

ABA POSITION ON THE ELDER JUSTICE ACT

The ABA strongly supports passage of the Elder Justice Act. It enjoys the bipartisan support of 28 Senators and 115 House members as of the beginning of June, 2008.

H.R.1783 -- introduced 3/29/07 by Rep Rahm Emanuel [IL]

S.1070 -- introduced 3/29/07 by Sen. Orrin Hatch [UT]

- The House Judiciary Committee has marked up and passed both H.R. 1783 and H.R. 5352 (Sestak). The ABA supports quick consideration by the Ways & Means Committee. The Senate Finance Committee has had S. 1070 before it since its introduction, but has not yet marked it up.
- Domestic and institutional elder abuse, neglect and exploitation causes serious harm to between 500,000 and 5 million individuals each year. It is a national challenge requiring national coordination, planning, and communication.
- From a policy perspective, Elder Justice means assuring adequate public-private infrastructure and resources to prevent, detect, treat, understand, intervene in and, where appropriate, prosecute elder abuse, neglect and exploitation. From an individual perspective, Elder Justice is the right of every older person to be free of abuse, neglect and exploitation.
- After 30 years of congressional hearings on elder abuse without a serious response, the Elder Justice Act marks a turning point for those who have suffered all these years. As of today, no federal law has been enacted that adequately and comprehensively addresses the issues of elder abuse, neglect, and exploitation. There are very limited resources, primarily under the Older Americans Act, available to those in the field directly dealing with these issues.
- The EJA brings national attention to the issue by creating a Coordinating Council for all relevant federal agencies, States, communities and private and not-for-profit entities, and a consistent funding stream and national coordination for Adult Protective Services (APS).
- An important element of the legislation is its focus on increasing prosecution. Technical, investigative, coordination, and victim assistance resources will be provided to law enforcement to support elder justice cases. Supporting community-policing efforts to protect at-risk elders will enhance preventive efforts.

- The bill would develop resources to protect consumers, increase collaboration and prevent abuse in long-term care settings. The bill would evaluate funded projects and research to identify successful approaches to elder abuse prevention, prosecution, and victim services. The State Long-Term Care Ombudsmen Programs would receive specialized training related to elder abuse and funds to expand direct services.
- The House and Senate bill differ in that the House bill includes a Title not included in the Senate bill that addresses Department of Justice initiatives and funding for victims, prosecutors and a variety of front line responders who handle elder justice related cases. The ABA Senate bill does not address these law-related issues. The ABA believes from its extensive experience with the legal system that the serious problems faced daily by victims cannot be fixed unless the justice system is given the resources it needs to effectively address those problems. The House version of the bill meets that challenge.