

SENATE SPECIAL COMMITTEE ON AGING

“Trust Betrayed: Financial Abuse of Older Americans by Guardians and Others in Power”

November 30, 2016

Ranking Member Claire McCaskill

Opening Statement

Thank you Chairman Collins. And thank you for your leadership on this very important issue. Elder abuse and exploitation of any kind is a tragedy but it is particularly painful when abuse is being perpetrated by those who have been entrusted to protect the victims. According to the most recent published statistics, the Missouri Department of Health and Human Services received over 17,000 initial reports of abuse, neglect, and financial exploitation of seniors in one year. It's unclear, however, how many of these cases involve financial exploitation specifically. Unfortunately, the extent of elder abuse by guardians is relatively unknown to us due to the limited data that we have available. It's important that we continue to prioritize data collection in this space so that we can better understand the scope of the issue.

I am pleased to be here today with Chairman Collins for the unveiling of this important GAO report that we requested last year. I've been very proud of the work that we've been able to do together on the Aging Committee to help combat elder abuse. From our work highlighting various senior scams, to exposing the financial exploitation of seniors and now to our closer look at guardianship abuse, I've been proud to stand beside you as we work to protect our seniors.

Unfortunately, we still have limited information on the prevalence of guardianship abuse across the country and data varies widely from state to state. However, innovative work is being done in several states and by outside groups to help bridge the information gap. GAO identified a number of steps that states can take to help protect seniors from detrimental guardianship arrangements. For example, state courts should do their due diligence to make sure that a guardian is truly needed for an individual before one is appointed; allowing seniors to remain in

the “least-restrictive option” can protect the individual while also maintaining as much freedom as possible. Additionally, state courts should periodically reexamine whether guardianships are working well for both parties over the course of the arrangement and make adjustments where necessary.

While the federal government does not have the authority to regulate guardianship, there are steps being taken to offer indirect support to states and to encourage data collection. Early next year, the Department of Health and Human Services (HHS) will be launching the National Adult Maltreatment Reporting System (NAMRS) to provide accurate national data on elder abuse. The System will draw on data submitted by state Adult Protective Services (APS) agencies and will identify multiple types of elder abuse, including instances involving guardians. I am looking forward to reviewing this important information as we continue to combat elder abuse.

I would like to take a moment to introduce one of the witnesses on today’s panel from my home state of Missouri. Jessica Kruse is an attorney with Ozarks Elder Law in Springfield. Ozarks Elder Law does very important work in Southwest Missouri helping seniors and their families with many elder law issues, including guardianship. In addition, Jessica is a statewide leader on elder law issues as the president of the Missouri chapter of the National Academy of Elder Law Attorneys and the Chair of the Elder Law Committee for the Missouri Bar. I look forward to hearing Jessica’s testimony and learning about the important work she’s doing in Southwest Missouri.

I look forward to hearing the testimony from our distinguished panel of witnesses about how can continue to confront this challenge of elder abuse. Thank you again, Chairman Collins,

for holding this important hearing. And thank you to our witnesses, for taking the time to be here today.