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February 28, 2017

Re: Testimony before the New York State Senate Standing Committee on Aging and  
New York State Assembly Standing Committee on Aging. Public hearing, February  
28, 2017, on Education, Awareness and Prevention of Elder Abuse

**Preliminaries** \_

[Senator Serino](#) and [Assemblywoman Lupardo](#), distinguished committee members and  
guests.

Thank you for your committees' efforts to advance elder justice and, here, to address  
"education, awareness and prevention of elder abuse."

My name is Philip C. Marshall. I am a survivor, an elder justice advocate, and a professor  
of historic preservation at [Roger Williams University](#).

As a secondary victim, my testimony is informed by my hard-learned lessons  
surrounding the elder abuse of my late 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,  
advancing "[Beyond Brooke](#)." In 2015, I testified before the [U.S. Senate Special  
Committee on Aging](#). Compelled by need and opportunity, I took an academic leave to  
meet and talk, nationwide, with elder justice professionals who I thank for doing so  
much, for so many – sometimes with so little.

My profession, historic preservation, is similar to elder justice: both recognize and protect  
the ageless value of that which is old – but may be discounted, sometimes until it is too  
late. I made this analogy last spring when I spoke at an [event](#) convened by the [NYS  
Office of Victim Services](#) (OVS), which, in partnership with the [NYS Office for the  
Aging](#) (NYSOFA), is expanding outreach and education about elder abuse.

Last June, in recognition of World Elder Abuse Awareness Day (or "World Day"),  
Assemblyman Cymbrowitz (then, Chairman of the Standing Committee on Aging),

emphasized that, “Elder abuse is a problem that affects every community and cuts across all race, religion, culture and income lines.”

On World Day, the [NYS Office of Children and Family Services](#) released its multi-agency study, [The New York State Cost of Financial Exploitation](#), showing the statewide impact of financial exploitation costing at least \$1.5 billion. This study changes the math – and the calculus – of our response, statewide and nationwide.

The cost of exploitation (and abuse) is enormous; even when the sum is small the effect can be devastating to self and to society.

It is through political will that we protect seniors’ will to *live* and will to *give* – of themselves and to others.

It is through our legislative acts, which spur our collective action, we protect seniors’ net worth, self worth and lives.

It is through an asset-and-risk-management approach we reduce risk of abuse when we recognize and invest in our greatest assets – our communities and services, statewide.

### **Complacent • Complicit**

As my grandmother (Brooke Astor) rests in peace, I could have resumed my life as before.

For years my battle for my grandmother, and my battle against my father consumed my life – and consumed our family.

In 2009, after a six-month criminal trial and conviction of my father, a friend said, “You must be glad that’s all behind you.”

But, I realize: When elder abuse hits home, it hurts.

I realize: While my grandmother was emotionally and financially abused and isolated, her case is far from isolated. Nationwide, there are millions of elder-abuse victims suffering similar injury.

I realize: If my grandmother, Brooke Astor, can be victimized, elder abuse does not discriminate; any elder is vulnerable.

I realize: The aftermath of elder abuse far exceeds any dollar amount. Most costs are irretrievable; some, compounded.

And I realize: To be complacent about elder justice is to be complicit in elder abuse.

Our silence...protects perpetrators, not their victims.

Today, victims of elder abuse may be strangers. Tomorrow, they may be our loved ones or, perhaps, in the future, ourselves. Seniors and society deserve more.

### **Elder Justice**

Elder justice is in its infancy compared to other realms that define our social, legal and moral obligations. Here, elder justice can help complete, not compete with, other causes.

Saving seniors is damage control after the fact. We must prevent abuse, more. Our greatest resources and our first line of offense are our communities, coupled with New York State's existing programs and services that can protect seniors at risk.

Yet, parts of these programs and services, themselves, are now at risk. These must be saved, expanded and augmented with new awareness, education and training programs on elder abuse, including elder financial exploitation. ([FY 2018 Executive Budget Financial Plan](#))

Senior services and programs cultivate trust, relationships and awareness among elders, their circle of support, and other professionals. Should abuse occur, services and programs empower individuals to come forward and act.

