



Wisconsin State Legislature

FOR MORE INFORMATION
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January 29, 2019

Taking Steps to Prevent Elder Abuse

Many of us have heard stories of caregivers, even family members, taking advantage of senior citizens by spending their money or neglecting to give them proper care. The number of reported cases of elder abuse in Wisconsin increased by 52 percent between 2010 and 2018. In that year, there were 8,803 cases reported, but many experts believe that elder abuse is vastly underreported. The American Bar Association estimates that ten percent of older adults experience some form of elder abuse. Elder abuse can range from physical and emotional abuse to financial fraud and mismanagement.

A package of bills has been introduced this session based on recommendations made by former Attorney General Brad Schimel's Task Force on Elder Abuse. The task force was made up of representatives from state agencies, law enforcement, the court system, long-term care providers, financial service groups and citizens. All four of these bills create consistency in state statute by lowering the age definition of an elder person to 60 years.

Senate Bill 479 would allow for expedited court hearings and the ability to record testimony for victims or witnesses over the age of 60. The ability to recall details is critical to the successful prosecution of cases, and as degenerative brain diseases increase as people get older, allowing them to preserve their testimony will help alleviate the stress they may feel. This process would protect older victims and witnesses from the trauma of reliving events as a court case drags on.

Senate Bill 427 brings the age requirements for physical abuse of an elder in line with the age definition in other parts of state law. It also makes it easier for elder adults to request a

restraining order by allowing them to participate in a court hearing via phone or other live audiovisual means. Finally, the bill allows for longer prison terms in criminal cases where the victim is over the age of 60.

Senate Bill 429 allows banks, credit unions, mortgage bankers and brokers, check cashing services, and other types of lenders to delay financial transactions when exploitation of an adult age 60 or older is suspected or has been reported to them by law enforcement or a county social services agency. If exploitation is suspected, the bill would also allow them to refuse a durable power of attorney. Finally, the bill empowers older adults to designate an individual for a financial service provider to contact if they suspect financial exploitation is occurring.

Senate Bill 428 focuses on securities industry professionals such as brokers or investment advisers and includes many of the same provisions listed above with regard to delaying financial transactions when there is a concern of exploitation. While both bills that deal with financial exploitation received support during their public hearings, some concern was raised about allowing financial institutions to delay transactions or refusing to honor durable powers of attorney because of fees the person might incur if transactions are delayed.

As individuals age, managing their personal care, their finances, and their homes can become too much to handle on their own. Senior citizens may turn to family or friends for help or may hire outside assistance. Unfortunately, this need for help can leave them vulnerable to financial exploitation, physical abuse, and neglect. These four bills, if adopted, could help protect elders in Wisconsin from these dangers.

If you have any questions about any of the information I have included or if you have suggestions on other topics or issues you would like to learn more about, you may call my office toll-free at (800) 991-5541; write me at P.O. Box 7882, Madison, WI 53707; or e-mail me at:

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