

PHILIP C. MARSHALL
ELDER JUSTICE ADVOCATE
433 ELM STREET
SOUTH DARTMOUTH, MA 02748
TEL 508.951.8562
PHILIPCMARSHALL@GMAIL.COM
WWW.BEYONDBROOKE.ORG

December 9, 2016

Special Committee on Aging
United States Senate
G31 Dirksen Senate Office Building
Washington, DC 20510

Re: Written testimony for the record, "Trust Betrayed: Financial Abuse of Older Americans by Guardians and Others in Power" hearing (November 30, 2016)

Chairman Collins, Ranking Member McCaskill, distinguished committee members:

My name is Philip C. Marshall. I am a survivor and elder justice advocate. As a secondary victim, my testimony is informed by my hard-learned experience surround the elder abuse of my grandmother – Brooke Astor, New York City philanthropist – by her son, my father. As an advocate for elder justice, my testimony is informed by work, since 2011, with professionals in the field. (Appendix D: Biography)

This written testimony provides my personal reflections on the urgent need and timely opportunity to address elder financial exploitation and our guardianship system (its abuse and that of our seniors) at the federal level in concert with states, national organizations, industry, professionals, elders and their ‘circles of support.’

Thank you for the committee’s decades-long effort to advance elder justice and, here, to address guardianship reform – again.

Thank you for inviting me to testify before your committee almost two years ago on February 4, 2015 to address “Broken Trust: Combating Financial Exploitation of Vulnerable Seniors.”

During my testimony, I described how I filed a petition for guardianship (which was awarded) for my grandmother. Right after my testimony I applied for an academic leave to advance my work in elder justice “beyond Brooke” – compelled by senior victims, distraught family and friends, concerned and committed elder-justice practitioners nationwide and your intentional efforts.

Guardianship helped save my grandmother. Yet guardianship, nationwide, needs reform – and transformation.

With early efforts spearheaded and championed for decades by Congressman Pepper, the committee returns to guardianship for good reason: its use (and abuse) are at the heart of addressing our social contract between society and self. In proactively addressing this critical issue of concern, we can create an environment for elder justice that is cradled in trust, relationships and responsibility.

The subject of the November 30 hearing, “Financial Abuse of Older Americans by Guardians and Others in Power,” understandably focused on two inextricably interrelated subjects – financial abuse and guardianship: both can be addressed immediately by pending bills in the Senate: the *SeniorSafe Act* (S. 2216), the *Court-Appointed Guardian Accountability and Senior Protection Act* (S.1614) and the *Elder Abuse Prevention and Prosecution Act* (S. 3270).

These acts will help protect seniors’ net worth, self worth and lives.

The *SeniorSafe Act* (S. 2216), is discussed below under ‘financial exploitation’; the guardianship-related acts – the *Court-Appointed Guardian Accountability and Senior Protection Act* (S.1614) and the *Elder Abuse Prevention and Prosecution Act* (S. 3270) – are discussed under ‘guardianship.’

Resources (public and private entities) are provided in the appendices that identify select leaders and their efforts specific to the scope of this testimony. The lists are not inclusive.

Appendices

- Appendix A: Prevalence
- Appendix B: Financial Exploitation
- Appendix C: Guardianship
- Appendix D: Biography

Prevalence

Recommendations (refer to resources in Appendix A: Prevalence)

- Include performance metrics to inform the scope, intent, implementation, enforcement and formative assessment of enacted legislation. Structure to define the extent and cost (direct and indirect) of abuse.
- Focus on terminology, informed by the Centers for Disease Control and Prevention work on [definitions](#), [Uniform Definition and Recommended Core Data Elements](#) publication and other resources.
- Dedicate and sustain federal funding to Adult Protective Services programs ([NAPSA](#)) for training and intervention to augment limited funds to [Social Services Block Grants](#) (OCS, ACF) that go to Adult Protective Services. The

success for implementing the National Adult Maltreatment Reporting System ([NAMRS](#)) requires greater investment in Adult Protective Services.

