensic markers of physical abuse are most associated with prosecution.

Despite the proliferation of elder abuse multidisciplinary teams, there has been little research evaluating the effectiveness of this approach on case outcomes. NIJ has funded two elder Forensic Center evaluations. The evaluation of the Los Angeles Forensic Center examined outcomes related to prosecution of financial elder abuse cases and protection of vulnerable older adults. They found that significantly more cases reviewed by the Forensic Center were submitted to the District Attorney's Office (22.0 percent) compared with APS-only cases (3.0 percent)<sup>iii</sup> and that significantly more FC cases were referred to the Office of the Public Guardian (30.6 percent) compared with APS-only cases (5.9 percent).<sup>iv</sup> The second evaluation study is an ongoing randomized control trial of a new Forensic Collaborative in Denver.

Over the past several years, NIJ has increased its investment in research on financial exploitation. NIJ's growing interest in financial exploitation was motivated, in part, by a groundbreaking NIJ-funded study that explored a database of all substantiated cases of elder abuse in the state of VA over a 2-year period (N=2,142) to determine the differences between cases where an elderly person was the victim of financial exploitation only and those where he or she was the victim of both financial exploitation and neglect or physical abuse, a combination referred to as hybrid financial exploitation.<sup>v</sup> This study paved the way for additional NIJ-funded research on financial exploitation because it highlighted the link between financial exploitation and other forms of abuse. One of NIJ's notable contributions to the study of elder financial exploitation was the development of the Older Adult Financial Exploitation Measure (OAFEM).<sup>vi</sup> The full 79-item OAFEM measure and a shortened 30-item version, have been validated and used in numerous research projects and by APS agencies in Illinois.

These are just a few examples of the dozens of projects that NIJ has supported since 2005. Despite incremental progress in elder abuse research over the past decade, there remains a dearth of knowledge about many aspects of elder abuse. Particularly noteworthy is the lack of evaluation research on prevention efforts. NIJ has an open solicitation requesting proposals to develop and test preventive interventions derived from models that have been demonstrated to be effective in related fields. NIJ is also interested in expanding our work in tribal communities to include research on elder abuse.

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- <sup>i</sup> Acierno, R., Hernandez, M. A., Amstadter, A. B., Resnick, H. S., Steve, K., Muzzy, W., & Kilpatrick, D. G. (2010). Prevalence and correlates of emotional, physical, sexual, and financial abuse and potential neglect in the United States: The National Elder Mistreatment Study. *American Journal of Public Health, 100* (2), 292.
- <sup>ii</sup> Wigglesworth, A., Austin, R., Corona, M., Schneider, D., Liao, S., Gibbs, L., & Mosqueda, L. (2009). Bruising as a marker of physical elder abuse. *Journal of the American Geriatrics Society, 57* (7), 1191-1196.
- <sup>iii</sup> Navarro, A. E., Gassoumis, Z. D., & Wilber, K. H. (2013). Holding abusers accountable: An elder abuse forensic center increases criminal prosecution of financial exploitation. *The Gerontologist, 53*(2), 303-312.
- <sup>iv</sup> Gassoumis, Z. D., Navarro, A. E., & Wilber, K. H. (2015). Protecting victims of elder financial exploitation: The role of an Elder Abuse Forensic Center in referring victims for conservatorship. *Aging and Mental Health, 19*, 790-798.
- <sup>v</sup> Jackson, S. L., & Hafemeister, T. L. (2011). Risk factors associated with elder abuse: The importance of differentiating by type of elder maltreatment. *Violence and Victims, 26*(6), 738-757.
- <sup>vi</sup> Conrad, K. J., Iris, M., Ridings, J. W., Langley, K., & Wilber, K. H. (2010). Self-report measure of financial exploitation of older adults. *The Gerontologist, 50*(6), 758-773.

**LAURA MOSQUEDA, M.D.**

Professor of Family Medicine and Gerontology  
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**EXECUTIVE SUMMARY OF REMARKS**

ELDER JUSTICE COORDINATING COUNCIL MEETING  
APRIL 27, 2016

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**PROJECT SUMMARY**

Elder Abuse is not an easy subject to introduce to the public. In fact, many professional organizations dedicated to matters on aging struggle to communicate effectively with their members about this issue. In an effort to address this conundrum, the National Center on Elder Abuse (NCEA) is working with the FrameWorks Institute to understand the public's current perceptions on elder abuse. Comparing these perceptions with those of people who are experts in the field helps us understand the opportunities to encourage and enhance public discourse on this topic. The short term goal is to develop, in collaboration with key stakeholders, a communication toolkit that will be widely disseminated and used by all sectors of society. Our long term goal is to have a society that makes informed choices on policies and practices that address elder abuse based on valid and reliable information.

**BACKGROUND**

The NCEA and FrameWorks Institute are conducting this elder abuse communications project in conjunction with a project on Reframing Aging. In June 2014, a Leaders of Aging Organizations coalition partnered with the FrameWorks Institute to reframe public discourse on aging and the needs of older adults. It was the Reframing Aging project and Kathy Greenlee, Assistant Secretary of U.S. Administration for Community Living that inspired Phase I of the project; researching expert and public understandings on elder abuse. Phase I research was funded by the Administration for Community Living, the Archstone Foundation and the John A. Hartford Foundation and was completed January 2016. Phase II, which is currently underway, will entail the development of an elder abuse communication strategy. The next phase will involve dissemination and adoption of the communication strategy to the elder justice stakeholders and the public.

**PROCESS**

On January 5, 2016, the FrameWorks Institute published their analysis on expert and public perceptions on elder abuse in *"You only pray that somebody would step in": Mapping the Gaps between Expert and Public Understandings of Elder Abuse in America*. The *Mapping the Gaps* report used expert interviews to understand how elder justice advocates and professionals communicate about the issue as well as cognitive and linguistic anthropology to analyze and



identify how the national public's shared understandings and assumptions on elder abuse impact how they approach the issue. FrameWorks researchers conducted 10 one-on-one, one-hour phone interviews with elder abuse advocates, policy experts, and researchers. FrameWorks researchers also performed 20 in-depth two-hour cultural model interviews with a wide range of people from around the country: Philadelphia, Pennsylvania; San Jose, California; Lancaster, California; Phoenix, Arizona and Frederick, Maryland in an effort to identify the people's understandings, assumptions and patterns of reasoning regarding elder abuse.

## **FINDINGS AND CONCLUSIONS**

The *Mapping the Gaps* Report identified many challenges when it comes to communicating with the public about elder abuse including:

1. The public does not think of elder abuse as its own issue and devotes it little attention;
2. The public excludes self-neglect from the term and concept of "elder abuse";
3. The public's discomfort and difficulty thinking about elder sexual abuse prevents constructive engagement with the topic;
4. The public's paternalism toward older people prevents the public from understanding the importance of engaging and empowering older people;
5. The public focuses on attributes of the perpetrator and victim and largely fails to see how structures and systems shape context;
6. The public is unaware of elder abuse's effect on the mortality risks of older people;
7. The public tends to focus solely on effects on victims without societal effects;
8. The public seems largely unaware of relevant institutions, including Adult Protective Services and focuses instead on the need to change individual behavior;
9. The public laments how modern life has made elder abuse more common and treats elder abuse as a problem that ideally would be, but cannot truly be, solved.

In identifying challenges with communicating about elder abuse, FrameWorks Institute's findings help define what kind of communication tactics are needed to effectively raise awareness on the issue. Three key areas that elder justice organizations must address through appropriate communication tactics are:

- cultivate thinking about ways to engage and empower older people;
- promote understanding of the role of public and social services, research and policy in preventing elder abuse;
- boost the public's sense of collective responsibility in addressing and preventing elder abuse.

## **ACTION PLAN**

Utilizing rigorous methods and a validated process, The FrameWorks Institute's findings suggest the public lacks awareness of the causes and societal effects of elder abuse and prevention methods. Therefore, it is necessary that elder justice professionals and advocates develop new ways to communicate about elder abuse.

In consultation with the National Center on Elder Abuse, the FrameWorks Institute has already begun creating and testing the effectiveness of different "explanatory metaphors", messages that

reframe how the public conceptualizes elder abuse. To test these metaphors, the FrameWorks Institute will use a variety of methods throughout the year including on-the-street interviews and web-based surveys, as well as persistence trials (which help to assess the effectiveness of a metaphor) and usability match trials (which help to assess if the advocates and experts can utilize the metaphors appropriately). After this testing is complete in December 2016, FrameWorks Institute an elder abuse communication “toolkit” will be made available on line. This toolkit will explain our rationale and research findings as well as practical application methods. Additional funding for dissemination and implementation will be necessary to ensure our long term goals.

As a lead elder abuse information resource for the public and a variety of professionals in medical, legal, policy, and social service systems, the NCEA is committed to ensuring this new communication strategy is being implemented in order to raise the public’s awareness about elder abuse nationwide. In order to do this, the NCEA is in the process of forming a committee of thought leaders from various sectors to help disseminate the findings and conclusions of the FrameWorks Institute. The NCEA and the committee will:

1. Meet to learn and understand the communication strategy and metaphors designed by Frameworks Institute;
2. Plan a dissemination strategy to influence people and agencies that are in a position to improve policies and services relevant to older adults. This dissemination strategy may include:
  - Creating and conducting spokesperson training;
  - Creating briefs, using social media, websites and blogs for public education and awareness campaigns;
  - Organizing and facilitating a webinar to create a broad base of advocates;
  - Creating and conducting presentations and workshops and;
  - Fundraising to support more outreach efforts or research on public perceptions of elder abuse.
3. Employ the dissemination strategy to encourage new communications practices among elder abuse professionals and therefore influence the public and political discourse on addressing elder abuse.

**JASON KARLAWISH, MD**

Professor of Medicine, Medical Ethics and Health Policy and Neurology  
Co-Director, Penn Memory Center  
Director, Penn Healthy Brain Research Center  
University Of Pennsylvania

**EXECUTIVE SUMMARY OF REMARKS**

**ELDER JUSTICE COORDINATING COUNCIL MEETING  
APRIL 27, 2016**

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“Whealthcare.” Or How We Can Assure  
Older Adults’ Cognitive and Financial Well Being

In 2006, Renee Packel brought her husband Arthur for a new patient assessment at the Penn Memory Center. Not only had he missed paying three consecutive months of condominium fees, he’d either been defrauded or he himself had committed a series of bad financial transactions. Regardless of the cause, he’d lost much of their life savings.<sup>1</sup>

Their life was transformed. She sold their house, they moved to an apartment, she took up the first job of her life, and shelved their plans for travel and leisure; and I diagnosed him with Alzheimer’s disease dementia. The only visit he’d make to his beloved Paris would be after he died when Renee scattered his ashes over a grave in Pere Lachaise cemetery.

My message to you is that this did not have to happen.

The sufferings of Arthur and Renee Packel and millions of Americans like them can be prevented, prevented in the same way we can prevent heart attacks, strokes, and hip fractures. They can be prevented because among the first signs of cognitive changes caused by diseases such as Alzheimer’s disease, and cognitive aging as well, are changes in our capacity to manage our finances.

Financial transactions – bill payments, cash transfers, account withdrawals, investments – are all also data about our nation’s cognitive health. Errors in these transactions, or evidence that others are taking advantage of persons who make them, are data about cognitive function. These data are far more real-world, real-time and arguably cheaper than data from performing and interpreting esoteric cognitive testing or brain scans.

Doctors focus on health. Bankers and financial services professionals focus on wealth. Rarely in the practice of their professions do the two meet. Until now.

Errors in finances and cases of financial fraud and abuse are the strokes, heart attacks and hip fractures of the aging and diseased brain. Yes, they’re sometimes justice issues, sometimes criminal issues that need the full force of our justice system brought to bear to address them. But

they're typically matters of cognitive health -- even when criminal issues are not in question. And they could be prevented.

The banking and financial services industries are on the front lines of screening for cognitive impairment. The intimate connections between health and wealth suggest the need for a new model to assure the financial security of aging Americans. We need to fuse health care and wealth care into "whealthcare."<sup>2</sup>

This new model of "whealthcare" fits nicely into the principles of public health:

1. It requires education and empowerment of the public and financial professionals.
2. It can use assessment to surveil and screen to detect the problem. Financial institutions have the real-time data showing problems with financial capacity – missed or double bills, odd cash transfers, unsuitable investments. They could deploy technologies to monitor transactions and develop algorithms to predict who may suffer problems.
3. Interventions in the life space, outside medical settings, can promote both health and wealth. Interventions include changes in regulations and banking and financial services practices that make it routine to monitor, integrate reporting into a health care system, facilitate reporting suspected cases of abuse or fraud, and permit holds on suspicious or worrisome transactions.
4. Assuring the financial well-being of aging Americans is a public health issue because the failure to address this problem leads to harms to others.

Older adults who suffer losses in financial capacity that lead to losses in wealth cannot go back to work to make up the lost money. They lack the time and the capacity to do so. Someone else has to pay, their family or us, the public.

The public policy mandate is evident. The CDC has issued the Healthy Brain Initiative: A national public health roadmap for maintaining cognitive health." The Roadmap plainly explains why cognitive health is a public health priority. Whealthcare is part of that roadmap. The National Alzheimer's Project Act is law and the U.S. now has a National Alzheimer's plan. First among its five goals are that by 2025 we will discover effective interventions to treat or prevent cognitive impairment caused by diseases such as Alzheimer's disease. You, congress, have been allocating millions to achieve this goal. Today's hearing is a clear opportunity to include the nation's banks and financial services industries in achieving this goal.

I urge you to review the President's Council of Advisors on Science and Technology – PCAST – recent report "Independence, Technology and Connection in Older Age." Chapter 3 -- "Technologies to address changes in cognitive ability" – explains how technologies that allow passive monitoring of account and online view only account can monitor cognitive function and protect older adults' economic security.<sup>3</sup>

Some specific steps:

1. Facilitate and promote the creation of industry standards for the collection and aggregation of data; requiring financial institutions to adopt commercially reasonable best practices for the use of technologies that detect potential fraud, abuse, or changes in

financial capacity; and making rules that will prompt financial institutions that offer online banking to create a means for older adults to give monitoring power to a trusted party without enabling that party to initiate transactions, change the customer's profile information, or otherwise engage in fraud or abuse.

