

# Conference of Chief Justices Conference of State Court Administrators

## Resolution 1

### **In Support of the NCSC Concept Paper, *State Courts and Elder Abuse: Ensuring Justice for Older Americans***

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize that elder abuse, neglect, and exploitation involve complex civil and criminal issues that require a sustained and committed response by the courts; and

WHEREAS, issues such as capacity, undue influence, and consent create particular challenges to court responses to elder abuse; and

WHEREAS, the National Center for State Courts' Concept Paper, *State Courts and Elder Abuse: Ensuring Justice for Older Americans*, examines the alarming prevalence of elder abuse and the unique opportunities afforded to the courts to intervene in a variety of court settings to ensure justice for older Americans; and

WHEREAS, the Concept Paper puts forward a call to action to policymakers, judges, judicial officials, court administrators, court managers, court clerks, law enforcement, attorneys, community-based organizations, adult protective services, elder care specialists, and all individuals who support the rights of older Americans:

- To encourage judicial leaders to prioritize court improvement in the areas of elder abuse detection and response;
- To increase judicial and court awareness of aging issues and elder abuse;
- To increase the availability of training for judges and court staff on elder issues at the state level;
- To improve court documentation of cases involving older persons (especially elder abuse, domestic and family violence, and guardianships);
- To encourage funding agencies to provide adequate resources to enable the courts to identify and to respond to elder abuse; and

WHEREAS, the Concept Paper concludes with the following seven recommendations for state court leaders:

- Create a national resource for the courts on aging issues, elder abuse, and guardianships;

- Develop national and statewide model practices;
- Encourage local courts to examine current responses and develop innovative methods and approaches to elder abuse;
- Ensure that both judicial and court staff are trained on aging issues and elder abuse;
- Develop court performance standards and case management systems that improve documentation and oversight of cases involving older persons;
- Encourage judicial and court participation in multi-agency partnerships to combat elder abuse; and
- Support local, state, and federal legislation and budgets that provide the court with the resources it needs to address elder abuse;

NOW, THEREFORE, BE IT RESOLVED that the Conferences hereby adopt the following national action plan to:

- Encourage NCSC to seek funding to establish and institutionalize the *Center for Elders and the Courts*, which shall include an Internet-based Resource Center;
- Develop and promote judicial leadership at the state level for improving court identification of and responses to elder abuse;
- Encourage collaborative efforts, such as the *Elder Abuse and the Courts Working Group*, and support team-oriented problem-solving approaches that prioritize justice for older Americans;
- Institutionalize national, state, and local training programs and conferences on elder issues targeting the judiciary and court staff;
- Initiate a national research agenda to assess the prevalence and context of elder abuse as it appears in the courts, to document and evaluate intervention-based court programs, and to develop a promising practices database;
- Encourage funding and development of court tools, such as performance standards and bench cards, specific to the needs of older persons; and
- Advance the use of technology to identify and document cases that involve older persons and to improve monitoring and compliance practices.

Proposed by the CCJ/COSCA Courts, Children, and Families Committee on July 30, 2008.