March 1, 2017

The Honorable Charles E. Grassley
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Richard Blumenthal
706 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Grassley and Senator Blumenthal:

On behalf of the American Bar Association, with over 400,000 members worldwide, I write in regard to S. 178, the Elder Abuse Prevention and Prosecution Act. The ABA strongly supports your efforts to curb elder abuse, and we commend you for your prompt action to move this bipartisan legislation through the committee earlier this month.

Elder abuse—encompassing physical and sexual abuse, neglect, and financial exploitation—is a problem that respects no boundaries. It is not defined by socio-economic, racial, or ethnic status, and it occurs with alarming frequency in your states as well as all others. According to the 2010 National Elder Mistreatment Study, an estimated five million elders are victims of abuse in America each year. This number is surprisingly large. Yet, it also is undoubtedly low because the study did not include persons who lacked the capacity to participate in it or residents of nursing homes or other long-term care facilities, populations that are known to be especially vulnerable to elder abuse. The MetLife Mature Market Institute’s 2011 study of financial exploitation found that older victims lose an estimated $2.9 billion per year to financial exploitation. Research on medical costs associated with elder abuse demonstrate that direct costs exceed $5 billion annually.

Emphasizing that improvements in efforts to prevent and redress elder abuse are central to any viable notion of the rule of law and social justice, the ABA is urging the Senate approve S. 178 as swiftly as the Judiciary Committee did. The bill would establish needed federal infrastructure within the Department of Justice and the Federal Trade Commission to support prosecution of elder abuse cases; raise public awareness through outreach efforts; ensure collection of important data about cases and victims; facilitate effective interagency coordination; support efforts to improve guardianship proceedings and detect and redress abuse by guardians; and require the provision of training and technical assistance to state and local governments on preventing, investigating, prosecuting, and remedying elder abuse. These are goals supported by ABA policies dating back decades.
Updated resources are constantly needed to combat new ways of abusing older persons and S. 178 is designed to create a federal infrastructure and support for efforts to better understand, prevent, and combat elder abuse, constituting a sound investment in the health, dignity, and economic future of our nation.

We are particularly pleased to see a section added to the legislation concerning Court-Appointed Guardianship Oversight Activities. The ABA has long taken a leadership role in adult guardianship reform having adopted policy urging annual reporting by guardians and conservators using standardized forms; supporting the development of creative and innovative ways to direct funds to guardianship; and encouraging court-community collaborations to assess and improve state guardianship systems. S. 178 captures these principles by supporting state court assessments and improvements in collaboration with the state unit on aging and the adult protective service agency.

The legislation also contains two improvements that may result from the state assessments: electronic filing of guardian/conservator reports and background checks of potential guardians/conservators. The ABA supports electronic filing because it will simplify the filing process for guardians and conservators, and also will bolster court oversight and the detection of fraud and exploitation. Implementation of background checks is a sensible approach that should lead to significant improvements in the guardianship system.

We appreciate your leadership on these critical issues and thank you for considering the ABA’s views on this important legislation. We stand ready to help you move this legislation forward. If you have any questions, please contact me at (202) 662-1765 or thomas.susman@americanbar.org, or David Eppstein at (202) 662-1766 or david.eppstein@americanbar.org.

Sincerely,

[Signature]
Thomas M. Susman

cc: Members of the Senate Judiciary Committee