- Financial institutions – including depository institutions, money-service businesses and others – file Suspicious Activity Reports (SARs) with [FinCEN](#), U.S. Department of the Treasury on elder financial exploitation as mandated by the Bank Secrecy Act. Filing entities should be encouraged to file SARs voluntarily in cases that fall below the transaction thresholds. In addition, law enforcement should receive training on how to access and utilize this highly confidential and protected “financial intelligence” in their investigations. ([Consumer Financial Protection Bureau](#), 2016).
- Develop and launch a unified reporting portal for elder abuse as a service for the public (viz, the hotline [Eldercare Locator](#), U.S. Administration on Aging) and a portal for professionals to assist in routing, coordinating and assessing cases. Depersonalized data, coupled with analytics, can inform prevalence, incidence, strategy and resource allocation.

Financial Exploitation

Recommendations (refer to resources in Appendix B: Financial Exploitation)

- Enact the *Senior\$afe Act* (S. 2216)

Senior\$afe Act ([S. 2216](#)) is critical to advancing our shared responsibility and, here, ‘response-ability’ (ability to respond) to address and arrest elder financial exploitation.

Provision of services to seniors and our response to their (suspected) abuse elder has gaps that may compromise seniors and frustrate those who serve and save them. The *Senior\$afe Act* will help bridge gaps between detection, response, recovery and even prevention by facilitating a coordinated, multi-disciplinary effort among the financial industry, first responders and other professionals.

Before I acted to save my grandmother, I was filled with angst, frustration, and a sense of impotence as I watched my grandmother’s world, which had spanned the globe and a century, become so diminished and compromised by her son, my father.

I was not sure what to do. I sought advice from several trusted people including a sage high-school friend whose own family had been through similar circumstances. He advised, “Philip, follow your heart, first; then follow the money.”

My greatest concern was my grandmother’s psychological abuse – one of the most difficult forms of elder abuse to give credence to, much less document and assess. So, in large part, the fallback was the financials. I now know, financials are at the forefront of our campaign for elder justice.

Great advances are being made at the federal and state levels, in partnership with regulators and industry that, as chronicled below in the appendices, have taken a leadership role.

In his Presidential Proclamation on June 15, World Elder Abuse Awareness Day (WEAAD), President Obama shared his resolution to, “stamp out all forms of elder abuse” and to observe the day (and maintain our resolution) “by learning the signs of elder abuse, neglect, and exploitation, and by raising awareness about this important public health issue.” ([Whitehouse](#))

Awareness and knowledge are critical first steps, but they do not realize fully our goal to stamp out all forms of elder abuse.

In *Financial Elder Abuse Through the Lens of the Bystander Intervention Model* (Gilhooly, et al, [2016](#)), the authors developed a modified professional bystander intervention model realizing that it, “has considerable potential to help us understand decision making in relation to the detection and prevention of elder financial abuse.”

This model, briefly summarized below, points to how vital it is to have legislative acts – in Congress and in states – that allow and empower us to act, each day, to serve and save seniors as best we can.

Bystander intervention:

- Aware — noticing relevant cues to financial abuse
- Acknowledge – construe the situation as financial abuse
- Accept responsibility – decide the situation is a personal [and professional] responsibility [mandated, or not]
- Plan – knowing how to deal with the situation [our ability to respond]
- Act – deciding to intervene.

SeniorSafe Act will help us *act* to serve and save our senior citizens. The act will couple our responsibility with ‘response-ability’ by the financial industry – in concert with Adult Protective Services, law enforcement and many more.

Guardianship (refer to resources in Appendix C: Guardianship)

Recommendations

- Enact the *Court-Appointed Guardian Accountability and Senior Protection Act* ([S. 1614](#)).
- Enact the *Elder Abuse Prevention and Prosecution Act* ([S. 3270](#)).
- Dedicate and sustain federal funding to Adult Protective Services programs ([NAPSA](#)) for training and intervention to augment limited funds to [Social](#)

[Services Block Grants](#) (OCS, ACF) that go to Adult Protective Services. The success for implementing National Adult Maltreatment Reporting System ([NAMRS](#)), requires greater investment in Adult Protective Services.

- Continue to seek and secure funding for the Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS, on [National Guardianship Network](#)), through the American Bar Association ([ABA Commission on Law and Aging](#)) with other partners.
- Seek every means to advance alternatives to guardianship, include supported decision making. Harness the expertise and concern of guardians to help efforts.

