



Date: April 15, 2021

To: Representative Tusler, Representative Kerkman, and members of the Assembly Committee on Judiciary

From: Janet L. Zander, Advocacy & Public Policy Coordinator

Re: **Support for AB 43** – expediting criminal proceedings when a victim or witness is an elder person and preserving the testimony of a crime victim or witness who is an elder person.

The Greater Wisconsin Agency on Aging Resources, Inc. (GWAAR) is a nonprofit agency committed to supporting the successful delivery of aging programs and services in our service area consisting of 70 counties (all but Dane and Milwaukee) and 11 tribes in Wisconsin. We are one of three Area Agencies on Aging in Wisconsin. Our mission is to deliver innovative support to lead aging agencies as we work together to promote, protect, and enhance the well-being of older people in Wisconsin. There are over one million adults age 60 and older residing in our service area.

Thank you for this opportunity to share testimony on AB 43. The number of reported elder abuse cases in the state continues to rise, increasing by nearly 70% percent from 2009<sup>1</sup> to 2019 when there were 8,929 reported cases.<sup>2</sup> The actual number of elder abuse cases is likely much higher, as fear and embarrassment lead to underreporting of abuse. According to the National Council on Aging approximately 1 in 10 Americans age 60 and older have experienced some form of elder abuse.<sup>3</sup>

The consequences of elder abuse can be devastating, placing abused elders at increased risk of hospitalization, nursing home admission, and even death. Sadly, reports of elder abuse or neglect can be found in every corner of the state and include allegations of abuse or neglect in nursing homes, assisted living facilities, adult family homes, and private residences.<sup>4</sup> Given the significant negative impacts of elder abuse, GWAAR supports AB 43 which requires courts to expedite criminal proceedings in cases involving a victim or witness who is 60 years of age or older. Involvement in these types of court proceedings can be very stressful. Court proceedings that drag on and have multiple continuances can create needless stress which can trigger trauma symptoms in both victims and witnesses. Additionally, AB 43 creates a requirement that a court preserve certain testimony in criminal matters involving a victim or witness who is 60 years of age or older. Under the bill, if a

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<sup>1</sup> Wisconsin Coalition Against Domestic Violence, Volume 29, Issue 2; <https://www.endabusewi.org/wp-content/uploads/2018/11/Chronicles-29-2.pdf>

<sup>2</sup> Wisconsin's Annual Elder Abuse and Neglect Report: 2019; <https://www.dhs.wisconsin.gov/publications/p00124-19.pdf>

<sup>3</sup> <https://www.ncoa.org/public-policy-action/elder-justice/elder-abuse-facts/>

<sup>4</sup> Heartbreaking: Elder abuse and neglect reports filed in every corner of Wisconsin; WBAY, Sarah Thomsen, Published: Mar. 24, 2021

prosecuting attorney files a motion to preserve the testimony of an older adult, the court must hold a hearing to record the testimony within 60 days. Recording the testimony in a timely manner preserves the older victim's/witness's testimony in case of illness, later incompetency, or even death. Under the bill an older witness, if there is good cause, may even provide testimony into the record by telephone or live audiovisual means; thereby minimizing any further negative impacts on the older adult's health, independence, and dignity.

We appreciate the interest in and efforts of policy makers to protect older adults against elder abuse, neglect, and exploitation and to address this growing problem. We look forward to continuing to work with you on policies that improve the quality of life of older people in Wisconsin.

Thank you for your consideration of these comments supporting AB 43.

**Working together to promote, protect, and enhance  
the well-being of older people in Wisconsin.**

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