

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON AGING

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September 21, 2015  
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HELD AT: Committee Room - City Hall

B E F O R E: Margaret S. Chin  
Chairperson

COUNCIL MEMBERS:

Maria del Carmen Arroyo  
Karen Koslowitz  
Deborah L. Rose  
Chaim M. Deutsch  
Mark Treyger  
Paul A. Vallone

## A P P E A R A N C E S (CONTINUED)

Risa Breckman  
New York Elder Abuse Center

Andrea Cianfrani  
Deputy Director of Public Policy at LiveOn NY

Molly Krakowski  
Director of Legislative Affairs at JASA

Lindsay Goldman  
Deputy Director for Healthy Aging at New York  
Academy of Medicine

Chris Widelo  
Assistant State Director AARP New York

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2 CHAIRPERSON CHIN: Good morning. I'm  
3 Council Member Margaret Chin, Chair of the New York  
4 City Council's Aging Committee. Elder abuse, whether  
5 physical, emotion or physical, it's one of the most  
6 tragically widespread, yet underreported problems  
7 faced by older adults. A 2011 study found that in New  
8 York City, 120,000 seniors were the victim of abuse,  
9 but only one out of every 24 incidents were referred  
10 to authorities. Given the often debilitating affect  
11 abuse has on a senior from depleting the limited  
12 resources they have for basic life necessity to a  
13 potentially shortened lifespan to particularly  
14 horrific cases, permanent disability or death. It is  
15 clear that better protections are needed for  
16 vulnerable seniors. Today, the Committee will be  
17 hearing two resolutions aimed at supporting State  
18 Legislation which would strengthen efforts to protect  
19 seniors who have been abused. Proposed Resolution  
20 105A, which I co-sponsor with my colleague Council  
21 Member Paul Vallone, calls upon the State Assembly to  
22 pass and the Governor to sign legislation authorizing  
23 banks to refuse payment of money when there is reason  
24 to believe that a vulnerable adult is being  
25 financially exploited. The State Senate passed such

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2 legislation in June, but the State Assembly has not  
3 yet voted on companion legislation. Financial  
4 exploitation of seniors is estimated to cost 2.9  
5 billion dollars annually, and this legislation would  
6 allow financial institutions as well as social  
7 services and law enforcement personnel to take swift  
8 action to prevent significant losses. The Committee  
9 will also be hearing Reso Number 106, which I have  
10 also sponsored, calling upon the State Legislation to  
11 pass and the Governor to sign legislation requiring  
12 the mandatory reporting of suspected elder abuse.  
13 Despite the large number of senior victims of abuse  
14 and significant under reporting in the State, New  
15 York is one of only four states that do not require  
16 any professionals to report suspected abuse.  
17 Requiring certain professionals to report suspected  
18 abuse to Adult Protective Services would increase the  
19 prospect that an abused victim will receive essential  
20 services while bringing the abuser to justice. It  
21 would also expand awareness of elder abuse and allow  
22 for better identification of victims. We urge Albany  
23 to ensure that New York join the overwhelming  
24 majority of states that recognize the need for  
25 mandatory elder abuse reporting. Before we begin

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2 with the first panel, I would like to recognize  
3 Council Member Vallone and Council Member Koslowitz  
4 of the Committee and to thank our Committee Staff,  
5 Eric Burnstien [sp?], our Committee Counsel, James  
6 Bavudi [sp?], our Policy Analyst, and Doheni Sapora  
7 [sp?], our Finance Analyst, for helping to put  
8 together this hearing. So, we will call the first  
9 panel. Risa Breckman from the New York City Elder  
10 Abuse Center, Andrea Ceda [sp?]-if I pronounce your  
11 name wrong please forgive me, Cianfrani, Live on New  
12 York, Molly Krokowski from JASA. Could we add  
13 another chair? Lindsey Goldman from the New York  
14 Academy of Medicine, and Chris Widelo from AARP.  
15 Thank you, Chris. Okay, we have a panel of strong  
16 advocates here, so I'm looking forward to hearing  
17 your testimonies. You may begin.

18 RISA BRECKMAN: Good morning, hi. So,  
19 I've just passed around I think the written  
20 testimony, and my oral testimony is slightly  
21 different, so-- and just let me know when you need me  
22 to stop. It's not that long, but I--

23 CHAIRPERSON CHIN: [interposing] Please  
24 identify yourself when you start.

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2 RISA BRECKMAN: Oh, I'm sorry. My name is  
3 Risa Breckman with the New York City Elder Abuse  
4 Center. Chairwoman Chin, City Council Committee on  
5 Aging members and staff, good morning, and thank you  
6 for the opportunity to testify about Resolution  
7 Number 106. My name is Risa Breckman and I am the  
8 Director of the New York City Elder Abuse Center,  
9 NYCEAC. I'm also presenting today on behalf of  
10 Attorney Maria Hunter who supervises the Elder Law  
11 Practice of the New York Legal Assistance Group known  
12 as NYLAG. We are testifying--unfortunately, Maria's  
13 sick today, so I'm doing this solo. We are testifying  
14 to ask the Council to consider reworking Resolution  
15 Number 106 to reflect a more nuanced understanding of  
16 the complexities of elder abuse reporting and thus  
17 put New York into the forefront of innovative policy  
18 making in this increasingly important arena. Elder  
19 abuse is grossly underreported. A 2010 New York  
20 State study reported that annually nearly one in  
21 every 24 cases of elder abuse ever comes to the  
22 attention of authorities. In response, New York  
23 State has on the books immunity legislation covering  
24 those who in good faith report suspected elder abuse.  
25 Our state also has a requirement that APS report