2. Regulatory nudges could incent the industry to make passive monitoring and reporting and online view-only accounts part of routine banking and financial management.
  - a. The SEC should assure financial institutions that holding a transaction due to suspected elder abuse or fraud or impaired capacity does not violate regulations for efficient and timely execution of a transaction
  - b. The FDIC should require financial institutions to routinely offer safe-harbor forms to customers that authorize the institution to share information with a designated family member or other trusted actor if an event of fraud or financial abuse is suspected or discovered.
  - c. The signatories to the 2013 Interagency Guidance on Privacy Laws and Reporting Financial Abuse of Older Adults should assure financial institutions that complying with State mandatory reporting requirements, and reporting suspected elder abuse and fraud in states that do not have mandatory reporting requirements, does not violate the customer's privacy rights under Gramm-Leach-Bliley Act.
3. Congress and the Executive Office of the President should convene State governors to identify the challenges and share successful strategies that ensure that suspicious activity reports with information about suspected elder abuse or fraud are transferred to local adult protective services and law-enforcement authorities to protect seniors
4. Customers should expect to have conversations about their healthcare a routine part of opening an account at an institution and in communication with an online bank to meet their needs over the long term.

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<sup>1</sup> See Gina Kolata. "Money woes can be the first clue to Alzheimer's disease." The New York Times. 30 October 2010.

<sup>2</sup> See Jason Karlawish and Dan Blazer. "Why Bankers, Financial Analysts, And Doctors Need To Start Working Together." Available at <http://www.forbes.com/sites/sciencebiz/2015/07/22/why-bankers-financial-analysts-and-doctors-need-to-start-working-together/#79c98c113020>.

<sup>3</sup> Executive Office of the President. President's Council of Advisors on Science and Technology. Report to the President. "Independence, Technology, and Connection in Older Age." March 2016

**DEBRA B. WHITMAN**

Chief Public Policy Officer, AARP

**EXECUTIVE SUMMARY OF REMARKS**

ELDER JUSTICE COORDINATING COUNCIL MEETING

APRIL 27, 2016

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“AARP’s BankSafe Initiative”

Too often, people who do everything right still lose their life’s savings to financial exploitation.

Older individuals frequently are targeted and lose their entire nest egg – to the tune of \$3 billion annually – and the losses are only expected to get worse. The older population is growing, and their share of deposits will continue to rise. Declines in health or cognitive ability, along with social isolation, all increase an individual’s risk for exploitation. As a result, the frequency and costs of financial exploitation will increase – wiping out the retirement savings of millions of Americans and tarnishing trust in their banks.

Financial institutions are positioned to be the first to recognize a potential problem and to intervene before an older adult is harmed. That is why AARP launched *BankSafe*, to empower financial institutions with solutions to prevent exploitation before the money leaves consumers’ accounts. This goes beyond just exploitation. *BankSafe* principles are the key to better customer service by meeting customers’ financial needs and safeguarding their assets.

AARP’s *BankSafe* initiative has five fundamental elements: (1) preventing financial exploitation; (2) empowering financial caregivers; (3) helping those with dementia; (4) making the banking environment easier to access; and (5) promoting financial resilience. *BankSafe* targets all financial institutions, including banks, credit unions, and investment firms.

This is big business. Older consumers control 67 percent of U.S. bank deposits and when they lose money, so does their financial institution. It has been estimated that U.S. banks are losing more than \$1 billion from exploitation of their customers over age 50. However, the actual impact is likely much larger, as unreported cases outnumber reported cases by a ratio of 44 to 1.

By protecting and empowering consumers, AARP believes banks can minimize risk and exposure to loss while increasing brand distinction, strengthening customer trust, and improving employee morale. For some financial institutions, applying *BankSafe* principles already is showing results. For example, Texas’ First Financial Bank implemented quality training programs and procedures that, in one year alone, prevented over \$1 million in losses.

We believe that a partnership that includes AARP, the financial industry, frontline workers, policy experts and community activists is the most effective way to fight exploitation. Through

*BankSafe*, AARP is working to leverage the strengths of all stakeholders by bringing together resources, skills, knowledge, distribution networks, and established brand identities.

AARP is acting as a broker between consumers and the financial industry, a role for which we are uniquely qualified. Our nationwide influence reaches nearly 38 million members, and we have been building a reputation of trust with older Americans since our founding in 1958.

To solve the growing problem of exploitation, we needed to understand how our members experienced being the target of fraud and abuse and whether they viewed their financial institution as offering protection. The AARP Public Policy Institute commissioned a survey of consumers, and the results were not surprising: financial exploitation is a major concern for older consumers.

We also found that:

- Older consumers want to feel protected. Four out of five consumers age 50-plus prefer establishing accounts at a bank that has at least one service to fight exploitation.
- Training is crucial. Over 85 percent said they were highly interested in bank employees being trained in preventing exploitation.
- Preventing exploitation can build lasting trust. Over 40 percent of customers placed more trust in their financial institution based on how it handled an incident of exploitation.

Our research demonstrates that consumers strongly support strategies that protect them from financial exploitation. Taking to heart what we learned from consumers, along with “an ounce of prevention equals a pound of cure,” AARP launched *BankSafe* to spread knowledge and insights based on global promising practices that educate the financial services industry on how to fight exploitation. Innovation does not have borders and these practices represent a blueprint of proven solutions that enhance training, security, and safeguard assets – for the benefit of banks, as well as their customers.

*BankSafe* is fighting exploitation on several fronts:

- We are creating a national online training program to help employees in financial institutions detect and prevent exploitation.
- We are spotlighting promising practices that financial institutions can use to protect their customers from exploitation.
- We are partnering with financial institutions to create innovative solutions to fight exploitation.

Stopping financial exploitation is not rocket science. We do not need to reinvent the wheel as we already have many tools in the toolbox – we just need to use them.

Older consumers are the financial industry’s most valuable and vulnerable customers. They need to have confidence that their hard-earned assets will be safe and secure, not stolen, swindled, and lost to exploitation or fraud. These consumers are our parents, grandparents, aunts and uncles, and friends and neighbors. They are the most important people in our lives. Working together we can protect them.

**ANDY J. MAO, ESQ.**

Coordinator, Elder Justice Initiative  
United States Department of Justice

**EXECUTIVE SUMMARY OF REMARKS**

**ELDER JUSTICE COORDINATING COUNCIL MEETING  
APRIL 27, 2016**

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The Department of Justice devotes significant resources to enhancing the capacity of prosecutors, law enforcement agencies, and other stakeholders to combat elder abuse, neglect and financial exploitation through training, the dissemination of information, and additional resources. While the Department is currently engaged across many components on this work, I highlight some of those efforts below.

**Prosecutors**

At the federal level, the Department, through the Elder Justice Initiative, has supported and trained Assistant United States Attorneys (AUSAs) and Department Trial Attorneys on how to investigate and pursue cases against nursing homes and other long term care providers that provide grossly substandard care to Medicare and Medicaid beneficiaries. For example, in June 2015, the Department co-hosted a two-day training with the National Association of Medicaid Fraud Control Units in Indianapolis, Indiana, on these cases. Almost 200 federal and state prosecutors, OIG and FBI agents, and others participated in this training that included training on how to identify potential targets, build evidence in failure of care and financial exploitation cases, and work with experts.

Building upon the tremendous interest in that training, on March 30, 2016, the Department launched ten regional Elder Justice Task Forces. These Task Forces will generally bring together federal, state, and local prosecutors, law enforcement, victim service agencies, and others in order to enhance our collective efforts to ensure that nursing homes provide their residents with the nursing care to which they are entitled. To support these Task Forces, the Department will be conducting two regional trainings a year on best practices and developing trends.

The Department has also convened a working group to talk about lessons learned from the Department's prosecutions of nursing home and long-term care providers, as well as prosecutions of the perpetrators of financial scams against the elderly. The working group consists of representatives from the civil and criminal offices that pursue a wide variety of cases on behalf of the elderly, and it has served as an important forum for sharing information and lessons learned, and for generating new ideas to combat fraud against seniors.

The Department has also supported trainings for state and local prosecutors for years on how to investigate and prosecute cases of elder abuse, neglect and financial exploitation. Notably, Congress established the Enhanced Training and Services to End Abuse in Later Life Program to



address the unique barriers to receiving assistance faced by individuals 50 years of age or older who are victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking. Through this program, the Department's Office of Violence Against Women (OVW) has supported the development of national curricula for criminal justice professionals and others to enhance their ability to recognize, address, investigate, and prosecute cases of elder abuse, neglect and exploitation. Since 2006, OVW has provided grant funding to 77 communities in 37 states and the District of Columbia to provide training for thousands of law enforcement officers, prosecutors, judges, victim service providers, and other professionals who work with older individuals (337 prosecutors, 232 judges, and 8,538 law enforcement officers trained). Since 2013, DOJ has trained state and local prosecutors from 26 states and the District of Columbia through its National Institute on Prosecuting Elder Abuse, an intensive four-day training program that covers the essential elements of bringing an elder abuse or financial exploitation case. And, the Department committed, as part of last year's White House Conference on Aging, to enroll prosecutors from the remaining 24 states by 2017. In addition, since 2007, the Department has provided training for judges and magistrates from federal, tribal, state, territorial, and local courts through its Enhancing Judicial Skills in Elder Abuse Cases Workshop, a three-day judicial institute which covers elder abuse, neglect and exploitation, including domestic violence, sexual assault and stalking.

Moreover, for those prosecutors unable to attend the live training, the Department also has been working with OVW, the National Clearinghouse on Abuse in Later Life, and local prosecutors from around the country to develop a video training series that will be made available through the Department's Elder Justice Website in the fall of 2016. The video series will address the critical elements of an elder abuse prosecution including but not limited to investigation and charging decisions, community resources, the use of experts, and working with older victims. In addition to this video series, other resources (such as an extensive federal and state samples database) are also currently available on the Department's Elder Justice Website.

## **Law Enforcement**

As it has with prosecutors, the Department has also devoted significant resources to developing training and resources for law enforcement on elder abuse, neglect and financial exploitation. As mentioned earlier, the Department has provided grant funding to training over 8000 law enforcement officers since 2006 on elder abuse and financial exploitation. To complement those live trainings, the Department has also developed resources, such as the Elder Abuse Pocket Guide, which the Department's Bureau of Justice Assistance developed with the American Bar Association and released in 2014. The pocket guide provides helpful background information on issues such as types of elder abuse, risk factors, and mandatory reporting; easy to understand explanations on documents or tools that are frequently used to commit elder abuse or financial exploitation (e.g., trusts, wills, deeds, powers of attorney); and actions that justice system professionals should consider if they suspect elder abuse has occurred. Over 13,000 pocket guides have been distributed to over 170 law enforcement agencies to date.

Looking ahead, the Department has begun to explore additional ways to make the training and resources more accessible and available to interested law enforcement personnel unable to participate in the live training. To that end, the Department is working with national law

enforcement organizations (like the International Association of Chiefs of Police, National Sheriffs Association, and the International Association of Directors of Law Enforcement Standards and Training) to determine what elements of the elder abuse, neglect and financial exploitation training can be provided through webinars, videos, or other online resources. Likewise, given the increased use by law enforcement of handheld devices, the Department is collaborating with the National Center on Elder Abuse on a law enforcement resource app that is expected to launch in 2017.

In addition to helping to support training for state and local law enforcement, the Department has begun training federal agents and crime victim specialists. The Department recently conducted separate training webinars on elder abuse and financial exploitation for AUSAs and victim witness coordinators, as well as the U.S. Postal Inspection Service. Both of these trainings were taped and will be made available for those unable to attend the live webinars on the Department's Elder Justice Website, among other locations. The Department has similar trainings scheduled for the Federal Bureau of Investigation and the Department of Homeland Security in late April and May, respectively.

### **Civil Legal Assistance Services**

The Department has invested significant resources to enhance the capacity of civil legal services providers to identify and address elder abuse and financial exploitation. Civil legal aid agencies are often a frontline responder to elder abuse and ensuring they are sufficiently equipped is critical. To that end, in June 2014, the Department launched a series of free online elder abuse training modules for civil legal service providers. These training modules assist providers with identifying the signs of elder abuse; identifying older adults at risk; understanding legal remedies available to elder abuse victims, and addressing financial exploitation. Since its launch, over 4,125 individuals have registered for training modules, and 6,247 modules have been completed. In January 2015, the Department piloted a five-part webinar, developed in conjunction with the American Bar Association and the National Clearinghouse on Abuse in Later Life, for civil attorneys and legal advocates to address the needs of older victims of domestic violence and sexual assault. Five hundred individuals registered for the webinar.

Further, in September 2015, the Department announced the launch of its Elder Justice AmeriCorps program. The Department of Justice collaborated with the Corporation for National and Community Service on this new grant program in order to provide legal assistance and support services to victims of elder abuse, neglect, and financial exploitation, and to promote pro bono capacity building in the field. The Elder Justice AmeriCorps program, which is intended to complement existing Office for Victims of Crime grants supporting the development of legal assistance networks providing comprehensive, pro bono legal services for victims of crime, and it will consist of a single grant to an intermediary organization that will support approximately 60 full-time AmeriCorps attorneys or paralegals during the two-year program. In order to help train the Elder Justice AmeriCorps lawyers and paralegals, they will be encouraged to use the online elder abuse training modules, and the Department is working with the American Bar Association's Commission on Law and Aging to develop an elder justice track for this year's National Aging and the Law Conference. This training will be videotaped and posted on the Elder Justice Website so legal aid workers nationwide can participate.

## **Public Outreach**

In addition to the above activities, the Department has engaged in a number of outreach efforts to raise the public's awareness of elder abuse and financial exploitation. For example, United States Attorney's Offices have engaged in extensive outreach efforts to educate and assist the elderly, including recent investment fraud education events at assisted living facilities in Minnesota; an annual Rocky Mountain Fraud Summit, co-sponsored by the U.S. Attorneys in Colorado and Wyoming, and held at an assisted living facility in Denver; public service announcements about senior identity theft and health care fraud by the U.S. Attorney's office in Tulsa, Oklahoma; and press releases advising taxpayers about the IRS impersonation scam and how to avoid it. Moreover, in honor of the 2015 National Consumer Protection Week the Department's Consumer Protection Branch organized a meeting between government enforcers and approximately ten non-profit organizations to call attention to – and educate elderly and Spanish-speaking individuals about – frauds against these communities. Lastly, in May 2015, the Consumer Protection Branch conducted a webinar for more than 500 participants on fraud schemes targeting older Americans. The webinar, attended by representatives of state attorneys general offices, local law enforcement, and groups that advise and care for the elderly, advised participants of new schemes targeting the elderly and provided tips on how to enhance prevention efforts.

