



**NEVADA LEGISLATURE**  
**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY**  
**ISSUES RELATING TO SENIOR CITIZENS AND VETERANS**  
(Assembly Concurrent Resolution No. 35, File No. 109, *Statutes of Nevada 2007*)

**SUMMARY MINUTES AND ACTION REPORT**

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The second meeting of the Nevada Legislature's Legislative Commission's Subcommittee to Study Issues Relating to Senior Citizens and Veterans (A.C.R. 35) was held on February 5, 2008, at 9 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 2134 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at [www.leg.state.nv.us/74th/Interim](http://www.leg.state.nv.us/74th/Interim). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Assemblywoman Kathy McClain, Chair  
Senator Warren B. Hardy II  
Senator Joyce Woodhouse  
Assemblyman Joseph M. Hogan  
Assemblyman James A. Settlemeyer

**COMMITTEE MEMBER ABSENT:**

Senator Joseph J. Heck (Excused)

**LEGISLATIVE COUNSEL BUREAU (LCB) STAFF PRESENT:**

Amber J. Joiner, Senior Research Analyst, Research Division  
Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division  
Charity Fowler, Deputy Legislative Counsel, Legal Division  
Ricka Benum, Senior Research Secretary, Research Division

## **OPENING REMARKS**

- Assemblywoman Kathy McClain, Chairwoman, welcomed the members, staff, and persons in the audience. She explained that the issue of elder abuse in Nevada would be the focus of the Subcommittee's second meeting.

Chairwoman McClain commented that elder abuse at the national level has been referred to as the silent epidemic and has the potential for rapid increase with the wave of aging baby boomers. The fastest growing segment of the population is now the 80 plus age group, which represents over 40 percent of reported elder abuse incidents. She noted studies indicate that for every reported case of elder abuse, five go unreported and unresolved.

Contributing factors to the growing problem listed by Chairwoman McClain include: the lack of awareness and training in identifying elder abuse; increases in neglect and exploitation incidents; and the reluctance of elders to report abuse by family members or caregivers. Most senior citizens fear retaliation or being forced to live in nursing homes. Seventy-five percent of elder abuse cases are perpetrated by a family member. Nationwide during 2006, there were one half million reported cases and 89 percent of those occurred in domestic settings. She said an AARP report shows the federal government is uninvolved in the elder abuse issue, which is under researched, underfunded, and under prosecuted.

## **OVERVIEW OF *NEVADA REVISED STATUTES* (NRS) RELATING TO CRIMES AGAINST SENIOR CITIZENS**

- Amber J. Joiner, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB), provided a synopsis of the NRS pertaining to elder abuse with the aid of a Microsoft PowerPoint presentation ([Exhibit B](#)). Ms. Joiner mentioned the following key points:
  1. The policy of the State is set forth in NRS 200.5091 and provides for the cooperation of law enforcement officials, courts of competent jurisdiction, and all appropriate State agencies providing human services in identifying the abuse, neglect, exploitation, and isolation of older persons and vulnerable persons.
  2. The NRS definitions of terms relating to elder abuse, including the definitions of "older person", which means a person 60 years of age or older. The age of an older or vulnerable person may vary throughout the statutes from 60 to 65 years of age.
  3. Additional relative sections of NRS (page 13 of [Exhibit B](#)) include the reporting of abuse; the manner of making an elder abuse report; what type of information the report should contain; and the provisions for confidentiality, immunity from civil or criminal liability for reporting, investigating, or submitting information. Penalties

for abuse, exploitation, or neglect of an elderly person are detailed under NRS 200.5099.

At the request of Chairwoman McClain, Ms. Joiner reported on three bills passed during the 2007 Legislative Session that specifically amended the sections of NRS pertaining elder to abuse statutes.

1. Assembly Bill 576 (Chapter 305, *Statutes of Nevada 2007*) expanded who must report elder abuse, specifically including anyone who operates, is employed by, or contracts to provide services for an intermediary service organization (ISO). An ISO is a nongovernmental organization that provides services such as criminal background investigations, financial, or payroll type services.
2. Under A.B. 424 (Chapter 515, *Statutes of Nevada 2007*) the list of mandatory reporters was expanded to include clinical professional counselors and clinical alcohol and drug counselors.
3. Senate Bill 31 (Chapter 101, *Statutes of Nevada 2007*) changed the provision regarding the types of information the Aging Services Division can access from local law enforcement agencies during the course of investigations of elder abuse cases.

## **OVERVIEW OF DEMOGRAPHICS RELATING TO CRIMES AGAINST SENIOR CITIZENS IN NEVADA**

- Pam Gallion, Director, Cannon Survey Center, University of Nevada, Las Vegas (UNLV), reported on the data compiled during the general population study using a Microsoft PowerPoint presentation ([Exhibit C](#)). The information gives a profile of incidents of criminal activity perpetrated against senior citizens, the number of unreported incidents, and self-reported crimes. Ms. Gallion focused on information provided by senior citizens during random interviews pertaining to crimes perpetrated against older adults, how safe senior citizens feel in their own neighborhoods, and the number of criminal occurrences in the past year.

A discussion occurred between Chairwoman McClain and Ms. Gallion pertaining to the age group most likely to report crimes, and whether the more aged population is inclined to conceal incidents for fear of retaliation.