1 information to the appropriate law enforcement agency  
2 when there is reason to believe that a criminal  
3 offense has been committed. Most people agree that  
4 we must do more to respond to the elder abuse  
5 epidemic. Many people have strongly held beliefs  
6 that mandatory reporting by a broad range of  
7 professionals would, as Resolution 106 states,  
8 increase the likelihood that a victim of abuse will  
9 receive needed services and that abusers will be  
10 brought to justice. But how do we know that  
11 mandatory reporting is in fact good policy, that  
12 because of it, more abused elders will be identified  
13 and receive effective and prompt assistance without  
14 unintended negative consequences and that abusers  
15 will be held accountable? Although 49 states now have  
16 such laws, as a country we do not know the answers.  
17 This should concern those in New York State  
18 interested in the issue of mandatory reporting.  
19 Mandated reporting may very well yield an increase in  
20 cases known to APS, yet because of the complexity of  
21 elder abuse impact cannot be measures simply by  
22 tallying the number of reports. We need to probe  
23 further. What is the impact on older victims? For  
24 some older adults with the ability to make decisions  
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2 regarding risks they confront, mandatory reporting  
3 could be viewed as invasive and paternalistic. For  
4 example, NYCEAC and NYLAG teamed up to help resolve  
5 the serious financial exploitation case of a niece  
6 draining her elderly aunt's life savings. The aunt  
7 was adamant the situation not be reported to the  
8 authorities, because she did not want her only living  
9 relative caught up in the criminal justice system.  
10 Had the case been reported, this may very well have  
11 been the outcome and she may have felt re-victimized.  
12 So reporting to APS or involving the criminal justice  
13 system does not necessarily define success from the  
14 victim's perspective. Another concern is, after  
15 investigator leaves a home, is a victim now at  
16 increased risk by an agitated abuser or neglecter.  
17 We have no data on these situations either. The  
18 resolution uses age to trigger the report. This is  
19 problematic. To illustrate, the following example  
20 assumes the word "seniors" in the Resolution means an  
21 age cut-off of 60. A 59-year-old woman being abused  
22 by a spouse informs her doctor of her experience.  
23 The doctor keeps that information in confidence,  
24 provides her with information and links her to the  
25 proper community resources, but the day she turns 60



1 her same doctor, provided with the same information  
2 about her now has to report her situation to the  
3 state for investigation. She may feel her confidence  
4 was betrayed and not return for healthcare. Not a  
5 good outcome. Or maybe prevented by the abuser from  
6 returning to the doctor, further imperiling her  
7 safety. Again, not a good outcome, because the  
8 trigger for the report is based solely on her age, it  
9 could rightly be considered an ageist response. What  
10 is the impact of mandatory reporting laws on  
11 professionals? Currently, physicians, nurses, social  
12 workers and others aren't educated about elder abuse  
13 as a requirement for licensure, unlike with child  
14 abuse. So, while this resolution would mandate  
15 reporting by professionals, elder abuse education  
16 remains voluntary. This is not rational, nor is it  
17 fair to the professionals to mandate their reporting  
18 of elder abuse without educating them about the  
19 problem, signs and symptoms and expected responses.  
20 What is the impact on the service systems? With  
21 current levels of staffing for APS and other  
22 community programs serving elder abuse victims be  
23 able to handle the increase in cases. What  
24 additional services and personnel would be needed  
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1 with increased cases reported? The lack of long-term  
2 follow-up data is a cautionary tale for legislators  
3 and provides New York with a real opportunity for  
4 innovation and the creation of legislation that  
5 modifies or provides alternatives to traditional  
6 mandatory reporting laws. We believe New York can be  
7 a leader in developing smart and strong policy in  
8 this arena as elder abuse is a problem with  
9 solutions. Some possible innovations include  
10 mandatory training. This measure would require  
11 healthcare workers, social works and others to  
12 receive training on elder abuse as a requirement for  
13 licensing new [sic] and renewals by the State.  
14 Permissive reporting: Legislation for what is  
15 commonly referred to as permissive reporting provides  
16 a procedure and protocol for reporting abuse that is  
17 to be filed when a financial services professional  
18 chooses to report. Such laws also typically ensure  
19 immunity from any liability. In New York State,  
20 proposed legislation A5336A and S639 targets the  
21 issue of elder financial exploitation by calling for  
22 permissive reporting by banking institutions. One  
23 concern, however, with how the proposed legislation  
24 is currently drafted is that financial institutions  
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2 are asked to make a reasonable effort to provide  
3 notice orally or in writing to all parties authorized  
4 to transact business on the account from which  
5 disbursement was refused, which could result in some  
6 cases notifying the abuser. This could have  
7 unintended negative consequences. Limited mandatory  
8 reporting: Many elder justice professionals are  
9 increasingly concerned about how best to help the  
10 many adults with cognitive impairment unable to  
11 adequately respond to abuse, neglect and financial  
12 exploitation. New York State could consider a non-  
13 ageist mandatory reporting law focusing on vulnerable  
14 adults 18 and over with an impairment hindering an  
15 ability to self-protect. Awareness campaign: We need  
16 elder abuse awareness campaigns targeted to the  
17 public. Many non-abusing family, friends, neighbors,  
18 and even older adults themselves would take action if  
19 they were aware. Increased funding: A limitation of  
20 the resolution is that it neglects to request the  
21 necessary funding for an increase in APS staff for  
22 additional community based services and professional  
23 training to respond appropriately to increased  
24 reports. But even without broad mandatory reporting,  
25 if the above mentioned suggestions are funded and

