

Volume 12 No. 4 / 5 – October - November 2009

Inside This Issue

The Jury Delivers Resounding Verdict in the Astor Trial [1](#)
Voices from the Field: Reactions to the Astor Trial [2](#)
Elder Justice Now! Grassroots Advocacy, Innovation, and a Coalition of Coalitions [4](#)
Domestic Violence Awareness Month [5](#)
NCEA Welcomes Reingold to the Team [5](#)
How to Answer Those Tough Questions on Elder Abuse online [7](#)
California SAIF Program: Investigate Before You Invest National Triad Conference 2009 [8](#)
Online Resources – [9](#)
 AARP Report Finds Background Checks Lacking [9](#)
 Identity Theft Victims’ Services Training [9](#)
 New APS State Statutes Analysis Charts [10](#)
 Resources for Elder Abuse Fatality Review Teams [10](#)
American Society on Aging Now Accepting Leadership Awards Nominations [10](#)
Funding Opportunity [11](#)
State News: Illinois, Maine, and Rhode Island [13](#)
Share Your State News [13](#)
Federal Legislative Update [20](#)
Editorial Note [22](#)
Calendar [22](#)
Credits [23](#)

Jury Delivers Resounding Verdict in the Astor Trial

On October 8th, the jury in the Brooke Astor trial delivered a stinging pronouncement against the two men who had been entrusted with her financial well-being: son Anthony Marshall and estate attorney Francis X. Morrissey, Jr. They were tried on a wide range of charges relating to defrauding Mrs. Astor. Mr. Marshall was found guilty on 14 of the 16 counts levied and Mr. Morrissey was convicted on counts of fraud, conspiracy, and forgery. The verdicts were rendered after 12 days of deliberation which began

on September 22nd, following nearly 19 weeks of testimony and closing arguments.

The plight of Mrs. Astor initially came to light in 2006 when one of her grandsons, Philip Marshall, sought to have his father removed as her guardian amidst allegations of neglect and financial exploitation. Phillip alleged that Mrs. Astor’s apartment was filthy and cold; in particular, her bedroom was so cold that she was forced to sleep on a urine soaked couch in what was referred to as the “blue room.” He also alleged that necessary expenses were being denied and that her favorite refuge, Holly Hill, had been closed to save money despite her well-known wishes to spend the end of her days there. As a result of the guardianship settlement, Anthony Marshall agreed to the appointment of Annette de la Renta and J.P. Morgan Chase bank as guardians. Though Anthony Marshall, then 82, alleged he had been vindicated, pursuant to the judge’s order he had to deliver significant amounts of personal property and cash to the new guardian of the property. A criminal investigation into various aspects of the case ensued.

The legendary Brooke Astor was known for her philanthropy and sense of flair. She died at the age of 105 in August, 2007. The following November, Anthony Marshall and Mr. Morrissey were indicted on 18 criminal counts involving millions of dollars, including: scheming to defraud, grand larceny, falsifying business records, possession of stolen property, possession of a forged instrument, conspiracy, and forgery.

At the heart of the case were questions regarding Mrs. Astor’s mental state and her capacity to make or change decisions regarding her financial well-being in ways that benefited her son.

[Continued on p.6](#)

Voices from the Field: Reactions to the Astor Trial, Verdict, and Media Coverage

Following the conviction of Anthony Marshall and Francis X. Morrissey, we asked a number of professionals across disciplines and throughout the U.S. for their observations of the trial and its potential impact. In addition to their thoughts on the verdict, we also solicited their impressions of the media coverage and if they had observed any public reaction. Special thanks to our colleagues for providing their insights.

“I think that most of us in the field of elder abuse had hoped that the Astor case would galvanize interest in elder abuse and lead to better supported efforts for responding to the problem. Certainly the OJ Simpson case had provided heightened awareness about domestic violence and led to significant federal policy and funding to protect abused women. Unfortunately, nationally and locally the Astor verdict seems to have made little more than a ripple. Earlier today I was at a meeting of our Greater Cleveland Elder Abuse/Domestic Violence Roundtable. This network has been in existence for fifteen years to promote a collaborative approach to elder abuse, particularly as it manifests itself in the form of domestic violence in later life. It is comprised of persons from the Aging Network, adult protective services, domestic violence programs, law enforcement, victim assistance, and health care. Among other things, we discussed the need to raise local awareness about related issues. The recent Astor verdict was mentioned in this context. Sadly, even in this group of very concerned and informed individuals, many had not heard about either the case or its verdict.”

-Georgia Anetzberger, PhD,
Editor, Journal of Elder Abuse and Neglect,
Cleveland State University
Cleveland, OH

“I think in the world of advocacy and elder abuse awareness, the reaction to the Astor case was met with hope, that perhaps now elder abuse will be in the forefront, and would help bolster the position of NCEA, NAPSA, NCCNHR, and others that are in the trenches trying to promote the need for change. I'm not convinced that the case and verdict have done what we had hoped. Other than some isolated chatter among professionals I have seen or heard very little in Kentucky about the case, or the issue. Am I surprised? No. Am I disappointed? Yes, very. I think to some degree the case was still presented as an isolated family issue, which further perpetuates the belief that elder abuse is the silent crime, and is a family matter. I believe that in general, we as a society feel protected in some way that we will not be touched personally by elder abuse. I think we are in denial that at any moment, any one of us can become a vulnerable adult either physically or mentally. The sense of urgency to get involved in the issue isn't there. Ageism, I feel, is our greatest barrier to overcome. Each year in the U.S. we estimate that there may be as many as 3 MILLION instances of elder abuse, but where is the emergency? Where is the public awareness? Where is the money for education on the issue? If 3 million cases do not constitute an epidemic, then I don't know what does. This isn't someone else's problem, this is our problem, we have to own it both personally and as a society.”

-Kim Baker
Kentucky State Long Term Care Ombudsman
Louisville, KY

“The Astor case has certainly brought visibility to the issue of elder abuse, and informed the public that elder abuse does not just happen in nursing homes....There may also be a perception in the public mind that elder abuse happens only to those who are less wealthy, because the wealthy can protect themselves, and this case should help to dispel that notion. However, the Astor case may also present a false notion that elder abuse and

neglect cases involve one type of abuse by itself; in fact, we more typically see cases that involve multi-form abuse....The New York Times coverage of the case has been compelling for those with access to it....The verdict is the result of a hard-fought battle on both sides, and the Court and all participants are to be congratulated for their professional conduct of a very difficult case.

“One thing that many in the elder abuse field have commented on is how little most members of the public heard about the Astor case. If one does not work directly with elder abuse, neglect, or exploitation, or live in or around New York City, it is possible that a member of the public has not even heard of the case, as it has not been covered in many local or regional newspapers. In the elder abuse field, of course, there has been great discussion of the case, and of how to best use it to publicize issues in local communities. Strategies have included press releases to the local media, but very little feedback has been received in response to such efforts at this time. Some believe that the sentencing hearings in the Astor case may provide a better window of opportunity for such outreach and education efforts.”

-Erin Baldwin, Assistant Director

Elder/Disability Program of the National District
Attorneys Association
Columbia, SC

“What seems to happen in cases like the Astor trial is that initially there is great interest – akin to what happens when you are driving along and there's an accident that you cannot help but look at. But as time passes, people either forget about it, or put it aside. What I have observed among the general public is that they are shocked, they are offended, but they just don't want to think it happens commonly. It may be because it happened to Lady Astor, in a stratum of society that most people don't interact with in daily life, only read about. Whenever there is a high profile case, I see it as a

beginning of a possibility of a new wave of public education. If there isn't much discussion or information that follows, or if it is confusing, I think it will be a wasted opportunity for raising public awareness.