At times, we must save our seniors. I know, all too well.

In my grandmother's abuse there was both opportunity and motive.

The opportunity was provided when my grandmother, at 100 years old, was frail, in the throes of Alzheimer's and susceptible to psychological manipulation and isolation.

There was motive. Transgressions were fueled by my father's mistaken belief that, irrespective of his mother's needs and wishes, he deserved and could take whatever she had. This included her money – and her wellbeing.

My father used his power of attorney as a weapon and a shield to steal – as chronicled by large, irregular financial transactions.

Emboldened by successful gain of such sums, my father escalated his insidious, serial exploitation by having his mother 'sign' three codicils (using three lawyers) that transferred millions of dollars (most of which she has bequeathed to charities) to his control – three years after he claimed his mother was "delusional."

With legislation, training and reporting such egregious acts could have been arrested early on, protecting my grandmother from added loss and injury.

This is why NYS Senate Bill [S1093](#), sponsored by [Senator Valesky](#) and colleagues, is so critical – as it, “authorizes banks to refuse payment of moneys when there is reason to believe that a vulnerable adult is being financially exploited.”

This is why Part AA of the NYS Executive Budget is so important as it seeks to “empower banking institutions to protect vulnerable adults from financial exploitation” and includes a “financial exploitation certification program,” to be developed by the [NYS Department of Financial Services](#). ([FY 2018 Executive Budget Financial Plan](#))

Both bills couple the financial industry’s *responsibility* to serve and save our seniors with its *response-ability* (its ability to respond) to suspected elder financial abuse.

Here, I am addressing financial exploitation but, sadly, such exploitation usually goes hand in hand with other forms of abuse, with seniors poly-victimized and re-victimized, as my grandmother was.

In helping my grandmother, I first felt that financials were my fallback – for my greatest concern was her psychological and physical wellbeing. I now know financials are at the forefront of our campaign for elder justice.

As much financial exploitation is detectible and evidential, its discovery can help with rapid response and ‘arrest’ of many forms of abuse.

Should abuse occur, there must be a coordinated response to advance justice and recovery for victims. This is why funding is so critical for elder abuse victims’ services, including expansion of the enhanced multi-disciplinary teams (EMDTs), so successfully developed by Lifespan of Greater Rochester, NYC Elder Abuse Center and others. Services must continue and expand, not be cut by \$700,000.

In helping my fragile, abused grandmother I was not alone. Her abuse galvanized a collective response by family, friends, staff, and caregivers all united by compassion and a common cause.

I later learned we were an informal “multi-disciplinary team.” Yet there was nothing “informal” about what we endured. Seniors and their circles of support need professional help, made possible by legislation and funding.

## **Conclusion**

For those who are complacent about elder justice, the word pair “senior discount” is redundant, for they already discount seniors.

For those who are complacent about elder justice, the word pair “elder abuse” is redundant, for *abuti*, from Latin, means ‘used up,’ and they already feel seniors are used up.

To discount seniors and feel they are ‘used up,’ is to be complacent about the wellbeing of seniors, their circles of support, our communities – and our future selves.

It great to hear that the Executive Budget proposes to expand services for elderly crime victims through the [NYS Office of Victim Services](#). This helps survivors heal and takes us take another step along the path of elder justice. As a secondary victim of abuse, my greatest healing will be achieved when, in the words of President Obama on World Day, we “stamp out all forms of elder abuse.”

Elder abuse is a trend, but it’s not our destiny.

Guided by our (legislative) acts, the path of elder justice will crisscross communities statewide and nationwide with support from both sides of the aisle. The campaign color of elder justice is purple, an equal measure of red and blue.

Guided by our investment, we achieve “ageless equity,” as the scales of justice balance the promise *of* our rising generations with our promise *to* those upon whose shoulders they stand.

I commend and support your constant, critical work for elder justice. Thank you for your time and consideration. Thank you for all you do – with elders.

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