

Senior Citizens Health, Security and Retirement Committee
Wednesday, July 15, 2009

Testimony on HB 4621
Office of Services to the Aging

The Office of Services to the Aging, as the lead agency, supports the H-1 substitute for HB 4621.

Recommendation 6-12 of the Elder Abuse Task Force asked the legislature to provide abused elders with the option of providing videotaped testimony. Vulnerable adults can be fearful or too frail to testify in front of their abuser, especially when the abuser is a family member.

H-1 appropriately places this option for vulnerable adults in section 600.2163a, the section that allows the testimony of children or individuals with a developmental disability to testify by videotape or close circuit television when the court determines that they are unable to testify in the presence of the defendant.

It was the task force's intent in making this recommendation that this option should be carefully and narrowly drawn for use in limited circumstances. It is important that the right to confront one's accuser be upheld. OSA believes that H-1 satisfies this standard while addressing a serious problem. Unfortunately, some of the most prolonged incidents of elder abuse come at the hands of a family member who exerts control over the vulnerable adult and may use threats or worse to ensure compliant behavior. Fear, shame and the effects of aging can be so substantial that the vulnerable adult refuses to testify, thereby ending the case.

Expanding the protections afforded to special witnesses in section 600.2163a to include vulnerable adults can assist the courts to perform their function, protect

vulnerable adults, and increase the courts' ability to hold abusers accountable for their actions.

One technical amendment we offer is to change the reference to family independence agency in Sec. 2063a (1)(a) to department of human services.

Thank you for the opportunity to testify and provide our support to this bill.