

SB78 Elder Abuse Task Force

Wednesday, July 11, 2012

9:00am-12:30pm

Meeting convened at 9:00am.

Members Present:

David Blake, Co-Chair

Joscelyn Gay, Co-Chair

Vickie Clark, Routt County Dept. of Human Services

Tammy Conover, Attorney at Steenrod, Schwartz, and McMinimee Law Firm

Sterling Harris, Chief Deputy Director of Colorado Organization for Victim Assistance

Dr. Rebecca Paskind, Ph.D. Associate professor at Metro State College

Heidi Prentup, Commander at Boulder County Sheriff's Department

Mary Catherine Rabbitt, Attorney at the Legal Center for People with Disabilities and Older People

Jerri Schomaker, Owner of Home Instead Senior Care of CO Springs

Nancy Sharpe, Arapahoe County Commissioner

Scott Storey, District Attorney with the Jefferson County DA's Office

Darla Stuart, Executive Director at Arc of Aurora

Amy Nofziger, Director of AARP Foundation

Senator Hudak

Peggy Rogers, Colorado Department of Human Services

Absent: Chris Lines, Director of Colorado Medical Society

Absent: Anne Kerr Meier, Social Worker at Exempla Luthern Hospice-Collier Hospice Center

Absent: Arlene Miles, President and CEO of Colorado Health Care Association-Represented by Matt Elder

Absent: Jenifer Waller, Senior Vice President at the Colorado Banker's Association

Members were asked to announce proxies (see attached document). Those who did not have a proxy are asked to have one as soon as possible.

Peggy Rogers from the Colorado Department of Human Services presented a brief overview of Adult Protective Services to the task force. This presentation highlighted the current practices, the current roles of

the state, counties, and the interface between all the above. This presentation also covered the funding, cases and general comparisons between adult protective services and child protective services. Strategies for improved outcomes were also suggested at the end of the presentation.

Questions asked during the presentations included:

Q-The number of counties that do guardianship

A-Not many do this process.

Q- How many counties have screeners?

A-Only Boulder and Arapahoe counties have screeners. Most counties have case workers that rotate screening calls.

CDHS keeps a database of number of reports going to law enforcement/DA. Some counties have agreements that only those cases with a criminal aspect will go to law enforcement/DA. In any case that there may be doubt of criminality, the case is forwarded to law enforcement/DA .

Subcommittees for all deliverables were discussed. Both chairs as well as facilitators suggested that subcommittees for all deliverables would not be necessary and suggested that rather, a financial subcommittee be created. Those with expertise in specific areas are encouraged to take the lead on conversations, research, etc. Current volunteers for the finance subcommittee:

-Sterling Harris -Nancy Sharpe

-Sean Clifford - Joscelyn Gay

-Vickie Clarke - Arlene Miles

-Invitation to Jenifer Waller (pending)

*Not wanting to be on the subcommittee, Tammy will have law clerks begin researching how other states fund mandatory reporting. Tammy will also have a report on how other states handle the clergy as mandatory reports as well as first responders.

The subcommittee is charged with taking the lead role in vetting the finance issues that are to be anticipated in relation to mandatory reporting and the other deliverables of SB 78.

Co-chair Joscelyn suggested that intervention and preventative approaches be looked at while discussing the deliverables of SB78.

In agreement, Co-chair David Blake suggested that this discussion will act as an undercurrent and will take a natural part in overall discussions.

Co-chair Joscelyn asked members to bring intervention and prevention materials to the next scheduled meeting on July 25th.

Minimum Age Discussion:

Scott Storey lead the discussion by first describing the majority of cases seen and the minimum age. Accordingly, the majority of cases are 70 years and above. The dynamics of society have dramatically shifted, making the elders those who are 70 years and above and adults as 18-69 years of age. However, At-Risk Adult is defined as 60 or above in criminal statute (Title 18).

Scott suggested that At-Risk Elders should be separated from At-Risk Adults. In order to this, a model similar to that of HB12-1352 should be developed, dramatically reducing the penalty structure.

By creating two separate definitions, this would eliminate 10 years of victims from those that are reported, shift costs, and focus more on those who are being financially exploited.

Discussion of reconciling the definitions of Title 26 and Title 18:

Melding these two definitions together would result in many unintended consequences. Peggy Rogers explained that the provisions of Title 18 triggers self-neglect. Title 26 has been left ambiguous to encompass more groups of at-risk adults. Reasoning for not reconciling these definitions: problems of Title 18: Person being prosecuted must be in a position of trust or authority to be considered for a finding of theft. In total, definitions will not be reconciled, Sean and Tammy will draft potential language to bring to July 25th meeting. This language will include the suggested age of 70 and add criteria of financial exploitation. The task force overall decided that a minimum age could not be decided until a discussion of mandatory reporting occurs.

Meetings:

July 25th: County Services and APS training

August 8th: Criminal Penalties and Mandatory Reporting

August 22nd: Cost and Workload Impacts and Sustainable Funding

*Future dates have not yet been determined. Will need to be discussed at the next meeting.

Meeting adjourned at 12:30pm