



AMERICAN BAR ASSOCIATION

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STATEMENT OF THE AMERICAN BAR ASSOCIATION

IN SUPPORT OF THE ELDER JUSTICE ACT

October 19, 2009

The American Bar Association strongly supports enactment of the Elder Justice Act provisions in the Senate health reform bill. Those provisions would establish a much needed, multi-pronged, coordinated strategy to address elder abuse, neglect, and exploitation at the federal, state, and local levels. The ABA also strongly supports adding an additional component provided for in legislation, H.R. 448, that passed the House on February 11, 2009. The provisions of H.R. 448 would set into motion Department of Justice initiatives at the state and local level, including research, victim advocacy grants, and training and support for prosecutors, courts, and front line responders who handle elder justice related cases.

The ABA believes from its extensive experience with the legal system that the serious problems faced daily by victims of elder abuse cannot be truly fixed unless all the pieces of the system at the community level work together. State and local justice systems and first responders are an essential piece of that system and an essential piece of the Elder Justice equation. If the provisions of H.R. 448 are combined with the provisions on elder abuse found in the Senate Finance health care reform bill, the result will assure a comprehensive strategy.

No current federal law adequately and comprehensively addresses issues of elder abuse, neglect, and exploitation, and there are very limited resources available to those in the field directly dealing with these issues. From a policy perspective, Elder Justice means assuring adequate public-private infrastructure and resources to prevent, detect, treat, understand, and intervene

effectively in 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.

Congress estimates that as many as five million older people are abused, neglected, or exploited each year, in their homes and in long-term care facilities. We know that elder abuse hastens death. It is also costly; a recent study estimated that older persons lose \$2.6 billion annually to financial exploitation alone. Currently, despite the extent and expense of elder abuse, only \$154 million is devoted to this problem compared to more than \$7 billion dedicated to child abuse and domestic violence. The Elder Justice Act is the first comprehensive federal effort to address and prevent elder abuse, neglect, and exploitation. Its introduction came on the heels of 20 years of hearings on the subject.

The American Bar Association encourages the House leadership to include the full Elder Justice Act provisions in its final version of H.R. 3200 and to prioritize its presence in any final health reform bill that may be negotiated in conference committee. Now is time to ensure that every older person in America is able to live in dignity without fear of abuse, neglect and exploitation.

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