## OVERVIEW OF ENTITIES THAT INVESTIGATE OR PROSECUTE CRIMES AGAINST SENIOR CITIZENS IN NEVADA

### *Office of the Attorney General, Investigation and Prosecution Unit*

- John P. Kelleher, Assistant Chief Deputy Attorney General, Bureau of Criminal Justice, Office of the Attorney General (AG), addressed the Subcommittee on the duties and responsibilities his unit oversees. Mr. Kelleher reported that in addition to his duties as the Office's elder abuse prosecutor, he is also charged with the prosecution of securities fraud and white-collar crimes. He pointed out there is a number of "cross-over crimes" connecting other types of criminal incidents and crimes against the elderly. He noted that the AG's office is the secondary unit of prosecution; the local law enforcement agencies and district attorneys' offices are the primary prosecutorial agency.

Mr. Kelleher also explained that the unit was established without additional funding and has seen success with a recent elder exploitation case involving securities fraud. He commented that when crimes are perpetrated against the elderly, it is encouraging to know that the judges and most jurors are willing to impose maximum sentences. Primarily with the current mortgage crisis, there has been an increase in mortgage fraud cases exploiting senior citizens, and the policy of the Office of the Attorney General is to aggressively prosecute within the realm of what resources allow.

### *Local Law Enforcement*

- Richard P. Clark, Executive Director, Peace Officers' Standards and Training Commission (P.O.S.T.), discussed the history of the Commission from its creation in 1965 through its many changes. The Commission was originally established with five members and a goal to raise the level of competence among State and local law enforcement officers. The recruitment of all peace officer entities remains consistent through the adoption of rules establishing minimum standards related to mental, moral, and physical fitness. Mr. Clark provided information ([Exhibit D](#)) describing the: (1) regulatory duties and responsibilities of P.O.S.T.; (2) certified basic training programs; (3) certified continuing education opportunities for elder abuse and related topics; and (4) instructional goals to recognize abuse and fraud against elderly persons.
- Donald S. Johnston, Bureau Chief, Professional Standards Bureau, P.O.S.T., detailed the 37 basic academy training programs and the aspects that focus on crimes against the elderly. Chief Johnston also referred to [Exhibit D](#) and stated that the courses must meet and maintain compliance with the minimum training standards outlined in the *Nevada Administrative Code*. The standards outline what course topics are to be instructed in every academy training program statewide. He stated that in 1999 the issues of elder abuse, stalking, and aggravated stalking were added as mandatory topics for training in P.O.S.T. and all other basic academies. In 2006, the Commission

adopted mandatory performance objectives for all course topics in every academy program to ensure consistency in training for law enforcement officers (see page 8 of [Exhibit D](#)) for the purpose, instructional goals, and objectives related to elder abuse.

Continuing, Chief Johnston noted that there are 27 courses of continuing education either coordinated or facilitated by the Commission. He mentioned the online or “e-learning” centers provided by distance teaching vendors (see page 11 of [Exhibit D](#)), which offer opportunities to all peace officers in Nevada at no cost to their associated agencies.

- Sergeant Michael Johnston, Special Victims Unit, City of Henderson Police Department, focused on topics relating to the crime prevention programs, demographics, and the statistical data from the previous 3-month period ([Exhibit E](#)). Sergeant Johnston said he supervises the Special Victims Unit, which is comprised of seven detectives and one civilian who investigate child abuse, elder abuse, sex offender monitoring/registration, and domestic violence incidents. Currently, senior citizens make up over 40 percent of the adult population and the City has worked diligently to establish outreach programs with senior citizens. He commented on the Community Relations Bureau that coordinates senior outreach and neighborhood watch programs to prevent senior citizens from being victimized.
- Assemblyman Hogan inquired whether the Special Victims Unit investigates mortgage crimes that exploit senior citizens such as incidents of fraud or embezzlement.
- Sergeant Johnson replied that the primary focus of the Unit is directed toward physical or mental abuse and starvation. If a victim reports a fraudulent financial incident, the Henderson Unit will investigate, but at some point the case is turned over to a larger agency.
- Detective Angie Christensen, Sexual Assault Section, Las Vegas Metropolitan Police Department (LVMPD), discussed the Crimes Against Youth and Family Unit, which oversees incidents of sexual assault, child and elder abuse, domestic violence, exploitation, missing persons, and juvenile crimes. The Unit’s 12 civilians and two commissioned officers primarily investigate incidents of exploitation against senior citizens. Detective Christensen spoke on the importance of working cooperatively with State, county and local service agencies. She commented that Las Vegas is the new Florida with an increased retired population. The LVMPD’s Exploitation Unit has established relationships with local banks mainly in areas with large senior and elder populations to help tellers identify situations of possible exploitation and fraud. She credited the passage of A.B. 87 (Chapter 328, *Statutes of Nevada 2007*) during the 2007 Legislative Session for requiring that financial institutions train their employees to recognize and report incidents of possible exploitation of older or vulnerable persons. In addition, strengthening the system of the networks between the local agencies and financial institutions has decreased the incidents of exploitation of the elderly.

Detective Christensen suggested in addition to banks, automobile sales companies, mortgage, real estate, and title companies also educate their employees to be aware, knowledgeable, and watch for possible exploitation of senior citizens. She also recommended that local neighborhood casinos be more diligent in observing possible exploiters who accompany elders to gaming establishments and then gamble with funds provided by the senior citizen. She also noted that casinos should require identification before issuing a membership or player card.

- Assemblyman Hogan said that criminals are constantly developing new methods to commit fraudulent schemes and ways to exploit senior citizens, especially in the area of appraisals, mortgages, and real estate transactions. He added that it would be helpful to legislators if law enforcement agencies could enhance the networking procedures already in place and involve the regulatory agencies.