“A week ago I was a plenary speaker at the Los Angeles District Attorney’s elder abuse symposium. It was interesting, because none of the other speakers made any mention at all of the Astor case, and none of the attendees asked me any questions about it.

-Bennett Blum, M.D.

Forensic and geriatric psychiatrist
(specializing in undue influence)
Tucson, AZ

“I hope that the trial has a positive impact on raising visibility for elder abuse victims across the country. The complex dynamics of the trial - that a son could exploit his mother and that a grandson would report the abuse - illustrate how challenging these cases can be. I have been disappointed by how little coverage and conversation about the case have occurred throughout the country. I think the case received more publicity in New York and surrounding areas. I have seen very little coverage where I live, and I think the lack of coverage is worth questioning. For example, why has the "balloon boy" captured media attention and public conversation in a way that this case and other elder abuse cases have not?”

-Bonnie Brandl

Director, National Clearinghouse
on Abuse in Later Life
Superior, CO

[Continued on p. 13](#)

Elder Justice Now! Grassroots Advocacy, Innovation, and a Coalition of Coalitions

The [National Council on Aging](#) (NCOA), [WITNESS](#), the [Elder Financial Prevention Network](#) (EFPN), and [OWL](#) (the Voice of Midlife and Older Women) recently combined forces with the Elder Justice Coalition to raise awareness of elder abuse. A hybrid approach of grassroots advocacy coupled with video and internet technology is being employed to raise the profile of elder abuse as an issue meriting national attention.

In May, the NCEA reported that the NCOA and WITNESS launched an *Elder Justice Now!* video advocacy project. Since then, elder rights advocates throughout the country have been trained in the use of video technology to capture testimonials from victims, family members, and others to poignantly depict their experiences of elder abuse. Stories taped during the training program held at the University of Southern California in June were edited into a powerful video montage, "[Break the Silence](#)." On September 16th, advocates began distributing the video and elder abuse literature, targeting first members of Congress and their staff.

As the video project unfolded over the months, on another front, Jenefer Duane, CEO and founder of EFPN, initiated the *Elder Justice Now!* i-Petition (short for "internet Petition") Drive. According to Ms. Duane, the seeds of the electronic petition drive were planted in 2004 at the suggestion of volunteer consultant Ellie Sue Schafer. Ms. Schafer recommended that the first EFPN Call to Action culminate by having the keynote speaker and participants sign a gigantic proclamation to end elder abuse. Following the event, the proclamation was to be transferred to an electronic format and circulated via email to gather additional signatures. Since that time, EFPN Call to Action events have

ended with this public pledge of support, but due to limited resources, the electronic circulation never ensued until this year.

However, Ms. Duane decided to launch the petition drive in the spring of 2009 to coincide with EFPN events this year. The plan was to run the drive from Mother's Day through Father's Day. This time frame would also coincide with California's statewide Elder Abuse Awareness Month, observed annually in May, and World Elder Abuse Awareness Day on June 15th. When OWL invited her to participate in its rollout of the Mother's Day Report, "[Elder Abuse: A Woman's Issue](#)," she decided to launch the *Elder Justice Now!* i-Petition Drive at the event in Washington, D.C.

To date, the ongoing i-Petition drive has generated approximately 1,800 signatures representing 43 of the 50 states. Ms. Duane also participated in the WITNESS video advocacy training and has recruited participants for the project. In addition, EFPN sponsored a Call to Action in Long Beach, California, on September 16th in tandem with the first roll-out of the *Break the Silence* outreach efforts

Future Steps

WITNESS continues to collect and compile the stories of elder abuse throughout the country. "Some stories are from elders themselves who have suffered abuse. Some testimonies are from the family members of victims who did not survive the abuse. Others are from advocates on the ground who support elder rights," said Kelly Matheson of WITNESS.

[Continued on p. 19](#)

Domestic Violence Awareness Month

In October 1981, the National Coalition Against Domestic Violence (NCADV) sponsored “A Day of Unity.” This first observance of the problem of domestic violence was intended to foster connections among advocates throughout the U.S. working to end violence against women and their children. In October 1987 the first Domestic Violence Awareness Month was observed, the same year that the first national toll-free domestic violence hotline was initiated. Now, “A Day of Unity” is annually recognized on the first Monday of October.

Domestic Violence Awareness Month provides an opportunity to remind the public that older individuals can also be victims of interpersonal abuse, and that elder abuse cases often share the same power and control dynamics seen in domestic and intimate partner violence. It also provides an opportunity to recognize the passionate dedication of those who work to prevent domestic violence and to advocate for all who are victimized.

The NCEA wishes to thank you for taking on this challenge and is honored to support you in this effort.

Visit the following NCEA web pages for additional resources:

- [Domestic Violence](#) resources on-line
- CANE Annotated Bibliography: [Addressing the Needs of Older Battered Women, with Special Emphasis on Intimate Partner Violence](#)
- [NCEA Publications Database](#): select “Domestic Violence in Later Life” from the drop-down list.
- Additional references are listed in the [NCEA/CANE Online database](#).

NCEA Welcomes Reingold to the Team

In October, the Administration on Aging announced a new contract with Reingold, Inc., a social marketing firm in Washington, D.C., to collaborate with the NCEA to develop a national elder abuse public awareness campaign. In recent years, the NCEA has intensified efforts to raise elder abuse public awareness on a national scale. NCEA grantee, the University of Delaware Clearinghouse on Abuse and Neglect of the Elderly, previously indicated the need for formative research to develop and test effective messaging for target audience(s) along with effective dissemination strategies for reaching those targeted. An effective campaign will also require a sustained effort over time.

Reingold, Inc. successfully competed for the contract and began the preliminary phase of the project in October, when they conducted focus groups and interviews with NCEA affiliates and key informants throughout the country. They will continue to create, test, and revise campaign messages and strategies throughout the next year, with the campaign intended to launch in autumn 2010.

Previously, Reingold, Inc. worked with the Administration on Aging to develop a campaign for the Senior Medicare Patrol program. They have also worked on the SAMHSA Bullying Prevention project, Operation Smile, and with the Annie E. Casey Foundation. The company describes itself as a "small, woman-owned, one-stop communications and marketing firm [that] has a 24-year track record of crafting campaigns for causes that matter." NCEA will work extensively with Reingold, Inc. on the elder abuse awareness campaign, and welcomes Reingold, Inc. We are excited to be collaborating on this groundbreaking effort. For more information on Reingold, Inc., visit: <http://www.reingold.com/>.

Astor Trial Verdict, continued from p. 1

Issues relating to abuse of power of attorney were also central as Mr. Marshall had authorized a million dollar raise for himself as her financial manager. Defense attorneys argued that he had been granted broad gift giving authority.

Implications for the Field

A great deal of media attention has surrounded the case since Philip Marshall first raised concerns in 2006. This may be the highest profile trial of a child charged with crimes against his or her parent since Lizzie Borden was acquitted of murdering her father and step-mother in 1893.

The Astor trial began in March 2009, the same month that the MetLife Mature Market Institute released its report: "[Broken Trust: Elders, Family, and Finances](#)." According to the report, at least \$2.6 billion annually are lost as the result of elder financial abuse and exploitation, most at the hands of family members and professionals entrusted with ensuring their well-being.