## **STACY RODGERS**

Chief Of Staff, Social Security Administration

### **EXECUTIVE SUMMARY OF REMARKS**

**ELDER JUSTICE COORDINATING COUNCIL MEETING  
APRIL 27, 2016**

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#### **Background**

The following outlines my remarks for the April 27 meeting where I will serve on the Training panel. I will highlight our training effort that was designed to heighten awareness of the incidence of abuse, neglect, and financial exploitation for our target audiences, representative payee program participants, and other individuals who serve the senior population. As requested, I am submitting enhanced bullet points that outline my planned 3-5 minute remarks.

#### **Executive Summary of Remarks**

- Results of a recent study reported that for every 10,000 people who sign up for Social Security each day, 1,000 will become victims of financial exploitation. o Even more alarming --- only 1 in 44 cases is reported
  
- As an extension of the work of the Elder Justice Coordinating Council, over the past 2 years we, in collaboration with an array of partners, have been working on a collaborative interdisciplinary pilot in Anne Arundel County, Maryland and Chicago, Illinois. Our work included the development of a series of training modules.
  
- To develop the training, we have partnered with:
  - o the Administration on Aging within the Administration for Community Living,
  - o the Consumer Protection Financial Protection Bureau,
  - o Senior Corps programs which are funded by the Corporation for National and Community Service,
  - o Anne Arundel County Department of Social Services,
  - o the City of Chicago Department of Family & Support Services,
  - o Wells Fargo and their Financial Education Program Hands On Banking,
  - o the Corporation for National and Community Service (CNCS),
  - o the National Adult Protective Services Association, and
  - o Rush University.
  
- We focused on enhancing the relationship between SSA and community-based service providers by increasing our efforts to heighten awareness and prevention of abuse, neglect, and exploitation of seniors and vulnerable adults.
  
- To help our seniors and vulnerable adults live as independently as possible in the setting of their choice, this pilot was designed to recruit, train, and equip representative payees

with the tools to effectively serve our beneficiaries and better safeguard them against potential abuse and financial exploitation.

- As part of the pilot we developed an interdisciplinary training series designed to heighten representative payee awareness about the signs of elder abuse and exploitation, how to recognize the signs of changes in adult decisional capacity, and effective strategies for interacting with the banking community.
- Our goal is to ensure that our representative payees have key information and access to resources that will assist them in serving our customers.
- To that end, this interdisciplinary training includes the following four modules:
  - SSA Representative Payee Technical Training
  - Elder Abuse & Financial Exploitation
  - Helpful Information for Interfacing with the Banking Community
  - Changes in Decisional Capacity
- In the developing the modules, we realized that there was great potential for us to partner more broadly, for instance, providing the modules to volunteer programs to reach thousands of individuals across the country who work with seniors and vulnerable adults. The modules can be included as part of their continuing education efforts.
- Three of the modules have been identified as useful for the general population. In cooperation with the CNCS, we will work with approximately 700 senior-focused grantee programs to distribute the modules in conjunction with World Elder Abuse Awareness Day.
- We will also share this information with our employees. This effort is the first time that we have worked to heighten their awareness of the warning signs of abuse, neglect, and financial exploitation.
- In addition, providing the training in an online format will provide for a convenient, self-paced review for continuing education purposes.
- We hope that this training will heighten awareness and provide further insight and understanding about the growing incidence of elder abuse and financial exploitation, assist with broadening community awareness, educate members of the public who assist vulnerable adults and seniors, and provide key resources to those seeking assistance to address these issues.

## **MARK LACHS, MD, MPH**

Medical Director, New York City Elder Abuse Center  
Professor Of Medicine, Weill Cornell Medical College  
Director Of Geriatrics, New York Presbyterian Health Care System

### **EXECUTIVE SUMMARY OF REMARKS**

#### **ELDER JUSTICE COORDINATING COUNCIL MEETING APRIL 27, 2016**

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#### **I. Background on Elder Abuse Multidisciplinary Teams (MDTs)**

- Elder Abuse Multidisciplinary Teams (MDTs) represent one of the most important developments in helping victims of elder abuse in the past two decades.
- Modeled largely after child abuse teams, the underlying premise is that elder abuse results from a myriad of medical, psychological, social, societal, and other factors, often interacting with one another to cause mistreatment. Thus, it is naïve to believe that a single health care practitioner working in isolation - or APS caseworker, or bank teller, or any other professional working in isolation - can singlehandedly identify, diagnose, and successfully intervene to stop abuse.
- Instead, elder abuse MDTs involve professionals from multiple fields – medicine, social work, law enforcement, housing, adult protective services, and others – convening on a regular basis to discuss a communities most difficult elder abuse cases and create collaborative intervention plans.
- Besides benefits to victims, there are many other positive effects. Elder abuse victims typically traverse many service systems, and often it is discovered that victims (and perpetrators) are known across systems. Team members may be aware of resources in the community that other members may be unaware of. Because elder abuse work can be professionally challenging, MDTs also create a climate of collegiality and support among team members, preventing burn out. Gaps in services for communities may be more readily identified.
- Pioneered by my colleague Dr. Laura Mosqueda in California over a decade ago, a growing body of research is beginning to demonstrate the positive effects of MDTs (see <http://nyceac.com/clinical-services/mdts/mdts-faqs/>). NIJ has been at the forefront of funding much of this research, demonstrating the benefits and cost effectiveness of MDTs. Certainly more research is needed.

#### **II. What Does It Take To Build and Sustain Elder Abuse Multidisciplinary Teams?**

In September 2014, The New York City Elder Abuse Center, Brookdale Center for Healthy Aging, and the Harry and Jeanette Weinberg Center for Elder Abuse Prevention at the Hebrew

Home at Riverdale co-sponsored a day-long symposium in NYC, *Elder Abuse Multidisciplinary Teams: Planning for the Future*. Largely inspired by the Elder Justice Roadmap Report, Elder justice experts, funders and other stakeholders gathered in NYC to explore the value of multidisciplinary teams (MDTs) and plan for replicating and sustaining this important model. Participants identified four recommended priorities for the field with respect to sustaining and replicating MDTs, including developing a Technical Assistance Center for MDTs. (For the monograph, see:

[http://nyceac.com/wpcontent/uploads/2015/04/Elder\\_Abuse\\_MDTs\\_Planning\\_for\\_the\\_Future\\_Final.pdf](http://nyceac.com/wpcontent/uploads/2015/04/Elder_Abuse_MDTs_Planning_for_the_Future_Final.pdf))

These recommendations focus on four areas: Evidence, Messaging, Funding and Know-How.

- **Evidence:** We need to create an even greater compelling body of evidence demonstrating the value of MDTs. This includes Standardized Data Collection to Enhance Service to Victims, Evaluate MDTs, and Facilitate Critically Needed Research. Standardized data collection is critical to MDTs for a variety of reasons: assuring quality, assessing outcomes, and conducting research to assess what elements of MDTs are effective.
- **Messaging:** At the heart of this recommendation about messaging was the need to improve our communications regarding the urgency of elder abuse, shared values that compel Americans to do more to protect older adults, and the value of MDTs.
- **Funding:** Cultivate funding for MDTs to achieve sustainability. Among the key components needed for funding are the MDT Coordinators<sup>1</sup> and specialists like geriatricians,<sup>2</sup> geropsychiatrists and forensic accountants.
- **Know-How:** Provide resources and technical assistance to guide the start-up of MDTs nationally and refine practice. MDTs are sprouting up throughout the United States; to assure that they are optimally effective we believe technical assistance to these teams is critical. Elements of technical assistance include identifying and training MDT coordinators (we believe that certification of MDT coordinators through a standardized curriculum is on the horizon), assuring optimal engagement with team members, implementing standardized data collection procedures and maintaining a database, participating in nation-wide quality and research efforts through pooling of data and other activities, and how appeal to state and local officials to provide ongoing funding for MDT teams. The New York City Elder Abuse Center has been providing technical assistance for MDTs in other localities across the country for several years. We do this through direct 1:1 consultations, and we also host a monthly peer support group teleconference for MDT Coordinators to discuss successes and challenges. Notably, The Department of Justice recently announced it is funding the development of the Technical Assistance Center (stating in its funding announcement the impact of the symposium's recommendations).

It is a confluence of factors that have made MDTs successful. Many people and organizations who have built them have been unusually gracious in sharing information; we in New York City are especially indebted to Laura Mosqueda and the Archstone Foundation for being so helpful to us in creating our teams). An outstanding example of federal government leadership in this

regard was the grant funding provided by HHS/ACL in 2012, which was administered through state agencies. We in New York State were successful applicants for that award; our project took the form of creating new MDTs (in Rochester and New York City). These new teams were gradually viewed as indispensable by many constituencies, including state and local officials. The result: New York State has allocated \$500,000 in next year's budget for sustaining these teams after the period of grant funding, and the NYC Mayor's preliminary budget for FY17 allocates \$1.5 Million for the creation of MDTs in New York City. Details about the New York State Health and Human Services program can be found here:

[http://www.aoa.gov/AoA\\_programs/Elder\\_Rights/EA\\_Prevention/Demonstration/Docs/5\\_Elder\\_Abuse\\_NYSOFA\\_RB.PDF](http://www.aoa.gov/AoA_programs/Elder_Rights/EA_Prevention/Demonstration/Docs/5_Elder_Abuse_NYSOFA_RB.PDF)

Researchers and the funders of MDT research (which is beginning to provide the evidence-base for MDTs) have been vital partners. The National Institute of Justice has been at the vanguard of coordinating and funding these efforts. Private philanthropies and foundations –Like the Fan Fox and Leslie R. Samuels Foundation in New York and the Archstone Foundation in California - have been magnificent supporters of this work. The leadership of Kathy Greenlee at HHS has been one of the most important factors in moving the MDT intervention.

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1 Critical to the success of MDTs is the MDT Coordinator, whose responsibilities include leadership of MDT meetings (determining which cases are to be presented, memorializing and assuring a follow-up plan for each victim and assigning ownership of tasks to team members), coordinating the work of the team members, maintaining the MDT database, providing clinical and moral support to team participants. The MDT coordinator is the “glue” that holds MDTs together.

2 . There is a dearth of physician manpower in aging nationwide; geriatricians and geriatric psychiatrists are critical members of MDT teams because of the many medical and psychiatric issues that arise in victims and perpetrators.



## APPENDIX D

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### WRITTEN REMARKS OF PANEL OF EXPERTS CONSULTED BY THE EJCC<sup>i</sup>

#### EJCC PUBLIC MEETING - OCTOBER 5, 2016

During the fall 2016 meeting, Council members highlighted the accomplishments it has achieved since the passage of the Elder Justice Act in 2010 and the convening of the Council in 2012. Held on October 5, 2016, the Council also heard from community representatives how they believe the increased federal attention has helped stimulate innovation in their communities. Following are the written materials submitted by the panelists.

<b>ROBERT BLANCATO</b> .....	<b>D-2</b>
<b>WILLIAM F. BENSON</b> .....	<b>D-4</b>
<b>PAUL GREENWOOD</b> .....	<b>D-16</b>
<b>ERICA WOOD</b> .....	<b>D-20</b>
<b>DANIEL REINGOLD, JD, MSW</b> .....	<b>D-28</b>

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<sup>i</sup> **DISCLAIMER:** The Written Remarks provided by speakers at the EJCC public meetings reflect the opinions and thoughts of the authors as submitted to the Elder Justice Coordinating Council. They do not represent the interests or positions of the Elder Justice Coordinating Council nor any of the federal agencies that are members of the Council. The Council has reviewed the remarks and has taken their contents under advisement, but does not endorse nor adopt these papers wholly or in part as representing the policies or positions of the federal government.

**ROBERT BLANCATO**

Elder Justice Coalition

**WRITTEN TESTIMONY**

**INCREASING NATIONAL ATTENTION TO ELDER ABUSE**

ELDER JUSTICE COORDINATING COUNCIL

OCTOBER 5, 2016

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This paper is submitted on behalf of the Elder Justice Coalition. We are a non-partisan 3000-member coalition dedicated to advancing elder justice policy at the federal level, whether through passage and implementation of legislation or through administrative action. One of our signature accomplishments was our seven years of effort and advocacy to gain passage of the Elder Justice Act.

We applaud the ongoing success of the Elder Justice Coordinating Council (EJCC) and we have been pleased to participate in several meetings over the four years of its existence. We worked closely with the Senate and the House in developing the language to establish this Council. The Elder Justice Act is all about developing a comprehensive and coordinated federal response to the growing problems of elder abuse, neglect and exploitation in America. This response can and should begin by achieving better coordination among the different federal agencies that have some role and responsibility to promote elder justice and prevent elder abuse. That was the intended purpose behind the creation of this Council and we have seen this in your work.

This paper focuses on two areas: the accomplishments we note from the concerns we had raised four years ago in the first white paper we wrote, and the challenges we still face as a community and as a country.

*Accomplishments*

One area we raised was advocacy and action from within the federal government. We note the particular success of the Administration in advocating for funding for the Elder Justice Act, which received first-time appropriations in Fiscal Year 2015. We also commend the Office of Older Americans within the Consumer Financial Protection Bureau, which has continued to do outstanding work in raising public awareness about elder financial abuse. Further, we recognize the hard work of the Council itself in producing collaborations leading to items such as the creation of the Elder Justice Roadmap and the Department of Justice's Elder Justice Initiative. The continuation of the APS Resource Center, the National Center on Elder Abuse, and the issuing of long term care ombudsman regulations are also part of this area. Finally, through the reauthorization of the Older Americans Act, all aging network staff and volunteers will receive training on elder abuse detection and prevention.

The EJCC and the federal government at large also have worked to leverage national partners and establish and cultivate important relationships with national networks. World Elder Abuse Awareness Day and the National Center on Elder Abuse still stand out as good examples.

The Administration for Community Living is to be commended for their work on identifying short-term gaps, particularly, as we recommended, in the areas of data collection and of finding a federal home for Adult Protective Services. These two steps are crucial for the network to come together to address this issue.

### *Challenges*

We believe that the Administration, working through the EJCC, could do more to help advocate for the reauthorization of the Elder Justice Act. The longer this Act remains unauthorized, the less likely it is that it will ever receive genuine funding. The funding it has now is a start, but it is a small percentage of the funding it was authorized to receive.

Further, we still hold that an Elder Justice Advisory Board as called for in the Act could bring together multi-disciplinary national partners. This would be fairly inexpensive and would be a worthwhile endeavor. We need to continue to identify and cultivate national partners in the solution, including the medical sector, law enforcement, the financial sector, faith-based communities, information system companies, organized labor, etc.