Guardianship is being used to isolate, financially exploit and poly-victimize seniors. Part of the solution lies in having Congress and states work with regulators, the financial industry, first responders and other professionals by providing legislation and greater funding that will help address and arrest elder financial exploitation – and, in so doing, other forms of (guardian) abuse.

Court-Appointed Guardian Accountability and Senior Protection Act (S.1614).

An important step that Congress should take to improve the quality of guardianship across the country is to pass the *Court-Appointed Guardian Accountability and Senior Protection Act (S.1614)*. The bill was passed by the Senate Judiciary Committee last Congress, but was not taken up by the full Senate or the House. The Klobuchar/Cornyn legislation would improve the current system and provide additional protections by strengthening oversight and accountability for court-appointed guardians. By providing grants to state courts for demonstration programs to assess the fairness, effectiveness, and accessibility of adult guardianship and conservatorship proceedings, states will also be able to implement changes, including background checks and electronic filing to improve the quality of the process. The bill would amend the Elder Justice Act of 2009 to provide grants to the states' highest courts, but it utilizes current authorization levels so the bill will not have an additional cost.

I wholeheartedly support this bill and believe that it could provide similar results to the improvements that have come as a result of the successful WINGS program (Working Interdisciplinary Networks of Guardianship Stakeholders).

Elder Abuse Prevention and Prosecution Act (S. 3270)

The *Elder Abuse Prevention and Prosecution Act (S. 3270)* is also a critical companion to other legislation.

As summarized by the Committee on the Judiciary, the bill (S.3270), sponsored by Senator Grassley, calls for enhanced training of federal investigators and prosecutors; ensures that each judicial district has at least one federal prosecutor who is tasked with handling cases of elder abuse; would require the Justice Department and Federal Trade Commission to each appoint an elder justice

coordinator, giving states and victims a visible point-of-contact in the federal government; and adds stronger criminal and civil penalties for those convicted of defrauding seniors.

S. 3270 will provide training, coordination and enforcement that is so necessary when applying a systems-based approach to address elder abuse, which is systemic problem.

The [National Guardianship Association](#) provides the following definition of guardianship. “Guardianship, also, referred to as conservatorship, is a legal process, utilized when a person can no longer make or communicate safe or sound decisions about his/her person and/or property or has become susceptible to fraud or undue influence...” The intent of guardianship is to balance safety with self-determination and choice.

Guardianship is frequently considered as a ‘last resort’ when all other legal means have failed (or been discounted). Yet guardians, with skills commensurate with their responsibilities, should be some of the first at the table when considering how to realize our social compact between self and society, how to serve seniors, and how to work with those who are in senior’s circle of support. Yet, guardians are seldom part of a multi-disciplinary team or, in the universe of elder justice, in the constellation of professionals taking a person-center approach as they work with seniors. Guardians, who have so much to offer, must be included in other professionals’ work – more. I expressed these thoughts in my keynote before the National Guardianship Association 2015 annual conference.

Guardianship will continue to play a critical role in helping incapacitated seniors and disabled adults, especially those who have no other legal instruments or financial resources. This is why community guardianships are so important.

Guardianship (like other legal instruments such as power of attorney) is a double-edge sword: it can save seniors and it can facilitate their exploitation. In the latter case, guardianship can serve as both a weapon and a shield, allowing perpetrators to abuse and exploit elders while isolating seniors – legally and physically – from their ‘circle of support,’ family and friends.

Permanent, guardianship is pervasive, frequently unnecessary, and acceptable only when determined with the greatest care.

As affirmed by the National Guardianship Association, “Alternatives to guardianship, including supported decision making, should always be identified and considered whenever possible prior to the commencement of guardianship proceedings.” ([Position Statement on Guardianship, Surrogate Decision Making and Supported Decision Making, National Guardianship Association, 2015](#))

In 2016 the American Bar Association published [The PRACTICAL Tool for Lawyers: Steps in Supported Decision-Making](#) whose “P” stands for, “presume guardianship is not needed.”

In the future, there will be more guardianship due to demographics and longevity ([Ortman and Velkoff](#), 2014) and chronic disease ([Healthy Aging](#), CDC), including mild cognitive impairment and Alzheimer’s, which affects over five million senior Americans ([Alzheimer’s Association](#)).