The Astor case illustrates a number of themes common among many reports of elder abuse. The case involved a victim with dementia, a major risk factor for elder abuse. Difficulties assessing decision-making capacity not only presented challenges in this case, but in the investigations and prosecutions of many cases of elder abuse and exploitation. Questions concerning misuse of power of attorney are also prevalent. And, although the criminal trial addressed only financial issues, the earlier guardianship hearing also dealt with allegations of neglect. Similarly, many reports of elder mistreatment involve more than one type of abuse.

As journalist Paula Span recently wrote in the New York Times' "[New Old Age](#)" blog, "Mrs. Astor

devoted her attention, and her fortune, to many causes; preventing elder abuse was never one of them. Maybe it will inadvertently benefit, nonetheless."

It remains to be seen if this trial will bring the often overlooked issues of elder abuse into national focus, and what impact it may have on the network of professionals addressing these issues. The sentencing phase will bring additional scrutiny. The possibility of sentences perceived as too weak or verdicts overturned as a result of the inevitable appeals process could result in setting public awareness efforts back tremendously, by reinforcing the notion that these are not criminal cases.

Throughout the year, the NCEA has experienced an increase in inquiries from the public. Media interest has also been greater than in years past. Our colleagues report anecdotally that inquiries concerning financial exploitation are on the rise throughout the country. The Brooke Astor case may have contributed to the increased awareness of the potential for victimization. On a positive note, this could lead to enhanced prevention efforts or earlier intervention. It may serve as a catalyst for policy change, such as the adoption of more stringent standards in developing power of attorney documents. However, increased awareness may lead to increased demand for services which could threaten to overwhelm an already stressed elder abuse response system.

Another concern is that this trial may inadvertently portray elder financial exploitation as a problem reserved for the wealthy. It will be essential to emphasize in outreach and information efforts that any older individual can be prey, and that even a small amount taken from an elder with little to spare can have serious or even life-threatening consequences.

Sentencing is scheduled for December 8th, 2009.

For more information on elder financial abuse, exploitation, and prevention, see the following online resources:

- [NCEA Publications Database](#): (select “Financial Abuse/Exploitation” from the drop-down menu)
- [CANE Annotated Bibliography Series](#) (various related entries)
- [American Bar Association Commission on Law and Aging – Elder Abuse](#)
- MetLife Mature Market Institute report [“Broken Trust: Elders, Family, and Finances”](#)
- AARP Public Policy Institute:
 - [“Power of Attorney Abuse: What States Can Do About It”](#)
 - [Guarding the Guardians: Promising Practices for Court Monitoring](#)
- [Elder Financial Protection Network](#)

Be prepared to respond to the media about this case and other current elder abuse issues. To download ***How to Answer Those Tough Questions on Elder Abuse*** media guide, as well as other tools for use in responding to media and public inquiries, visit the [NCEA Join Us](#) web page.

California’s SAIF Program: Investigate Before You Invest

Since 2001, the Seniors Against Investment Fraud (SAIF) program has been committed to helping older Californians from being scammed and exploited. Program coordinator Jacqui Wiley-Sistrunk has been involved since its inception as it has evolved into a model program replicated in a number of states throughout the country.

“Robin Goodman-James was the driving force in the beginning. We noticed how seniors really needed information on warning signs and red flags on investment scams,” said Ms. Wiley-Sistrunk, who has a long history of consumer advocacy. What began as a grant-funded project was written into the state budget in 2005 administered under the California Department of Corporations, the state agency responsible for oversight and regulation of the financing and investment industry.

The program, which employs a grassroots approach involving senior volunteers, has demonstrated significant and widespread success. Almost 900 outreach and education presentations were made throughout the state during fiscal year 2007-2008, with nearly 58,000 participants attending. The program goal is to alert and educate Californians aged 50 and over about investment and telemarketing fraud, and to foster prevention against victimization.

“The grassroots approach is very important – we train the program directors of various organizations who in turn recruit and train the senior volunteers. Older people respond because they are hearing from their peers, and because these presentations are sponsored by organizations that represent them. We go to places where seniors gather, like housing facilities, mobile parks, and community events.”

Currently, SAIF partners with about 18 community programs, including many Retired Senior Volunteer Programs (RSVPs) to conduct outreach. Ms. Wiley-Sistrunk, along with Deborah Braver, the coordinator of Troops Against Predatory Scams (TAPS), works to train the trainers and other volunteers. The program is administered through the Department's Education and Outreach Unit, under the direction of Andrew Roth, who is also the chair of the North American Securities Administrators Association Research and Coordination project. Jeff Toney in the Education and Outreach unit in Las Angeles and Rick Murphy in Sacramento also work on the program.

In addition to outreach and education, the call center staff also responds to questions and provides information to seniors to allow them to make informed investment decisions. For example, callers may inquire about whether prospective investment companies are adequately licensed. Last year, SAIF staff helped six senior callers avert investment losses of more than \$2.25 million dollars by providing this support.

When asked what the most common issues were, Ms. Wiley-Sistrunk replied, "There are so many. Cold calling, isolated seniors who welcome a phone call and divulge personal information; refinancing homes/predatory lending situations; lotteries; and affinity fraud. Seniors welcome free lunches that entice them into buying annuities."

While most problems involve "stranger danger," she also hears from people who are being exploited and mistreated by family members. "I sometimes need to report to APS. If it is not within our jurisdiction, I refer it to the appropriate agency after I feel that I have done due diligence to listen and respond to their situations."

"While the State of California's budget issues have posed some challenges in the way we conduct outreach to seniors, the SAIF program continues to

operate and is exploring new ways to get valuable consumer protection information into the hands of seniors that need it most. We are working with the Senior Center Association, FAST teams in several counties, and other senior-focused groups to leverage resources, partner and make sure we continue to accomplish our mission," added Ms. Wiley-Sistrunk.

The program is evolving to reach seniors of various cultural backgrounds. Last year, the Education and Outreach team translated the consumer booklet, *Protect Yourself from Investment Fraud*, into Chinese and Spanish, and disseminated these publications to their respective communities.

The SAIF team also collaborates with the securities offices in other states to replicate the model. To date, Iowa, Tennessee, Florida, West Virginia, and Maine have adapted the program. Missouri is also considering the program. The staff provides feedback, shares materials, and participates in other ways to assist these states in customizing the program for their needs.

Ms. Wiley-Sistrunk welcomes questions from anyone interested learning more. Email her at: JWiley@corp.ca.gov. For more information on the SAIF program, visit: http://www.corp.ca.gov/Education_Outreach/saif/default.asp.

National Triad Conference 2009

The National Triad Conference will be held on December 7 – 10th, 2009, at the Orlando Double Tree Hotel in Orlando, Florida.

Triad is a crime prevention program of the National Sherriffs' Association and one of the earliest multidisciplinary efforts to promote the safety of seniors in the community. Started 21 years ago,

Triad is a partnership of three organizations: law enforcement, senior citizens, and community groups.

This annual conference features workshops on starting and maintaining robust Triads and recruiting volunteers. It also showcases exemplary programs. The Alzheimer's Association, AARP, and the Federal Trade Commission are among organizations that will present workshops on consumer protection and safety.

For more information on the conference or to register, visit http://www.sheriffs.org/userfiles/File/SH09_6_Triad_Conf.pdf.