We still have not generated a robust public awareness campaign as called for by numerous entities, including the EJCC itself. We still believe that working with the media and with the entertainment and advertising industries, there are more resourceful ways to get a message to the American public about how we can all help stop elder abuse. This Council should still work to include collaborations with those inside and outside of government who have worked with success in the child abuse and domestic violence prevention world, especially around messaging and raising public awareness.

Finally, we still need more resources to coordinate the response to elder abuse, and in addition, stronger alignment between APS and the law enforcement community. The Office of Adult Protective Services in ACL must continue to be strengthened.

### *Conclusion*

As we said in 2012, we would continue to caution the EJCC not to become too much of a Washington-only entity. Much of the work on the ground that is done in the fight against elder abuse is done at the state and local level. There are hundreds of coalitions, alliances and committees across our nation working to prevent elder abuse. We should be learning more about and from these local initiatives as part of the Council's work.

The EJCC has done much, but it still has much more to do. We hope it is able to continue its work.

**WILLIAM F. BENSON**

National Adult Protective Services Association (NAPSA)

**WRITTEN TESTIMONY**

**ENHANCING ADULT PROTECTIVE SERVICES**

**ELDER JUSTICE COORDINATING COUNCIL**

**OCTOBER 5, 2016**

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Thank you for the invitation to speak to you today. My name is Bill Benson. I serve as National Policy Advisor to the National Adult Protective Services Association (NAPSA). We are grateful to again have this opportunity to provide testimony to the Elder Justice Coordinating Council, as I did in 2012, almost four years ago to the day. It is a pleasure to be here before all of you and especially my long-time colleague Edwin Walker, with whom I worked during my tenure with the Administration on Aging. Providing effective leadership to AoA and now ACL during important transition times is nothing new to Edwin. He is very experienced at this. I also am pleased to recognize Trudy Gregorie, NAPSA's new executive director, who has succeeded Kathleen Quinn, who retired as executive director in August. Ms. Gregorie is here with us today.

NAPSA represents the nation's state and local Adult Protective Services (APS) programs. As a founding member of the Elder Justice Coalition and having played a major role in the shaping and enactment of the Elder Justice Act, we thank you for the unique role you have played in bringing together the impressive array of federal agencies engaged in combatting elder abuse in all its forms. While much of the promise of the Elder Justice Act remains just that, a promise, the Elder Justice Coordinating Council is a tangible and visible achievement of the Elder Justice Act. Your convening today is an important reminder of what has been achieved since you first convened in 2012 and also serves to put the spotlight on what more needs to be done.

APS is the nation's only system of state-based statutorily-authorized programs to investigate elder abuse, neglect and exploitation, and to respond to and protect its victims to the extent possible. Not only are vulnerable and older adults invisible, but to a large extent so is the primary system charged with protecting them. APS remains difficult to describe. It differs from state to state and sometimes from county to county. In the historical absence of federal leadership or resources, which we are now finally seeing, states have evolved their own systems, with their own definitions and standards. For example, APS programs are administratively fragmented, with about half residing in state units on aging; about half in state departments of social services, and a few in various other arrangements. Over 80% of states serve all persons with significant disabilities who are age 18 and older; while several serve only persons 60 or 65 and older, and some states can serve older persons without disabilities. All APS programs investigate abuse in home settings, where nine out of ten older persons live, but almost half also conduct abuse investigations in facilities. In about one-third of states, APS professionals work in other programs in addition to APS (aging services, e.g.)<sup>i</sup>. All these variations have made it difficult to gather data; to describe APS in a succinct way; to explain to victims, the general public and

allied professionals how and where to report suspected abuse; and to develop standards of practice and training.

While the focus of the EJCC and the Elder Justice Act is on elder abuse, it is important for us to note that in almost all states and communities, APS also responds to abused younger adults who have significant disabilities. APS exists to protect vulnerable adults who cannot protect themselves because of physical, cognitive or other serious impairment. While research continues to be desperately needed and other systems must also respond to what is truly an epidemic of elder abuse, APS is the keystone when discussing an adequate response system, especially for the vast majority of victims who live in their own homes and communities. As we noted in 2012, we must adequately and compassionately respond to those who are being victimized and suffering right now, while simultaneously working toward creating a more comprehensive and evidence-based response system for the future. APS is the primary system we have for doing that.

One of the noteworthy achievements over these past four years is the first appropriation of federal funds for “Elder Justice Activities” thus providing funding – albeit very modest amounts – for infrastructure support and demonstration projects for APS. Beginning with \$4 million in FY 2014 and \$8 million in FY 2015, the Administration for Community Living (ACL), under the leadership of former Administrator and Assistant Secretary for Aging Kathy Greenlee, and now Edwin Walker, has supported the development of the newly created data collection system for APS, the National Adult Maltreatment Reporting System (NAMRS), and provided funding on a discretionary basis to states to implement it. We hope that when the dust settles on funding for the current fiscal year (FY 2017) these efforts will continue and perhaps be enhanced if the Senate’s proposal to up the amount to \$10 million is adopted. The APS data system is a major milestone for APS and our ability to better understand the scope and impact of elder and other vulnerable adult abuse.

Another milestone achieved since 2012 has been the establishment of an Office of Elder Justice and Adult Protective Services at ACL. A major priority of NAPSA’s when we first began in work in helping to develop the EJA was to have such an office. We look forward to the naming of a director of this office. Another significant achievement by ACL is the adoption of a set of comprehensive recommended guidelines for states’ APS systems. NAPSA is gratified that these guidelines are modeled on the recommended minimum APS program guidelines established by NAPSA in 2013.

We also believe it is important to acknowledge the huge increased interest in and attention devoted to financial exploitation of the elderly over the past several years. Many of the agencies making up the EJCC are playing important roles in combatting financial abuse. NAPSA, as part of its annual conference, the only national conference devoted to elder and other vulnerable adult abuse, has included for the past seven years a “Summit” on Financial Exploitation. We are especially pleased that the financial services industry has become much more engaged in efforts to combat financial exploitation of the elderly, including their active involvement in, and support for, NAPSA’s Financial Exploitation Summit.

In particular, we applaud the adoption by the North American Securities Administrators Association (NASAA) of a model act designed to protect vulnerable adults from financial exploitation, including allowing broker dealers or advisors to impose an initial delay of up to 15 days of disbursements from an account of an eligible adult if there is suspicion of financial exploitation. Mandated reporting to the state regulators and APS would also be required. The Financial Industry Regulatory Authority issued a similar proposed rule for broker-dealers. The SEC Investor Advocate reported to Congress that he believes financial firms “should have the ability to pause disbursement of funds, contrary to the instructions of a customer.” The Investor Advocate added, “If the suspicion is strong enough, it should trigger an obligation to report the suspicious activity to adult protective services.”

These, and others, are all noteworthy and important developments. But the bottom-line remains that the front-line workers in addressing elder abuse – state and local APS staff – are truly struggling on a daily basis with increased abuse complaints, heavier and more complex caseloads, staffing reductions, reduced training opportunities and threats to the limited funding they operate under.

As we noted in 2012, research informs us that there are more elder abuse victims than the combined total of child abuse and domestic violence victims.<sup>ii</sup> Yet, despite recent policy gains, older victims remain the only victim population for whom there is no designated federal support for intervention and services. We cannot emphasize enough that federal support and attention to other types of abuse have resulted in reduced incidences of both child abuse and domestic violence<sup>iii</sup>.

APS continues to rely upon state and local funding. Despite the authorization of \$100 million in the Elder Justice Act for direct formula-grant funding to states to support their APS systems, not one penny has yet gone to states to support case workers and investigators. Fortunately, many states continue to direct a portion of their Social Services Block Grant (SSBG) funding to adult protective services. APS is one of 28 service categories that states may choose to use SSBG for, as is child protective services (CPS). In 2014, the most recent year for which we have data from the Administration for Children and Families at HHS, 34 states use some SSBG funds for APS. APS currently accounts for 7% of all SSBG spending. In many states the pressures on those funds has only intensified since you first met, as states shift funds from APS to other services, including CPS. In fact, the amount of SSBG funding going to APS has dropped over 11% since FY 2009, the year we reported to you in our 2012 testimony, dropping from \$215,725,988 to \$191,048,216 in FY 2014. Very few states have seen an increase in state revenue going to APS to offset any reductions of their SSBG spending. At this time, when elder abuse reports and caseloads are going up, funding is going in the opposite direction. The chart below shows the number of states reporting to ACF using SSBG for APS and the total amounts of SSBG spent on APS between the years 2009 to 2014.

	<b>States using SSBG</b>	<b>SSBG Expenditures</b>	<b>Percentage of Total SSBG Expenditures</b>
<b>FY2009</b>	34	\$215,725,988	7.60%
<b>FY2010</b>	34	\$180,371,648	6.40%
<b>FY2011</b>	34	\$194,592,281	7.10%
<b>FY2012</b>	36	\$203,330,386	7.00%
<b>FY2013</b>	36	\$187,821,429	6.00%
<b>FY2014</b>	34	\$191,048,216	7.00%

Moreover, in many states SSBG funding is used for a variety of other services that help APS clients with crucial needs and help them remain independent in their community. Such services among others include home-delivered meals, case management and in-home services. California, which does not use SSBG funds for APS, spends a significant amount on In-Home Supportive Services which can be a crucial service for vulnerable adults.

Despite the importance of SSBG to APS and to other service needs of elder and vulnerable adult abuse victims, SSBG remains under continuing threats for its very existence. From previous budget bills zeroing out SSBG in the House of Representatives to proposals in the Senate to fund other priority initiatives by taking all of SSBG for such purposes, SSBG's very existence is at risk. Make no mistake, elimination of SSBG would be catastrophic for many states' APS programs, several of which rely almost entirely on SSBG to fund their APS systems. States' APS administrators tell us that there is almost no likelihood of state legislatures coming up with new revenue to off-set the loss of SSBG. As much as we continue to advocate for Elder Justice Act appropriations to fund APS, NAPSA's top priority remains protecting SSBG. The EJA is aspirational. SSBG is essential.

The balance of our testimony provides an update on the key recommendations we offered the EJCC in 2012. At your first meeting we said, "While state and local APS investigators, case workers and others do the best they can to deal with an onslaught of difficult, complex and growing caseloads, they do so with virtually no national infrastructure behind them. There is no federal agency with responsibility for APS. There is no national data system, nor practice standards, nor minimal training standards." We noted at that time "87% of state APS programs report that the number of their reports and caseloads have gone up, while at the same time 48% report that their staff levels were reduced during the same time period." While these trends continue, there have been improvements since 2012, especially those driven by ACL. We do now have the beginnings of a national infrastructure with the creation of the Office of Elder Justice and Adult Protective Services, the development of the national APS data collection system and a national resource center devoted to assisting states in implementing the new system, the issuance of national guidelines for states' APS systems and the award of discretionary grants testing new approaches to addressing elder abuse and improved APS practice. ACL deserves a great deal of recognition for putting these initiatives into place with the very limited funding that they have received for these purposes.

We presented the following ten points to you in our 2012 statement which were based upon a White Paper we prepared for the EJCC. I repeat here each point from 2012 followed by our perspective on what has been achieved or changed over these past four years.

1. **2012:** There is a great need for support for research about the effectiveness of APS interventions, promising practices and optimal outcomes for victims. A not-yet-published paper from the joint research committee of NAPSA and the National Committee to Prevent Elder Abuse found only 44 “hypothesis-driven” studies involving APS over a 15 year period, and “very few” of those looked at the risks and benefits of APS interventions<sup>iv</sup>. A recent and thorough survey, literature review and paper on evidence-based practices from NAPSRC’s partner, the National Council on Crime and Delinquency, “identified a handful of evidence-based practices” being utilized by APS across the country<sup>v</sup>.

**2016 Update:** The need for vastly increased research related to APS practice continues. NAPSA had the privilege of being the first ACL-funded National APS Resource Center (NAPSRC). As part of its work, NAPSA’s NAPSRC conducted an on-going literature review to identify information published during 2014-2015 regarding risk and protective factors applicable to elder and vulnerable adult abuse victims and adult protective services policies and practices affecting victims. This search found 16 studies published in 2014-2015 that utilized APS client data or personnel, averaging eight studies per year. Despite an expanded research focus on APS cases, of the 37 research studies identified by the NAPSRC in 2014-2015, only five (14%) dealt specifically with APS, and of those, only three focused directly on APS practice. While four studies examining abuse and neglect intervention were found, none examined various APS interventions used or their effectiveness. None compared how different APS practices might affect rates at which clients become the subjects of repeat APS reports, nor did any look at whether the education and training levels of APS workers influenced their work. Not one study examined the effect caseload size has on client services, staff turnover rates, etc. Most importantly, none looked at the impact APS has on the people they serve; i.e. client outcomes. These are just a few of the areas that urgently need attention by researchers.

Vastly increased research attention to APS practices is essential to enable APS systems to develop and incorporate evidence-based practices in assessing and assisting vulnerable adults experiencing abuse and neglect.

2. **2012:** There is also a great need for the development and testing of field-friendly assessment and screening tools that can be used by APS. We know, for example, that common tools such as the Mini Mental Status Exam, in use by APS in 22 states, are not adequate to screen for financial and other types of capacity, especially given the recent research on mild cognitive impairment. The field needs new and easy-to-use tools that are not costly to states or local APS programs in terms of either time or money.

**2016 Update:** Various assessment tools are now being implemented in APS case work, some of which have been developed since 2012. Examples include the:



- *Tool for Risk, Interventions, and Outcomes* (TRIO) for use in APS, designed to facilitate consistent APS practice.
- Abuse -Intervention/Prevention Model (AIM) risk assessment tool for adults with dementia/caregiver dyads.
- Undue influence screening tools developed for APS line personnel by the California Courts (Mary Joy Quinn).
- Structured Decision Making (SDM) Model Assessment tool (NCCD).
- Lichtenberg Financial Decision Making Rating Scale (LFDRS) for assessing the financial decisional capacity of older adults.
- Capacity to consent assessment tools:
  - The Assessment of Capacity for Everyday Decisionmaking (ACED)
  - Memory Impairment Screening (MIS)
  - Short Portable Mental Status Questionnaire

We also want to note that NAPSA has worked with the San Diego State University, School of Social Work, MASTER Program to develop APS training modules on “Risk Assessment” and “Assessing Client Capacity” in both classroom and e-learning versions.