There will also be less guardianship, especially plenary guardianship, as society will seek other legal and ethical means to balance safety with self-determination and choice. Already employed, these legal instruments include power of attorney, trusts, health-care proxy, supported decision making, limited guardianships (in scope and duration, with rights restored whenever possible) and more.

National Center for State Courts ([NCSC](#)) and the Center for Elders and the Courts ([CEC](#)) are maintaining a leadership role in advancing efforts in the courts. Refer to Appendix C: Guardianship.

Conclusion [top](#)

Guided by Congress, the path of elder justice will crisscross communities nationwide with support from both sides of the aisle – for the campaign color of elder justice is purple, an equal measure of red and blue.

I commend and support your tireless, critical work for elder justice. Thank you for your time and consideration.

Sincerely,



Philip C. Marshall

Attachment: Appendix A: Prevalence
Appendix B: Financial Exploitation
Appendix C: Guardianship
Appendix D: Biography

Appendix A

Prevalence

Resources

Elder Abuse: The Extent of Abuse by Guardians Is Unknown, but Some Measures Exist to Help Protect Older Adults (GAO, [2016](#))

The GAO report – *Elder Abuse: The Extent of Abuse by Guardians Is Unknown, but Some Measures Exist to Help Protect Older Adults* ([2016](#)) – notes, “The extent of elder abuse by guardians nationally is unknown due to limited data on key factors related to elder abuse by a guardian, such as the numbers of guardians serving older adults, older adults in guardianships, and cases of elder abuse by a guardian.” The report makes no recommendations.

National Adult Maltreatment Reporting System ([NAMRS](#))

The National Adult Maltreatment Reporting System (NAMRS), “will be the first comprehensive, national reporting system for APS programs. NAMRS will collect quantitative and qualitative data on the practices and policies of adult protective services (APS) agencies and the outcomes of investigations into the maltreatment of older adults and adults with disabilities. The absence of data for research and best practice development has been cited by numerous entities, including the Government Accountability Office, as a significant barrier to improving APS programs. Policy makers, APS programs, and researchers will use the data to evaluate and improve programs.” ([NAMRS](#), Administration on Aging)

Appendix B

Financial Exploitation

Resources – select entities that are taking a leadership role

- Consumer Financial Protection Bureau (CFPB)
- Financial Industry Regulatory Authority (FINRA)
- National Adult Protective Services Association (NAPSA)
- North American Securities Administrators Association (NASAA)
- Securities Industry and Financial Markets Association (SIFMA)

Consumer Financial Protection Bureau ([CFPB](#))

The Consumer Financial Protection Bureau [Office for Older Americans](#) has produced four groundbreaking works to address elder financial exploitation:

Report and Recommendations: Fighting Elder Financial Exploitation through Community Networks

Elder financial exploitation destroys the financial security of millions of older Americans annually. In response to this crisis, hundreds of communities across the United States have created collaborative networks to protect their older residents. To increase the understanding of how elder financial protection networks can grow and endure, the CFPB conducted research nationwide.

This report highlights what elder financial exploitation prevention and response networks do, how they work, how they can work better, and how they can be established. The [report](#) presents CFPB's recommendations to existing networks and key stakeholders to develop and enhance their community's collaborative efforts to fight financial exploitation. Accompanying this report is a [Resource Guide](#) with promising practices, sample documents, and resource materials. Networks should be mobilized as key collaboration partners in the fight against guardianship abuse.

Money Smart for Older Adults

[Money Smart for Older Adults](#) produced in collaboration with the [Federal Deposit Insurance Corporation](#) (FDIC), raises community awareness of elder financial exploitation with an Instructor Module for community-based presenters and a Resource Guide for consumers. The program is a tool that is used by elder protection networks to collaborate on prevention with financial institutions. A new version will be released in early 2017.

Managing Someone Else's Money

[Managing Someone Else's Money](#) is a set of guides for financial caregivers to walk them through the steps to handle the finances of a person if they lack the capacity to do so themselves. The guides are tailored to the needs of people in four different fiduciary capacities:

- Agents under a power of attorney
- Court-appointed guardians
- Trustees
- Government fiduciaries (Social Security representative payees and VA fiduciaries)

Each guide contains information on the fiduciary's responsibilities and tips on how to spot financial exploitation and avoid scams. Also, each guide includes a "Where to go for help" section with a listing of relevant agencies and service providers.