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2 implemented, there will be increased reports and a  
3 need for more APS staff and increased community based  
4 services. Thank you.

5 CHAIRPERSON CHIN: Thank you. I just  
6 wanted to state that, okay, we're joined by Council  
7 Member Treyger and Council Member Rose.

8 ANDREA CIANFRANI: Good morning. My name  
9 is Andrea Cianfrani. I'm the Deputy Director of  
10 Public Policy at LiveOn New York. LiveOn New York  
11 represents over 100 community based organizations  
12 that provide services including elder abuse victim  
13 services and prevention services to over 300,000  
14 older adults annually here in the city. Thank you so  
15 much to the Aging Committee under the leadership of  
16 Chairwoman Chin for bringing this to a hearing today  
17 to discuss the important issue of elder abuse. We'll  
18 talk very briefly on the two proposed resolutions  
19 before us today. First of all, just to follow up on  
20 that 2.9 billion dollar startling number that  
21 affects--that is the price of elder abuse nationally  
22 regarding elder abuse. The State, we are very  
23 patiently awaiting the result from a follow-up study  
24 to the Under the Radar Study that the State Office  
25 for Children and Family Services released preliminary

1 results on last September. That study, very  
2 interestingly took a look at the cost of elder abuse,  
3 financial elder abuse to New York State specifically  
4 and looked at three different issues, including the  
5 cost to prosecute those crimes and the amount of  
6 money and property lost to the actual victim as well  
7 as things like new services from the state that the  
8 victim would have to go on as a result of the crime.  
9 That includes Medicaid. That includes food stamps  
10 and other things like that. The preliminary results  
11 that were released last year shows that the cost to  
12 New York State is 1.7 billion dollars annually. So  
13 that is very high compared to the recent estimates  
14 back from the MetLife study of the 2.9 billion, which  
15 was a national number. So we are very eagerly  
16 awaiting those results and we hope that that will  
17 help push these initiatives forward. Specifically on  
18 proposed Res. Number 105A, LiveOn New York strongly  
19 supports this bill. For the past three years we have  
20 taken a lead role in developing this legislation  
21 which addresses the issue of financial exploitation  
22 of older adults. To reduce the prevalence of  
23 financial exploitation, the legislature must clearly  
24 define the roles and responsibilities of banking  
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1 institutions. This legislation would help fix that.  
2  
3 Banks are in a very ideal position to detect and  
4 prevent financial exploitation because of the nature  
5 of the client/banker relationship. Currently, New  
6 York State does not have a standard protocol for  
7 banking institutions to follow when reporting and  
8 disclosing financial exploitation incidents to APS  
9 and law enforcement. APS workers are mandated  
10 reporters, but have reported they are very often  
11 unable to get the information they need to confirm or  
12 negate elder abuse allegations. For this reason,  
13 financial exploitation remains underreported, under  
14 investigated and an unprosecuted crime. To their  
15 credit, some banks have voluntarily increased their  
16 efforts to identify and report financial exploitation  
17 to APS. However, standardized protocol across the  
18 board is necessary to alleviate this crime. The  
19 legislation also provides banks a mechanism to stop  
20 the bleeding of the account. This is important  
21 because as often as the case, the account can be  
22 depleted completely before the case is even referred  
23 to APS. This mechanism is temporary and it allows  
24 them to refer directly to APS if they do refuse to  
25 process the transaction, and it gives them some time

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2 to make sure that that account does not become  
3 depleted. Finally, this legislation also offers  
4 banking institutions liability protection which is  
5 very important for them for disclosures made in good  
6 faith. So, again, LiveOn New York strongly supports  
7 this proposal and we've been working very closely  
8 with the Assembly and Senate to push forward this  
9 proposal this year, and we very much look forward to  
10 working with you, and thank you for your support of  
11 this. Regarding Resolution Number 106, and mandatory-  
12 -sorry--mandatory reporting, the discussion on  
13 whether New York State should consider mandatory  
14 reporting should be a meaningful and thoughtful  
15 process that involves gathering feedback and  
16 information from multiple community disciplines and  
17 systems that are part of the continuum of care of  
18 elder abuse. Because all states outside New York  
19 have some sort of mandatory reporting already in  
20 place, it's incumbent upon New York to understand the  
21 different models across the country and to see what  
22 is successful. By doing this we can identify the  
23 best models and craft an appropriate law if it is in  
24 the best interest to move forward in the State. The  
25 discussion should examine vital issues including but

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2 not limited to who is considered a protected  
3 individual, who is considered a mandated reporter,  
4 when a mandated reporter is required to report,  
5 protection from liability for reports made in good  
6 faith, and very importantly, an allocation of funding  
7 for increased reporting, training and other services  
8 to APS. It's worth repeating that if New York moves  
9 forward with mandated reporting for elder abuse, this  
10 funding must be allocated. Without funding, it would  
11 be an unfunded mandate and victims, programs and APS  
12 would suffer because they would not have the capacity  
13 to serve those extremely vulnerable adults older--  
14 older adults in need. Thank you very much to the  
15 City Council for moving forward on these initiatives,  
16 and we look forward to working with you in the  
17 future.