Chairwoman McClain, Detective Christensen, and Sergeant Johnston briefly discussed the South West Identity and Fraud Task Force (SWIFT) that involves the work of multiple agencies to aid in fraud investigations.

- Dave Molnar, Detective, City of North Las Vegas Police Department, relayed the criminal cases he personally investigated relating to homicide, fraud, and special victim's incidents. Detective Molnar said that there has been limited progress and understanding of the vulnerability of elderly persons, and cited that recent research suggests that elders who have been abused tend to die earlier. He provided details of the difficulties and repercussions experienced by senior citizens in specific cases of sexual assault and abuse perpetrated against North Las Vegas area citizens. During 2007, there were 412 crimes against the elderly reported and investigated by the North Las Vegas agencies.
- Detective Gregory J. Meister, Family Crimes Unit, Reno Police Department (RPD), spoke to the Subcommittee regarding his work with the Family Crimes Unit. Detective Meister provided statistics from 2004 through 2007, which illustrate reported RPD cases listed as crimes involving the elderly ([Exhibit F](#)). He explained that approximately one-third of the total cases involve exploitation. When investigating incidents of abuse and domestic battery, problems arise when the elderly do not want to report a family member or caretaker, often for fear of retaliation.

Detective Meister also noted that RPD's Financial Crimes Unit provides senior outreach services, and has personal contact with employees of every local bank. He said the Unit meets monthly with representatives from banking and the financial institutions and has resulted in several instances of exploitation cases being reported and investigated. The Senior Auxiliary Volunteers Program in Reno provides community patrol services, which strengthens the network between the RPD and the senior citizen community.

- Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association, addressed the issue of the increase in elder abuse incidents and how that rise in cases has affected the rural and smaller peace officer agencies. Mr. Adams surveyed the rural law enforcement agencies, concluded that most officers have been trained to the basic level, and noted that the majority of rural agencies do not train officers specifically to investigate elder abuse cases. For instance, the Lovelock Police Department relies on State services to provide assistance, and Storey County is the only rural agency that has an officer specifically trained to work with elder abuse cases. He pointed out that although the cost of training from P.O.S.T. may be offered at no charge, there are other budget considerations for the rural areas, such as travel-related costs, per diem, and expenditures for replacement duty officers. During the 2007 Legislative Session, Clark and Nye Counties were the only two counties to receive funds for additional officers.

Responding to an earlier question from Assemblyman Hogan, Mr. Adams explained that the prosecuting agency must determine the solvability factor of a case in order to move forward with prosecution. When the public perceives that crimes are not being resolved, they are less likely to report criminal activity. An agency may not move forward with a case if there is a lack of evidence and it is considered unsolvable.

- Assemblywoman McClain commented that elder abuse and domestic violence incidents may be less reported in rural areas, reasoning that residents in small towns and communities are more likely to know their neighbors. An element of shame may surface as an additional factor for not reporting domestic abuse in areas with a small town atmosphere.

#### *Nevada District Attorneys Association*

- Ben Graham, Chief Deputy District Attorney, Clark County District Attorney's (DA) Office, and Legislative Representative, Nevada District Attorneys Association, addressed the issue of reasonable doubt and the standard of proof that law enforcement officers must employ for successful prosecutions ([Exhibit G](#)). The standard of proof is necessary to approve a case for prosecution. He explained that often the problem with elder abuse cases is that the victim is unwilling to come forward and then the perpetrator cannot be prosecuted. Cases from several different law enforcement agencies fall under the jurisdiction of the Clark County DA's office. Mr. Graham reported that the DA's Office receives 40,000 felony submissions and 200,000 misdemeanor submissions per year; an estimated 200 to 300 may relate to elder abuse or exploitation of senior citizens.

Concluding, Mr. Graham commented that people who prey on senior citizens or elderly persons are what he termed a specialty kind of predator; he agreed that crimes against senior citizens are less reported than sexual abuse. Mr. Graham briefly mentioned cases involving a court appointed guardian and the difficulty in



prosecuting those cases. He suggested it might be beneficial to create a repeat offender program for persons who commit elder abuse.

### *State and Local Elder Protective Services*

- Kay Panelli, Social Services Chief II, Elder Rights Unit, Aging Services Division (ASD), DHHS, provided an outline of the functions of the Unit and gave examples of its responsibilities. Ms. Panelli reported that her office has received 4,500 reports of exploitation and elder abuse in Fiscal Year (FY) 2007. There are three entities statewide responsible to receive and investigate reports of abuse, including self-neglect, exploitation, and isolation of older persons. The other entities under the NRS are local law enforcement and county offices for protective services. In addition to abuse, the ASD investigates all facility abuse, self-neglect, and case management. Often times it is necessary to dispatch law enforcement and medical teams immediately upon receiving a report. The case is then referred to a licensed social worker and the investigation must begin within three days from receipt of the report.

Ms. Panelli summarized the proposals that would increase the number of convictions for persons who commit crimes against senior citizens. She noted the list was compiled by Sally Crawford Ramm, Elder Rights Attorney, ASD, DHHS, and includes:

1. Mandatory arrest of the abuser of domestic violence;
2. Prosecution without the cooperation of the victim; and
3. Mandatory jail sentences for crimes against elder persons which rise to the gross misdemeanor stage with no plea bargaining.

Ms. Panelli provided an outline of her testimony available as [Exhibit H-1](#) and submitted extensive statistical data for FY 2007 referenced as [Exhibit H-2](#).