For more information on developing or locating a Triad, or to download training materials, visit the National Association of Triads at <http://www.nationaltriad.org/index.htm>.

Online Resources

AARP Report Finds Background Checks on Home Care Workers Lacking

A recent report released by the AARP Public Policy Institutes indicates that although a significant majority of states require criminal background checks for home care employees, these safeguards are often inadequate to ensure protection of vulnerable clients.

The report, "[Safe At Home? Developing Effective Criminal Background Checks and Other Screening Policies for Home Care Workers](#)," indicates that although 46 states and the District of Columbia require criminal background checks for at least some categories of home care workers, there is little consistency among standards. Records may be incomplete, failing to uncover some crimes or to

identify instances of abuse that do not result in criminal conviction. Because elder abuse is significantly underreported, this raises particular concern. Further, a lack of integration among state, county, and other databases that track criminal activity means that there is no centralized, comprehensive source for obtaining accurate and complete background information.

The report poses recommendations to enhance policy (such as integrating data sources), as well as to improve screening practices for employers and families alike. Obtaining reference checks and credit histories; conducting thorough, in-person interviews; and considering drug and alcohol screening as part of the hiring process will supplement criminal background checks; while providing appropriate training and supervision to employees once hired may also improve safety.

[Click here](#) to visit the AARP website and read the report or issue brief.

Identity Theft Victims' Services Training

Identity Theft Victim Assistance Online Training: Supporting Victims' Financial and Emotional Recovery is available through the U.S. Department of Justice Office of Victims of Crime Training and Technical Assistance Center (OVC-TTAC). As quoted from the web site, this training is "a user-friendly, e-learning tool that will teach victim service professionals and allied professionals knowledge and skills to more effectively serve victims of identity theft and assist with their financial and emotional recovery."

[Click here](#) to access the training on the OVC-TTAC website. Additional training resources also are available from [OVC-TTAC online](#).

New APS State Statutes Analysis Charts

The American Bar Association Commission on Law and Aging recently produced and posted two new APS statutory analysis charts:

- Penalties for Failing to Report Elder Abuse: Comparison Chart with Provisions from Adult Protective Services Laws, by State
- Penalties for Making a False Report of Abuse: Comparison Chart with Provisions from Adult Protective Services Laws, by State.

These are the latest in a series of charts that provide state by state information on various aspects of APS legislation. The new charts were prepared by Laura Remick, who also wrote an article on the analysis for the October 2009 issue of *Bifocal*, the journal produced by the Commission.

To view these and other charts in the series, visit <http://www.abanet.org/aging/elderabuse.shtml> or go to www.abanet.org/aging and select the Elder Abuse link from the Resources menu bar.

Resources for Elder Abuse Fatality Review Teams

If you are currently serving on an elder abuse fatality review team or work for an agency that is considering starting a team, you are eligible to participate in the Elder Abuse Fatality Review Team Listserv. The list is managed by Lori Stiegel of the American Bar Association Commission on Law and Aging. Individuals interested in subscribing should send an email to LStiegel@STAFF.ABANET.ORG and include the following information: name; title; agency name, address, and phone number; email address; and an explanation of why you would like to subscribe.

In addition, "[Elder Abuse Fatality Review Teams: A Replication Manual](#)" is available online from the Commission's elder abuse web page at no cost.

Special thanks to Lori Stiegel, senior attorney at the American Bar Association Commission on Law and Aging, for providing information on the new APS statutory analysis charts and the Elder Abuse Fatality Review Team resources.

American Society on Aging Now Accepting Leadership Awards Nominations

The American Society on Aging (ASA) annually recognizes individuals and organizations for exemplary contributions to ASA, to the field of aging, and to older adults. The awards recognize career accomplishments, innovation, promising practices, and model programs.

For more information or to nominate an outstanding individual or organization, visit the [ASA Awards Homepage](#). Award presentations will be held at the National Council on Aging/American Society on Aging 2010 Aging in America Conference, to be held in Chicago, Illinois, March 15-19, 2010.

The **deadline for nominations** is November 12, 2009.

Funding Opportunity:

Recovery Act Limited Competition: Building Sustainable Community-Linked Infrastructure to Enable Health Science Research (RC4)

As quoted from the National Institutes of Health web site: "The NIH has established a new program entitled Building Sustainable Community-Linked Infrastructure to Enable Health Science Research, hereafter called the 'Community Infrastructure' grants program. This NIH Funding Opportunity Announcement (FOA), supported by funds provided to the NIH under the American Recovery & Reinvestment Act of 2009, Public Law 111-5, solicits applications from domestic (United States) institutions/organizations proposing to support the development, expansion, or reconfiguration of infrastructures needed to facilitate collaboration between academic health centers and community-based organizations for health science research. Such collaboration should transform the way in which health science research is conducted in communities, and accelerate the pace, productivity, dissemination, and implementation of health research; applications that build upon extant collaborative infrastructures supported by other Federal agencies are strongly encouraged...."

- Letters of Intent Due: November 12, 2009
- Application Deadline: December 11, 2009
- For more information, visit the [NIH website](#).

State News: Updates on Initiatives, Practices, and Projects throughout the U.S.

Illinois: Montgomery County Finds Unique Way of Making Elder Abuse "Visible"

The Health Department of Montgomery County, Illinois has been using a unique and larger-than-life tool over the past year to raise elder abuse awareness: a 1971 decommissioned military truck. The truck, model M35A2, has been painted black and red and bears the state's campaign slogan, "Break the Silence." Phone numbers for reporting elder abuse are also painted on the sides of the truck. The vehicle is becoming a regular sight in the county's parades and is drawing a positive response. Most importantly, it is leading people to ask what "Break the Silence" means.

This isn't the only decommissioned truck used by Montgomery County as a public awareness tool. There is also a matching pink camouflage truck used to promote awareness of breast and cervical cancer. Hugh Satterlee, the county's Health Department Administrator, has played a significant role in restoring these trucks. His interest in military vehicles led him to come up with the idea that because these trucks stand out and draw attention, they can be used to bring visibility to issues often overshadowed, such as elder abuse. The truck was inexpensive to restore with local residents and businesses pitching in to help. As a crowning touch, the village and American Legion of Irving loaned the health department a Quad 50 gun that sits on the vehicle bed. World War II veterans have been riding the vehicle during parades, as well. Over the summer the truck participated in a number of hometown events including the Old Settlers Parade and the Illinois State Fair.

The "Break the Silence" truck had its last ride of the season during the Halloween Parade. After a winter

rest it will be back on the local parade circuit this coming spring, drawing attention to elder abuse.

For more information on Montgomery County's elder abuse program, call (217) 532-2001.

Maine: Elder Abuse Institute to Provide Transitional Housing to Elderly Victims of Domestic Violence

The Elder Abuse Institute of Maine (EAIME), an organization dedicated to advocacy and service coordination for elderly victims of abuse, neglect, and exploitation, was recently awarded a grant for \$570,796 through the Department of Justice's Recovery Act Transitional Housing program. The City of Portland, Maine, as an in kind contribution, has made available for use a home that will allow the organization to provide transitional housing to up to three elderly victims of domestic violence for six month periods at a time. In addition, EAIME will work with other service providers in the state to provide additional transitional housing and will also engage in the coordination of a broad range of services, including legal, health or medical assistance, housing placement, as well as social support and help with economic matters. Describing the program, EAIME Board Chair Rick Mooers stated, "We will create a state-wide web of support services to provide holistic and individualized services to elder victims of abuse."