Because people's powers and duties as a fiduciary vary from state to state, the CFPB also created six sets of state-specific *Managing Someone Else's Money* guides. These state guides provide information about the state's unique laws and practices, as well as state-specific resources.

To make it easy for legal and aging experts in other states to adapt the guides for their states, they developed a set of tips and templates for creating state-specific versions. The tips summarize what they learned by collaborating with lawyers and other professionals to produce several state-specific versions.

Preventing Elder Financial Exploitation: Recommendations and Resources for Financial Institutions.

This [guide](#) provides banks and credit unions with information and resources on steps they can take to protect their elder account holders from financial exploitation.

Financial Industry Regulatory Authority ([FINRA](#))

FINRA and the [FINRA Investor Education Foundation](#) have instituted a number of initiatives to address the problem of senior financial exploitation. In April 2015, FINRA launched the [Securities Helpline for Seniors](#) – a toll-free number (844-574-3577) that senior investors can call to get assistance from FINRA on concerns with brokerage accounts and investments. Callers have reported a wide range of issues, including complaints about alleged fraud and sales practice issues like unauthorized trading. In some cases, FINRA has been able to provide the senior investors, or their families, with enough information and understanding of

brokerage operations so they can in turn help themselves. In other instances, FINRA has directly helped seniors who thought a firm had taken advantage of them and work with the firm to be made whole. To date, firms have proactively returned more than \$2.6 million to customers in response to issues raised to them by FINRA's Helpline.

In October 2016, FINRA submitted to the SEC a proposed rule that would permit firms to place a temporary hold on a disbursement of funds or securities from a customer's account where there is a reasonable belief of financial exploitation, such as fraudulent activity or unlawful conversion. The rule would also require firms to attempt to notify a customer's trusted contact person of the firm's decision to place the temporary hold on disbursements from the account. The public comment period closed on November 28, 2016.

A member of the National Adult Protective Services Association's ([NAPSA](#)) Financial Exploitation Advisory Board, the FINRA Investor Education Foundation regularly collaborates with other organizations with a shared mission of consumer and investor protection. A key focus of the FINRA Foundation is building the capacity of law enforcement, social workers and victim service providers to protect consumers, particularly seniors, from financial fraud and exploitation, and to assist those who have already been victimized. For instance, working with partners including the National White Collar Crime Center and the National Center for Victims of Crime, the FINRA Foundation has trained thousands of intermediaries representing hundreds of different federal, state and local agencies to better protect and assist their communities from fraud and exploitation.

The FINRA Foundation is also taking a leadership role in advancing research in the field. On November 30, 2016, the FINRA Foundation and the Stanford Center on Longevity convened a stakeholder conference to highlight emerging research on fraud susceptibility and prevalence, feature promising practices in fraud detection and prevention, and advance the field by connecting research to practice. The conference attracted representatives from leading consumer organizations, industry, higher education, law enforcement and a host of federal agencies, all of whom recognize the importance of collaboration to fight senior financial fraud and exploitation.

In 2016, FINRA partnered with SIFMA to host the [2016 FINRA/SIFMA Senior Investor Protection Conference](#) in Washington, DC.

National Adult Protective Services Association ([NAPSA](#))

See under Appendix C: Guardianships, too.

The NAPSA Elder Financial Exploitation Advisory Board is composed of leaders in the public and private sectors that work cooperatively to address elder financial exploitation. Each year, the advisory board helps develop and offer a one-day

Annual Summit on Elder Financial Exploitation course in conjunction with NAPSAs [annual conference](#).

North American Securities Administrators Association ([NASAA](#))

The *NASAA Model Act to Protect Vulnerable Adults from Financial Exploitation* ([PDF file](#)) applies to broker-dealers and investment advisers, including certain qualified individuals (broker-dealer agents, investment adviser representatives and persons serving in a supervisory, compliance, or legal capacity for a broker-dealer or investment adviser). The Model Act has five core features. Taken together, these provisions clarify and more closely align the interests and responsibilities of financial professionals, regulators, and law enforcement in regard to the reporting and prevention of senior financial exploitation.

