



The Elder Justice Coalition

A National Advocacy Voice for Elder Justice in America

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Re: U.S. Senate Judiciary Committee Hearing: “Protecting Older Americans from Financial Exploitation”

June 29, 2016

Chairman Grassley:

The bipartisan 3000-member Elder Justice Coalition commends you for conducting this hearing on the growing problem of financial exploitation of older adults. As National Coordinator of the Coalition, I know of your 40-year commitment to working on behalf of older adults, and today’s hearing is but another example of this work.

We commend you not only for the hearing but also for your excellent choice of witnesses, especially my friend and colleague Donna Harvey. Your witness focus also makes an important point. Elder abuse is a state and local problem first and foremost, and what some states and local areas are doing to address the problem is commendable and worthy of replication. Your inclusion of the State Long-Term Care Ombudsman from Connecticut, Nancy Shaffer, is also critical to understanding the need to protect vulnerable older adults in nursing homes and assisted living facilities.

Your chosen topic addresses one of the more rampant and repugnant forms of elder abuse—financial exploitation. Studies have concluded that victims of elder financial abuse can lose up to \$2.9 billion a year.¹ This is a staggering aggregate figure but does not even begin to tell the story of the individual human impact. Consider the fact that the average victim of elder financial abuse is an older woman living alone between the ages of 75 and 80.² Consider that almost half of all women over 75 now live alone according to the Census Bureau.³ Then consider a day in the life of one of these older women living alone. She might get only one phone call a day and on the

¹ “The MetLife Study of Elder Financial Abuse: Crimes of Occasion, Desperation, and Predation Against America’s Elders,” MetLife, June 2011, accessed June 27, 2016, <https://www.metlife.com/assets/cao/mmi/publications/studies/2011/mmi-elder-financial-abuse.pdf>.

² Id.

³ Loraine A. West, Samantha Cole, Daniel Goodkind, and Wan He, “Current Population Reports: 65+ in the United States: 2010,” U.S. Census Bureau, June 2014, accessed June 27, 2016, <https://www.census.gov/content/dam/Census/library/publications/2014/demo/p23-212.pdf>.

other end of the line is a scammer whose goal is to separate this older person from her money. Too many are tricked and sometimes there are entire life savings or the family home involved. That is so wrong.

The federal role in elder abuse prevention should be focused on ensuring that we are using our federal law enforcement as effectively as possible to aid in the fight against elder financial exploitation. We need the full power of agencies like the FBI investigating and stopping scams, as well as the Postal Inspection Service and the provision of sufficient support to allow more localities to hire special prosecutors who are specially trained to prosecute elder abuse cases, as in San Diego, CA.

We must also take our heads out of the sand and start to call all forms of elder abuse what they are: criminal acts. And to that end, I have a special request to present today. We have been awaiting the release of regulatory guidelines from the Department of Justice which would help ensure that the new funds that are available under the Victims of Crime Act be used to help underserved crime victims, including and especially victims of elder abuse. The President called for these guidelines at the 2015 White House Conference on Aging.⁴ They were to be issued by the end of 2015. They have not been. I hope that you as Chairman of the Judiciary Committee will initiate immediate communication with the Justice Department to get these guidelines out. Presently, only 0.09 percent of the entire Office of Victims of Crime budget is dedicated to elder abuse.⁵ That is unacceptable and can be remedied immediately with these guidelines. While we wait, more crimes are committed and older adults become victims.

Another challenge that we see concerns the programs administered under the Office on Violence Against Women and its lack of attention to older women who are victims of abuse, neglect, and exploitation. It is our understanding that only 0.5 percent of their entire budget is spent on elder abuse—when elder abuse is predominantly a women’s issue.⁶ We believe the OVAW should adjust its priorities.

There are bills on elder abuse pending before your Committee and we strongly urge that action be taken during this session of Congress. This includes S.1663, the Robert Matava Elder Abuse Victims Act of 2015, sponsored by Sen. Richard Blumenthal.⁷ In addition, Senators Klobuchar and Cornyn have introduced a very important bill that addresses the issues around abuse and exploitation in some guardianship and conservatorship relationships.⁸ The Committee has passed this bill, the Court-Appointed Guardian Accountability and Senior Protection Act, in previous Congresses and we ask that you do so again and call for quick action by the full Senate.

⁴ “FACT SHEET: The White House Conference on Aging,” The White House, July 13, 2015, accessed June 27, 2016, <https://www.whitehouse.gov/the-press-office/2015/07/13/fact-sheet-white-house-conference-aging>.

⁵ “ELDER JUSTICE: Stronger Federal Leadership Could Enhance National Response to Elder Abuse,” Govt. Accountability Office, March 2011, accessed June 27, 2016, <http://www.gao.gov/products/GAO-11-208>.

⁶ *Id.*

⁷ S. 1663, 114th Cong. (2015).

⁸ S. 1614, 114th Cong. (2015).

Again, we commend you for conducting this hearing. We are decades behind where we should be in the fight against elder abuse. We cannot catch up all at once. But we have the capacity to move more than ever before. From the federal perspective, we should prioritize this way:

- We should work to redirect any existing federal law enforcement dollars that are available to be directed to elder abuse prevention.
- We should also invest in providing dedicated funding for Adult Protective Services and fully funding and providing training to our long term care ombudsmen. If we prevent elder abuse, we end up saving money to programs like Medicaid to which older adult victims of abuse have to turn.
- We should implement the recommendations made by the Department of Justice in their landmark Elder Justice Roadmap project of 2014.⁹

Finally, we ask you to request officials in the Office on Violence Against Women to reevaluate their priorities and budget allocation to better address the plight of older women who are victims of elder abuse.

Thank you, Chairman Grassley, for your long-standing efforts to engage Congress on elder abuse.

⁹ “The Elder Justice Roadmap: A Stakeholder Initiative to Respond to an Emerging Health, Justice, Financial and Social Crisis,” Department of Justice, 2014, accessed June 27, 2016, http://www.ncea.aoa.gov/Library/Gov_Report/docs/EJRP_Roadmap.pdf.