Mr. Mooers stated that transitional housing for the elderly was identified as a major need in the state. "EAIME saw this grant opportunity as a means of assisting elder victims of domestic violence, stalking, dating violence, and sexual assault, as they transition first to a safe, stable, supportive, albeit temporary environment to permanency, affording them a safe, healthful, nurturing, long-term alternative environment."

The initiative is an interdisciplinary effort and the program design relied on the insights of board members and others who represent various aging organizations throughout Maine. Patricia Kimball, also with EAIME, said, "Needs were identified, again, through longstanding relationships with service providers who work with elder victims, many of whom are members of our board. We knew that in order for us to build a program that was effective, we needed to make sure it took into account the myriad needs of elder victims. We knew those needs could not be met by one agency alone."

Mr. Mooers also discussed how the unique nature of working with elderly victims of domestic violence must inform the new initiative. "In order to sustain this work on a long-term basis, it is necessary to cross train personnel in the elder services and domestic violence fields. Domestic violence service providers must understand the unique needs of older victims, and, elder service providers must understand the dynamics of domestic violence and sexual assault. We must create a coordinated community response that is based on meaningful relationship development between service providers, volunteers, and the community at large in order to assure access to the appropriate service for any one victim."

The shelter should be up and running in late winter or early spring, 2010.

Rhode Island: Saint Elizabeth Have: Temporary Housing for Elder Abuse Victims

The Saint Elizabeth Community, a charitable organization based in Rhode Island dedicated to serving the elderly, has recently created a program called Saint Elizabeth Haven. The program will utilize rooms and apartments available through the Saint Elizabeth Community's nursing homes and

assisted living facilities to shelter victims of elder abuse throughout East Greenwich, Bristol, and Providence. Individuals who are over the age of 60, and who are referred through one of Saint Elizabeth Community's partner agencies, will be eligible for services for up to thirty days. Among the fifteen partnering agencies are the Rhode Island Coalition Against Domestic Violence, the Rhode Island Department of Elderly Affairs, and various other service providers.

The program is based on a service model developed by The Harry and Jeanette Weinberg Center for Elder Abuse Prevention in Riverdale New York. The Center, at The Hebrew Home at Riverdale, seeks to combine research, intervention, and prevention efforts to help to serve abused elders in the region.

For more information on the Saint Elizabeth Haven visit their web site at:
http://www.stelizabethcommunity.com/matriarch/MultiPiecePage.asp?Q_PageID_E_178_A_PageName_E_HavenPressConfOct202009.

To learn more about the Harry and Jeanette Weinberg Center for Elder Abuse Prevention, visit:
<http://www.hebrewhome.org/abuserecovery.asp>.

Special thanks to David Wihry and Katie Wolinski of the University of Delaware Center for Community Research and Service for compiling this update.

Share Your State News!

NCEA would like to report on new programs, practices, and initiatives in your state. To share state news, email us at: NCEA-info@aoa.hhs.gov.

Voices from the Field, continued from p. 3

"I haven't seen a local reaction due to being on the opposite coast, but I believe it will have an impact on legislatures nationwide. I have followed the news stories and believe that they truly show that juries are becoming aware of elder abuse. I don't think a verdict like this would have been reached in the past. People previously thought that elder abuse and neglect only happened to poor people and people who could not afford better care....The negative side is that it also shows that money can buy almost anything: silence of the paid care providers (until the case came to light)...; lawyers violating their own professional ethics; and family feeling that money was more important than taking care of their elders. I can only hope the verdict is not a rare case of society doing what is right....The reaction amongst professionals that I have seen is pretty uniform. They are all of the same opinion that this verdict will help bring to the forefront the problems our elders face....Maybe this will wake some people up. We can hope.

-Detective David Case

Fresno County Sheriff's Office Elder Abuse Unit
Fresno, CA

"There has been enormous interest in Ms Astor's story by public, professionals, and media. I hope that despite the tragic outcome, her story will live on in helping to push the field of elder mistreatment (EM). In the face of state budgetary cuts, social services agencies designated to protect the older adults are facing remarkable challenges. In addition, our current scientific knowledge of EM is limited and research funding is urgently needed to improve our understanding of prevalence/incidence, risk/protective factors, and consequences associated with EM. Enhanced knowledge of these factors could set forth prevention and intervention studies to reduce the adverse outcomes associated with EM and improve

health and aging. During our EM screening and education in our geriatric clinic, patients sometimes ask about Ms. Astor's case. Recently, one of my patients Barbara B., a 65 year old lady who struggles financially to live day by day and also a victim of psychological abuse and financial exploitation, inquired about Ms Astor's case. After some discussion, she said that "if this (EM) can happen to a rich women from upper east side, what chance do I have...." I hope the verdict of Ms. Astor's case will set forth additional local, state, and national educational initiatives on EM."

-XinQi Dong, M.D.

Researcher and educator, Rush University
Chicago, IL

"This verdict will provide a welcome encouragement to APS case workers, law enforcement investigators and prosecutors who are seeing an increase in their caseloads of suspected financial exploitation. It will also hopefully spur others - who up to now have not fully appreciated the insidious nature of elder financial abuse - to become acquainted with methods of presenting such evidence in a criminal courtroom. It is vital that in covering the verdict, the media explores the widespread nature and diversity of this type of crime, and its impact upon elderly victims across the nation."

-Paul Greenwood

Deputy District Attorney
Head of Elder Abuse Prosecutions
San Diego DA's Office

"Hopefully, the Astor trial will bring to light the truly horrifying crime of elder abuse and fraud. The fact that this case happened to the wealthy and famous also goes to show the world that each and every one of us may one day be vulnerable...prosecuting crimes such as these is the first step in combating the abuse of our seniors. It is our duty as a nation to demonstrate that elder

abuse and elder fraud will not be tolerated and such crimes will be prosecuted to the highest extent of the law and we will no longer sit back and ignore this important issue."

-Sherri J. Harmer, M.S.

Court of Chancery-Guardianship Monitoring
Program Director
Wilmington, DE

"Often times law enforcement officers find that their hands are tied when addressing these kinds of cases....When a sensational case such as this is presented to the nation, a very direct light illuminates an often hidden crime and the result is that it humanizes the crime. Although this crime of exploitation and fraud has been devastating to this victim and her family, I can only hope that it serves as a bench-mark for changes that must take place to protect those who fall prey to criminals, even when the victim is dependent on the criminal, as in this case.

"It has been my observation that this particular crime has opened the forum for discussion.... Communities are aware that this can and is happening within their own neighborhoods, to people they know, and that there isn't one demographic for the crime. In a case such as this, with so much press coverage, I've seen that individuals are looking for signs of fraud and exploitation with people they know, are asking questions to those within their communities, and are asking for materials that can help to educate others about this crime. Most importantly, I see a growing dialogue between individuals about the issue."

-Edward Hutchison

Director, Triad and Traffic Safety
National Sheriffs' Association
Alexandria, VA

“The case really didn't hit much in our area - perhaps because we are thousands of miles away. Also, I live in a county in California that has about 225,000 people. Being a small county, we have a lot of miles, but not many experts in elder abuse investigation or prosecution. Since we don't get many prosecutions, most of our folks don't really think it is an issue here (the "that doesn't happen in my backyard" theory). I think in areas where it hit the media, it will help people to come forward and try to resolve some of their own family abuses. However, they are likely to find that the folks they bring their cases to (law enforcement, APS, Ombudsman) are restricted by the lack of prosecutions for elder abuse in their own areas. It is my hope that this case and more like it will bring the issue of elder abuse (financial or other) to the general public and garner their demands that elder abuse investigations and prosecutions receive the same priority as child abuse.”