These features include: A mandatory reporting requirement applicable to qualified individuals of broker-dealers and investment advisers; Notification to third-parties of potential financial exploitation with advance consent of the investor; The authority to temporarily delay disbursement of funds; Immunity from civil and administrative liability for reporting, notifications, and delays; and, Mandatory sharing of records related to exploitation with law enforcement and state adult protective services agencies. Since publication of the Model Act in February, 2016, two states – Alabama and Indiana – have enacted statutes that contain provisions similar to those found in the Model Act including mandatory reporting to state securities regulators along with APS offices. Additionally, Vermont has adopted the Model Act by regulation. A fourth state – Louisiana – has passed legislation that protects voluntary disclosures.

NASAA is providing training to financial services professionals through the Senior \$afe training program. In October, state securities regulators across the country took part in NASAA's [Senior\\$afe Training Week](#). More than 700 financial services professionals took advantage of the Senior\$afe training program for broker-dealers and investment advisers to help them identify and report financial exploitation. Participants ranged from client-facing personnel to compliance officers at large brokerages. A list of all training events is on NASAA's [Serve Our Seniors web site](#).

Securities Industry and Financial Markets Association ([SIFMA](#))

SIFMA is committed to finding solutions that help financial advisors protect their senior investors from exploitation and fraudulent practices. Since 2009, SIFMA has been working with industry members, academics, and state and federal lawmakers to advance policies, practices, rules, regulations and laws, which enhance senior investor protections.

These efforts include: advancing state legislation that strengthens investor protection efforts and provides firms with additional investor protection tools

(now law in six states); promoting similar federal legislation that removes unintended legal barriers to senior protection efforts; advocating for guidance and rulemakings from regulatory agencies, including FINRA's proposed Report & Hold framework; securing increased funding for APS organizations to help prevent financial abuse; and convening stakeholders at Senior Investor Protection events throughout the United States.

Refer to the [Senior Investor Protection Resource Center](#), one of several program addressing savings and retirement. In October 2015, SIFMA hosted [Seniors Investors Forum](#) in New York. In 2016, SIFMA partnered with FINRA to host the [2016 FINRA/SIFMA Senior Investor Protection Conference](#) in Washington, DC.

Appendix C

Guardianship

Resources

National Adult Protective Services Association ([NAPSA](#))

The National Adult Protective Services Association (NAPSA) is a national non-profit 501 (c) (3) organization with members in all fifty states. Formed in 1989, the goal of NAPSA is to provide Adult Protective Services (APS) programs a forum for sharing information, solving problems, and improving the quality of services for victims of elder and vulnerable adult mistreatment. Its mission is to strengthen the capacity of APS at the national, state, and local levels, to effectively and efficiently recognize, report, and respond to the needs of elders and adults with disabilities who are the victims of abuse, neglect, or exploitation, and to prevent such abuse whenever possible.

There is an interface of abuse or exploitation and guardianship, whether the situation involves a family guardian, a professional guardian or a public guardian. It may not always be clear where complaints about guardians should be sent, but anyone with an elder abuse-related concern should contact the state or local Adult Protective Services agency, which is mandated to protect vulnerable adults (both older adults and adults with disabilities) by receiving reports and evaluating the need for protective service; investigating allegations to identify and prevent abuse, neglect or exploitation; reporting evidence of mistreatment to the prosecutor and various regulatory agencies; initiating court action as necessary to protect the adult; and mobilizing essential services on behalf of the vulnerable adult to reduce risk and improve safety.

In many jurisdictions, APS may be involved in initiating guardianship proceedings on behalf of a vulnerable adult or presenting information to assist an investigation or court hearing involving a case of fraud or financial exploitation by a guardian. Thus, APS plays a vital role in this issue and, as noted in the recent GAO report – *Elder Abuse: The Extent of Abuse by Guardians Is Unknown, but Some Measures Exist to Help Protect Older Adults* ([2016](#)) – APS agencies represent a potential source of information for compiling much-needed national data on elder abuse, and the National Adult Maltreatment Reporting System (NAMRS). NAMRS is a national reporting system based on data from state Adult Protective Services (APS) agency information systems that is scheduled to be active by early 2017. It has the capability to collect information that could specifically help identify cases of elder abuse where a guardian is involved. Despite its critical role in addressing financial

exploitation as the primary responder to elder abuse, there is no dedicated federal funding stream for state and local APS services.

