Conference of Chief Justices

Policy Statements & Resolutions

CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 5
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.

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