- Nancy L. McLane, Director, Clark County Social Service, reported that the office includes a staff of six social workers, one clerical assistant, and one supervisor who manage the entire caseload for Clark County. Ms. McLane described a close working relationship with the ASD, DHHS, and outlined the possibility of merging the County's Elder Protective Service function with the DHHS. She provided her testimony from a Microsoft PowerPoint presentation ([Exhibit I](#)).

She outlined a typical client as female, 65 years or older, and often with no familial support system. She explained that since Las Vegas is a retirement destination, many senior couples leave their families and friends to retire to Nevada. If a spouse dies, the remaining senior is left vulnerable to abuse or exploitation, perhaps from making bad choices often due to situations of loneliness. The problems experienced by social service staff in the role as advocate for the senior population include: (1) difficulty obtaining the involvement of law enforcement; (2) criminal reports not meeting the



threshold for prosecution; (3) exploitation by caregivers or dishonest persons; and (4) cases of fraud involving businesses, sweepstakes, claims of inheritance from out-of-state companies and foreign countries. Ms. McLane emphasized the need for adequate support for caregivers and outlined the items she recommends for Subcommittee consideration (pages 2 and 3 of [Exhibit I](#)).

- Assemblyman Hogan inquired about the reason for Washoe County's higher rate of substantiated cases of abuse or exploitation, compared to the ASD statistics illustrating a lower number from Clark County.
- Ms. McLane explained the ASD statistics account for State staff, which includes three investigators for Medicaid cases, individuals, and facilities in Clark, Esmeralda, Lincoln, and part of Nye Counties. The Clark County Social Service has six social workers who handle all the other cases. The conflicting reporting systems account for what appears to be varying statistics.

### ***Victim Advocates***

- Barbara L. Aupperle, Program Administrator, Victim Witness Assistance Center, Clark County District Attorney's Office, said she has worked as a victim advocate and been with the DA's Office over 18 years. She provides the majority of the outreach programs to the County's senior population, which was created to assist victims and witnesses through the criminal prosecution system. The DA's Office is able to provide services including: (1) information, resources, and assistance in criminal cases; (2) case information; (3) court escorts and assistance with transportation to court if necessary; (4) restitution and "Victims of Crime" application forms and assistance completing the paperwork; (5) paying court fees for witness' court appearances; and (6) referrals for counseling and support groups. Please refer to [Exhibit J](#) for Ms. Aupperle's informational handout.

Responding to Chairwoman McClain, Ms. Aupperle stated that it would benefit the Victim Witness Assistance Center if the DA's record keeping system would allow for cases to be flagged as criminal cases against senior citizens.

- Regina Porter, Victim Advocate, Victim Witness Detail Unit, LVMPD, offered a breakdown of the personnel associated with the Unit and provided statistical tables indicating information such as the: (1) age and gender of victims; (2) crimes involved in elder abuse cases; (3) relation of victim to the subject; (4) and disposition of elder abuse and neglect cases. (Please refer to [Exhibit K](#).) Ms. Porter emphasized that the elderly are not reporting violence, primarily because the majority of crimes are perpetrated by family members. The victims want the abuse and violence to end, but fear retaliation. Another factor to the senior population and a major issue to the elderly is pride.

- Jan Lucherini, Victim Advocate, City of North Las Vegas Police Department, provided testimony with the aid of a Microsoft PowerPoint presentation ([Exhibit L](#)). Ms. Lucherini relayed to the Subcommittee several specific case scenarios focusing on the dementia-related, or self-neglected senior citizen. Oftentimes, law enforcement receives repeated calls or complaints from the same residence; however, most cases do not result in arrest, which does not help the situation or stop the abuse of the elderly. She briefly addressed the Unit's programs and reviewed the statistical data for 2007 (page 8 of [Exhibit L](#)).
- Linda C. Anderson, Chief Deputy Attorney General, Office of the Attorney General, stated she currently represents the Health Division and ASD, DHHS. Ms. Anderson testified that the role of the AG is more in line with indirect services. She relayed the AG's focus to offer encouragement to the much needed advocacy groups and to assess the criminal professionals' understanding of senior issues.

Ms. Anderson noted that the direct services provided by the AG's office are managed by the Office of Ombudsman for Victims of Domestic Violence, Office of the Attorney General. Domestic violence is a growing problem within the senior population. She stated the AG's office has begun a program to help victims of identity theft and processes applications from persons who have been victimized ([EXHIBIT M-1](#)).

Ms. Anderson briefly outlined the Senior Medicaid Patrol program, implemented by the Office of the Attorney General, which empowers senior citizens to protect their health and personal information and encourages them to review monthly bills to look for fraudulent activity. (Please refer to [Exhibit M-2](#).) The final outreach program addressed by Ms. Anderson was the Consumer Affairs Division, Department of Business and Industry.

- John Yacenda, Ph.D., Government Relations Consultant representing Families United Now, Inc., a Nevada nonprofit corporation which is a network of core and extended family members. Dr. Yacenda testified the focus of the organization is that: (1) families stay healthy, productive, and united; (2) children be made aware of their heritage within a broad social network; and (3) families protect the diversity in structure with acceptance and respect of intergenerational families. He cited several examples of grandparents not being allowed visitation with their grandchildren and outlined the detrimental effect on the children. Dr. Yacenda provided his prepared testimony referenced as [Exhibit N](#).
- Assemblyman Hogan asked for clarification from Dr. Yacenda if his comments were to be interpreted to say that Nevada law does not clearly address the issue of grandparents' visitation rights. Secondly, whether Dr. Yacenda determines the scenarios to be exploitation of a senior citizen and worthy of successful prosecution.
- Dr. Yacenda stated that the heartbreaking scenarios mentioned in his testimony are preventable by reviewing the custody laws and procedures for grandparent visitation.

