



JB Pritzker, Governor
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ELDER ABUSE TASK FORCE MEETING
Tuesday, January 28, 2020
9:30-11:30 AM

Chicago Location: IDoA Offices 160 N LaSalle St., 7th Floor Chicago, IL 60601	Springfield Location: IDoA Offices One Natural Resources Way Springfield, IL 67202
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<u>Members in Attendance:</u> Co-Chair Rep. Katie Stuart Kris Adams for Sen. Craig Wilcox Cordelia Coppelson Barbara Eskildsen Brian Fengel Tonya Genovese Denise St. Peter for Lori Hendren Paul Isaac Aimee Isham Amanda Ginther for Eric Lane Phil Miller for Bill Langheim Lois Moorman Kelly Richards Gene Seaman Ashley Snaveley Lt. Kristopher Tharp Debra Vershelde Michelle Weinberg Dawn Wells Aimee Winebaugh	<u>Department on Aging staff:</u> Director Paula Basta Deputy Director Lora McCurdy Rhonda Armstead Sue DeBoer Dana Wilkerson Jose Jimenez Karen Alice Kloppe Holly Zielke Lisa Zuurbier Terry Haynor Samantha Brill	<u>Guests:</u> Patricia Marton Crystal Bates Marnee Benjamin ShaTonya Herring Liz Rivera Jim Wisslead Pam Wisslead Trisha Rodriguez
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Members Unable to Attend:

Co-Chair Senator Rachelle Crowe
 Senator Craig Wilcox; Sent a representative
 Lori Hendren; Sent a representative
 Eric Lane; Sent a representative
 Bill Langheim; Sent a representative
 Beth Menz
 Amy Brown

Welcome and Introductions

Rep. Katie Stuart called to order the meeting at 9:40 am. She stated that Co-Chair Sen. Rachelle Crowe was not able to attend today's meeting. Rep. Stuart welcomed everyone and thanked them for their flexibility with the location of the meeting today. Roll call was taken for the committee and all other attendees introduced themselves.

Rep. Stuart noted there was a suggestion to amend the 8.29.19 minutes so they would more accurately reflect their public comment; there was no objection to the amended minutes. The November minutes were reviewed and approved.

Goal #3 from SJR 13: Study Training Resources and Best Practices in Other States

Rep. Stuart advised that the next part of the meeting would be a presentation by Elizabeth Dunphy Farris, Legal Counsel to the District Attorney and part of the Massachusetts Building Partnerships for the Protection of Persons with Disabilities Initiative (BPI).

BPI is a statewide multidisciplinary team approach was developed, implemented by geographical counties and coordinated by the District Attorneys to address abuse and crimes committed against persons with disabilities. This team approach resulted from an investigation into one case that prompted the review of how state agencies within Massachusetts interfaced. What was found was a systematic failure with no coordination, a lack of communication, delayed referrals for criminal investigations and inadequate protections for the individuals involved in this one case. Two recommendations were made: 1) The DDS Investigations Advisory Panel (IAP) review and report 2) EOHHS effort to unite APS and Human Services agencies. A Statewide conference was established with the goal of joining law enforcement, APS and human service agencies to create a memorandum of understanding so that individuals conducting investigations of abuse and crimes against persons with disabilities would go forward in a unified, communicative nature.

Other topics covered in the presentation (which was provided to Task Force members) were: Mandated Reporter definition, DPPC Hotline calls, DPPC Trainings, Benefits of the Forensic Interview, Law Enforcement Assistance to APS, APS Assistance to Law Enforcement, and Benefits to building partnerships. Program successes are an increased number of trained staff, more timely reports to DPPC, APS is notified to optimize victim's safety, District Attorney is notified for case review, District Attorney coordinates with BPI partners to conduct criminal/civil investigation, collection of forensic evidence is optimized with timely SANE and other forensic examinations, and prosecution of offender can be maintained.

Presentation Questions

1. What types of consent are needed from an alleged victim in order to go through the investigative process? Ms. Farris indicated there are different types of consent. For example, any medical exam would need the alleged victim's consent. In an emergency situation, consent would be needed to gain access into the home. When in court, the

question would be asked if the alleged victim gave their consent for the alleged act of abuse.

