



## PATRICK TESTIN

STATE SENATOR

DATE: November 21, 2019

RE: **Testimony on 2019 Assembly Bill 479**

TO: The Assembly Committee on Judiciary

FROM: Senator Patrick Testin

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Thank you members of the Assembly Committee on Judiciary for accepting my testimony on Assembly Bill 479.

I had the opportunity to be a member of the Attorney General's Task Force on Elder Abuse last session, where we recommended AB 479, along with three other bills. The task force was made up of stakeholders from state agencies, law enforcement, the court system, long-term care agencies, financial service groups, and citizen advocacy organizations.

Assembly Bill 479 will strengthen the process and minimize the amount of stress for elder victims and witnesses ages 60 years and older who are involved in a court proceeding by allowing for expedited hearings and the ability to preserve testimony through a video-taped court hearing.

This bill would allow a prosecuting attorney to file a motion with a court to preserve the testimony of an elder person involved in criminal and delinquency cases or juvenile dispositional hearings. If a motion is filed, the court must hold a hearing to record testimony within 60 days, the defendant must be present at the hearing, and the witness is subject to cross-examination.

The witness can either testify in person, or, under certain circumstances, provide testimony through telephone or live audiovisual means. Additionally, the bill allows the recorded testimony to be admissible to all subsequent court proceedings.

The ability to recall certain details is critical to the outcome of a court case. As degenerative brain diseases increase in senior populations, the system must be able to respond to the unique needs of an elderly victim's ability to testify.

Thank you again for listening to my testimony and I hope that you will join me in supporting this bill.



Greater Wisconsin  
Agency on Aging Resources, Inc.

Date: November 21, 2019

To: Chair Ott, Vice-Chair Horlacher, and Members of the Assembly Committee on Judiciary

From: Janet L. Zander, Advocacy & Public Policy Coordinator

Re: **Support for AB 479** – expediting criminal proceedings when a victim or witness is an elder person and preserving the testimony of a crime victim or witness who is an elder person.

The Greater Wisconsin Agency on Aging Resources, Inc. (GWAAR) is a nonprofit agency committed to supporting the successful delivery of aging programs and services in our service area consisting of 70 counties (all but Dane and Milwaukee) and 11 tribes in Wisconsin. We are one of three Area Agencies on Aging in Wisconsin. We provide lead aging agencies in our service area with training, technical assistance, and advocacy to ensure the availability and quality of programs and services to meet the changing needs of older people in Wisconsin. Our mission is to deliver innovative support to lead aging agencies as we work together to promote, protect, and enhance the well-being of older people in Wisconsin. There are over one million adults age 60 and older residing in our service area.

Thank you for this opportunity to share testimony on AB 479. The number of reported elder abuse cases in the state continues to rise, increasing by 52 percent from 2010 to 2018 when there were 8,803 reported cases. The actual number of elder abuse cases is likely much higher, as fear and embarrassment lead to underreporting of abuse. According to the American Bar Association approximately 10% of older adults experience some form of elder abuse (2017).

The consequences of elder abuse can be devastating; placing abused elders at increased risk of hospitalization, nursing home admission, and even death. Given the significant negative impacts of elder abuse, we support AB 479 which requires courts to expedite criminal proceedings in cases involving a victim or witness who is 60 years of age or older. Involvement in these types of court proceedings can be very stressful. Court proceedings that drag on and have multiple continuances can create needless stress which can trigger trauma symptoms in both victims and witnesses. Additionally, AB 479 creates a requirement that a court preserve certain testimony in criminal matters involving a victim or witness who is 60 years of age or older. Under the bill, if a prosecuting attorney files a motion to preserve the testimony of an older adult, the court must hold a hearing to record the testimony within 60 days. Recording the testimony in a timely manner preserves the older victim's/witness's testimony in case of illness, later incompetency or even death. Under the bill an older witness, if there is good cause, may even provide testimony into the record by telephone or live audiovisual means thereby minimizing any further negative impacts on the older adult's health, independence, and dignity.

J. L. Zander – AB 479 Testimony – Assembly Committee on Judiciary\_11/21/19

We appreciate the interest in and efforts of policy makers to protect older adults against elder abuse, neglect and exploitation and to address this growing problem. We look forward to continuing to work with you on policies that improve the quality of life of older people in Wisconsin.

Thank you for your consideration of these comments supporting AB 479.

Contact: Janet Zander, Advocacy & Public Policy Coordinator  
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**Assembly Committee on Judiciary**

**November 21, 2019**

**Madison WI**

**Helen Marks Dicks**

Good Morning. I am Helen Marks Dicks, State Issues Advocacy Director for AARP Wisconsin, which has over 840,000 members here in Wisconsin. We advocate on behalf of Wisconsin's 50 and older population. The issue of elder abuse and neglect is of grave concern to us and we greatly appreciate the attention being paid to this critical issue. We have support the full package of Elder Abuse and Financial Exploitation bills. Today I will speak specifically to AB 479 which expedites court proceedings when a victim or a witness is an elder person and allows for the preserving of testimony of a victim or witness who is elderly.

AARP supports AB 479. There has been a 160% increase in reported elder abuse from 2001 to 2017. Even with this startling statistic we know most elder abuse goes unreported. It is estimated that 47% of adults with dementia suffer from some form of abuse. Elder abuse and neglect triple the likelihood of a victim being hospitalized or dying prematurely. This makes the need to preserve their testimony critical since delays in court proceedings are often used to wait out the victims or the witness. Delays often victimize the witness or victim since they need to live with the worries about testifying or being able to testify at a future date. Expediting the hearing serves the same purpose.

Financial exploitation is one of the most common forms of elder abuse and has a life-altering effect on Wisconsin residents' livelihoods with untold millions of dollars exploited, extorted, or stolen from older adults each year in Wisconsin. While nearly \$3 billion was reported lost to financial elder abuse in the USA, a study in New York State found that only 2% of elder financial exploitation cases were reported to law enforcement, suggesting that the actual number impact on older adult's financial wellbeing is far higher than official counts.

Often victims of elder abuse have little or no chance of financial recovery and the rest of their lives might be spent in a compromised financial position or even in poverty.

I personally have one concern about this bill. That is the assumption of vulnerability, decreased judgement, and increasing cognitive limitations at age 60. No one should be the victim of financial exploitation regardless of age and I object to the ageist assumption of cognitive decline and judgement at the age of 60. Mere age should never be used as a measure of capacity or need for additional support.

However I am attributing good intentions and an attempt to conform to other statutes, including the Older Americans Act, to the authors and drafters of these bills so my concerns will in no way diminish AARP's support of these bills. I believe this ageist assumption can be dealt with a case-to-case review.

I future recognize in my objection that the elderly are the most frequently targeted by scammers or even family members for this type of abuse and exploitation so that putting the spotlight on those most likely to be targeted is a good thing.

AARP Wisconsin strongly encourages the committee to vote in favor of AB 479. Thank you for your time and attention. As always I would be glad to answer any questions.