## OVERVIEW OF NEVADA REVISED STATUTES RELATING TO CRIMES AGAINST SENIOR CITIZENS

(As directed by Chairwoman McClain, this agenda item was taken out of order.)

- Barry Gold, Director of Government Relations, AARP Nevada, expressed concern regarding the removal of two groups of mandatory reporters of elder abuse cases which according to Mr. Gold weakened that portion of the NRS. He explained that during the 2005 Legislative Session attorneys and members of the clergy were removed from the classification of mandatory reporters of elder abuse. (Note: Mr. Gold was referring to the passage of A.B. 267 [Chapter 324, *Statutes of Nevada 2005*]). He requested that the Subcommittee consider a recommendation to return those categories of mandatory reporters of elder abuse to the NRS.

## OVERVIEW OF THE CENTRAL REPOSITORY FOR NEVADA RECORDS OF CRIMINAL HISTORY

- Captain PK O'Neill, Chief, Records and Technology Division, Department of Public Safety (DPS), provided the Subcommittee with a document that illustrates crimes committed against older persons during the third quarter of the calendar year 2007 ([Exhibit O-1](#)). Captain O'Neill testified that during the 2007 Legislative Session, Assembly Bill 226 (Chapter 224, *Statutes of Nevada 2007*) charged the DPS with recording and reporting the statistics pertaining to crimes against older persons. In addition, the bill created the Repository for Information Concerning Crimes Against Older Persons in the Central Repository for Nevada Records of Criminal History under the Records and Technology Division of the DPS. He solicited comments and suggestions from the members on the format used to illustrate the statistics. He aided his testimony with the use of a Microsoft PowerPoint presentation ([Exhibit O-2](#)) and focused on the Division's responsibilities, data sources, formation of data, and reporting plans.

Captain O'Neill introduced Josh Porter, Statistician, Records and Technology Division, DPS, responsible for developing the reports provided to the Subcommittee. The two sources from which the data was collected are local law enforcement agencies and the ASD, DHHS. The reporting agencies are able to submit the completed forms (see pages 5 and 6 of [Exhibit O-2](#)) either by electronic mail or facsimile to the Records Bureau. If sent electronically, the data goes directly into the computer filing system, alleviating potential errors and staff time.

A brief discussion ensued between Captain O'Neill and Chairwoman McClain pertaining to the difference in the age definition of a senior citizen under federal and state laws. She wanted assurance that the statistics acquired from the Nevada law enforcement agencies determine a senior age as 60 years and older, stating that federal statistics report on ages 65 and older.

- Mr. Porter suggested that the Office of the State Demographer, Nevada System of Higher Education, be requested to collect data from age 60 rather than age 65. Assemblywoman McClain asked Mr. Porter and Captain O'Neill to make that request to the Office of the State Demographer on her behalf.
- Chairwoman McClain also commented on the feasibility of implementing and maintaining a database of caregivers and home care workers. Ideally, she would like to have data, records, and information on offenders made public so senior citizens could be knowledgeable when considering hiring help to come into their homes.

## **OVERVIEW OF THE COLLABORATIONS, OUTREACH, AND ADVOCACY EFFORTS OF NEVADA'S ELDER ABUSE TASK FORCE**

- Sheri Cane Vogel, Administrator, City of Las Vegas Senior Citizens Law Project, offered information on the Law Project, which provides free legal services to residents over age 60. Ms. Vogel stated that various legal services are offered, as well as document preparation, assistance with Medicaid and Medicare issues, and consumer disputes.

In recent years Ms. Vogel has witnessed an increase in abuse cases related to domestic violence situations. The Elder Abuse Task Force was formed due to frustration that the victims were not being treated as victims and the cases were not being prosecuted. The Elder Abuse Task Force is focused on a public awareness campaign that domestic violence and stealing from one's parent or a person in your care is a crime. She stated that the informal task force has three goals: (1) prevention of elder abuse through public awareness; (2) to compile accurate statistics available to lawmakers; and (3) to achieve effective investigation and prosecution of elder abuse crimes.

## **OVERVIEW OF THE SENIORS AND LAW ENFORCEMENT TOGETHER COUNCILS IN NEVADA**

- Jo Anne C. Embry, Director, Nevada Medicare Fraud Program, Office of the Attorney General, told the Subcommittee that 80 percent of her work is outreach and education to senior citizens. Ms. Embry explained that the Seniors and Law Enforcement Together (SALT) program is a group under the national umbrella of a TRIAD program, comprised of the National Sheriffs' Association, International Chiefs' of Police, and AARP. The term TRIAD or SALT programs are interchangeable and in many areas of the country are very active with senior citizens. Nevada is one of the few Western states involved and is working to recruit more of the senior population.
- Ms. Aupperle (identified previously on page 10) is a current Board Member of SALT in Las Vegas. She stated that when the organization declined due to lack of interest and members, she focused on reorganizing the group to be one of educational outreach for the Elder Abuse Task Force and to involve more senior citizens.

