



JB Pritzker, Governor
 Paula A. Basta, M.Div., Director

One Natural Resources Way, Suite 100, Springfield, Illinois 62702-1271
 Phone: 800-252-8966 • 888-206-1327 (TTY) • Fax: 217-785-4477

ELDER ABUSE TASK FORCE MEETING
Thursday, August 29, 2019
9:30-11:30 AM
 Amended Minutes

Chicago Location: IDoA Offices 160 N LaSalle St., 7th Floor Chicago, IL 60601	Springfield Location: IDoA Offices One Natural Resources Way Springfield, IL 67202
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<u>Members in Attendance:</u> Co-Chair Sen. Rachele Crowe Co-Chair Rep. Katie Stuart Sen. Craig Wilcox Cordelia Coppelson Barbara Eskildsen Brian Fengel Tonya Genovese Lori Hendren Paul Isaac Aimee Isham Eric Lane Bill Langheim Lois Moorman Beth Menz Kelly Richards Gene Seaman Ashley Snavelly Lt. Kristopher Tharp Debra Vershelde Michelle Weinberg Dawn Wells Aimee Winebaugh	<u>Department on Aging staff:</u> Director Paula Basta Chief of Staff Selma D’Souza Deputy Director Lora McCurdy Mike Berkes Amber Bolden Amy Brennan Mike Cullen Sue DeBoer Paulette Dove Durga Gorantla Russ Kemple Karen Alice Kloppe Cris Martinez Jeanice McDade Carla Rapps Sam Salustro Gloria Simmons Lisa Zuurbier	<u>Guests:</u> Sandy Baksys Crystal Bates Marnee Benjamin Amy Brown Kim Briggs Amy Green Trisha Rodriguez Jason Speaks Denise St. Peters
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Members Unable to Attend:
 None

Welcome and Introductions

Illinois Department on Aging (IDoA) Director Paula Basta welcomed everyone and thanked them for attending this meeting in person. All attendees introduced themselves.

Director Basta noted the diverse membership on the Elder Abuse Task Force that includes members from statewide advocacy groups, law enforcement, state’s attorney’s offices, long-term

care facilities, and caregivers. Director Basta thanked those who helped to put the meeting together; Amy Brennan Legislative Liaison and other IDoA staff. She expressed her excitement to work together to create a report that will be shared with the Governor's Office, the General Assembly, and stakeholders throughout the State of Illinois.

Director Basta made it clear that allegations of abuse, neglect, and financial exploitation are taken very seriously by IDoA. We gather for the main goal of positive discussion about exploring all we can do to protect our State's seniors. We have family members gathered here; loved ones who have experienced abuse and exploitation. We thank you for your courage in coming forward to share your story. You are welcome here and your voices are important.

Sen. Rachel Crowe offered thanks to IDoA and Amy Brennan for putting the meeting together. She is pleased Illinois is joining eight other states who have established Task Forces. Sen. Crowe thanked Amy Brown, from an Adult Protective Services (APS) Provider agency, for her participation and addition to the Task Force since one of the goals of SJR 0013 is to have representation of the providers on the Task Force. Sen. Crowe expressed high hopes for what the Task Force can do to help protect seniors from abuse.

Rep. Katie Stuart thanked Sen. Crowe for trusting her to carry SJR 0013 through her chamber. Rep. Stuart indicated her goals are to help prevent abuse, neglect, and financial exploitation.

Sen. Craig Wilcox indicated he is on the Task Force to make sure those who have raised generations of Americans are looked after.

Appointment of Co-Chairs

Motions were received and seconded for Sen. Crowe and Rep. Stuart to serve as Co-Chairs. Both were approved by a unanimous vote.

Open Meetings Act

IDoA Deputy General Counsel Paulette Dove generally advised members of the requirements of the Open Meetings Act. Ms. Dove emphasized that when six or more gather to discuss Task Force business they must comply with the Open Meetings Act requirements. A gathering can be electronically, telephonic, group e-mail, video, audio conference, or by any other means of communication. All Task Force members are required to complete training on the Open Meetings Act. Ms. Dove indicated that Task Force members can reach out to her or to General Counsel Rhonda Armstead for help or questions.

Review of SJR 0013 and Discussion

Sen. Crowe welcomed thoughts and feedback regarding agenda items. Sen. Crowe indicated that SJR 0013 was inspired based on her personal experience and what she has seen, especially related to investigations. Sen. Crowe went on to state we can all learn a lot from the Law Enforcement and Prosecutor representatives. Sen. Crowe indicated the Task Force will be relying heavily on these experts to help discover what is lacking in the law to overcome barriers to prosecution or investigations of elder abuse cases.

As a member of law enforcement, Lt. Tharp wants to see improvements in the dissemination of information from IDoA Senior Helpline to others, suggesting seamless communication is needed. He also recommended cross training with law enforcement and IDoA to ensure that any barriers are broken down. Lt. Tharp indicated the departments have the same goals of working to improve the lives of our seniors and to build the best cases (for prosecution) possible.

Other Task Force members agreed that communication breakdowns between the State Attorney's office, IDoA, and the appropriate Law Enforcement agency need to be fixed. Chief Fengel indicated that some of the cases are complicated and that everyone must be on same page.

Sen. Crowe indicated that the State Attorney's office in Madison County has Assistant State's Attorney (ASA), Tonya Genovese, dedicated to Elder Abuse cases. Sen. Crowe believes additional education is necessary since most counties in Illinois do not have dedicated staff that just work on elder abuse cases.