18 CHAIRPERSON CHIN: Thank you. We were  
19 also joined by Council Member Arroyo, who's also  
20 attending the Health Committee next door. There's a  
21 lot of committee hearings going on this morning. So,  
22 next? Thank you.

23 MOLLY KRAKOWSKI: Good morning. My name  
24 is Molly Krakowski. I'm the Director of Legislative  
25 Affairs at JASA and would like to thank Chairperson



1 Chin and the committee for holding today's hearing.  
2 JASA's a nonprofit agency serving the needs of older  
3 adults in Greater New York area. Our programming  
4 promotes independence, safety, wellness, community  
5 participation, and enhanced quality of life for New  
6 York City's older adults. The program's reached over  
7 43,000 clients and include homecare, case management,  
8 senior services, NORC [sic] supportive services, and  
9 a whole range of services including legal abuse,  
10 legal services, Adult Protective Services, and  
11 guardianship programs. Today's hearing is of great  
12 relevance to JASA and the clients we serve, and we're  
13 pleased to have the opportunity to share our position  
14 with the Committee. Prior to today's hearing, JASA  
15 staff participated in the City Council taskforce on  
16 elder abuse and separately on the taskforce on Adult  
17 Protective Services. We recognize that protecting  
18 vulnerable older adults in our city is of concern to  
19 the Aging Committee and we're appreciative of the  
20 priority with which you place these programs, though  
21 we're not supporting Resolution 105A nor Resolution  
22 106. JASA has two programs that help sustain and  
23 safeguard the most frail and vulnerable individuals  
24 in their day to day activities, allowing them to  
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1 remain comfortable and securely in the community and  
2 in their home, Adult Protective Services and  
3 Community Guardianship. These are the two most  
4 vulnerable populations that JASA serves and a number  
5 of approximately 2,500 clients annually. To qualify  
6 for Adult Protective Services clients must be 18  
7 years old, mentally and/or physically impaired, due  
8 to these impairments unable to manager their own  
9 resources, carry out activities of daily living or  
10 protect themselves from abuse, neglect, exploitation,  
11 or other hazardous situations without assistance from  
12 others and have no one available who's willing and  
13 able to assist them responsibly. When an individual  
14 is determined to be eligible for Adult Protective  
15 Services, JASA or HRA field officers, HRA contracted  
16 vendors provide services including case management,  
17 crisis intervention, heavy duty cleaning, homecare  
18 services, psychiatric evaluations, and when  
19 necessary, petition the court for an Article 81  
20 guardianship. In the case of guardianship, an  
21 individual is judged legally incapacitated by the  
22 courts and require legal guardianship. Through  
23 assessment, comprehensive service planning, regular  
24 visits, ongoing support, regular support reports to  
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1 the court, JASA ensures the needs of these  
2 individuals are met in the community. And the range  
3 of services that a guardian must incorporate are  
4 vast, depending on the judge. JASA's encouraged by  
5 the legislation proposed in the State A5336A and  
6 S639, authorizing the banks to refuse payment of  
7 money where there's reason to believe that a  
8 vulnerable adult is being financially exploited.  
9 However, we are concerned that the proposed  
10 legislation is too broad. The legislation allows  
11 anyone in social services access to bank information  
12 when there's a possibility of exploitation. JASA  
13 believes that in order to protect vulnerable  
14 individuals, the best approach is providing an access  
15 to investigatory bodies such as law enforcement,  
16 Adult Protective Services and legal services. This  
17 will ensure that the client remains protected and by  
18 appropriate bodies until the language is revised in  
19 the State Legislation. JASA can't support the City  
20 Council Resolution. Second item on today's agenda,  
21 Resolution 106 calls on New York State Legislature to  
22 pass and the Governor to sign legislation requiring  
23 mandatory reporting of suspected elder abuse. JASA  
24 opposes mandatory reporting for elder abuse. As  
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1  
2 you're likely aware and now you're certainly aware,  
3 the idea of mandated reporting is contentious. Elder  
4 abuse refers to any knowing, intentional or negligent  
5 act by a caregiver or any other person that causes  
6 harm or a serious risk of harm to an older adult.  
7 Each year, hundreds of thousands of older people are  
8 abused. They're neglected. They're exploited. Many  
9 victims are frail and vulnerable, unable to help  
10 themselves and dependent on others to meet their most  
11 basic needs. JASA's mission is to sustain and enrich  
12 the lives of the aging in New York's metropolitan  
13 area so they can remain in the community with dignity  
14 and autonomy. The challenge to mandated reporting  
15 lies in JASA's strong belief that older adults like  
16 their younger peers have the right to make their own  
17 decisions, even when they put themselves at risk.  
18 Just as a younger victim of domestic violence has the  
19 right to stay in an abusive relationship and elder  
20 adults is no different. The requirement of mandating  
21 reporting should be based on cognitive ability or  
22 impairment rather than their age. As a society, we  
23 should be protecting vulnerable adults, and the city  
24 and state should consider like other states mandatory  
25 reporting of abuse against vulnerable adults of any

