



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

**OHIO ATTORNEY GENERAL'S ELDER ABUSE COMMISSION
SEPTEMBER MEETING MINUTES
VERN RIFFE CENTER FOR GOVERNMENT AND THE ARTS
77 SOUTH HIGH STREET, 31ST FLOOR
WEST B & C CONFERENCE ROOM
MONDAY, SEPTEMBER 26, 2011
9:30 AM – 3:30 PM**

MEMBERS PRESENT

NAME

Judith Brachman
Marc Baumgarten
Andrew Capehart
Debra Downing
Dustin Ellinger
Cindy Farson
Eugene Fischer
Frank Fleischer
Steve Hanson
Christine Haenszel
Roland Hornbostel
Vicki Jenkins
David Phillips
Jo Simonsen
Wayne Summerville
Thomas Swift
Adrena Tartt
Karla Warren

REPRESENTING

Interests of the Elderly
Ohio Department of Mental Health
Ohio Coalition for Adult Protective Services
County Commissioners Association of Ohio
Ohio Department of Health
Ohio Association of Area Agencies on Aging
Buckeye State Sheriffs' Association
Ohio Coalition for Adult Protective Services
Supreme Court of Ohio*
Ohio Attorney General's Office
Ohio Department of Aging
Ohio Department of Developmental Disabilities
Ohio Prosecuting Attorneys Association
Ohio Domestic Violence Network
Ohio Department of Job and Family Services
Ohio Association of Probate Judges
Ohio Department of Drug and Alcohol Addiction Services
Ohio Department of Aging

Ursel McElroy

Ohio Attorney General's Office

WELCOME – Ursel McElroy

- Opened the meeting by welcoming members.
- Agenda and housekeeping items reviewed.

REVIEW AUGUST MEETING MINUTES – Commission

- August 22, 2011 meeting minutes approved.

ANNOUNCEMENTS – Commission

A. Capehart

- The National Adult Protective Services Association hosted its annual conference in Buffalo, New York, September 21 – 22, 2011. The conference hosted approximately 535 participants: 2/3 of them

* Christine Mochel – legal intern attended

were from New York, while the others represented areas throughout the U.S., Australia, and Canada. Next year, preliminary arrangements have been made to host the conference in Florida.

D. Downing

- The Dayton Daily News featured an article on financial exploitation of the elderly on Sunday, September 25, 2011 titled “Widow blames banker for loss of life’s fortune”. Officials from Montgomery Department of Job and Family Services provided commentary throughout the article. The article was circulated for viewing.

S. Hanson

- The Supreme Court of Ohio and the Ohio Attorney General's Office hosted the National Judicial Institute on Domestic Violence: Enhancing Judicial Skills in Elder Abuse Cases and the Ohio Summit on Aging concurrently on August 29-30, 2011 in Columbus, Ohio. The events attracted approximately 150 participants: 119 were non-judicial stakeholders and the others were judges.

U. McElroy

- The U.S. Department of Justice, Office on Violence Against Women, provided financial support to the Commission through the Elder Abuse in Later Life Grant Program. The grant project ends September 30, 2011. In August, the Federal Project Manager conducted an Ohio site visit to review the status of the project. She was satisfied with the progress and accomplishments of the entire project.

UNFINISHED BUSINESS – Commission

Status of Legislative Efforts

Funeral Fees

- Originally proposed by the Ohio Coalition for Adult Protective Services (OCAPS), a bill designed to utilize funeral fees as a source of revenue for Adult Protective Services has stalled. Senator Stewart, the primary sponsor of the bill, is no longer in the Senate. At the request of OCAPS, the Commission reviewed the draft language to determine its level of support during the August Commission meeting. OCAPS agreed to provide additional information during the September meeting.
- The bill requires funeral directors to collect a \$50 fee each time they obtain a burial permit and to forward the fee to the county department of job and family services (CDJFS). It requires the CDJFS to forward the funds received to the Ohio Department of Job and Family Services (ODJFS). These monies will create the Adult Protective Services Fund in the state treasury and will be utilized for the investigation of elder abuse, neglect, and exploitation. It is projected that the bill could generate \$5.4 million annually.
- OCAPS has withdrawn its request for Commission support of the bill at this time.

