

CHAIR

Mark H. Tuohy III  
mtuohy@brownrudnick.com

Mark Schickman, Board of Governors Liaison

Michael A. Bedke

Vickie Yates Brown

Donald R. Dunner

Thomas A. Forbes

H. Russell Frisby, Jr.

Rosemary E. Giuliano

Clifford E. Haines

Janice F. Mulligan

Pauline A. Schneider

Mavis Theassa Thompson

ABA DAY IN WASHINGTON  
PLANNING COMMITTEE

William C. Hubbard, Chair  
William.hubbard@nelsonmullins.com

March 1, 2011

The Honorable Herb Kohl  
Chair  
Senate Special Committee on Aging  
United States Senate  
Washington, DC 20510

The Honorable Bob Corker  
Ranking Member  
Senate Special Committee on Aging  
United States Senate  
Washington, DC 20510

Re: March 2, 2011 Hearing on Elder Abuse

Dear Chairman Kohl and Ranking Member Corker:

On behalf of the American Bar Association, with nearly 400,000 members nationwide, I commend the Special Committee on Aging for scheduling a hearing tomorrow on the nationwide problem of elder abuse. We look forward during the hearing to the unveiling of the U.S. Government Accountability Office report on adult protective services and elder abuse data. We hope that this report will assist the committee in its efforts to foster a strong, bipartisan federal response to the growing national problem of elder abuse – a domestic and institutional tragedy that causes serious physical, psychological, and financial harm to millions of individuals each year, with untold costs to victims, their families, and society.

Despite the enactment of the Elder Justice Act last year, no current federal law adequately and comprehensively addresses the justice system's response to elder abuse. There are very limited resources available to those who provide civil legal services or victim services to elder abuse victims or for the investigation and prosecution of perpetrators. As elder justice is central to any viable notion of the rule of law and social justice, the ABA adopted policy in 2002 that "supports efforts to improve the response of the federal, state, territorial and local governments and of the criminal and civil justice systems to elder abuse, neglect and exploitation." The ABA urges implementation through the following actions:

- (1) Creating a nationwide structure for raising public awareness; supporting research, training and technical assistance; funding critical services; and coordinating local, territorial, state, and national resources; Developing and implementing specialized training about elder abuse for all components of the justice system;

GOVERNMENTAL AFFAIRS OFFICE

DIRECTOR

Thomas M. Susman  
(202) 662-1765  
Thomas.Susman@americanbar.org

DEPUTY DIRECTOR

Denise A. Cardman  
Denise.Cardman@americanbar.org

SENIOR LEGISLATIVE COUNSEL

R. Larson Frisby  
Larson.Frisby@americanbar.org

LEGISLATIVE COUNSEL

Ann Carmichael  
Ann.Carmichael@americanbar.org

Kristi Gaines

Kristi.Gaines@americanbar.org

Kirra L. Jarratt

Kirra.Jarratt@americanbar.org

E. Bruce Nicholson

Bruce.Nicholson@americanbar.org

LEGISLATIVE COUNSEL/  
DIRECTOR OF STATE LEGISLATION

Kenneth J. Goldsmith  
Kenneth.Goldsmith@americanbar.org

INTELLECTUAL PROPERTY  
LAW CONSULTANT

Hayden Gregory  
Hayden.Gregory@americanbar.org

LEGISLATIVE COORDINATOR/  
DIRECTOR FOR GRASSROOTS OPERATIONS

Jared D. Hess  
Jared.Hess@americanbar.org

- (2) Developing and implementing specialized training about elder abuse for all components of the justice system;
- (3) Establishing federal leadership to ensure that adult protective services and legal and other services are of sufficient quality to protect and serve victims of elder abuse;
- (4) Creating broad-based, multidisciplinary task forces or coalitions in each state to examine and develop systemic approaches to elder abuse interventions;
- (5) Developing, funding, and implementing a multidisciplinary research agenda to sustain, advance, and assess professional training and practice on elder abuse;
- (6) Maximizing and expanding resources for preventing and responding to elder abuse;
- (7) Developing adequate tools and services to enable capacity assessments and surrogate decision-making for victims of elder abuse;
- (8) Ensuring that legal and other services are available to meet the immediate and crisis needs of victims.

Over the last seventeen years, since the ABA began working on the issue of elder abuse pursuant to numerous federal and other grants, we have heard and read the stories of hundreds, if not thousands, of victims and caring family members. Too many of those people were either angry and frustrated at their inability to get help from adult protective services or law enforcement agencies, prosecutors, civil lawyers, the courts, and other local and state government agencies, or they felt that the “help” they received was counter-productive. Their stories demonstrate that a coordinated and comprehensive response is critically needed to improve the quality of justice for elder abuse victims. Federal legislation and funding is needed.

Thank you again for convening this hearing. The ABA looks forward to working with you on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman  
Director