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2 age. JASA's legal social work elder abuse program,  
3 LEAP, offers specially trained attorneys and social  
4 works to identify, eliminate and prevent abuse. This  
5 innovative team approach positions JASA as the go-to  
6 expert. LEAP staff provides legal assistance and  
7 social services directly to seniors. Attorneys  
8 obtain orders of protection, litigate to regain  
9 misappropriated property, contact and work with  
10 police and district attorneys. Social workers  
11 provide individual and group counseling, court  
12 advocacy, arrangements for lock changes and case  
13 assistance, including accessing benefits and  
14 entitlements and transportation. Elder abuse  
15 programs are necessary and available, and they should  
16 receive more funding in order to reach the many  
17 individuals throughout New York City who may be  
18 experiencing elder abuse and need assistance. In  
19 JASA's experience, mandated writing [sic] will not  
20 encourage older adults at risk to seek help, but may  
21 deter them from seeking medical assistance or  
22 consulting lawyers and social service agencies. They  
23 need to have the support and education to make their  
24 own decision. There's a reason Child Protective  
25 Services exists. We must recognize the difference

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2 between an older person's rights and those of someone  
3 who is unable to make decisions. Often, those in  
4 favor of mandating reporting cite New York State as  
5 the only state without mandating reporting. This is  
6 not exactly true. Mandating reporting takes on  
7 different meaning in different states, often  
8 referring to individuals who are eligible for Adult  
9 Protective Services. For New York to consider age  
10 alone is paternalistic and makes the job of elder  
11 abuse prevention and assistance much harder. JASA  
12 believes that mandatory reporting based on age will  
13 cause victims to stay in the shadows, refusing to  
14 seek needed assistance from healthcare professionals,  
15 social workers, even lawyers knowing that the  
16 professional will be required to make a report  
17 against them. JASA would be pleased to share  
18 information about legislation that currently exists  
19 in other states to protect vulnerable adults and  
20 people who do not have capacity for their own  
21 judgement. These are at-risk populations that require  
22 government intervention on their behalf. Thank you.

23 LINDSAY GOLDMAN: Good morning. My name  
24 is Lindsay Goldman, I'm the Deputy Director for  
25 Healthy Aging at the New York Academy of Medicine.

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2 Thank you for the opportunity to address you today  
3 and thank you for your leadership on this issue,  
4 Chairwoman Chin. The New York Academy of Medicine  
5 advances solutions to improve the public health in  
6 urban areas worldwide. We are also the secretariat  
7 for Age-Friendly New York City, our partnership with  
8 the City Council and the Office of the Mayor to  
9 improve all aspects of city life for older people.  
10 We applaud the Council's commitment to addressing the  
11 financial security of older people, which is  
12 threatened by exploitation. Financial security is  
13 essential to healthy aging and financial security of  
14 older people is good for our economy. Bankers are  
15 well-positioned to serve as community gate-keepers  
16 for older people who may be being financially  
17 exploited because there is a high level of trust  
18 between older people and their bankers. So, while we  
19 support the spirit of this bill, since so much is  
20 left to the discretion of the banks, we would like to  
21 see a mechanism for educating bankers on how and when  
22 to identify, interpret and respond to signs of  
23 exploitation, and we would like to see some language  
24 reflecting that included in the bill to ensure that  
25 the bill's intent of preventing and mitigating elder

1  
2 abuse is achieved. The Academy is please to serve as  
3 a resource as you continue to advance the financial  
4 security of older people and age-friendly banking.  
5 Thank you.

6           CHRIS WIDELO: Good morning, Chairwoman  
7 Chin and members of the Aging Committee. My name's  
8 Chris Widelo. I am the Associate State Director for  
9 AARP here in New York, and on behalf of our 750,000  
10 members in New York City and the volunteers that have  
11 joined me here today, I want to thank you for the  
12 opportunity to testify on these two important items  
13 on today's committee agenda, Resolutions 105A and  
14 106. Elder abuse, like many other forms of domestic  
15 abuse is an often hidden phenomenon that affects  
16 hundreds of thousands of older Americans, and AARP  
17 has a long history of fighting for the protection of  
18 seniors. As our population ages, seniors become an  
19 even bigger target for abuse. In particular,  
20 financial exploitation is the most prevalent form of  
21 elder abuse. This type of abuse can cause injuries  
22 far beyond the pocketbook. It frequently affects  
23 senior's physical and emotional health. The State in  
24 many instances finds itself trying to pick up the  
25 pieces. While AARP applauds the effort of the New