3. **2012:** It is imperative that a national data system be developed, tested and implemented that will be capable of annually telling us how many cases are reported to APS; what types of abuse those cases allege; how many are substantiated after investigation; the age, gender, living arrangement, cognitive and other impairments, etc. of the victims; the age; gender, cognitive and other impairments, and the relationship to the victim, of the abusers; what interventions are put into place; why the cases are closed and other basic data. Such an effort will require identifying the essential common data elements and learning from those states that do have their own strong centralized automated data systems, including Texas and Illinois. One challenge will be the fact that the majority of APS data systems are integrated into other systems such as child protective services.

**2016 Update:** A huge accomplishment noted earlier is ACL’s development of the National Adult Maltreatment Reporting System, or NAMRS, to collect data from the nation’s APS systems. NAPSA is proud to have played a key role in the development of this system and continues to work with WRMA to help states implement it. In August, ACL awarded “two-year grants to enhance statewide APS systems, improve practices and data collection and interface with ACL’s NAMRS.”<sup>vi</sup>

4. **2012:** NAPSA worked closely with California’s Project MASTER at San Diego State University to develop the NAPSA-identified 23 core competency modules for use in training their state’s APS personnel. The modules, which are based on the latest research and have all been piloted and evaluated, are now developed. The topics range from initial investigation, sexual and physical abuse, neglect, self-neglect and financial exploitation to case planning and case closure. Resources are now needed to adapt the California modules into a nationally accessible, web-based training and certification program which can be utilized by every state and by every APS professional. This step would go a long way to standardizing not only APS training but also APS practices across the United States.

**2016 Update:** Since 2012, almost all the core competency modules have been converted to e-learning, and several states have adopted one or more of the modules for their own training programs. Modules for supervisor training have also been created. In addition, NAPSA was awarded a grant from the Archstone Foundation to develop a national APS certificate program based on the core competencies. The groundwork for the program has been laid, and the certificate initiative will be rolled out in the next few months. Individual APS professionals will be able to obtain certificates after completing and passing the entire course, and states or counties can elect to obtain certificates for all their workers. Eventually, “badges” will be awarded for completion of subsets of the modules; e.g. an investigator may receive a badge for having taken and passed the modules on a specific topic such as financial exploitation or sexual abuse.

5. **2012:** Ensure that victim services funds (e.g., VOCA, VAWA, FVPSA) are allocated to older victims in proportion to their numbers and needs, and be sure that older and vulnerable adult victims, and victim response systems, are represented in all planning and programmatic decision-making. Older victims of abuse are underrepresented by these other victim services’ programs both in terms of the dollars allocated and in the services provided.

**2016 Update:** We are very pleased that the President’s commitment made at the 2015 White House Conference on Aging to clarify that victims of elder abuse are an underserved victim population for purposes of VOCA funding was carried out through the issuance of the VOCA final rule on August 8. We believed this was already the case but the new final rule makes that clear. We also note that the new rule makes clear that VOCA funds can be used for legal services for elderly victims of abuse. Civil legal services are crucial for many victims of elder abuse. We are very grateful to the staff of the Department of Justice for the clarity of the final rule. Of course, the potential of VOCA to support APS in providing services to victims of elder abuse remains to be seen. We are optimistic that states’ VOCA administrators will recognize the legitimate needs of elder victims of abuse by providing funding to address their needs.

We also hope that VAWA funds will be directed to support the far too many older women who are victims of violence. It is shameful that they do not receive the support of VAWA in a way that even modestly reflects their needs. While one in four adult women in the US are currently over age 60, only minuscule amounts are devoted to their services by the domestic violence and sexual assault networks.

6. **2012:** We also believe that federal employees and contractors in federally funded systems and programs that interact with older adults, especially those who employ large numbers of mandated reporters, should be educated about elder and vulnerable adult abuse and about APS – what its authority is and when it should be called upon. The Veteran’s Administration is one example of such a system. Moreover, APS clients – that is, victims of abuse – should be considered a priority class for federally-funded services (e.g., aging and disability services, housing). This could be accomplished through administrative guidance provided by the Executive Branch or through federal law.

**2016 Update:** With respect to educating federal employees and contractors who interact with older adults, we are unaware of any progress that has been made in ensuring this. We were disappointed that the recent reauthorization of the Older Americans Act did not include a provision establishing that older victims of abuse are considered a priority class for federally-funded services. We think it just makes sense that a victim of abuse should go to the front of the line for service that may help protect them from further abuse or enable them to maintain independence in their community. This will be a priority for us in the next Older Americans Act reauthorization.

7. **2012:** There is a particular need to strengthen the Aging Services and Disabilities Services Networks' partnerships with APS at the state and local levels, especially with respect to providing emergency and temporary services for victims, screening for abuse and reporting suspected abuse. We believe every effort should be made to encourage or even require funded entities to work with the appropriate state or local APS program. We believe the aging services networks need to be better educated about recognizing, reporting and responding to elder abuse (and non-elder adult abuse). With 47 states having mandatory reporting laws, the aging services network, along with many others, need to be trained about their obligations and what more they can do when encountering victims of abuse.

**2016 Update:** NAPSA is very pleased that the long-awaited reauthorization of the Older Americans Act (OAA), which occurred earlier this year, includes a provision requiring that personnel working under OAA programs are to receive training regarding elder abuse. Specifically, this amendment states, "The Assistant Secretary shall, as appropriate, ensure that programs authorized under this Act include appropriate training in the prevention of abuse, neglect, and exploitation and provision of services that address elder justice and the exploitation of older individuals." Getting this into the OAA amendments wasn't a sure bet so we are very happy to see it in the final version of the reauthorization.

To help ensure that this new provision is more than just another nice idea, NAPSA is creating an "Elder Abuse 101" training program that can be used by all programs that operate under the OAA, as well as other services that are part of the Aging Services Network. At minimum, it will help those who work in aging services to recognize the possibility of abuse among those they serve and know what can be done if they suspect the possibility of abuse. This training will be available to programs as diverse as home-delivered and congregate meal programs, case management services, home care and caregiver-based programs, as well as the SHIP program, RSVP along with many other services. We need an army of caring individuals prepared to step in to assist the millions of victims of elder and vulnerable adult abuse. There is no greater army available than the aging services network. Such training will also be made available to the disabilities services network.

8. **2012:** APS partners routinely coordinate with law enforcement and the criminal justice system. But much more must be done to strengthen the hand of police, prosecutors and

judges to adequately respond to elder abuse and to work with their corresponding APS systems. We believe it is important to expand training for law enforcement, prosecutors and judges beyond VAWA-defined crimes to all forms of elder and vulnerable adult abuse, and to make the training widely and easily available throughout the country. While not all elder abuse is criminal in nature, the abuse that is needs to be thoroughly investigated and prosecuted.

**2016 Update:** State and local APS administrators tell us that there has been considerable improvement in collaboration between APS and law enforcement and prosecutors. But a great deal more needs to be done to engage law enforcement, prosecutors and the judiciary in treating elder and vulnerable adult abuse with the seriousness it merits and requires. Fortunately, the Department of Justice, through the work of Andy Mao and others, is providing essential leadership and as a result, important progress is being made. The DOJ-led initiative to create an Elder Justice Roadmap to guide us across many of the many dimensions of elder abuse and to engage and galvanize all those who have a stake in and role to play in combatting elder abuse is noteworthy. The DOJ’s “Elder Justice Initiative” website now provides terrific resources including sample pleadings, documents, statutes and prosecutor training videos, elder abuse training resources and protocols for law enforcement, webinars and trainings, information about where to report elder abuse and much more.<sup>vii</sup>

We are also pleased that S. 3270, the Elder Abuse Prevention and Prosecution Act<sup>viii</sup>, legislation which addresses elder abuse and the role of DOJ and the Federal Trade Commission, has been reported out of the Judiciary Committee in the Senate. NAPSA hopes this legislation will continue to move forward in the Senate and do the same in the House. Among the legislation’s various provisions is one of particular importance to APS. As passed out of the Judiciary Committee it would provide congressional approval of APS and other agencies to enter into mutually cooperative agreements with their counterparts in other states.<sup>ix</sup> Such “interstate compacts” would allow cooperation across state lines when clients move, for example. Approval of such interstate compacts is a priority of NAPSA and we are hopeful that Congress will allow these essential agreements between states.

- 9. 2012:** As I noted earlier, Assistant Secretary Greenlee is to be applauded for her decision to fund the first-ever National APS Resource Center. It provides an essential vehicle for information exchange and mutual education among state and local APS programs, through producing urgently needed information, such as the report on APS I mentioned earlier, through frequent webinars and disseminated materials on research and training topics needed by the field, through a monthly newsletter and by responding to frequent requests for information and technical assistance by both programs and individuals. It is an important step toward building a modest national infrastructure to support and strengthen APS. This center needs to be an on-going part of the federal response to elder abuse.

**2016 Update:** A key part of former ACL Administrator Greenlee’s legacy of commitment to Elder Justice and APS was her decision to fund the first-ever National

APS Resource Center. The establishment of a national APS resource center was a priority of NAPSA's from the opening bell of the campaign to create and enact into law the Elder Justice Act. NAPSA was therefore honored to be selected to develop the National APS Resource Center. While NAPSA is not presently the prime contractor for the second iteration of the Center, which is now operated by WRMA, which led the way in creating the new national APS data collection system with NAPSA as a partner, we are pleased to be part of the current resource center team. With an understandable focus on helping states to implement the new APS system, now that it has been created, we believe it is equally important to continue the provision of direct technical assistance to state APS systems to improve APS practice and outcomes. NAPSA is proud of the TA services it provided during its tenure running the Center especially in our effectiveness in:

1. Identifying APS best practices, and compiling and disseminating the "lessons learned," and
2. Providing targeted TA in implementing best practices to APS administrators through multiple methods.

We believe a great deal was accomplished by NAPSA during its four-year period of implementing the new Center and operationalizing it. In the latter two years, the Center's evaluation plan was lauded as a model for all resource centers by ACL. NAPSA exceeded the goals set forth in the plan by 132% to 148%, with one exception, where 93% of the goal was met. Examples of what was achieved during that time, among many others, include:

- Creating the first national elder abuse/APS multi-disciplinary team.
- Producing and disseminating the first-ever APS TA briefs on such topics as "Investigation Protocols," "Clinical Issues in Supervising APS Practice," "Evidence-based APS practices," "HIPAA Implications for APS," and others. As part of our testimony we are providing a list of the Issue briefs.
- Issuing major reports on research applicable to APS practice and APS innovative practices.
- Providing monthly calls for state administrators on topics they identified they needed help with.
- Providing in-depth, hands-on, highly focused TA to 12 state APS systems on critical issues each individual state identified. An example was Indiana's request for NAPSA's assistance in "Redesigning our APS program from a law enforcement to a case management focus and addressing our need for clinical placements." In Nevada it was help in "Working with clients and alleged perpetrators with mental illness."
- A total of 14 states implemented concrete program improvements as a result of Center involvement.
- 100% of responding APS state administrators stated that the Center was valuable or extremely valuable to them in their work.

The provision of direct targeted TA to state and local APS is vital and its importance increases daily as APS struggles with circumstances as described by one state APS administrator, "We are underfunded and understaffed. Our workers do all functions: intake, report screening, report investigation, and have insufficient time to do it all. Our staff is stressed and swamped." We urge

that such efforts resume and that they be provided by those with deep experience and expertise in APS.

**10. 2012:** And, finally, we remain thrilled by the enactment of the Elder Justice Act as part of the Affordable Care Act. But the great promise of the new law, especially the authorized support for states and communities as they attempt to keep their APS systems reasonably responsive to the growing demand for their services, is unfulfilled in the absence of appropriations.

**2016 Update:** I have already addressed this earlier in my remarks. For the effective performance of the labor- and expertise-intensive service that is APS, the bottom-line is, well, the bottom-line. Programs must have the funding to support investigators, case workers and the many others essential to responding to the ever-growing and increasingly complex cases of elder and vulnerable abuse. Six years after enactment of the Elder Justice Act there is still no dedicated federal funding going to states for APS. That was the center-piece of the EJA and it remains utterly unrealized. Moreover, there is but one source of federal funding and that is the Social Services Block Grant. While SSBG is not a formula-grant program to states as the EJA is intended to be, many states do opt to use some portion of their SSBG to fund APS. It is the “life-blood” of APS in a number of these states. That is why preserving, much less increasing, SSBG funding is NAPSA’s top priority. We need the on-going engagement of all of you to help ensure SSBG remains a critical source of state funding for APS as well as other services, such as case management, to help abuse victims remain as independent as possible.

It is also goes without saying – but must be said, the Elder Justice Act must be reauthorized.

Thank you for this opportunity to come before you again to not only recognize the many good successes of the past four years with respect to Elder Justice and APS specifically, but also to call attention to all that remains to be done to have a reasonably adequate national system of state and local response to elder and vulnerable adult abuse. It is in our communities where each day thousands of elders and other vulnerable adults are victimized by abuse, neglect and exploitation. NAPSA will continue to work closely with the EJCC and each of its member agencies and offices in furthering the federal response to the nightmare of elder abuse.

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<sup>i</sup> National Adult Protective Services Resource Center and National Council on Crime and Delinquency. *Evidence-Based Practices in Adult Protective Services: Survey Results*. 2012.

<sup>ii</sup> Acierno, R., Hernandez, M. A., Amstadter, A. B., Resnick, H. S., Steve, K., Muzzy, W., & Kilpatrick, D. G. (2010). Prevalence and correlates of emotional, physical, sexual, neglectful, and financial abuse in the Congressional Record Feb. 10, 2003. <http://thomas.loc.gov/cgi-bin/query/R?r108:FLD001:S02121> United States: The National Elder Mistreatment Study. *American Journal of Public Health*, 100, 292-297.

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Office of Women's Health <http://www.womenshealth.gov/owh/pub/violence-against-women.cfm>.

<sup>iii</sup> Dugan, L, Nagin, D & Rosenfeld, R. Do Domestic Violence Services Save Lives? NIJ Journal. ISSUE NO. 250 / NOVEMBER 2003

<sup>iv</sup> Schillerstrom, et al. Informing Evidence Based Practice: A Review of Research Analyzing Adult Protective Service (APS) Data. Submitted for publication, 2012.

<sup>v</sup> National Adult Protective Services Resource Center and National Council on Crime and Delinquency. *Evidence-Based Practices in Adult Protective Services: Survey Results*. 2012.

<sup>vi</sup> ACL press release, August 16, 2016.

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

<sup>viii</sup> <https://www.judiciary.senate.gov/imo/media/doc/S.%203270%20Substitute%20Amendment%20-%20ALB16846.pdf>

<sup>ix</sup> The US Constitution prohibits states from entering into agreements without prior Congressional approval. Virtually every social service and criminal justice system (child protective services, corrections, etc.) has such compacts in place.

