

111TH CONGRESS
1ST SESSION

H. R. 973

To establish pilot programs that provide for emergency crisis response teams to combat elder abuse.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2009

Mr. YARMUTH introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish pilot programs that provide for emergency crisis response teams to combat elder abuse.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Elder Serve Act of
5 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The proportion of the United States popu-
9 lation 60 years of age or older will drastically in-

1 crease in the next 30 years as more than 76,000,000
2 baby boomers approach retirement and old age.

3 (2) Every year an estimated 2.1 million older
4 Americans are victims of physical, psychological, or
5 other forms of abuse and neglect.

6 (3) Elder abuse, neglect, and exploitation have
7 no boundaries, and cross all racial, social class, gen-
8 der, and geographic lines.

9 (4) For every case of elder abuse and neglect
10 reported to authorities, experts estimate that there
11 may be as many as 5 cases not reported.

12 (5) Nearly 70 percent of the annual caseloads
13 of Adult Protective Service agencies involve elder
14 abuse.

15 (6) The most recent Bureau of Justice Statis-
16 tics report states that 90 percent of elder abuse and
17 neglect incidents are by known perpetrators, usually
18 family members, and $\frac{2}{3}$ of such incidents are by
19 adult children or spouses.

20 **SEC. 3. ESTABLISHMENT OF ELDER SERVE COORDINATING**
21 **COUNCILS PILOT PROGRAMS.**

22 (a) ESTABLISHMENT.—The Attorney General, acting
23 through the Director of the Office of Victims of Crime
24 of the Department of Justice (in this section referred to
25 as the “Director”), shall carry out a three-year grant pro-

1 gram to be known as the Elder Serve Coordinating Coun-
2 cils grant program (in this section referred to as the “Pro-
3 gram”) to provide grants to eligible entities to establish
4 pilot programs to facilitate and coordinate programs de-
5 scribed in subsection (e) for victims of elder abuse.

6 (b) ELIGIBILITY REQUIREMENTS FOR GRANTEES.—
7 To be eligible to receive a grant under the Program, an
8 entity must meet the following criteria:

9 (1) ELIGIBLE CRIME VICTIM ASSISTANCE PRO-
10 GRAM.—The entity is a crime victim assistance pro-
11 gram receiving a grant under the Victims of Crime
12 Act of 1984 (42 U.S.C. 1401 et seq.) for the period
13 described in subsection (c)(2) with respect to the
14 grant sought under this section.

15 (2) COORDINATION WITH LOCAL COMMUNITY
16 BASED AGENCIES AND SERVICES.—The entity shall
17 demonstrate to the satisfaction of the Director that
18 such entity has a record of community coordination
19 or established contacts with other county and local
20 services that serve elderly individuals.

21 (3) ABILITY TO CREATE ECRT ON TIMELY
22 BASIS.—The entity shall demonstrate to the satisfac-
23 tion of the Director the ability of the entity to cre-
24 ate, not later than 6 months after receiving such
25 grant, an Emergency Crisis Response Team pro-

1 gram described in subsection (e)(1) and the pro-
2 grams described in subsection (e)(2).

3 For purposes of meeting the criteria described in para-
4 graph (2), for each year an entity receives a grant under
5 this section the entity shall provide a record of community
6 coordination or established contacts described in such
7 paragraph through memorandums of understanding, con-
8 tracts, subcontracts, and other such documentation.

9 (c) ADMINISTRATIVE PROVISIONS.—

10 (1) CONSULTATION.—Each pilot program es-
11 tablished pursuant to this section shall be developed
12 and carried out in consultation with the following
13 entities:

14 (A) Elder Serve Incorporated of Louisville,
15 Kentucky.

16 (B) Relevant Federal, State, and local pub-
17 lic and private agencies and entities, relating to
18 elder abuse, neglect, and exploitation and other
19 crimes against elderly individuals.

20 (C) Local law enforcement including police,
21 sheriffs, detectives, public safety officers, cor-
22 rections personnel, prosecutors, medical exam-
23 iners, investigators, and coroners.

24 (D) Long-term care and nursing facilities.

1 (2) GRANT PERIOD.—Grants under the Pro-
2 gram shall be issued for a three-year period.

3 (3) LOCATIONS.—The Program shall be carried
4 out in six geographically and demographically di-
5 verse locations, taking into account—

6 (A) the number of elderly individuals resid-
7 ing in or near an area; and

8 (B) the difficulty of access to immediate
9 short-term housing and health services for vic-
10 tims of elder abuse.