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2 York City Council on these two resolutions dealing  
3 with financial exploitation and mandatory reporting,  
4 we believe that cities and states need a multifaceted  
5 approach to detect and combat all forms of elder  
6 abuse through enactment and enforcement of laws in  
7 the following areas: Fully fund Adult Protective  
8 Services. Make it a criminal offense with enhanced  
9 penalties to abuse, neglect or exploit a vulnerable  
10 individual. Provide victims and their legal  
11 representations adequate civil procedure and remedies  
12 against perpetrators of abuse, neglect or  
13 exploitation. Make institutions liable for criminal  
14 and civil penalties for victimization of those in  
15 their care. Support in the formation and ongoing  
16 operation of multidisciplinary teams to address elder  
17 abuse issues that cannot be effectively resolved by a  
18 single discipline as well as trained professionals  
19 from a variety of disciplines including prosecutors,  
20 police officers, sheriff, lawyers, employees of  
21 financial institutions, and APS agencies to improve  
22 detection, investigation and enforcement regarding  
23 cases of abuse, neglect and exploitation. Chairwoman  
24 Chin and members of the Aging Committee, thank you  
25 for the opportunity to speak today on this important

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2 topic and the proposed resolutions. It is our hope  
3 that Resolutions 105A and 106 pass favorably as a  
4 first piece of a more comprehensive approach that is  
5 needed to adequately combat elder abuse across the  
6 city and the state. Thank you.

7 CHAIRPERSON CHIN: Thank you to the panel  
8 for your testimony. We going to have some questions  
9 and we going to start with Council Member Vallone.

10 COUNCIL MEMBER VALLONE: Thank you, Madam  
11 Chair. Good morning, everyone. Chris, you're a  
12 lucky man surrounded by some of the brightest women  
13 right around you. And thank you always for your  
14 testimony and guidance in these areas. I know it has  
15 individually helped me and my Chair on Senior Centers  
16 and also at this committee. It's not perfect, and  
17 listening to the concerns that you have, I mean, I  
18 think we're all--once you're passionate about this  
19 issue, and we all are. It's not perfect, but it's a  
20 step. Chris, I think you had the right point on  
21 saying it's the first step of hopefully a multi-  
22 tiered approach and this is where you want to go up  
23 to Albany and start shaking some people and say,  
24 "Hey, listen. We need to do more." Molly, you were  
25 saying about the concerns as to the reason why you

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2 can't support these. I hear what you're saying, but  
3 drawing the line and not supporting it and maybe  
4 trying to amend it or have these conversations to  
5 grow them as we go forward, I would rather you have  
6 taken a different staff, because we always like to  
7 have those. One of the things you had said was  
8 putting the requirement of cognitive impairment  
9 before recording. That's never going to happen,  
10 because cognitive impairment is only determined at a  
11 judicial hearing for a guardianship, which is  
12 contested for months and months and months before  
13 somebody ever gets to that point. So, adding that  
14 layer, I think you should probably try to--or maybe  
15 trying the tenant of that argument. Maybe we could  
16 change a little bit, but I wanted you to expand a  
17 little bit on how we could maybe proceed without  
18 that. Well, not us, but Albany. I mean, Margaret and  
19 I clearly in support of trying to take these steps  
20 for financial and elder abuse, but how can we get  
21 around that cognitive impairment?

22 MOLLY KRAKOWSKI: So, I know that there--  
23 I know that there are experts also in this area, and  
24 certainly my staff would be happy to talk about some  
25 of the nuances and the language. But, I think when

1 I'm saying cognitive I'm not saying necessarily that  
2 these are people who would otherwise be in  
3 guardianship. That's not really where I'm going.  
4 When as social workers meeting with a client and they  
5 start to see a certain amount of decline and they  
6 start identifying, "Well, you know what, this person  
7 is at risk. This person is somebody who's going to  
8 need a lot more assistance and is very vulnerable or  
9 potentially vulnerable." They're maybe not yet  
10 eligible or they might never be eligible for Adult  
11 Protective Services, and they're not certainly  
12 eligible for guardianship, but this is a person who's  
13 right on the edge. This is somebody where if you had  
14 a little bit more flexibility in the language, it  
15 wouldn't be based on the person's age. It's based on  
16 the fact that a social worker has now interacted or  
17 an individual in the community has interacted with  
18 this person and is saying, "You know what? They're  
19 really on the edge. They're not quite there.  
20 They're not fully capable of making some of the  
21 decisions." If it's based exclusively on age, then I  
22 think it points to what Risa was saying. It's Risa,  
23 right? What Risa was saying in that what's the  
24 difference between a 59-year-old and a 60-year-old?  
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Why should somebody go into a professional office and based on that one year difference or five months or day difference? All of a sudden they're treated differently. We just we-- we can't accept the fact that--

COUNCIL MEMBER VALLONE: [interposing]

No, we agree with you, I think.

MOLLY KRAKOWSKI: Yeah. So, I think that

we're--

COUNCIL MEMBER VALLONE: [interposing]

Especially with the APS model of 18 to whenever is where I'm--

MOLLY KRAKOWSKI: [interposing] Yeah, so I

think that it really has to do with who's allowed to sort of make some of these judgement calls or how does it get actually from the point of making a phone call out of concern to community connections number and New York City Connects [sic] or whatever you want to call it? How does it get from that point to let's refer them to somebody who can do some intensive case management and see what's going on and see if we need to put some protection, you know, in place at the banks that they're--

1  
2 COUNCIL MEMBER VALLONE: [interposing]

3 Well, the LEAP program that you have, I mean, since  
4 you're testifying and then we'll--

5 MOLLY KRAKOWSKI: Yeah.

6 COUNCIL MEMBER VALLONE: Does--has there  
7 been a time when the attorneys with the LEAP program  
8 have coordinated with our district attorneys?

