December 16, 2011

The Honorable Bernard Sanders
332 Dirksen Building
United States Senate
Washington, DC  20510

Re:   The Older Americans Act Amendments of 2011

Dear Senator Sanders:

On behalf of the American Bar Association and its nearly 400,000 members worldwide, I write to express our support for key provisions of your proposed bill, the “Older Americans Act Amendments of 2011.”

The ABA has a particular interest in those portions of the Older Americans Act that ensure the safety and protection of older Americans through high quality long-term care ombudsman services and legal services. In August 2001, the ABA adopted policy supporting the independence, impartiality, and confidentiality of ombudsman programs. Later, in August 2010, the ABA adopted policy supporting the reauthorization of the Older Americans Act with a priority on elder justice and the delivery of legal services, enumerating nine specific elements of an effective legal services delivery system.

The ABA strongly supports those sections of the proposed Older Americans Act Amendments of 2011 that substantially enhance the effectiveness of the Act by:

1. Establishing needed protections to ensure the independence of State Long-term Care Ombudsman programs;
2. Empowering states to create a high quality, coordinated legal services delivery system that prioritizes advocacy for individuals with the greatest social and economic need and those at risk of institutionalization; and
3. Requiring states to select State Legal Services Developers who, to the maximum extent possible, agree to serve on a full-time basis, have a law degree, and possess certain knowledge, skills, training and education.

While the draft bill does not contain all the elements enumerated in our August 2010 policy, it goes a long way toward creating a high quality, coordinated legal services delivery system in each state that meets the needs of older persons most in need. As the ABA has no policy addressing the other components of the draft bill, we take no position on them.
December 16, 2011
Page 2 of 2

We thank you and your staff for your resolute efforts in moving reauthorization of the Older Americans Act ahead and in soliciting input from the aging network organizations and stakeholders who have direct experience in the implementation of the Act. The ABA stands ready to be of assistance to you and your subcommittee in the reauthorization process.

Sincerely,

[Signature]

Thomas M. Susman