**PAUL GREENWOOD**

Deputy District Attorney, Head of Elder Abuse Prosecutions,  
San Diego County, California

**WRITTEN TESTIMONY**

ELDER JUSTICE COORDINATING COUNCIL

OCTOBER 5, 2016

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“Improving Investigation and Prosecution of Elder Abuse, Neglect, and Exploitation”

Members of the Elder Justice Coordinating Council:

My name is Paul Greenwood and I am a deputy district attorney in the County of San Diego in California. For the past 20 years I have had the privilege of heading up our Elder Abuse Prosecution Unit at the San Diego District Attorney’s Office. I was fortunate to be invited to address the inaugural meeting of the Elder Justice Coordinating Council back in October 2012.

At that meeting I shared some of my observations, frustrations and suggestions regarding the lessons that I had learned from prosecuting both physical and financial felony elder abuse cases.

In the intervening period, I have seen the inevitable increase in incidents of elder abuse due primarily to the demographics of our aging population and the fact that the criminal element have discovered that older adults are an easy target.

Whilst I cannot claim that we are winning the battle, there are some indications of our improved response to this escalating problem. Some of the improvements can be traced back to the implementation of certain recommendations for increased federal involvement to address abuse, neglect and exploitation that were made at the first convening of the EJCC.

One of the major recommendations was to support the investigation and prosecution of elder abuse cases by providing training and resources to federal, state and local investigators and prosecutors.

In the past four years, the Department of Justice through its elder justice initiative has been led by Assistant US Attorney Andy Mao acting as the coordinator. His leadership has been both visionary and practical. Since 2013, DOJ has trained state and local prosecutors from 26 states and the District of Columbia through its National Institute on prosecuting elder abuse. It involves an intensive four-day training program that covers the essential elements for bringing an elder abuse or financial exploitation case.

Moreover, the department has committed to enroll prosecutors from the remaining 24 states by next year. And for those prosecutors unable to attend the live training, the department has been working with the Office of Violence against Women, the National Clearinghouse on Abuse in Later Life, and local prosecutors from around the country to develop a video training series that



will be made available through the department's elder justice websites within the next month or so. I have been fortunate enough to participate in this video training and believe that the subject matter will be of great benefit to prosecutors and investigators throughout the nation. Another recommendation was for cross disciplinary training on the abuse whereby training would be developed to educate stakeholders across multiple sectors and disciplines on preventing, detecting, intervening in, and responding to elder abuse, neglect and exploitation.

The Department of Justice, again under the guidance of Andy Mao has produced an exhaustive document entitled the Elder Justice roadmap. It is intended primarily to be a strategic planning resource to advance collective efforts to prevent and combat elder abuse. The initiative solicited the perspectives of 750 stakeholders who were asked to identify the most critical priorities in order to advance elder justice. These priorities “provide ample opportunities for organizations, practitioners, and other interested individuals and entities to participate in tackling aspects of the problem the most relevant to them. No single entity can address elder abuse by itself. Everyone can make a difference.”

I am hopeful that this roadmap will provide an important navigation tool for professionals entering the elder justice field for many years to come.

A third recommendation was to develop a broad-based public awareness campaign with clear and consistent messaging to raise awareness and understanding of elder abuse, neglect and exploitation.

The Administration for Community Living [ACL] which until recently was led so ably by the former assistant Secretary for Aging, Kathy Greenlee, has played a pivotal role in developing various mechanisms for raising public awareness about elder abuse. For example, ACL have provided funding for the National Center on Elder Abuse [NCEA] which is located at the University of Southern California. The mission of NCEA is “to improve the national response to elder abuse, neglect, and exploitation by gathering, housing, disseminating, and stimulating innovative, validated methods of practice, education, research, and policy”.

NCEA have over the past 2 years made great progress with relaunching a brand-new website that offers educational and awareness materials, as well as practical tools and technical assistance. Additionally, NCEA has taken full advantage of the opportunities afforded by social media by conducting numerous webinars and has also overseen the operation of a national list serve that gives fellow professionals the platform to share views, success stories and challenges.

Currently, the DOJ has also provided the NCEA with funding to develop a smart phone application entitled “guide for elder abuse response” which I believe will have an enormous benefit for first responders throughout this country. These types of federal and nonprofit collaborations will only further the field in building awareness and strengthening prevention efforts.

In 2013, the NCEA in partnership with the Eldercare Locator produced a consumer guide called “Protect Your Pocketbook: Tips to Avoid Financial Exploitation.” This guide has been

distributed nationally and has encouraged discussions with older adults regarding strategies to prevent financial exploitation.

In the past two years there has been a timely focus on raising the awareness of elder abuse issues among the judiciary and state court officials. Thanks to federal funding administered through the Bureau of Justice Assistance, the National Center for State Courts created a “toolkit” to increase awareness and improve court responses to elder abuse, neglect, and exploitation. In July 2014 the Chief Justices of every state met in West Virginia and received training on what was entitled “the silver tsunami”. Since then, several of those Chief Justices have brought that training back to their own states and have begun to implement proposals that will create more elder friendly courts and greater accessibility for older Americans to receive justice.

I would also like to highlight the work of the Consumer Financial Protection Bureau in helping to educate older adults about the many financial challenges that they face as they age. In partnership with FDIC, the Bureau has produced an excellent resource guide called “Money Smart for Older Adults – Prevent Financial Exploitation”.

In a similar vein, the FTC has launched a campaign aimed at active older people entitled “Pass It On”. The materials in this campaign focus on imposter scams, identity theft, fundraising fraud, healthcare scams, and lottery scams. One of the most encouraging signs on the federal level in recent weeks came when the Senate Judiciary Committee passed the Elder Abuse Prevention and Prosecution Act which is designed to help reduce financial exploitation against older Americans through expanded education, prevention and prosecution tools.

This Act will require the designation of at least one assistant US Attorney to serve as the Elder Justice Coordinator in every judicial district and whose duties will include prosecuting or assisting with elder abuse cases, conducting public outreach, and ensuring the collection of statistical data.

The Act will also require the Attorney General to operate an elder abuse resource group that facilitates information sharing among prosecutors.

Moreover, the Act will require the chairman of the FTC to designate an elder justice coordinator within the Bureau of Consumer Protection and to report annually along with the Attorney General to Congress on enforcement actions taken by their respective agencies. As a deputy district attorney, I welcome this legislation and look forward to establishing working relationships with federal prosecutors. Too often in the past, there has been very little coordination between local and federal prosecutors regarding elder abuse crimes that cross both county and state lines.

While we can all be encouraged by the progress that has been made since the first Elder Justice Coordinating Council met in October 2012, this is not the time to pat ourselves on the back. Financial elder exploitation continues to escalate at an alarming level and many predators operate without any fear of detection or apprehension.

What I believe is urgently needed is a federally funded task force consisting of local and federal law enforcement investigators and prosecutors who can respond quickly upon receiving a report of an elderly victim being exploited through the sweepstakes, IRS warrant or grandma scam. We need to be able to execute search warrants on financial institutions and wire transmitter agencies promptly and follow the money as quickly as possible. Local police may take an initial report but rarely ever assign a detective for follow-up. Moreover, unless there are multiple victims and the losses amount to over \$1 million the FBI typically decline to intervene. The lack of law enforcement response only serves to empower the crooks to flood the telephone wires and mail with fraudulent schemes targeting our elders. I am sure you have all heard stories - heartbreaking stories - of someone in your family or network of friends or constituents who has fallen to such a scheme and has never been able to recover the money or have the satisfaction of seeing the fraudster brought to justice.

We have the opportunity to build on the progress that has been made in the past four years. The momentum is here. There are dedicated professionals throughout this nation who have the passion, the purpose and the perseverance to continue their role in protecting older Americans. But we need to give them more tools and resources.

I commend the Elder Justice Coordinating Council for its leadership in creating some excellent initiatives in the last four years. Let us not allow these programs to dwindle. We owe it to our elders to continue along the path of progress and pursue justice vigorously. With greater collaboration, communication and cooperation we can make a difference.

## ERICA WOOD

Assistant Director of the American Bar Association Commission on Law and Aging

### WRITTEN TESTIMONY

ELDER JUSTICE COORDINATING COUNCIL

OCTOBER 5, 2016

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#### “Preventing Elder Financial Exploitation by Fiduciaries”

The Elder Justice Coordinating Council (EJCC) has adopted *Eight Recommendations for Increased Federal Involvement in Addressing Elder Abuse, Neglect and Exploitation*. Recommendation #7 is to “combat elder financial exploitation, including abuse by fiduciaries.” At the first EJCC meeting in October 2012, I presented a series of collaborative federal agency strategies to address financial exploitation by fiduciaries – specifically by representative payees<sup>i</sup> and court-appointed guardians.<sup>ii</sup> This paper highlights progress on these strategies in the past four years, as well as possible additional steps.

The paper focuses more on big-picture federal coordination rather than recent or current internal federal agency improvements – emphasizing ways in which federal agencies can work collaboratively with public or private partners, and on federal actions can be mutually reinforcing for greater collective impact. The paper outlines federal agency strategies in: (1) education and training of fiduciaries; (2) coordination of federal representative payee programs and state courts with guardianship jurisdiction; (3) use of trained volunteers as fiduciaries; and (4) oversight of fiduciaries.<sup>iii</sup>

The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and should not be construed as representing the policy of the American Bar Association. This paper is drawn from my professional experience where I serve as Assistant Director for the Commission on Law and Aging.

A fiduciary is charged with managing money and property for someone else -- such as an older person with dementia or an adult with intellectual disabilities -- who is not able to manage it him or herself. Fiduciaries must act according to the highest standards of loyalty, good faith, trustworthiness and honesty.<sup>iv</sup> In the real world, fiduciaries may play dual roles, paradoxically serving as both a solution for, and a source of, financial exploitation.<sup>v</sup> While many are dedicated and perform well, some take advantage of their position of trust and confidence – and others simply lack an understanding of their responsibilities.

#### **1. Education and Training of Fiduciaries.**

Representative payees and guardians -- particularly family members and other non-professionals – may not fully understand their basic responsibilities and do not always know what is expected of them. According to the National Research Council, “payees must understand their duties and responsibilities, including details such as how to keep records, how to deposit benefits into separate accounts, and how to save money.”<sup>vi</sup> Guardians must understand similar responsibilities,

including prudent asset management, and the requirements for an inventory, accountings to court and elements of a financial plan. Both representative payees and guardians must understand not only the basic precepts of financial management, ethical rules about conflict of interest and confidentiality, and how to find community resources and supportive services, but also how to carry out their duties to best promote the self-determination of those they serve, under principles of supported decision-making.<sup>vii</sup>

The Social Security Administration (SSA) and the VA (Department of Veterans Affairs) have taken steps in providing guidance. SSA has a handbook,<sup>viii</sup> available online and in print, as well as additional resources for payees.<sup>ix</sup> The VA web site has a guide for fiduciaries, and videos on how to complete accountings.<sup>x</sup> However, it appears that payees still need more help. Educating guardians is the work of state courts, and a number of state court offices and local courts have developed handbooks and videos,<sup>xi</sup> but additional guidance is needed.

In 2013, the Consumer Financial Protection Bureau (CFPB) published four guides to help non-professional fiduciaries – variously called lay fiduciaries or financial caregivers -- carry out their responsibilities in managing someone else’s money.<sup>xii</sup> The series of four plain-language guides, called *Managing Someone Else’s Money*, is targeted at court-appointed guardians of property or conservators, agents under a power of attorney, trustees under a revocable living trust, and representative payees or VA fiduciaries. Each guide explains in easy-to-understand terms the four main responsibilities of a fiduciary: (1) to act in the person’s best interest; (2) to manage money and property carefully; (3) to keep the money and property separate from their own; and (4) to keep good records. All of the guides also have tips on how to spot financial exploitation and avoid scams, as well as resources that can help with their duties.

To date, the CFPB has distributed almost a million guides in hard copy or electronically. Because fiduciary powers and duties, as well as resources, vary by state, the CFPB is releasing specially adapted guides for six states, and already has launched guides for Virginia and Florida. Also, the CFPB has developed tips and templates to help key state professionals adapt the guides for additional states.

**Getting Out the CFPB Guides.** Widespread distribution of the CFPB guides could help curb exploitation. While the guides may not stop someone intent on fraud, they can get across the basic idea that the money you are handling is not your own, and can alert families and professionals to signs of exploitation by fiduciaries.

EJCC agencies have the channels to get the word out. The guides are on both the SSA representative payee web site and the VA fiduciary web site. Through the Administration on Community Living (ACL), the National Adult Protective Services Resource Center, the National Center on Elder Abuse, Older Americans Act legal providers, protection and advocacy agencies, long-term care ombudsman programs, pension counseling projects, and state and area agencies on aging could bring greater visibility to the guides, and well as to related SSA and VA web site resources. Department of Housing and Urban Development (HUD) service coordinators and the Centers for Medicare & Medicaid Services (CMS) insurance counselors are ideally positioned to promote the guides, as is the Department of Justice (DoJ) through its Elder Justice Initiative and other channels.

Federal Support for Guardian Training. While guardian training on financial exploitation is a state responsibility, federal support can reinforce state efforts. For example, the State Justice Institute has provided small grants for state courts to adapt lay fiduciary training curricula under development by the National Center for State Courts. The DoJ Elder Justice Initiative has expressed interest in a national training resource to assist family and other lay guardians, as well as supporters helping an individual in decision-making.

## **2. Coordination of Federal Representative Payee Programs and State Courts.<sup>xiii</sup>**

As detailed in the 2012 statement, representative payment programs frequently are not coordinated with other systems serving the same population, putting vulnerable adults at risk of financial exploitation. In 2004, a Government Accountability Office (GAO) report,

*Guardianships: Collaboration Needed,<sup>xiv</sup>* found a lack of coordination among state courts handling guardianship, the VA fiduciary program, and the SSA representative payee program. The GAO concluded that “this lack of coordination may leave incapacitated people without the protection of responsible guardianship and representative payees.”

