

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 8

**Urging Congress to Appropriate Funds for the Elder Abuse Prevention and
Prosecution Act**

WHEREAS, the number of persons over the age of 65 is estimated to double by 2050 to 83.7 million and this trend is likely to result in a substantial increase in court cases regarding the protection of vulnerable older persons, including guardianship, conservatorship, and elder abuse proceedings; and

WHEREAS, the United States Senate Special Committee on Aging held a hearing on “Abuse of Power: Exploitation of Older Americans by Guardians and Others They Trust” on April 18, 2018, that included testimony detailing recent cases of financial exploitation, and indicating that financial exploitation by some guardians and conservators remains a real problem; and

WHEREAS, on October 8, 2017, the President signed into law the Elder Abuse Prevention and Prosecution Act (S. 178) making it Public Law 115-70; and

WHEREAS, the legislation, amends Title XX (Block Grants to States for Social Services and Elder Justice) of the Social Security Act to specify that the U. S. Department of Health and Human Services may award adult protective services demonstration grants to the highest courts of states to assess adult guardianship and conservatorship proceedings and to implement necessary changes; and

WHEREAS, demonstration grant funds can now be used for programs to assess the fairness, effectiveness, timeliness, safety, integrity, and accessibility of adult guardianship and conservatorship proceedings, including the appointment and the monitoring of the performance of court-appointed guardians and conservators, and to implement changes deemed necessary as a result of the assessments; and

WHEREAS, state court systems and individual courts have recognized the need to improve the process for considering petitions for guardianship and conservatorship of adults, and the monitoring of guardianship and conservatorship cases; and

WHEREAS, the Conference of Chief Justices and Conference of State Court Administrators adopted Resolution 6 on July 13, 2013, supporting the passing of

Court-Appointed Guardian Accountability and Senior Protection Act and appropriation of sufficient funds to fully implement the provision of the Act; and

WHEREAS, funds were not appropriated for the Elder Abuse Prevention and Prosecution Act in FY 2018;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge Congress to fund the adult protective services demonstration grants administered by the U. S. Department of Health and Human Services.

Approved as proposed by the CCJ/COSCA Joint Committee on Elders and the Courts at the Conference of Chief Justices and Conference of State Court Administrators 2018 Annual Meeting on August 22, 2018.