9 MOLLY KRAKOWSKI: Oh, yeah, all the time.

10 COUNCIL MEMBER VALLONE: Well, that's  
11 where I'd like--we should be collaborative.

12 MOLLY KRAKOWSKI: All the time. I think  
13 the model--

14 COUNCIL MEMBER VALLONE: [interposing]  
15 Expanding the civil and the criminal penalties like  
16 Chris was talking, we were all talking about. I  
17 think it's almost time for a new summit on finding  
18 out the barriers at prosecution, increasing fines and  
19 penalties that are existing. What laws can be done  
20 on the city versus the state level? Those are all  
21 our challenges. You know, we're handcuffed most of  
22 the time with having to wait for the state to act,  
23 but our Chair and I do not want to wait. We want to  
24 push forward and make sure these things happen.

1  
2 MOLLY KRAKOWSKI: Right, I mean, what I  
3 would--I 100 percent agree and I think the taskforces  
4 that you've created and sort of bringing together  
5 people from the different disciplines is a fantastic  
6 way else [sic] to go about it. There are, you know,  
7 there are a lot of people in the field who have great  
8 wealth of knowledge in this area, and it needs--it  
9 really does need that social work lawyer interaction.  
10 If you have somebody imposing a change of lock on a  
11 household where somebody, the older adult living  
12 there says, "But I'm not going to--I'm not going to--  
13 I'm going to unlock the door for my son when he comes  
14 home. I'm not going to lock him out even if he  
15 changed the locks." They need to be a willing  
16 participant. If they're able to be a participant in  
17 this, they need to be a willing participant.

18 COUNCIL MEMBER VALLONE: And I guess my  
19 last question--thank you, Molly. Lindsay, thank you  
20 for the Age Friendly. I know we were a big  
21 participant in the Age Friendly districts, and  
22 hopefully we can revisit some of the successes we had  
23 there. Is there a model that any of you have  
24 embraced that exist in another state that New York  
25

1  
2 can use to try to tailor or work at as a stepping  
3 stone?

4           RISA BRECKMAN: You know, other states,  
5 you know, as we've talked about have mandatory  
6 reporting laws. They're, you know, each one is a  
7 little different from the other. Interestingly, I  
8 was on a call on Friday with some national leaders  
9 and we were all discussing the fact that, you know,  
10 there is--we really don't know much of anything about  
11 the impact of mandatory reporting, and yet, all these  
12 states, many of them started passing these laws in  
13 the 80's, and it wasn't that New York State just  
14 forgot to do it. I mean, you know, New York State  
15 really was--really is a hold-out, and it's hard to  
16 be--you know, the chief stands alone. It's hard to  
17 be the only one, but it is an opportunity for us to  
18 just in this way--I'm so grateful for this  
19 conversation, and as Andrea was saying, we need more  
20 conversation, and I think New York may be able to  
21 forge a path that maybe is different from other  
22 states, but maybe is more nuanced than other states.  
23 Maybe we'll be leaders even though we're last. So--

24           COUNCIL MEMBER VALLONE: Thank you.

25           RISA BRECKMAN: Yeah.



1  
2 COUNCIL MEMBER VALLONE: Thank you, Madam  
3 Chair.

4 CHAIRPERSON CHIN: Council Member Rose?

5 COUNCIL MEMBER ROSE: Thank you. I think  
6 this is such an important issue, and I appreciate  
7 your feedback, and I have a concern. I was a  
8 caregiver. My mom had Alzheimer's. And so I was  
9 wondering are their guidelines in place that sort of  
10 signal when would give the banks--is there like a  
11 structure or a guideline that would give the banks  
12 some sort of idea that this sort of signals financial  
13 abuse. Is there any education that is provided to  
14 caregivers that are legitimately taking care of a  
15 family member's financial obligations that, so that  
16 they don't sort of fall into this realm that could be  
17 identified as financial abuse? It's very concerning  
18 to me, and I really need to know, like, based on  
19 whose judgement and at what point is that decision,  
20 you know, rendered? Like I said, as a caregiver, my  
21 mom had Alzheimer's and really wasn't able to  
22 comprehend the need for me to take over her fiscal  
23 responsibilities, and in fact, went to the bank and  
24 said that, you know, I was not working, you know, on  
25 her behalf. So, I'm concerned about what triggers

1  
2 that, who makes that final determination, and if  
3 there's some guidelines, and if there will be  
4 notification of caregivers that--these are sort of  
5 the gray areas. This is how to avoid this, you know,  
6 to protect everyone.

7           MOLLY KRAKOWSKI: I can just speak to part  
8 of that, and we have an elder abuse workshop series  
9 that we do trainings for really anybody but for  
10 caregivers for bankers. We have a gatekeeper  
11 program, trying to educate postal workers and sort of  
12 people who are frontline doormen, people who might  
13 see somebody starting to struggle, decline or  
14 something that looks abusive and sort of trying to  
15 help them to determine what they need to do next.  
16 But you raised really good points, right? And with  
17 the growing number of people who are in fact  
18 confronting health situations that require someone  
19 else maybe to step in and take ownership of or assist  
20 in financial certainly and some of the decision-  
21 making that has to go on. It's very nuanced, but  
22 there may be someone else who's better suited for  
23 that.