## OVERVIEW OF ADULT GUARDIANSHIP PROGRAMS IN NEVADA

- The Honorable David A. Hardy, Department 2, Family Division, Second Judicial District Court of Nevada, addressed the issue of private and public guardianships and provided in-depth background information. Prior to Judge Hardy's appointment as a District Judge, his career focused on the legal needs of the elderly. He is one of only three Nevada attorneys certified by the National Elder Law Foundation and the only judge in the country to hold that certification. Judge Hardy views the issue of adult guardianship to be an integral part of the senior and veterans' discussions. He provided his prepared comments ([Exhibit P-1](#)) and outlined the following items:
  1. The primary method of entry for senior citizens to the court system is through the guardianship process. There are several provisions within the civil and criminal codes that protect the elderly, primarily under Chapter 159 of NRS, "Guardianships."
  2. Guardianship reform began in 1986 following an investigative series published by the Associated Press (please refer to pages 1 and 2 of [Exhibit P-1](#)), which ultimately denounced the nation's guardianship system. Critical accounts of guardianships have surfaced intermittently since that time, and it is a common notion that consistent monitoring is the best mechanism to ensure that balance is achieved between the state's intervention and a person's self sufficiency.
  3. A significant workload for both the court system and guardians has led to incomplete and dormant record keeping. Recent data collected in the Washoe County system indicated the existence of a number of noncompliant files. In addition, records reveal guardianships that began without proper notice or investigation.

Judge Hardy noted respect for his colleagues, yet described his frustration with the system and expressed his confidence that the structure of the process can be improved. He emphasized that the system is designed to help those who may suffer from disabling conditions and may not be able to help themselves. Judge Hardy offered 15 recommendations (page 4 of [Exhibit P-1](#)). He presented the Subcommittee with three additional informational documents ([Exhibit P-2](#), [Exhibit P-3](#), and [Exhibit P-4](#)).

In response to Chairwoman McClain's inquiry regarding statutory changes, Judge Hardy stated that statutory changes need to reflect the requirement of pre-appointment investigations and implementation of formal monitoring systems. He said that without statutory changes, it is uncertain that reform would be effective.

- Chairwoman McClain requested that Judge Hardy prepare information regarding the size of guardianship caseloads maintained by the judicial branch, both private and public.

- Judge Hardy estimated the current number in Washoe County is approximately 1,000 open guardianships and added that it is not unfeasible to receive 100 new guardianships a month.
- At the request of Assemblyman Settlemeyer, Judge Hardy outlined the process and statutory qualifications of being appointed as a guardian.
- Sally Crawford Ramm, Elder Rights Attorney, ASD, DHHS, recommended a legislative study be implemented to review the guardianship laws by bringing together advocates, family members, guardians, judges, and lawyers. Ms. Ramm provided examples of unfortunate circumstances of court appointed temporary guardianships that have taken place in a hurried and rushed fashion. She said the courts often are petitioned by medical personnel and judges approve these types of guardianships without the participation of the senior or elderly person. A study of the process could encourage a holistic approach to the guardianship statutes rather than revising the statutes on an as needed basis each session.

Ms. Ramm suggested that the State's laws be brought in line with current research and directives, which have proved successful in other states. Guardianships will continue to become more prevalent and the process is often the only way to protect the vulnerable segment of our population; unfortunately, it often results in mistreatment and bad judgment on the part of the guardian.

Following a discussion regarding the failure of Senate Concurrent Resolution No. 4, during the 2007 Legislative Session, Chairwoman McClain directed Judge Hardy, Ms. Ramm, and Kathleen Buchanan, Clark County Public Guardian, to work independently to propose recommendations that could ease the major problems with the guardianship process.

- Kathleen Buchanan, Clark County Public Guardian, and Director, Public Guardian Department, Clark County, concurred with Judge Hardy's testimony and the information he provided. Ms. Buchanan outlined the differences between family, private, and public guardianships. Cases most often are assigned to the Public Guardian when the wards and their estates are mishandled primarily by other guardians and as a last result it is turned over to the county to resolve. She too cited examples of regrettable and mishandled situations.

Ms. Buchanan explained that her counterparts in Washoe County utilize volunteers from the Special Advocates for Elders (SAFE) program, which is within the Retired Senior Volunteer Program (RSVP). Ms. Buchanan stated that in Clark County the Public Guardian's office does not use SAFE volunteers as investigators and expressed her objection to the practice. She stated the volunteers are not educated in the field and do not have an understanding of the complexity of the job. She explained that the SAFE volunteers participate in a brief training program then serve as advocates

for the wards. Ms. Buchanan stated her objection that volunteers have the ability to submit items to the court with little or no foundation.

A general discussion ensued which focused on the present number of guardianships and caseloads in Clark County, statutory requirements for private guardians, and the motivation for persons to become guardians. Ms. Buchanan explained that current statutes require guardians to be registered with the National Guardianship Association and regulated by the Center for Guardianship.

- Herbert E. Randall, Ed.D., Vice President, Nevada Silver Haired Legislative Forum, (NRS 427A.320 through 427A.400), representing Clark Senate District No. 5, reminded the Subcommittee that the Forum recommended the creation of a legislative study on guardianships for adults in its final report from the 2005-2006 Interim. Dr. Randall offered support for Chairwoman McClain's suggestion that discussions between the public guardians of Clark and Washoe Counties and Ms. Ramm begin during the interim to work to identify problems and possible solutions.