-Karen Jones (Stenson)
LTC Ombudsman Services
San Luis Obispo County, CA

“I think the Astor verdict can only help the field. It should serve as a public wake-up call on many fronts. It reminds us that powers of attorney can be licenses to steal – even when the principal who conveys the authority is high-visibility, rich, famous, and well-connected. It's a good idea to build in some oversight -- for example, the duty of an agent to account to a third party.

“Secondly, for Brooke Astor and others, guardianship as a remedy for abuse may come too late in the game. Reportedly, Annette de la Renta was a great guardian but much damage had already been done by the time of her appointment. So we need better means to detect financial and other abuse early on, while there's still time to prevent further abuse and provide protection.

“Finally, this successful and highly visible prosecution can encourage law enforcement and prosecutors around the country that elder abuse cases are critically important and can be won. Liz Loewy in NYC and others around the country can serve as role models -- and the case can persuade state, district and city attorneys that this just cause deserves resources.

“Along with these messages, we need to remind policy-makers and the public that financial exploitation can happen to anyone, from those living in poverty to the Brooke Astors of the world. The verdict is meaningful far beyond the society pages and gossip columns.”

-Naomi Karp
Strategic Policy Advisor
Consumer and State Affairs Team
AARP Public Policy Institute

“I was not surprised at the dearth of articles that followed the verdict, even though I thought the New York Times did a very thorough job of covering the trial while it was going on. There were some follow-up articles on the effect the verdict has had, but it died down very quickly. I agree with Lori Stiegel's statement in her letter to the editor in the Washington Post (October 17th): that this lack of coverage could be a reflection of the ageism in our culture. However, I am glad to see several writers in the news lately allude to the case in an effort to promote national advocacy.”

-Anne Kincaid
Editor, NCEA Newsfeed
Boulder, CO

“I believe that the case, trial and verdict will affect the field in a positive way, by creating a very unique opportunity for much-needed public discussion. Ultimately, communities need to enhance the safety of victims of abuse and hold their perpetrators accountable. To achieve these

goals, it remains crucial to increase awareness about elder abuse and shine an ever brighter light on this significant but hidden problem. I believe that this case and verdict will do that. Now we have to sustain the discussion.

“When I first heard about the verdict, a quote from Mr. Marshall's lead lawyer really stood out for me. (“This case should have been left to probate court. He’s 85 years old, these charges are not criminal charges. Cases of these kinds of issues are always resolved in the probate court,” he continued. “I don’t know of any other case in my experience, where there were essentially will issues that got decided in a criminal case.”) When those in the field hear "it's a civil matter," it so often means that a criminal issue won't get decided in a criminal case. Ah, the words sounded so different coming from a defense attorney -- after a conviction!”

-Paula Kuptas, PhD

Project Director, Virginia Center on Aging

“Among those who followed this high profile case, the conviction no doubt encouraged sober reflection on the problem of elder financial abuse. In the California Bay Area, reaction was muted because the newspapers apparently consider this an 'East Coast' issue. Perhaps the public thinks this only happens to very rich people who live very far away. Sadly, that isn't true.”

-Betty Malks

Director, Santa Clara County Division of
Aging and Adult Services
Santa Clara, CA

“I would hope, with more national publicity, that the Astor case would not only raise awareness of the issue of financial exploitation of the rich, by the rich, but also that family members will present any rationalization to get at money or assets that they feel "entitled to". It could be a small savings account, a house or investments. Greed knows no

bounds. In New York State, there was some newspaper press coverage outside of New York City, but it was minimal. Most media outlets focus on local news and see the Astor case as a New York City phenomenon. Television, newspaper and radio stories on "elder abuse" or financial exploitation want a local connection and, unfortunately, a "real victim" to interview and bring the story a local slant. Professionals have a difficult time identifying victims who will be willing to be interviewed and possibly "re-victimizing" them with publicity. Also, since family members are often the exploiters or abusers, victims don't want to bring shame and embarrassment to their family by talking to the press about the details of the event.”

-Art Mason

Program Director, Lifespan’s Elder Abuse
Prevention Program, President, National Adult
Protective Services Association
Rochester, NY

“I first read of the verdicts in a message to the NCEA Elderabuse Listserve. I received two more posts from other listserves before I ever saw the first news alert. To say that advocates throughout the field were waiting anxiously for the outcome of this trial is not an exaggeration. My first reaction was a mixture of relief and hope: first and foremost, that justice was served in this case; that the exhaustive but successful efforts of Liz Loewy and the prosecutor's office could pave the way for others to prosecute these complex trials; and that the case may help to raise awareness among the public that elder abuse is widespread, and no one is immune. How naive.

“While I believe the Astor case will influence more prosecutors to take on these challenging cases, my first inkling that this would not generate the kind of public attention we had hoped for came when the headlines didn't. As many of you observed, the news was not reported extensively beyond the New York City area. My second revelation came

when I read the online comments in response to the meager coverage. Most were not favorable. The most common rejoinder was that this was a civil matter, a colossal waste of taxpayers' money, as if somehow stealing millions from one's own family was more acceptable than stealing from a stranger. More disturbing remarks suggested that Mrs. Astor herself had been a "gold digger" and a terrible mother, and therefore somehow deserving of her fate; that Anthony Marshall was too old to serve prison time; and so on.

"It has been suggested that the elder abuse prevention and response network is not effective in generating attention when newsworthy events take place. I do not believe this is for lack of trying, but because these efforts meet with tremendous resistance, denial, and ageism. Perhaps the greatest lesson here is that the reaction to the case – or lack thereof – vividly illustrates the wall of resistance we face in trying to connect with the public and to enable them to view elder abuse as a relevant cause."

-Sharon Merriman-Nai
NCEA Co-Manager
Newark, DE

"The tragic story of Ms. Astor's later years of elder abuse victimization is not an uncommon one. Regrettably, abuse of vulnerable person is the plight of many of our nation's elderly and persons with disabilities. All across America, our nation's adult protective service staff investigates and provides services to hundreds of thousands of vulnerable persons, who are abused, neglected and exploited regardless of socio economic status, ethnicity, race, sex or religion....Many state programs run on a shoe string budget, with too few staff to investigate and lack of an infrastructure to provide needed services.

"Ms. Astor lived a life of privilege, power, and wealth, yet fell victim as so many others abused.

The news stories focused on the financial devastation of Ms. Astor, but like many other victims of financial exploitation, she was also neglected, failing to receive medical treatment as needed, nourishments, and lived in squalor.

"In my home town of Tyler, Texas, there was no coverage of this story. The Dallas news media gave good coverage to this story."

-Bettye Mitchell, M.A.
President elect, National Committee for the
Prevention of Elder Abuse
Tyler, TX

"I see a positive impact on public awareness, education, and prosecution....The case provides a wealth of material relevant to elder abuse. While the situation seems described most often in terms of financial exploitation, I see it reflecting physical neglect and emotional abuse as well. That Tony's father, Mrs. Astor's first husband, was reported to have physically and emotionally abused her was significant....To me, the Astor case is literally a textbook example of inter-generational family dysfunction culminating in elder abuse. I hope that the media attention will encourage other prosecutors to take on elder abuse cases and that the NYC experience will inform changes in the legal system necessary to facilitate such prosecutions.