2. Rep. Stuart asked about the various trainings including training persons with disabilities to be trainers – Where does this training take place, how is it facilitated, how would interested parties know that this training is available? There are 5 teams of persons with disabilities who go throughout the regions within the state and are out in their communities. The program has been around for years, so word of mouth is one source of information. DPPC may also be contacted with a training request, or the Persons with Disabilities and Elder unit. Training is completed in a small group setting, in a day program or possibly a group home. Once a request is received, a team within that region goes and conducts the training. Each participant is given a workbook and DVD so they can work through this training information after the session. Trainers are compensated for their training.
3. Lt. Tharp asked about consent / intake. Once a call is received by intake and it is determined that more than likely a criminal offense has occurred, would the police investigation continue regardless of the alleged victim’s desire for the police to be involved? The answer is yes. The alleged victim may decline medical attention, they may decline to speak with APS, they can say they will not cooperate. The law enforcement investigation, however, may continue. That is when “outside the box” thinking comes into play if the alleged victim is at risk.
4. A participant asked if there are specific financial crimes investigators as a part of teams and how financial crimes or abuse are approached. Ms. Farris responded that they do have financial abuse cases. They are not called in to DPPC as often as they are called in to local police, however these calls will also get referred to DPPC. In every District Attorney’s office there is someone that deals with financial crimes.
5. A participant asked if there is any hesitation if a crime is committed by a family member of the victim is it treated equally? Ms. Farris answered yes - Crimes are treated equally no matter who the perpetrator is. It can be more difficult to get the victim’s cooperation; it depends on the type of crime. DPPC will get a guardianship if necessary.
6. Ms. Coppelson asked if the call goes into DPPC, there is a protocol in place. However, if it comes in via 911 does every town follow the memorandum even the smaller towns? The practice is that all of the smaller towns are invited to take their (DPPC training) training. If the call is from an elder or from a person with disability, the local APS office and/or DPPC will be contacted. The District Attorney coordinates everything. If a smaller town is involved with volunteer police, it will go to the state police. Larger towns generally have more developed units of investigators and process their own investigations. Death of a person with a disability, by statute, goes to the District Attorney’s office.

7. Clarification was provided regarding the hotline – Through DPPC’s budget the hotline (intake) is staffed with trained operators. A state police officer reviews the call as soon as the call comes in and within 24 hours the District Attorney’s office must be notified of the call coming in.
8. Ms. Coppelson asked about the who does the forensic interviews? Most District Attorney’s offices have forensic interviewers. Other interviewers are trained if a forensic interviewer is not available. The local elder agency when dementia is involved, so that it will be handled by someone specifically training for this situation.
9. A question was asked what the proportion of younger vs elder cases with persons for disabilities. The numbers that Ms. Farris provided were for Persons with Disabilities ages 18-59. Separate statistics are for strictly over age 60.
10. If an offender holds a license of some kind, is there the option of taking action against this license? Ms. Farris answered yes – a license can be suspended or revoked.
11. Ms. Coppelson commented that, when comparing Massachusetts to Illinois, there are significant differences that would impact the implementation of this exact program in Illinois. The population of Illinois is almost double that of Massachusetts, the square miles within Illinois are nearly six times as large with the number of counties is 102 vs 11. Because it is a District Attorney driven program, it would be difficult especially in very large or very small counties. Rep. Stuart stated that the coordination of the program is a really good aspect and something that we can accomplish. She also asked about a Caregiver Registry of Abuse – Lois Moorman explained the Illinois APS Registry and who has access to this information. Rep. Stuart added the training of the persons with disabilities was a great thing to make available.

Legislative Updates

Rep. Stuart discussed the legislative updates: Rep. Stuart’s bill has been requested to be taken out of rules and assigned. This includes adding investment advisors and insurance adjusters to the list of mandated reporters. Sen. Crowe had a bill in a prior year that would make intimidation a class II felony. Rep. Stuart cannot fully update us on this since Sen. Crowe is not present today.

Tonya Genovese added that Sen. Crowe has introduced Financial Exploitation bills that include adding persons such as a friend or neighbor as a person in a “position of trust”. Ms. Genovese has worked with the Senate Democrats on Home Repair Fraud and the 7-year Statute of Limitations on financial exploitation will be added to theft crimes on persons over the age of 60. Rep. Stuart stated her bill number is House Bill 3993. Trisha Rodriguez, from the Senate Democrats research team, stated that language is being reviewed with the senators and once bill numbers are assigned, they will be communicated to Aging after they are assigned.

Public Comment

Pam and Jim Wisslead provided public comment regarding their mother-in-law/mother, Dorothy. They described their family situation and how a family member, who is also a POA, was financially abusing their mother. Prior to this meeting, their daughter provided each Task Force member a letter outlining the details of their situation (this letter was included in the Public Comments shared with Task Force members).

Patricia Marton: Shared her written testimony and stated she sees the great necessity for what the Elder Abuse Task Force is doing. She is impressed by the legislation in place. She can see that many issues continue through generations. Ms. Marton is proud that IDoA is working on helping to keep the aging in their homes which can be difficult. She is grateful for the Task Force, the Governor and the Attorney General and is still working on the TRIAD. Her written testimony is included in the Public Comments provided to Task Force members.

Marnie Benjamin, a disabled elder abuse survivor, provided a joint statement on behalf of herself and Sandy Baksys, who was unable to attend due to illness. Their uniform purpose is to convey the need to reform Illinois law to restrict the ability of bad family or household actors to intimidate and manipulate an elder in health collapse to misappropriate the elder's legal proxy and other powers, including POA, and the power to change or revoke a trust or will. Closing this fundamental loophole in elder law would be an effective legal reform.

Closing Remarks

Rep. Stuart thanked everyone for their attendance and public comment and advised that any public comment submitted in writing has been dispersed to the task force. The next meeting will be on April 27, 2020 from 9:30 – 11:00. Discussion will be on the 4th Goal: To identify long range plan to combat elder abuse in Illinois. The meeting was adjourned at 11:15am.