National Center for State Courts ([NCSC](#)) and the Center for Elders and the Courts ([CEC](#))

Last week NCSC published the [Adult Guardianship Initiative: An Initiative of the NCSC's Center for Elders and the Courts and the CCJ/COSCA Joint Committee on Elders and the Courts](#) as their Strategic Action Plan 2016.

As noted, "The National Center for State Courts (NCSC) works closely with the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) to address key policy issues and promote court reform. Since the mid-2000s, all three organizations have called for resources and actions to improve responses to elder issues and the adult guardianship processes."

"The mission of the Adult Guardianship Initiative is to improve state court responses to guardianship and conservatorship matters. This Initiative encourages the use of less restrictive alternatives, the prioritization of the protected person's individual rights, active court monitoring and oversight, the modernization of processes, and the restoration of rights."

The Initiative report identifies how to develop and maintain partnerships of key stakeholders, ways to prioritize the protection and enhancement of individual rights, how to promote modernization and transparency in the guardianship process, and how to enhance guardianship/conservatorship court processes and oversight. The report provides succinct statement of specific problems and proposed solutions. The Adult Guardianship Initiative builds on a decade of work and provides a roadmap to guide future efforts for years to come.

Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS, on [National Guardianship Network](#))

WINGS is further evidence that state courts need only modest funding to bring together the key stakeholder and improve guardianships. These broad-based and multidisciplinary court-community partnerships drive changes affecting the ways courts and guardians practice, and improve the lives of people who need help in decision-making. They including judges and court staff, the aging and disability networks, the public and private bar, mental health agencies, advocacy groups, medical and mental health professionals, service providers, family members and individuals affected by guardianship, and more.

For WINGS, a recently awarded Administration for Community Living grant was recently received by the American Bar Association ([ABA Commission on Law and Aging](#)) working in partnership with the [National Center for State Courts](#), as referenced in the 2016 GAO report. This will allow ABA to extend a request for

proposals to the state chief justices for the establishment, enhancement and expansion of WINGS. The goal is to use rigorous outcome measures and evaluation, and thus test the concept to see if it has real impact and can be sustainable as a problem-solving entity over time. For child welfare, state courts obtain a substantial funds through the [Court Improvement Project](#) (ACF Children's Bureau) funds by which each state develops and pursues a plan for improvement. This would be the goal for adults subject to guardianship.

Through such endeavors, we can achieve "ageless equity" when the scales of justice balance the promise of our rising generations with our promise to those upon whose shoulders they stand.

Appendix D

Personal Background

Financial

- American Bar Association, Commission on Law and Aging ([CLA](#), ABA)
- Elder Financial Protection Network ([EFPN](#))
- Investor Protection Trust ([IPT](#))
- National Adult Protective Services Association ([NAPSA](#)), Financial Exploitation Advisory Board, member
- North American Securities Administrators Association ([NASAA](#))
- Securities Industry and Financial Markets Association ([SIFMA](#))

Guardianship

My written testimony on guardianship is informed by my presentations at and/or involvement with the:

- American Academy of Psychiatry and the Law ([AAPL](#))
- American Bar Association, Commission on Law and Aging ([CLA](#), ABA; [Guardianship Law & Practice](#))
- Conference of Chief Justices ([CCJ](#))
- Conference of State Court Administrators ([COSCA](#))
- National Adult Protective Services Association ([NAPSA](#)), Financial Exploitation Advisory Board, member
- National Center for Victims of Crime ([NCVC](#))
- National College of Probate Judges ([NCPJ](#))
- National Guardianship Association ([NGA](#)), Public Policy Committee, past member
- Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS)

In 2012 I was co-recipient of the Isabella Horton Grant Guardianship Award ("The Isabella," shared with Annette de la Renta) presented by the National College of Probate Judges.

For addition information refer to <http://beyondbrooke.org/>