## **OVERVIEW OF ISSUES RELATING TO CROSS-GENERATIONAL ABUSE AND DOMESTIC VIOLENCE**

- Nancy L. McLane, Director, Clark County Social Service, testified with the use of a Microsoft Power Point presentation ([Exhibit Q](#)) and focused on the primary concerns relating to the cross-generational issue involving violence among senior citizens. Ms. McLane's testimony outlined three major areas which include: (1) abuse or neglect when grandparents raise grandchildren and their families; (2) intimate partner violence in the elderly; and (3) abuse and neglect of the elder population. Ms. McLane provided statistics on grandparent-headed households relating to age, gender, poverty status, and race or ethnicity. She introduced two staff members who specialize in relative caregiver issues and domestic violence.
- Tiffany L. Hesser, M.S.W., L.S.W., Caring Communities Project Coordinator, Department of Family Services, Clark County Social Service, told the subcommittee that child welfare workers witness better outcomes for children placed with relatives, including placement stability, fewer moves to different homes, and greater chances for reunification. Ms. Hesser said reports indicate that grandparent caregivers are put under situations of intense stress and experience anger, resentment, depression, failing health, social isolation, and financial or marital distress when they fulfill the role of parenting. (Please refer [Exhibit Q](#).)
- Lien Bragg, Department of Family Services, Clark County Social Service, focused her comments on intimate partner violence, which may include husband and wife relationships, situations of boyfriend and girlfriends, or adult caregiver perpetrating violence against their parents. Ms. Bragg stated these situations usually include a history of power and control in an intimate relationship that is characterized by emotional, psychological, or physical abuse and at times sexual abuse (refer to pages 12



through 16 of [Exhibit Q](#).) She noted that in reviewing domestic or intimate partner violence issues it is necessary to implement quality assessments to distinguish between caregiver burden stress, compared to a chronic history of abusive power and control within the family.

- Ms. McLane relayed situations where grandparents and grandchildren abuse each other, adding that when there has been a history of intergenerational abuse in a family, it manifests to future generations. Concluding, Ms. McLane reviewed the population data as outlined in [Exhibit Q](#) and provided the following suggestions:
  1. Creation of a registry of civil findings for substantiating cases that do not fill the criminal prosecution criteria;
  2. Implementation of screenings for signs of abuse or neglect in medical setting to improve discharge planning;
  3. Develop improvements for the overall services of the elderly; and
  4. Implement adequate support for adult caregivers who care for parents, grandparents who care for grandchildren, and enhance respite services and skilled development to improve coping strategies and communication through family counseling.

## **OVERVIEW OF PROPOSED FEDERAL LEGISLATION RELATING TO CRIMES AGAINST SENIOR CITIZENS**

**(As directed by Chairwoman McClain, this agenda item was taken out of order.)**

- Amber J. Joiner (identified previously in these minutes) briefed the Subcommittee on the Elder Justice Act which is comprised of two bills, U.S. Senate Bill 1070 and House Resolution 1783. (Please refer to [Exhibit R](#).) Ms. Joiner outlined the current status of the provisions as follows:
  1. S. 1070, Elder Justice Act, referred to the U.S. Senate Committee on Finance and no action has occurred;
  2. H.R. 1783, Elder Justice Act was referred simultaneously to the U.S. House of Representatives Committee on Ways and Means, the Committee on Judiciary, the Committee on Energy and Commerce, and the Committee on Education and Labor. The resolution has been assigned to various subcommittees within the primary committees, again with no action taken in any of the subcommittees.

Ms. Joiner informed the members that S. 1070 was introduced with four provisions that would: (1) increase funding for long-term care ombudsman program; (2) establish an audit protective services grant program and forensic centers charged with developing expertise on elder abuse; (3) elevate the importance of elder justice issues by creating a

coordinating council of federal agencies that will make policy recommendation and report to Congress every two years; and (4) require the U.S. Department of Labor and U.S. Department of Health and Human Services to take a proactive role in funding initiatives aimed at improving training programs and working conditions for long-term care professionals to increase the number of people in those fields of work. Ms. Joiner stated she will provide updates to the Subcommittee should action be taken.

- Chairwoman McClain commented on the importance of staying abreast of federal legislation stating that oftentimes when new measures are passed they include funds for grants and pilot programs that could benefit the State.

## **PUBLIC COMMENT**

- Jean Bryant, Domestic Violence Advocate, Safe House, Las Vegas, testified that she has developed the only nonprofit program in Clark County and she works primarily with abused senior citizens. Ms. Bryant explained that she works with the abuse cases after the County caseworkers have completed their work. Senior citizens who have suffered domestic violence are referred to her either through medical professionals, police agencies, county agencies, or private business entities, for assessment of the abusive situations. She outlined various problems she encounters when assisting the abused, such as a lack of transportation services and the lack of safe and affordable housing for the elderly. Ms. Bryant noted that she is a professional social worker who has worked in other states, and that Nevada is behind in providing services for senior citizens.

## **DISCUSSION OF TOPICS FOR FURTHER STUDY**

- Chairwoman McClain outlined the meeting topics scheduled for the March 18, 2008, meeting which will focus on independent living and long-term care and the May 8, 2008, meeting which will center on veterans' concerns.

## ADJOURNMENT

There being no further business to come before the Subcommittee, the meeting was adjourned at 3:37 p.m.

Respectfully submitted,

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Ricka Benum  
Senior Research Secretary

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Amber J. Joiner  
Senior Research Analyst

APPROVED BY:

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Assemblywoman Kathy McClain, Chair

Date: \_\_\_\_\_

## LIST OF EXHIBITS

**Exhibit A** is the “Meeting Notice and Agenda” provided by Amber J. Joiner, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

**Exhibit B** is a Microsoft PowerPoint presentation titled “*Nevada Revised Statutes* Relating to Crimes Against Older Persons” dated February 5, 2008, presented by Amber J. Joiner, Senior Research Analyst, Research Division, LCB.