Ohio Elder Justice Act – LSC Draft

- The draft with comments has been received by Ohio Legislative Service Commission (LSC). U. McElroy to meet with Rep. Mike Dovilla [R – 18th District] and LSC staff tomorrow to clarify any outstanding matters.

Commission Structure

- In an effort to maximize the Commission’s meeting time, there was consensus that meetings will be conducted every other month, effective 2012. Meeting duration will be 9:30 AM – 12:30 PM. Meeting dates for 2012: February 27th, April 23rd, June 25th, August 27th, and October 22nd.
- In an effort to streamline the public comment process, meetings will include a period for comment every other meeting. Individuals that have provided oral comment before the Commission will be asked to submit subsequent comments in writing. This new procedure will become effective the first meeting of 2012.

- The Attorney General issued letters to current Commission members, encouraging them to continue their commitment to the Commission's work. Invitation letters were also issued to the International Association of Forensic Nurses, National Committee for the Prevention of Elder Abuse, Ohio Board of Nursing, and the Ohio Hospital Association.

GUEST PRESENTATION – Mary Twomey

- Mary Twomey, Co-Director of the Center of Excellence, Elder Abuse Forensic Center in Santa Ana, California delivered a presentation about the center to the Commission. The forensic center was the nation's first Elder Abuse Forensic Center (EAFC). It was originally funded through a 3-year grant from the Archstone Foundation in 2003.
- Presentation highlights included (*complete PowerPoint presentation distributed to members*):
 - The philosophical and practical steps needed to create an EAFC.
 - The identification of the key stakeholders in an EAFC and their roles.
 - The management of some of the inevitable multidisciplinary challenges that will emerge.
 - The need for collection, measurement and reporting of data and associated documentation.
 - The role of the EAFC Coordinator.
 - Thoughts on sustainability.
- Commission members engaged in lengthy discussion with Twomey about topics noted above.

NEW BUSINESS – Commission

Expert Witnesses for Prosecutors

- Discussed the Child Abuse Prosecution Expert Fund (C.A.P.) managed by the Attorney General's Office as a possible model for assisting local prosecutors in elder abuse cases. Through the C.A.P. Fund local prosecutors are able to request up to \$2,500 per case for the assistance of a child abuse expert. Currently, there is no maximum on the number of cases. Experts must have been approved for inclusion in the Database of Experts on Child Abuse (DECA) list.
- Next steps include: consultation with members of the Ohio Prosecuting Attorneys Association about the need or possible benefits to creating a similar model for elder abuse; continued discussion on ways to implement a similar model.

Position Papers

- Discussed the frequent concerns voiced during the public comment period about the guardianship process in Ohio. Guardianship matters are not within the scope of the Commission's work, but recognized as important. The Supreme Court of Ohio's Subcommittee on Adult Guardianship anticipates the release of updated standards next month. Following review of the standards, the Commission has recommended that the Attorney General issue a letter to the subcommittee informing them of the systemic concerns reported to the Commission.

PUBLIC COMMENT

Brian Keith of Franklin County, Ohio

- Provided oral comments.
- Mr. Keith expressed concern about the guardianship process in Ohio. He believes the motivation for most guardianship cases is money.
- Mr. Keith shared his personal experiences with Franklin County Probate Court that involved his mother. From that experience and others he reportedly has knowledge of, he shared his views:
 - There is preference given to certain parties in Probate Court matters.
 - Conflicts of interest are often present in guardianship cases, particularly involving the legal counsel appointed as guardian of the ward, without accountability.
 - Dissatisfaction with the lack of a standard required for visitation of the ward.
 - Dissatisfaction with the amount of billable hours charged to the ward's estate.

Rosanna Miller of Bellfontaine, Ohio

- Provided oral comments, along with written supplemental materials.
- Requested the following:
 - Commission assists with the alleged murder of her mother in Logan County.
 - Commission assists with the alleged abuse of her father in Logan County.
 - Commission addresses the ineffective response she alleges she received from local authorities and appeal proceedings.
- Matter has already been reviewed by local authorities and appeal proceedings.
- Ms. Miller reminded that the commission is not an investigative body and has no authority to become involved with individual cases.

ADJOURN