

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 5

In Support of the Creation of an Office of Elder Justice within the United States Department of Justice and the Appropriation of Funds to Implement the Elder Abuse Victims Act

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize that elder abuse—including neglect and exploitation—involve complex civil and criminal issues that require a sustained and committed response by the courts; and

WHEREAS, issues such as capacity, undue influence, and consent create particular challenges to court responses to elder abuse; and

WHEREAS, the September 2010 report from the General Accountability Office and research by the National Center for State Courts point out alarming instances of elder abuse and the unique opportunities afforded to the courts to intervene in a variety of court settings to ensure justice for older Americans; and

WHEREAS, the Supreme Courts of several states have established task forces, commissions, or committees to recommend policies, procedures, and services that will strengthen the prevention, identification, response to, and redress of elder abuse; and

WHEREAS, there is a national need for:

- Research to determine the most fair and effective means for preventing, identifying, responding to, and redressing elder abuse;
- Training on the evidentiary and legal issues related to cases involving elder abuse; the procedures that are most conducive to the effective participation of elderly victims and witnesses; and the most effective methods for responding to and redressing elder abuse;
- Accurate and comparable data on the incidence of investigations, filings, prosecutions, and dispositions related to elder abuse; and

WHEREAS, the Elder Abuse Victims Act of 2013, as introduced, establishes within the Department of Justice an Office of Elder Justice to address issues relating to elder abuse, and the Director of such Office would provide information, training, and technical assistance to assist states and local governments in preventing, investigating, prosecuting, and mitigating the impact of elder abuse; and

WHEREAS, the legislation also establishes a federal grant to assist states, generally, and state court systems, in particular, to improve the response to and redress of elder abuse, facilitate the disposition of elder justice-related cases, and enhance coordination across justice agencies and community partners;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge the Congress to enact legislation to establish the Office of Elder Justice and appropriate sufficient funds to fully implement the provisions of the Elder Abuse Victims Act of 2013.

Adopted as proposed by the CCJ/COSCA Committee on Elders and the Courts at the COSCA Midyear Meeting on December 5, 2013 and the CCJ Midyear Meeting on January 29, 2014.