A 2011 GAO report on *Oversight of Federal Fiduciaries<sup>xv</sup>* found that gaps in information sharing continued to exist, and recommended disclosure of information by federal agencies to state courts. In 2014, at the request of SSA, the Administrative Conference of the U.S. (ACUS) conducted a survey on state court guardianship practices, and found that: (1) over half of the court respondents reported no interaction with federal agencies; (2) almost two-thirds did not know what percentage of guardians of property also serve as representative payee; and (3) two-thirds of guardian respondents said enhanced coordination or sharing of information with SSA would be beneficial.<sup>xvi</sup> Consider these situations:

- B was appointed by SSA as representative payee for A. B also petitioned the court to be A’s guardian. The court appointed B, not knowing that B had misused A’s Social Security benefit funds.
  - Adult protective services received a report of alleged abuse by guardian B, who was also the SSA representative payee, but APS could get no information on B’s SSA payee performance or record.
  - B was appointed by the court as A’s guardian, but C was appointed by SSA as A’s representative payee and by the VA as A’s fiduciary. Neither B nor the court had adequate information about A’s situation to act in his best interest – and each would have had a more complete picture had they shared information.
  - B was appointed by the court as A’s guardian and by SSA as A’s representative payee, yet there was no coordination between the court and SSA about B’s separate reports.

SSA has maintained that the federal Privacy Act of 1974<sup>xvii</sup> limits the sharing of information about beneficiaries and representative payees with courts, adult protective services and the aging network.<sup>xviii</sup> Amendments to the Act providing an appropriate exception for information sharing to address financial exploitation of both organizational and individual payees would offer welcome communication flexibility. However, short of enacting an amendment to the Privacy

Act, there are a number of EJCC agency initiatives underway, as well as additional steps to be taken, as detailed below.

**Exploring Information Exchange.** ACL, SSA, the VA and other agencies have begun to recognize the need for coordination and take action. The 2013 Elder Justice Interagency Working Group list of agency programs and initiatives states that “ACL/AoA has worked collaboratively with the Social Security Administration to improve their representative payee program....Through conversations with SSA and SSA-OIG [SSA Office of the Inspector General] on improving coordination and collaboration between aging networks, APS, and Ombudsman on financial fraud investigations involving representative payees, SSA-OIG agreed to explore opportunities to facilitate information exchange and training for aging and protective service networks.”<sup>xxix</sup> In a related recognition of the need for coordination, ACL in May 2016 held a “Federal Conversation on Guardianship” bringing together federal agency representatives and guardianship experts and advocates to begin exchange of information on the need to target exploitation and support decision-making by individuals with disabilities.

**The WINGS-Representative Payee Connection.** In 2013 and again in 2015, the State Justice Institute (supplemented by private resources) provided incentive mini-grants to the highest court in a total of nine states to create state Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS). Seven additional states have created similar ongoing court-community partnerships to improve adult guardianship systems and target less restrictive options, and at least three more are in the planning stages. In these 16 states, multidisciplinary entities for problem-solving bring together key stakeholders to formulate and act on strategic plans.<sup>xx</sup> ACL has recognized the potential of WINGS in its 2016 Elder Justice Innovation Grant Request for Proposals.<sup>xxi</sup>

SSA has initiated a structured set of contacts with state WINGS groups by appointing an “SSA WINGS representative” for each of the 16 states. The intent is to enhance coordination between state courts with guardianship jurisdiction and the SSA representative payment program. SSA sponsors a quarterly or periodic conference call with WINGS state coordinators and SSA representatives. In some states, the SSA representatives have given presentations on the SSA representative payment system to WINGS participants. Also, the WINGS-SSA participants have developed a draft set of training slides on the SSA representative payee program for judges and court staff, currently under SSA review.

The VA Fiduciary Program also has designated a “point of contact” for each of the state WINGS.<sup>xxii</sup> Promoting Promising Court Practices for Coordination. While there may be limits on SSA sharing information under the Privacy Act, there are no such limits on courts, and EJCC might encourage promising court practices including for example:

- Providing newly appointed guardians with information about the representative payee program;
- Alerting the local SSA office of appointment of a guardian for an SSA beneficiary;
- Notifying SSA of any changes in the status of a guardian who is also a representative payee, especially removal for exploitation, fraud or other malfeasance; and

- Reporting any suspected exploitation by a guardian who is also a representative payee to the local SSA office, the HHS SSA Office of the Inspector General and local adult protective services. State and local relationships between judges and SSA regional or field offices could help to facilitate these practices. To spur court notification of financial exploitation to SSA, it would be useful to develop a protocol and a form, so judges and court staff might readily and routinely take the needed steps.

### **3. Use of Trained Volunteers as Fiduciaries.**

The SSA may not have a sufficient pool of responsible payees for the growing number of beneficiaries unable to manage their own funds - - especially for high risk “unbefriended” beneficiaries who may be homeless, have substance abuse or mental health problems, as well as multiple chronic health conditions. The demands of such beneficiaries are enormous; and crisis situations may force use of payees not well qualified to meet the needs, paving the way for possible exploitation.

Pro Bono Programs. In 2014, SSA launched a Maryland Representative Payee Pro Bono Pilot to expand the pool of suitable payees.<sup>xxiii</sup> Through outreach to local and state legal entities, the project recruited attorneys admitted to the Maryland State Bar Association to serve as representative payees on a pro bono basis. Partnering with the legal community can be a good fit, as attorneys are licensed and held to high ethical standards.

SSA is currently evaluating the Maryland attorney pro bono pilot by studying the experiences of the attorneys and the SSA staff who have participated. SSA plans to use the evaluation to make determinations about any future expansion.<sup>xxiv</sup> Such evaluation might consider:

- The kinds of in-depth training needed for attorneys to serve as payee. Many attorneys have no background in serving in fiduciary roles, and require guidance not only on the representative payee responsibilities, but also ethical standards for fiduciaries, supported decision-making, and community resources.
- The need to clearly distinguish the fiduciary role from the traditional attorney advocacy role, and to clarify this for beneficiaries and the public.<sup>xxv</sup>
- Partnering with state and local bar associations, especially elder and probate law sections as well as Emeritus Attorney organizations, on recruitment and training.
- Partnering with other qualified professionals and retired professionals such as social workers, accountants, and public administrators.

### **4. Oversight of Fiduciaries.**

To protect vulnerable individuals, both representative payees and court-appointed guardians require monitoring and implementation of sanctions<sup>xxvi</sup> for malfeasance. Internally, SSA is in the process of implementing a new representative payee site review program making strategic improvements to better protect beneficiaries. According to SSA, this includes increasing oversight of high-risk payees, conducting more robust reviews, using a trained contractor in the reviews, and increasing the number of reviews annually.<sup>xxvii</sup> However, until recently, there has been no independent third-party review of individual SSA representative payees and less than full review of organizational payees. Outside review by a qualified entity knowledgeable about needs of elders and adults with disabilities can help SSA to better target misuse and abuse.



For guardianships, oversight is by state courts, but monitoring practices vary significantly from state to state, court to court, and judge to judge.<sup>xxviii</sup> Federal agency support for court monitoring could bolster practices to protect individuals subject to guardianship. Third Party Oversight of Selected SSA Organizational Payees. Beginning in 2009, SSA contracted with the National Disability Rights Network -- the national membership and technical assistance/training provider for the federally funded and mandated state Protection & Advocacy (P&A) system – to conduct reviews of selected SSA organizational representative payees.<sup>xxix</sup> The P&A network not only assisted SSA to identify misuse of beneficiary funds, but also addressed other issues important to beneficiaries in housing, safety, employment, health care, community integration, mental health and other areas. As of June 2016, the total number of reviews completed by NDRN and the P&A network was 4,165, with over 19,700 individual beneficiaries interviewed.<sup>xxx</sup>

In 2015, SSA expanded the program to include additional review tools and additional organizational reviews, as well as selected individual reviews to get “eyes and ears” on a broader range of payees. The program is currently in the final stages of an RFP process, and it will be critical for SSA to consider skills and background in aging and disability, as well as aging and disability services.

**Possible Volunteer Payee Monitors.** As suggested in 2012, another approach to independent third-party review of payees might be to develop a program of volunteer payee monitors for selected cases. This concept is patterned after the successful model of court-based volunteer guardianship visitor programs originated by AARP and updated by the American Bar Association.<sup>xxxi</sup> SSA offices could select, screen, coordinate, train and supervise a cadre of dedicated volunteers to visit and interview beneficiaries and payees, and report back. SSA could use the volunteer reports to identify red flags where there may be payee problems, and better target follow-up checks.

**APS Perpetrator Data on Fiduciaries.** In developing policy to combat financial exploitation by fiduciaries, it is critical to know the extent to which adult protective services cases involve fiduciaries as perpetrators. In 2012, this was unknown. In 2013, ACL began developing and has piloted a National Adult Maltreatment Reporting System (NAMRS) – a national reporting system based on data from state adult protective services agency information systems. The NAMRS Case Component Data includes a section on “Client Perpetrator Relationship.” This perpetrator relationship data includes a section on “perpetrator substitute decision-making” and lists health and financial agents under powers of attorney, guardian of person, guardian of property, and representative payee. Collection of this data will clarify our picture of fiduciary exploitation and the kinds of cases in which it is occurring – as a platform for action. Federal Support Targeting Conservator Exploitation.<sup>xxxii</sup> While frequently highlighted by media, the actual extent and consequences of conservator (guardian of the property) fraud and financial exploitation is not known. In 2015, the DoJ Office of Victims of Crime funded the National Center for State Courts and partners to assess the scope of fraud and financial exploitation by conservators and convene a national forum to craft recommendations. The project is to identify and document model programs and court processes that proactively address conservator exploitation and suggest changes in policy and practice. One key element of addressing conservator exploitation is how courts can best track cases and flag possible problems for action.

The State Justice Institute has provided important support to help courts do this. It has funded the National Center for State Courts to conduct a Conservatorship Accountability Project<sup>xxxiii</sup> to develop and test software accounting and tracking tools to identify problematic cases; adapt and pilot the tools in three states; and develop a Conservatorship Accountability Project Network. The potential for progress on this front is substantial.

Conclusion. Collaboration of EJCC agencies has the potential to make a real difference in addressing financial exploitation by fiduciaries. The past four years show significant progress – plain language guides for lay fiduciaries, the beginnings of coordination between SSA and state judicial systems, a pilot pro bono representative payee program, expanded third party oversight of SSA payees, development of a system to collect APS data on perpetrators who are fiduciaries, and federal support for targeting conservator exploitation. Yet there are important additional steps to be taken – steps that call for effective coordination among the participating EJCC entities to get the greatest “bang for the buck.”

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<sup>i</sup> While this paper focuses primarily on SSA representative payees and VA fiduciaries, other federal agencies – such as the Office of Personnel Management and Railroad Retirement – have similar payee program, as do some state and even private entities.

<sup>ii</sup> In this paper, the generic term “guardianship” refers to guardians of property, frequently called “conservators,” including guardians of both person and property, unless otherwise indicated.

<sup>iii</sup> Kania, J. & Kramer, M., “Collective Impact,” *Stanford Social Innovation Review*, pp. 36 - 41 (Winter 2011).

<sup>iv</sup> *Black’s Law Dictionary*, 2nd Ed., <http://thelawdictionary.org/fiduciary>.

<sup>v</sup> Wood, E., “The Paradox of Adult Guardianship: A Solution To – and A Source For – Elder Abuse,” *Generations*, American Society on Aging, Vol. 36, No. 3, pp. 79 – 82 (Fall 2012).

<sup>vi</sup> National Research Council, *Improving the Social Security Representative Payee Program: Serving Beneficiaries and Minimizing Misuse, Executive Summary*, p. 9 (2007).

<sup>vii</sup> National Guardianship Association, *Position Statement on Guardianship, Surrogate Decision-Making and Supported Decision-Making* (2015), [http://www.guardianship.org/documents/NGA\\_Policy\\_Statement\\_052016.pdf](http://www.guardianship.org/documents/NGA_Policy_Statement_052016.pdf).

Also see National Resource Center for Supported Decision-Making, <http://www.supporteddecisionmaking.org>.

<sup>viii</sup> Social Security Administration, *A Guide for Representative Payees*, SSA Publication No. 05-10076 (July 2015), <https://www.ssa.gov/pubs/EN-05-10076.pdf>

<sup>ix</sup> Social Security Administration, *When People Need Help Managing Their Money* (2015), <https://www.ssa.gov/payee>.

<sup>x</sup> U.S. Department of Veterans Affairs, *A Guide for VA Fiduciaries* (2013), <http://benefits.va.gov/fiduciary>. Wynn, S., Justice in Aging, *Issue Brief: How SSA Can Improve the Representative Payee Program to Protect Vulnerable Seniors* (June 2016). Also see Wynn, S., Justice in Aging, *Fact Sheet: SSA’s Representative Payee*.

<sup>xi</sup> American Bar Association Commission on Law and Aging, “Guardianship Law and Practice,” – List of State Guardianship Handbooks, List of State Guardianship Videos, [http://www.americanbar.org/groups/law\\_aging/resources/guardianship\\_law\\_practice.html](http://www.americanbar.org/groups/law_aging/resources/guardianship_law_practice.html).

<sup>xii</sup> Consumer Financial Protection Bureau, “CFPB Releases Guides for Managing Someone Else’s Money” (October 23, 2013), <http://www.consumerfinance.gov/about-us/newsroom/cfpb-releases-guides-for-managing-someoneelses-money>.

<sup>xiii</sup> American Bar Association policy approved by the Association’s House of Delegates in August 2013 states: “Resolved, that the American Bar Association urges courts with jurisdiction over adult guardianship and governmental agencies that administer representative payment programs for benefits to collaborate with respect to information sharing, training and education in order to protect vulnerable individuals with fiduciaries who make financial decisions on their behalf.”

