

February 16, 2016

The Honorable Jeff King, Chairman
Senate Judiciary Committee

Reference: SB 408 – Abuse, Neglect & Exploitation Reporting and Investigating

Good morning Chairman King and Members of the Senate Judiciary Committee. My name is Ernest Kutzley and I am the Advocacy Director for AARP Kansas. AARP represents the views of our over 323,000 members in the state of Kansas. Thank you for allowing us to submit our written comments in support of SB 408, dealing with abuse, neglect and exploitation and the duties and powers of the Kansas Attorney General.

Kansas elders should be free from exploitation and abuse through strong legal protections against, and effective protective services addressing, all forms of exploitation and abuse of incapacitated and vulnerable adults.

Prosecuting alleged abusers is difficult for numerous reasons, including that:

- Victims may be unable or unwilling to testify as a result of incapacity, fear, shame, or misguided loyalty, and
- Law enforcement staff and prosecutors may lack training, interest, and resources for these difficult cases.

However, states like Kansas are making significant progress in introducing and implementing new techniques for investigating and prosecuting abuse cases, increasing the chances for successful prosecutions.

AARP believes states should enact and implement adult protective services (APS) laws that apply in the community and long-term care settings and provide for:

- prompt investigation;
- access to the alleged victim by agency personnel, law enforcement, and other relevant entities;

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- intervention in emergency and nonemergency situations of abuse, neglect, or exploitation of vulnerable individuals;
- use of the least-restrictive protective action that meets the specific needs of the vulnerable individual;
- a balancing of the individual's autonomy and self-determination with the state's need to protect those people who cannot protect themselves; and
- programs for abusive family members and caregivers aimed at curbing future abuse.

States also should work to ensure agencies are responsive to the particular needs of older abused spouses and partners.

States should:

- enact and enforce laws that make it a criminal offense, with enhanced penalties, to abuse, neglect, or exploit a vulnerable individual;
- enact laws that provide victims and their legal representatives adequate civil procedures and remedies (including a shift in the burden of proof, award of attorney's fees and costs, expedited hearings, and posthumous recoveries for pain and suffering) against perpetrators of abuse, neglect, or exploitation; and
- enact laws making institutions liable for criminal and civil penalties for victimization of those in their care.

Thank you for this opportunity to express support for SB 408.

Respectfully,
Ernest Kutzley