11 (d) PERSONNEL.—In providing care and services,
12 each pilot program established pursuant to this section
13 may employ a staff to assist in creating an Emergency
14 Crisis Response Teams under subsection (e)(1). Such staff
15 shall be comprised of—

16 (1) an Executive Director;

17 (2) subcontracted home care specialists;

18 (3) social workers;

19 (4) volunteers; and

20 (5) such other personnel the Attorney General
21 deems appropriate.

22 (e) USE OF GRANTS.—

23 (1) EMERGENCY CRISIS RESPONSE TEAM.—

24 Each entity that receives a grant under this section
25 shall use such grant to establish an Emergency Cri-

1 sis Response Team program by not later than the
2 date that is six months after the entity receives the
3 grant. Under such program the following shall
4 apply:

5 (A) Such program shall include immediate,
6 short-term emergency services, including shel-
7 ter, home care services, food, clothing, transpor-
8 tation to medical or legal appointment as ap-
9 propriate, prescription refills, and any other
10 life-services deemed necessary by the applicable
11 Executive Director described in subsection
12 (d)(1) for victims of elder abuse.

13 (B) Such program shall provide services
14 only to victims of elder abuse who have been re-
15 ferred to the program through the adult protec-
16 tive services agency of the local law enforcement
17 or any other relevant law enforcement or refer-
18 ral agency.

19 (C) A victim of elder abuse may not re-
20 ceive services under the program for more than
21 five consecutive days.

22 (D) The entity that established the pro-
23 gram shall enter into arrangements with the
24 relevant local law enforcement agencies so that

1 the program receives weekly reports from such
2 agencies on elder abuse.

3 (2) ADDITIONAL SERVICES REQUIRED TO BE
4 PROVIDED.—Not later than one year after the date
5 an entity receives a grant under this section, such
6 entity shall have established the following programs
7 (and community collaborations to support such pro-
8 grams):

9 (A) COUNSELING.—A program that pro-
10 vides counseling and assistance for victims of
11 elder abuse accessing health care, educational,
12 pension, or other benefits for which seniors may
13 be eligible under Federal or applicable State
14 law.

15 (B) MENTAL HEALTH SCREENING.—A
16 program that provides mental health screenings
17 for victims of elder abuse to identify and seek
18 assistance for potential mental health disorders
19 such as depression or substance abuse.

20 (C) EMERGENCY LEGAL ADVOCACY.—A
21 program that provides legal advocacy for vic-
22 tims of elder abuse.

23 (D) JOB PLACEMENT ASSISTANCE.—A pro-
24 gram that provides job placement assistance
25 and information on employment, training, or

1 volunteer opportunities for victims of elder
2 abuse.

3 (E) BEREAVEMENT COUNSELING.—A pro-
4 gram that provides bereavement counseling for
5 victims of elder abuse.

6 (F) OTHER SERVICES.—A program that
7 provides such other care, services, and assist-
8 ance as the Director considers appropriate for
9 purposes of the pilot program.

10 (f) TECHNICAL ASSISTANCE.—The Director shall
11 enter into contracts with private entities with experience
12 in elder abuse coordination to provide such technical as-
13 sistance to grantees under this section as the Director de-
14 termines appropriate.

15 (g) REPORTS TO CONGRESS.—Not later than 12
16 months after the commencement of the Program, and
17 every 6 months thereafter (before months beginning after
18 the last day of the Program), the Director shall submit
19 to the Chairman and Ranking Member of the Committee
20 on the Judiciary of the House of Representatives, the
21 Chairman and Ranking Member of the Special Committee
22 on Aging of the Senate, and the Chairman and Ranking
23 Member of other relevant committees with jurisdiction a
24 report on the progress of the Program. Each report for
25 a period shall include the following:

1 (1) A description and assessment of the imple-
2 mentation of the Program.

3 (2) An assessment of the effectiveness of the
4 pilot program in providing care and services to sen-
5 iors, including a comparative assessment of effective-
6 ness for each of the locations designated under sub-
7 section (c)(3) for the Program.

8 (3) An assessment of the effectiveness of the
9 coordination for programs described in subsection
10 (e) in contributing toward the effectiveness of the
11 Program.

12 (4) Such recommendations as the Director con-
13 siders appropriate for modifications of the Program
14 in order to better provide care and services to sen-
15 iors.

16 (h) DEFINITIONS.—For purposes of this section:

17 (1) ELDER ABUSE.—The term “elder abuse”
18 means any type of violence or abuse, whether mental
19 or physical, inflicted upon an elderly individual.

20 (2) ELDERLY INDIVIDUAL.—The term “elderly
21 individual” means an individual who is age 65 or
22 older.

23 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated for the Department of Jus-

- 1 tice to carry out this section \$3,000,000 for each of the
- 2 fiscal years 2009 through 2011.