**Exhibit C** consists of a Microsoft PowerPoint presentation titled “Portrait of Nevada’s Seniors 2007, Self-Reported Crime Statistics of Nevada’s Over 50 Population” submitted by Pam Gallion, M.Ed., Director, Cannon Survey Center, University of Nevada, Las Vegas.

**Exhibit D** is a document titled “State of Nevada Commission on Peace Officers’ Standards and Training, Legislative Study Elder Abuse” provided by Richard P. Clark, Executive Director, Peace Officers’ Standards and Training Commission.

**Exhibit E** is information and statistical data on crimes against the elderly within the City of Henderson, presented by Sergeant Michael Johnston, Special Victims Unit, City of Henderson Police Department.

**Exhibit F** is an informational document titled “Reno PD Cases Listed as Crimes Involving Elderly” dated February 5, 2008, submitted by Detective Gregory J. Meister, Family Crimes Unit, Reno Police Department.

**Exhibit G** is an instructional statement outlining the standard of reasonable doubt, used in prosecutorial training classes, submitted by Ben Graham, Chief Deputy District Attorney, Clark County District Attorney’s Office, and Legislative Representative, Nevada District Attorneys Association.

**Exhibit H-1** is a copy of the prepared testimony of Kay Panelli, Social Services Chief II, Elder Rights Unit, Aging Services Division, DHHS, dated February 5, 2008, to the Subcommittee to Study Issues Relating to Senior Citizens and Veterans.

**Exhibit H-2** is a compilation of statistical charts for Fiscal Year 2007, titled “State of Nevada Division for Aging Services, Elder Abuse Reporting System,” submitted by Kay Panelli, Social Services Chief II, Elder Rights Unit, Aging Services Division, DHHS.

**Exhibit I** is a copy of the Microsoft PowerPoint presentation titled “Senior Citizens Protective Service, Clark County, Nevada,” submitted by Nancy L. McLane, Director, Clark County Social Service.

**Exhibit J** is a document titled “Office of the District Attorney, Victim Witness Assistance Center” provided by Barbara L. Aupperle, Program Administrator, Victim Witness Assistance Center, Clark County District Attorney’s Office.

**Exhibit K** is a series of statistical charts associated with elder abuse and neglect cases, presented by Regina Porter, Victim Advocate, Victim Witness Detail Unit, Las Vegas Metropolitan Police Department.

**Exhibit L** is a Microsoft PowerPoint presentation from the North Las Vegas Police Department, Victim/Witness Unit titled “Empowering Victims, Strengthening Lives,” submitted by Jan Lucherini, Victim Advocate, City of North Las Vegas Police Department.

**Exhibit M-1** is a brochure titled “Nevada Identity Theft Passport, A Program to Help Victims of Identity Theft in Nevada,” prepared by Catherine Cortez Masto, Nevada Attorney General, Office of the Attorney General, submitted by Linda C. Anderson, Chief Deputy Attorney General, Office of the Attorney General.

**Exhibit M-2** is a copy of the Web page from the Office of the Attorney General titled “Nevada Senior Medicare Patrol, Empowering Seniors to Prevent Healthcare Fraud” available at <http://ag.state.nv.us/org/bpa/hhs/smp/smp.htm>, outlining the Senior Medicaid Patrol program, implemented by Catherine Cortez Masto, Nevada Attorney General, Office of the Attorney General.

**Exhibit N** is the written testimony of John Yacenda, Ph.D., Government Relations Consultant representing Families United Now, Inc., dated February 5, 2008, submitted by Dr. Yacenda.

**Exhibit O-1** is a document titled “Crimes Committed Against Older Persons 3<sup>rd</sup> Quarter Calendar Year 2007” submitted by Captain PK O’Neill, Chief, Records and Technology Division, Department of Public Safety (DPS).

**Exhibit O-2** is a Microsoft PowerPoint presentation titled “Records and Technology Division, Records Bureau, 3<sup>rd</sup> Quarter 2007 Calendar Year Older Persons Abuse Report” offered by Captain PK O’Neill, Chief, Records and Technology Division, DPS.

**Exhibit P-1** is the prepared testimony of the Honorable David A. Hardy, Department 2, Family Division, Second Judicial District Court of Nevada.

**Exhibit P-2** is a document titled “Who is Guarding the Guardians? A Localized Call for Improved Guardianships Systems and Monitoring,” submitted by the Honorable David A. Hardy, Department 2, Family Division, Second Judicial District Court of Nevada.

**Exhibit P-3** is a document from the Guardianship Round Table titled “A Bridge to the Future” dated April 16 and 17, 2007, hosted by the Washoe County Public Guardian, submitted by the Honorable David A. Hardy, Department 2, Family Division, Second Judicial District Court of Nevada.

**Exhibit P-4** is a document titled “Northern Nevada Adult Guardianship: A Plan for Justice,” dated January 16, 2008, and submitted by the Honorable David A. Hardy, Department 2, Family Division, Second Judicial District Court of Nevada.

**Exhibit Q** is a Microsoft PowerPoint titled “Issues Relating to Cross-Generational Abuse and Domestic Violence” dated February 5, 2008, offered by Nancy L. McLane, Director, Clark County Social Service.

**Exhibit R** is a section by section summary of the Elder Justice Act prepared by the Elder Justice Coalition, A National Advocacy Voice for Elder Justice in America, by John B. Breaux, Honorary Chair, and Robert B. Blancato, National Coordinator, provided by Amber J. Joiner, Senior Research Analyst, Research Division, LCB.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.