"I am disappointed to see so little mention of the role of the APS/elder abuse system in the press surrounding this case. According to John Richardson in a Vanity Fair article in January 2008, an "elder abuse complaint was found to be not substantiated." Given the indicators of abuse and neglect that seem so clear, at least in hindsight, I have to wonder what element or elements led to the investigator's failure to substantiate abuse in the Astor case and whether an examination of the city's elder abuse investigation process might prove instructive for managers in terms of improving the system's response....

"I'm in hearty agreement with those who've noted that these cases happen all the time, without coming to light. I'm saddened that the size of the loss -- i.e., millions, rather than hundreds, of dollars-- seems to stimulate attention and prosecution, rather than the impact of the loss on the individual. Nevertheless, the more such cases are exposed, the better chance we have of getting the point across that elder abuse pervades all layers of society."

-Paula Mixson

Consultant and Trainer
Certified Validation Worker
National Certified Guardian
Austin, TX

"I think that if there is anything positive to say about this case it is that it has publicized widely and vividly the types of abuse that are perpetrated against elders of all income levels and backgrounds. Because it involves such a high profile family it drew people to read about the case and to learn more about elder abuse/exploitation. Locally this case has been in the news, but has perhaps been overshadowed by the Mary Ellen Bendsten case which has gone to trial - finally - here in Dallas."

-Linda Ross

Alzheimer's Association
Dallas, TX

"I think the case will positively impact the field because it illustrates that elder abuse affects families, even families with resources, and that issues of capacity and consent are complex, but not necessarily only in the realm for civil courts to decide. I have done training since the verdict to police, firemen, long term care executives and doctors and have used the Astor case as a wonderful case example of multiple forms of abuse, the value of community and keeping people out of isolation, wills as a criminal issue, evidence

based prosecution where we don't need witnesses to prove cases beyond a reasonable doubt. To get 12 New Yorkers to agree on a verdict is a strong message that they take this seriously, understand the criminal implications of the actions of both Anthony Marshall and the lawyer who represented him, and that the time has come to give older people the right to have their wishes granted, especially when they can no longer advocate for themselves. I see this as a great victory for the field."

-Joy Solomon

Director and Managing Attorney, The Harry and Jeanette Weinberg Center for Elder Abuse Prevention at the Hebrew Home at Riverdale
Riverdale, NY

"I remember when advocates in the field were hopeful that the case of financial exploitation and undue influence of Anne Morrow Lindbergh would raise awareness of elder abuse. Her children actively worked to generate attention to the cause. Unfortunately, it never became the catalyst to engaging the public in the issue of elder abuse. Time will tell if the Astor trial will become that catalyst. It may be that the most significant legacy of this trial will be reform of legal protections that sometimes -- more often than we would like to believe -- fail to protect vulnerable elders."

-Karen Stein, PhD

Director, Clearinghouse on Abuse and Neglect of the Elderly, University of Delaware
Newark, DE

"I had been very worried about the verdict before it was announced. A negative outcome could have been perceived as reinforcing the notion that these cases are just too difficult to bring to trial, and that juries will have trouble understanding the issues. This will help prosecutors understand that yes, they can successfully bring these complex and challenging cases -- and this one was extremely

complex and challenging. Most financial exploitation cases, you don't need to spend five months in court and call Henry Kissinger."

-Lori Stiegel

Senior Attorney
American Bar Association
Commission on Law and Aging
Washington, D.C.

"I have not heard one person discuss it. I always hope that such things will raise awareness on the topics of elder rights, the right treatment of persons, guardianship, powers of attorney, but this case may be so out of the public eye right now that it may seem anomalous to most."

-Pamela B. Teaster, PhD

Professor, Director and Chairperson,
Graduate Center for Gerontology
University of Kentucky

"I think that the mere fact that charges were filed in this case is tremendously significant, and indicative of the fact that we are finally beyond the point of erroneously calling elder financial exploitation by a known perpetrator a "civil matter." It will also help to debunk the public misconception that a Power of Attorney can do what he/she wishes with the principal's money. The fact that the jury returned a verdict of guilty is likely to have a very positive effect on the field, in that it will increase investigators' and prosecutors' awareness of the fact that these cases have great jury appeal, that they are winnable even if the victim can no longer testify, and even if the perpetrator appears on the surface to be an upstanding citizen. I hope that ultimately, it will serve to increase the number of filings of elder financial exploitation cases by prosecutors' offices throughout the country.

"All of the criminal justice professionals that I work with have heard about the case. The reaction that I

have consistently heard from them has been a mixture of relief and some surprise. Some people were predicting that the case would turn out like the O.J. trial, with the defense able to effectively buy their acquittal. I have heard no one express any concern that it was not the correct verdict.

-Page Ulrey

Senior Deputy Prosecuting Attorney
King County Prosecutors Office
Seattle, WA

"The Astor case underlines how even the wealthiest seniors can become vulnerable in their advanced years. Elderly people are favorite targets for scamsters and con artists because seniors are often perceived as physically frail and mentally less alert than young or middle-aged people. The convictions in the Astor case are a victory for seniors everywhere."

-Jacqui Wiley-Sistrunk and Andrew Roth

California SAIF Program
California Department of Corporations

Elder Justice Now! continued from p. 4

"We hear from people who want to be heard; we also hear from people who were too embarrassed to speak out before but who have been empowered by those who came forward, " Ms. Matheson added.

Marci Phillips, Director of Public Policy and Advocacy at NCOA, reported that in the next wave of video advocacy, approximately 100 witnesses will be profiled. Although this is the first time that NCOA has utilized video advocacy to promote elder rights, the organization's mission remains unchanged

“What we are hoping is that this will create the excitement and the energy” to spark action. “But we see this as a tool that really reflects our mission of giving a voice to people who want to speak about elder justice. What better way to capture what older Americans are thinking than by sitting with them and videotaping their stories?” said Ms. Phillips.

Ms. Matheson, Ms. Phillips, and Ms. Duane echo the hope, and the belief, that the alliance of EFPN, OWL, NCOA, WITNESS, and the Elder Justice Coalition will create a groundswell of grassroots support that will lift elder abuse awareness beyond the community level and generate action on a national scale.

The Collaborators

WITNESS, founded in 1992 by musician and activist Peter Gabriel and the Reebok Human Rights Foundation, “uses video and online technologies to open the eyes of the world to human rights violations. WITNESS empowers people to transform personal stories of abuse into powerful tools for justice, promoting public engagement and policy change....” The organization has partnered with grassroots organizations in over 60 countries. To learn more, visit www.witness.org .

The National Council on Aging (NCOA) is a non-profit service and advocacy organization headquartered in Washington, DC. NCOA is a national voice for older Americans – especially those who are vulnerable and disadvantaged – and the community organizations that serve them. It brings together non-profit organizations, businesses and government to develop creative solutions that improve the lives of all older adults. NCOA works with thousands of organizations across the country to help seniors find jobs and benefits, improve their health, live independently

and remain active in their communities. For more information, visit www.ncoa.org.

The Elder Financial Protection Network (EFPN), established as a nonprofit organization in 2000, was an outgrowth of the Marin County Bank Reporting Project. EFPN works to prevent financial abuse of elders through innovative partnerships that build public awareness, drive community outreach, and provide professional training. Since its inception, EFPN has facilitated partnerships with more than 200 financial institutions, adult social service, law enforcement and regulatory agencies, organizations, foundations and community groups throughout California and beyond. For more information, visit www.bewiseonline.org .