<sup>xiv</sup> U.S. Government Accountability Office, *Guardianships: Collaboration Needed to Protect Incapacitated Elderly People* (2004)

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- <sup>xv</sup> U.S. Government Accountability Office, *Incapacitated Adults: Oversight of Federal Fiduciaries and Court-Appointed Guardians Needs Improvement* (2011).
- <sup>xvi</sup> Administrative Conference of the United States, *SSA Representative Payee: Survey of State Guardianship Laws and Court Practices* (2014), [https://www.acus.gov/sites/default/files/documents/SSA%2520Rep%2520Payee\\_State%2520Laws%2520and%2520Court%2520Practices\\_FINAL.pdf](https://www.acus.gov/sites/default/files/documents/SSA%2520Rep%2520Payee_State%2520Laws%2520and%2520Court%2520Practices_FINAL.pdf)
- <sup>xvii</sup> Pub.L. 93–579, 88 Stat. 1896, enacted December 31, 1974, 5 U.S.C. § 552a.
- <sup>xviii</sup> U.S. Government Accountability Office, *Guardianships: Collaboration Needed to Protect Incapacitated Elderly People* (2004).
- <sup>xix</sup> Elder Justice Interagency Working Group, “Participating Federal Departments and Agencies Mission Statements and Agency Activities Relevant to Elder Justice” (May 2013).
- <sup>xx</sup> National Guardianship Network, [http://www.nationalguardianshipnetwork.org/NGN/WINGS/Court-Community\\_Reform\\_Through\\_WINGS/NGN/WINGS/Court-Community\\_Reform.aspx?hkey=7d32011f-2ac5-461a-9b4a-5636722c4914](http://www.nationalguardianshipnetwork.org/NGN/WINGS/Court-Community_Reform_Through_WINGS/NGN/WINGS/Court-Community_Reform.aspx?hkey=7d32011f-2ac5-461a-9b4a-5636722c4914). The WINGS effort has been coordinated by the National Guardianship Network and the American Bar Association Commission on Law and Aging.
- <sup>xxi</sup> Administration for Community Living, Elder Justice Innovation Grants, <http://www.grants.gov/web/grants/view-opportunity.html?oppId=283115>.
- <sup>xxii</sup> Email message from VA Fiduciary Program, June 27, 2015, in file with author.
- <sup>xxiii</sup> Truhe, J., “Social Security Seeks Pro Bono Lawyers to Meet Need for Representative Payees,” *Bifocal*, American Bar Association Commission on Law and Aging, Vol., 36, Issue 4 (April 2015). SSA has also initiated a volunteer pilot in Chicago, Illinois.
- <sup>xxiv</sup> Email message from SSA Office of Income Security Programs, September 16, 2016, on file with author.
- <sup>xxv</sup> Wynn, S., “Ways to Meet the Growing Need for Representative Payees,” Policy Issue Brief, Justice in Aging (2016), <http://www.justiceinaging.org/our-work/economic-security/rep-payee-program>.
- <sup>xxvi</sup> Concerning the Office of Personnel Management payee program, note that in 2015, S. 1576 would have “close[d] a loophole that currently exists in statute whereby the embezzlement or conversion of federal Social Security and Veterans benefits by representative payees is a federal felony but the same embezzlement or conversion of benefits provided to federal retirees through the federal retirement system is not.” Representative Payee Fraud Prevention Act of 2015 (S. 1576) Senate Report 114-95 (July 2015).
- <sup>xxvii</sup> Email message from SSA Office of Income Security Programs, September 16, 2016, on file with author.
- <sup>xxviii</sup> Karp, N. & Wood, E., *Guarding the Guardians: Promising Practices for Court Monitoring*, AARP Public Policy Institute (2007). Also see National Association for Court Management, *Adult Guardianship Guide* (2014), [https://nacmnet.org/sites/default/files/publications/AdultGuardianshipGuide\\_withCover.pdf](https://nacmnet.org/sites/default/files/publications/AdultGuardianshipGuide_withCover.pdf). Also see Administrative Conference of the United States, *SSA Representative Payee: Survey of State Guardianship Laws and Court Practices* (December 2014).
- <sup>xxix</sup> Office of the Inspector General, Social Security Administration, “The Social Security Administration’s Oversight of Employer Representative Payees, Congressional Response Report, A-13-10-20125 (2010), [http://oig.ssa.gov/sites/default/files/audit/full/html/A-13-10-20125\\_7.html](http://oig.ssa.gov/sites/default/files/audit/full/html/A-13-10-20125_7.html)
- <sup>xxx</sup> National Disability Rights Network, *Representative Payee Reviews* (March – June 2016).
- <sup>xxxi</sup> American Bar Association Commission on Law and Aging, *Volunteer Guardianship Monitoring and Assistance: Serving the Court and the Community* (2011), <http://ambar.org/VolunteerGrdMonitor>.
- <sup>xxxii</sup> In addition to the SJI and DoJ initiatives described, note that in previous sessions, a U.S. Senate bill entitled the Court-Appointed Guardian Accountability and Senior Protection Act would have bolstered state efforts to develop accountability tools such as guardian background checks and court guardianship databases. Elements of the bill are incorporated into S. 3270, the Elder Abuse Prevention and Prosecution Act.
- <sup>xxxiii</sup> The National Center for State Courts is partnering with the Virginia Tech Center for Gerontology and the American Bar Association Commission on Law and Aging in the conservator fraud project.

**DANIEL REINGOLD, JD, MSW**

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**WRITTEN TESTIMONY**

ELDER JUSTICE COORDINATING COUNCIL

OCTOBER 5, 2016

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“Improving Local Community Responses to Elder Abuse: the Elder Shelter Model”

On behalf of The Hebrew Home at Riverdale by RiverSpring Health, a non-profit non-sectarian long term healthcare system, serving 12,000 medically fragile older adults every day, of whom 98% live below the poverty line, I thank you for the opportunity to present testimony to the Elder Justice Coordinating Council (EJCC). I speak on behalf of the entire elder justice field in acknowledging Kathy Greenlee and Edwin Walker, for their tireless, groundbreaking work in creating a prominent place for elder abuse on the national agenda. At the 2015 Decennial White House Conference on Aging, which fortuitously took place during this Administration, President Obama called for a focus on combating elder abuse, the first time in our nation’s history that a sitting President has referenced this complex, growing public health crisis. The meaning and impact of his words, both in terms of the increased visibility and resources devoted to elder abuse on a national level, are profound, transformative and historic. The EJCC and the Consumer Financial Protection Bureau are but two highly effective federal initiatives that grew out of this Administration’s recognition that elder abuse is a national crisis.

In 2012, this esteemed body recommended enhanced services for victims as a critical way to address elder abuse on a national level. The Connolly White Paper, issued at that time, stressed the complex and multi-faceted needs of elder abuse victims, who are often struggling with medical, legal, psychological, social and financial issues. Her White Paper mentioned emergency shelter as a critical and frequently unmet need among this population. Typical emergency housing options such as homeless or domestic violence shelters are ill-suited to shelter older adults who are in crisis due to elder abuse. Such victims frequently have medical needs and/or cognitive impairments that cannot be accommodated in those shelters, and the culture and range of services in existing shelters generally cater to a younger, female demographic.

Nonprofit long-term care facilities are optimally positioned to fill this key gap in elder abuse prevention and intervention services, particularly in light of Mosqueda White Paper’s recommendation that elder abuse be integrated into existing services.

The Harry and Jeanette Weinberg Center for Elder Abuse Prevention at the Hebrew Home at Riverdale (the Weinberg Center) has been working to address this gap in services since 2005, when it first opened its doors as the first elder abuse shelter in the United States. Created through the generous support and longstanding commitment to impoverished and at-risk older adults by the Harry and Jeanette Weinberg Foundation of Baltimore, Maryland, the Weinberg Center has provided over 85,000 days of shelter to victims of elder abuse, and has created a holistic service

model that provides acute elder abuse victims with a safe and secure environment, a full continuum of trauma-informed medical, psychological, therapeutic and social services and a uniquely tailored legal action plan created and executed by the Weinberg Center’s attorneys in the spirit of the Steigel White Paper’s call for increased civil legal services.

The multi-disciplinary Weinberg Center team works with Hebrew Home professionals to determine optimal placement, security and services for the client based on each individual’s specific needs.

The Weinberg Center team includes:

- Joy Solomon, Esq., Director and Managing Attorney
- Deirdre Lok, Esq., Assistant Director and General Counsel
- Malya Levin, Esq., Staff Attorney
- Glendalee Olivera, MSW, LCSW, Elder Abuse Specialist
- Brooke Santoro, MSW, LCSW, Community Outreach Specialist

Housing an elder abuse shelter within a non-profit long-term care facility offers ideal synergy, leveraging the extensive pre-existing, specialized resources of a long-term care community and continuum to provide a high level of care at a low variable cost. The physical shelter is virtual, as clients are placed throughout the facility based on their medical needs. Long-term care facilities already operate with many of the features critical to the success of an elder abuse shelter: we operate 24/7; we have capacity; we maintain a skilled nursing and therapeutic staff that has been extensively trained to recognize elder abuse and are expert in understanding the clinical and psychosocial needs of older adults; we provide services for both men and women with diverse underlying conditions; and, we are using existing buildings specially designed for older adults, and thus no “bricks and mortar” are needed.

Establishing an elder abuse shelter enables a long-term care facility to serve as an active member of its surrounding community by filling a critical gap in service for victims and helping to build capacity for community agencies that benefit from partnering with the shelter. Given the prevalence of elder abuse, it is a statistical likelihood that all long-term care facilities are already unknowingly sheltering elder abuse victims, and are thus not providing the specialized services these residents truly need.

Eight years before the EJCC’s call, the Weinberg Center worked to replicate the unique and cost-effective shelter model in communities around the country. After successfully assisting 12 facilities around the nation to replicate the model, the Weinberg Center organized the SPRiNG Alliance (Shelter Partners: Regional, National, Global), in 2012 to give structure to and share best practices with our shelter partners. The SPRiNG Alliance’s mission is to create a network of regional elder abuse shelters and other similar service models with collaboration working relationships, shared resources and technical assistance, common standards of excellence and a vibrant community of support and training. The SPRiNG Alliance currently conducts monthly phone calls, maintains a website with shared resources at [www.spring-alliance.org](http://www.spring-alliance.org) and leads an annual symposium with its partners.

We are proud to report that there are active elder abuse shelters in the following communities:

## **Operational Shelters**

- St. Elizabeth's Haven – Rhode Island
- Lifespan Rochester's Monroe County Elder Abuse Shelter Collaborative – Buffalo, NY
- Center for Elder Abuse Prevention – Jewish Senior Services, Fairfield, CT
- SALVUS Safe Haven – Delaware
- The Eddy Haven for Abused Elderly – Troy, NY
- Shalom Center for Elder Abuse Prevention at Cedar Village – Cincinnati, OH
- Crestview Senior Communities – Columbia Heights, MN
- Erie County Elder Domestic Violence Shelter Network – Buffalo, NY
- CHANA (Counseling, Helpline and Aid Network for Abused Women) – Baltimore, MD
- ElderSAFE Center - Charles E. Smith Life Communities /Hebrew Home of Greater Washington –Rockville, MD
- Jewish Senior Life, Detroit, MI
- The Jewish Home at Rockleigh – NJ

## **Shelters in Formation**

- Hebrew Senior Life – Boston, MA
- Family Justice Center – Chattanooga, TN
- Abe's Garden – Nashville, TN

This proliferation enhances services for thousands of victims across the country, and has been supported through the invaluable partnership of LeadingAge, and the Association of Jewish Aging Services. These organizations have acknowledged the critical role non-profit, faith-based long term care communities play in actualizing elder justice through sheltering, collaborating, serving and empowering victims of abuse.

The shelter model is also low cost and promises significant cost savings at the local, state and federal levels. Victims of elder abuse are more than twice as likely to use a hospital emergency room or be admitted to a nursing home than their counterparts who are not victims of abuse. By addressing the underlying cause of these repeated, costly, ineffective and inappropriate admissions, the shelter model makes sense financially as well as holistically. The federal government can, and must, do more to advance the shelter model, for older adult victims and all citizens. There are at least three changes which the federal government can make to preserve and increase shelter services to victims of elder abuse:

1. The RiverSpring Health system screens every patient, member and client in its system for elder abuse, and has identified the largest number of previously unidentified victims in the post-acute setting. The Medicare program must implement elder abuse screening as part of its required assessment and create a payment category of shelter stays following hospitalization where the primary reason for admission were injuries or other negative health consequences from elder abuse.
2. The move towards managed care has potentially dire consequences for victims needing shelter, as plans are dis-incentivized to cover shelter stays, because it is seen by managed care companies as being a more costly level of care. Medicare and Medicaid programs receiving federal funding must be required to categorize elder abuse as a clinical diagnosis for which an elder abuse shelter can be paid for providing specialized care.

3. The cost savings created by diverting victims out of endlessly repeated medical crises and into shelter programs capable of addressing their multidisciplinary needs must be further studied on a national level. Concrete numbers will continue to drive effective interventions and will allow our nascent yet highly impactful clinical, research and provider community to develop additional intervention and prevention strategies.

In our role as providers of shelter and holistic services to victims of abuse, the Weinberg Center at the Hebrew Home has had the opportunity to implement additional EJCC recommendations within the communities we serve. Consistent with Recommendation #6, the Weinberg Center has provided individualized training on elder abuse across professional disciplines. We have crafted unique training programs for doctors, nurses, occupational therapists, social workers, pharmacists, law enforcement, the Judiciary, Adult Protective Service workers, meals on wheels delivery personnel, and doormen, among others. Many of these trainings incorporate the versatile and sophisticated materials and modules developed by Naomi Karp and the Consumer Financial Protection Bureau's Office of Older Americans. Our legal team has embraced the mission of increasing awareness, understanding and education on elder abuse among attorneys, judges and court personnel, a priority emphasized by the 2012 Steigel White Paper. Judge Deborah Kaplan, the New York Statewide Coordinating Judge for Family Violence Cases, has created the Judicial Committee on Elder Justice, a multidisciplinary advisory and action committee in line with the Steigel White Paper. Through the Weinberg Center's leadership on that Committee, as well as the New York State Bar Association Elder Law Section's Elder Abuse Committee and the American Bar Association Senior Lawyers Division Elder Abuse Task Force, we have made significant strides in raising consciousness, understanding and action on this issue within the legal community, locally and nationally. Through our partnership with New York State Courts Access to Justice, we are training an elite cadre of guardians ad litem to be specialist in identifying and responding to elder abuse. As referenced by the Wood White Paper, this program furthers that goal. Every existing shelter throughout the United States and new ones yet to be created, has the opportunity to become a force of change through collaboration.

The Weinberg Center has been a leading proponent of the prominence and proliferation of multidisciplinary teams, whose benefits and efficacy were outlined by the Mosqueda White Paper. As a founding member of the New York City Elder Abuse Center, with Mark Lachs and Risa Breckman, we have helped found three multidisciplinary teams in our area, cohosted a national symposium and authored a White Paper on the issue. The shelter model is a microcosm of the sort of cross disciplinary work that must occur in every community to effectively address the complexities of elder abuse.

All of our diverse community based work stems from our vantage point as the progenitors of a unique and flexible model with the potential to benefit communities across the country. We have come so far under the leadership of the EJCC, and look forward to partnering to ensure further success. Elder abuse is a powerful and aggressive force, and the response of our government must continue to be equally strong and decisive. This administration and this EJCC clearly demonstrate that we have the strength to harness and to ensure the dignity and freedom of older Americans.