ASA Genovese noted under IDoA's mandate, the APS investigator can't go forward if the victim doesn't want to pursue a case. However, law enforcement can proceed with an investigation without consent of the victim. Sometimes the circumstances surrounding the incident require the individual to be removed from that environment for their safety or well-being. She indicated that statutes may need to be looked at as we go further, such as with fraud. She indicated that elements (such as intent) might need to be revisited.

Cordelia Coppelson indicated there are not enough prosecutors that are dedicated to Elder Abuse work. She would like the entire state to make those staff available. Lt. Tharp added that Law Enforcement training would be helpful, as Prosecutors have more information and need as much training as police officers. Some ideas for training are: training on different types of abuse; how statements are taken; how well the senior will handle the prosecution process. For example, a post-arrest victim can experience PTSD trauma-like feelings. Post-arrest services may be needed.

Rep. Stuart would like to increase public awareness. Education is necessary so that people know where to go for help or who to call for help. The average person should be able to find resources for help. Also, the different agencies must have training, so they are prepared to handle the types and volume of calls that come in.

Background of Adult Protective Services and Discussion

The attached Slide Show and Presentation was presented by Lois Moorman, Program Administrator, APS.

A case has to be verified and substantiated to proceed to the Registry. This is independent of criminal prosecution.

The Registry system connects directly with the Illinois Department of Public Health (IDPH) Healthcare Registry through a portal (Portal). A caregiver has to be credentialed and the potential employer has access to the Portal. Private pay employers with credentialed caregivers would have access through the Portal. However, there is no law saying they cannot hire someone who is on the Registry. Currently law enforcement may not have access to the Portal. Aimee Isham,

IDPH, will inquire and report back to the Task Force. The general public does not have access to the Portal.

A suggestion was made to partner with other states to access information, so perpetrators don't cross state lines and have access to potential victims. There is work in process at the federal level in this regard, but nothing is currently available. It is still in the developmental stages.

Some states have abandoned their Registry because of resources, but not because of merit. The Registry is resource intensive and some states have had to abandon the Registry because of the lack of resources.

The APS Act was amended to require agencies to report suspicious deaths to law enforcement and coroners or medical examiner's office. APS follows up with law enforcement in 30-45 days to see if any action was taken. This is the case even if a call comes in regarding someone that APS has not worked with previously.

IDoA also has Adult Fatality Review Teams. These teams are state-wide and help to assist agencies in reviewing suspicious deaths and to open up communication between law enforcement, state attorney's offices, coroners and medical examiners. A goal is to determine what systemic changes might be needed to address gaps in current processes and what might be done better in the future to prevent similar circumstances from occurring.

If the Victim does not give consent to conduct an investigation, the hands of the APS investigator are tied. However, the APS investigator makes repeated visits to speak with the Victim, so as to make sure the Victim realizes the implications of the refusal.

The average case load of an APS Provider varies and is generally 25-40 cases. In cases of immediate depletion of resources, the case does rise to a Priority 1 level. For priority cases, the report taker at IDoA advises the reporter to contact law enforcement if they would like to do so. However, the Provider reports the incident to law enforcement.

Training requirements for APS workers are set by administrative rule. There are also experience or educational requirements in order to be hired. There is a required 4-day classroom training. Within 6 months, APS workers are required to complete an additional 2-day training. Additionally, eleven in-service hours are also required annually. Recertification is done every 3 years for caseworkers. Supervisors have additional training as well. The training requirements are periodically reviewed and updated.

Public Comment

Sandy Baksys provided comments and passed out printed copies of her comments. Ms. Baksys' family has experienced abuse as victims and survivors of elder abuse. She emphasized the need for urgent attention to be given to elder abuse, as her family (and others) have suffered much anguish due to her loved one being isolated.

Ms. Baksys stated that in cases of isolation, the elders are often manipulated, especially if their consent is impaired. Ms. Baksys indicated that her father was isolated and manipulated. She was

unable to see him because of this for the last 7 years of his life after having daily contact with him for 12 years. The abuser was also a family member.

Ms. Baksys indicated that the caseworker is a stranger to the victim, yet the victim has to confirm abuses to the caseworker or confirm that they want to see people that the abuser won't allow them to see. The abuser has control over care of the victim, so the victim's consent might be impaired, even if they are competent. Further, Ms. Baksys says that it is hard for a caseworker to tell the family supporter from the violator. Ms. Baksys said that she was left defenseless and unable to see her father. Ms. Baksys suggested looking at visitation records would be helpful for APS to determine who might be a supportive person for the victim. Ms. Baksys asked that anyone with questions or comments please contact her.

Sen. Crowe thanked Ms. Baksys for her comments and for providing the information from her written comments. A suggestion was made to add the issue of isolation to the next Task Force meeting for discussion.

An attendee in Chicago stated she is impressed with the information received today. She further indicated that the Task Force is on the right track. She stated that she was delighted to be there.

Closing remarks

Sen. Crowe stated that focused topics will be efficient for future meetings and provided proposed dates for future meetings are flexible.

However, the next Elder Abuse Task Force meeting is set for 11/15/2019. Discussion on the first two goals should be accomplished in that meeting. ASA Genovese and Lt. Tharp will provide a presentation along with a representative from DHS-OIG.

Rep. Stuart thanked Ms. Baksys for attending and providing her comments and concerns. Rep. Stuart indicated that the Task Force will be addressing barriers to better serve the aging and their families and learning what might need to be fixed.

Director Basta also thanked Ms. Baksys. Director Basta indicated she is looking forward to more testimony and appearances, as we all work together, reiterating that IDoA takes elder abuse very seriously.

Amy Brennan gave thanks to all, especially to Gloria Simmons, IDoA's other Legislative Liaison.

Rep. Stuart indicated meeting was adjourned.