OWL, the Voice of Midlife and Older Women, is a nonprofit, national, grassroots, membership organization that focuses solely on issues unique to women as they age. OWL conducts research, education, and advocacy activities through a chapter network. Every Mother’s Day, OWL releases a report on issues of significance to aging women. For more information, visit <http://www.owl-national.org/Welcome.html> .

Federal Legislative Update – A Look at Legislation that May Impact the Lives of Older Americans

A quarterly look at federal legislative activity that may impact the lives of older Americans.

- *The Seniors and Taxpayers Obligation Protection Act of 2009 (S.975)*, was introduced and read twice on May 5, 2009, and was sent to the Senate Committee on Finance. The bill was sponsored by former Senator Mel Martinez (R, FL), with 11 co-sponsors. The bill aims to “amend title XVIII of the Social Security Act to reduce fraud under the Medicare program.”

- *The Elder Abuse Victims Act of 2009* ([S.1821](#)), was introduced into the Senate on October 21, 2009, and was read twice and referred to the Senate Committee on the Judiciary. It is sponsored by Senator Herb Kohl (D, WI) and co-sponsored by Senators Patrick Leahy (D, VT), George LeMieux (R, FL), and Barbara Mikulski (D, MD). The bill is a companion to H.R.448 and seeks to “To protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes.”
- *The Senior Financial Empowerment Act of 2009* ([H.R.3040](#)), sponsored by Representative Tammy Baldwin (D, WI-2), with 13 co-sponsors and introduced on June 25, 2009, was referred to the House Subcommittee on Crime, Terrorism, and Homeland Security on July 23, 2009. The proposed bill seeks to “to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes.”
- Companion bills [H.R.3550](#) and [S.1659](#), *The Senior Investor Protections Enhancement Act of 2009*, seek “to enhance penalties for violations of securities protections that involve targeting seniors.” The bill H.R. 3550 was sponsored by Representative Paul Hodes (D, NH-2), with 3 co-sponsors. It was introduced on September 10, 2009, and was referred to the House Committees on Financial Services and the

Judiciary, where provisions relevant to each committee will be considered. On October 19, 2009, the bill was referred to the Subcommittee on Crime, Terrorism, and Homeland Security. The bill S.1659 was sponsored by Senator Robert Casey (D, PA) and co-sponsored by Senators Al Franken (D, MN), Kirsten Gillibrand (D, NY), Herb Kohl (D, WI), and Jeanne Shaheen (D, NH). On September 10, 2009, the bill was introduced, read twice, and referred to the Senate Committee on Banking, Housing, and Urban Affairs.

- Companion bills [H.R.3551](#) and [S.906](#), *The Senior Investment Protection Act of 2009*, seek “to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security.” The bill H.R.3551 is sponsored by Representative Paul Hodes (D, NH-2), and co-sponsored by Representative Gwen Moore (D, WI-4). On September 10, 2009, the bill was introduced and referred to the Committees on the Judiciary and Financial Services for consideration of provisions relevant to each committee. The bill S.906 was sponsored by Senator Herb Kohl (D, WI) and co-sponsored by Senator Claire McCaskill (D, MO). On April 28, 2009, the bill was introduced, read twice, and referred to the Committee on the Judiciary.

The Elder Justice Act has been introduced in both the House and Senate. The House version, [H.R.2006](#), seeks “to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.” The bill was referred to the Subcommittee on Healthy Families and Communities on June 4, 2009. The bill was sponsored by Representative Peter King (R, NY-3), with 53 cosponsors. The Senate version,

[S.795](#), was submitted to the Senate Finance Committee as amendment #37 of the Committee's health care reform bill. It was sponsored by Senators Blanche Lincoln (D, AK) and Orrin Hatch (R, UT), with 15 co-sponsors. The amendment was accepted and included in the Chairman's Mark of the Senate health care reform bill. The bill, titled *The America's Healthy Future Act of 2009 (S.1796)*, from the Senate Committee on Finance, was added to the Senate Legislative Calendar on October 19, 2009. The bill is sponsored by Senator Max Baucus (D, MT) and seeks to "To provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes."

- [House Resolution 271](#) was created for "recognizing the need to support the development and enforcement of a well-informed national long-term care strategy to solve the problems of cost, quality, and access to long-term care in the home and community, and the imperativeness of including long-term care in the comprehensive health care reform agenda." The bill was sponsored by Representative Alcee Hastings (D, FL-23), with 24 cosponsors. On May 14, 2009, the bill was referred to the Subcommittee on Health, Employment, Labor, and Pensions.

Special thanks to David Wihry of the University of Delaware Center for Community Research and Service for compiling this update.

Editorial Note:

The NCEA E-News includes the following updates on a quarterly basis: Federal Legislative Updates; Elder Abuse Research and Literature; and State News. The December E-News will feature Research.

Calendar of Events

October 31 - November 4, 2009

19th Annual National Multi-Disciplinary Conference on Domestic Violence:

Embracing Hope...Healing Generations One Survivor at a Time

San Antonio Marriot Rivercenter Hotel
San Antonio, Texas

Web site: <http://www.ndaa.org/ncaa>

December 1 - 4, 2009

California District Attorneys Association (CDA):

Elder Abuse Symposium

Sheraton Park Hotel

Anaheim, CA

Web site:

<http://www.cdaa.org/training/MCLE2010/ElderAbuse1209.pdf>

December 4, 2009

Syracuse Area Domestic & Sexual Violence

Coalition's Elder Abuse Committee

Annual Elder Abuse Conference: *Elder Abuse: Into the Light*

LeMoyne Manor

Liverpool, NY

Registration deadline: November 30, 2009

Web site: <http://www.verahouse.org/>

December 7-10, 2009

2009 National Triad Conference

Double Tree Resort

Orlando, FL

Web site: <http://www.nationaltriad.org/Orlando09>

January 1 - 31, 2010

Stalking Resource Center

National Stalking Awareness Month

National Observance

Web site:

<http://www.stalkingawarenessmonth.org/>

March 18 - 21, 2010

MaleSurvivor 2010 International Conference:

Healing and Hope for Male Survivors

John Jay College of Criminal Justice

New York, NY

Email: [Click Here](#)

Credits and Contact Information

The National Center on Elder Abuse E-News is published monthly by the Clearinghouse on Abuse and Neglect of the Elderly (CANE) of the University of Delaware, and edited by Sharon Merriman-Nai.

To **subscribe** to the NCEA E-News, go to:

www.ncea.aoa.gov.

Contact Us:

National Center on Elder Abuse
c/o Center for Community Research and Services
University of Delaware
297 Graham Hall
Newark, DE 19716

Website: www.ncea.aoa.gov

Email: ncea-info@aoa.hhs.gov

Telephone: 302-831-3525

National Center on Elder Abuse Grantees:

- National Adult Protective Services Association
- National Committee for the Prevention of Elder Abuse
- Clearinghouse on Abuse and Neglect of the Elderly, University of Delaware (CANE-UD)

The National Center on Elder Abuse newsletter is supported in part by a grant (Number 90AM3146) from the Administration on Aging, U.S. Department of Health and Human Services (DHHS). Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Therefore, points of view or opinions do not necessarily represent official Administration on Aging or DHHS policy.