24           LINDSAY GOLDMAN: I was just going to say  
25 that we fully agree with your concerns, because

1  
2 ultimately this bill leaves the decision up to the  
3 individual banker, which means that the potential for  
4 sort of enforcing this will be somewhat uneven, and I  
5 think, you know, right now just in terms of the  
6 landscape it's--it really depends on the individual  
7 bank, and in some cases, you know, some banks are  
8 certainly more committed to age-friendly banking  
9 principles which includes, you know, ensuring the  
10 financial security and safety of older people, but  
11 there is variability even from branch to branch, but  
12 there are certain signs that you can look for, and  
13 there's also technology in the works that would  
14 complement the individual's judgement, but things  
15 like, you know, how often does a person forget their  
16 password, are they able to enter their pin number at  
17 the ATM. There's some research that's been done on  
18 this, and so that's why we feel that, you know, any  
19 effort on behalf of bankers to address this issue  
20 needs to be informs so that they're using--they're  
21 making judgment calls that are truly evidence-based  
22 where it exists.

23                   ANDREA CIANFRANI: Again, I echo those  
24 comments, and I think it's a very fair and very good  
25 question. The one thing that has recently been

1  
2 issued by the state is the Department of Financial  
3 Services has issues guidelines and best practices  
4 aimed at banks and financial institutions  
5 specifically towards elder abuse and potential  
6 financial exploitations. It includes red flags to  
7 look for. It's actually pretty detailed as far as  
8 very common signs and what they can do. Again,  
9 there's no mandatory reporting right now. So, I  
10 think that that's a really good place to start, and  
11 as we've said here, you know, this is not an all in  
12 one kind of package. There might be steps along  
13 here. So I think as far as the State is concerned  
14 and their role getting involved would help address  
15 some of those concerns, I know not all of them. And  
16 I agree, I think the partnerships with the banks, and  
17 we've been working closely with them as we've been  
18 talking about this legislation to really make sure  
19 this is a bill that works for everybody, that it  
20 isn't just the, you know, first person to think  
21 something that hasn't been trained or hasn't--doesn't  
22 have an understanding of what those red flags are  
23 that's making the snap decisions. You know, the goal  
24 that we would hope is that this would be more of a  
25 process and a protocol that involves, you know, in

1  
2 the long run that would involve, you know, a manager  
3 and kind of a system in place in the financial  
4 institutions. And to their credit, they have been  
5 doing work on this. There's a lot of training.  
6 There's a lot of protocols, but it's not uniform  
7 right now. So, I think you're raising some very good  
8 concerns, and I think they're not all specifically  
9 addressed in the legislation as written, but I think  
10 it could be part of those discussions to help address  
11 those. The other thing that I would point out about  
12 the legislation that I also think is really important  
13 is that it's kind of this two-way street. A big  
14 problem that's happening with the underreporting is  
15 also that APS when they do have information that  
16 there might be financial exploitation, they're having  
17 a lot of problems going to the bank to get the  
18 reports they need. So when they actually have  
19 something to go on, they'll try to get information  
20 from a bank, and they're getting, you know, some of  
21 them they will get the information they need and some  
22 they won't because the banks have concerns about  
23 protection of right to privacy. So, this bill also  
24 addresses that. So that's something that I think

1  
2 could hopefully be part of the conversation as part  
3 as very important to try to address this, so.

4 COUNCIL MEMBER ROSE: Do you think that  
5 it's something that we could standardize so that the  
6 triggers would be the same at every bank regardless  
7 of who was actually handling the account? Do you  
8 think that it's something that could be sort of  
9 standardized to avoid the judgment? Some banks might  
10 be over zealous. Some might just be protecting the  
11 fact that, you know, we really don't want to lose  
12 this money. And others might have a real concern.  
13 So, is there a way to maybe standardize what, you  
14 know, what the triggers are, the red flags?

15 MOLLY KRAKOWSKI: I'm not sure that that's  
16 so--I don't know that--I don't know enough about it  
17 to say that that would be a possibility, but you  
18 know, when you go to the bank already there's maybe a  
19 cap on how much you can take out. So, if a bank is  
20 seeing that an older adult is maybe using or  
21 withdrawing much more than was typical leading up to  
22 that point, or there's some sort of a trigger that  
23 goes off in-house. I don't know that you immediately  
24 close down the account, although maybe that's what  
25 happens if in fact we have stronger legislation, but

1  
2 at least something happens where someone has to come  
3 in, right? Or there has to be a conversation, can't  
4 just keep going to that ATM. Maybe there are certain  
5 things that could be standardized, but I wouldn't--  
6 I'm not as nuanced. I imagine though that the DA's  
7 and some of the prosecutors might have better ideas  
8 in terms of what they've seen as patterns, but you  
9 know, each individuals is an individual situation.  
10 It can take the form of so many different types of  
11 exploitation, even within financial exploitation that  
12 it would be hard to say.

13           CHRIS WIDELO: I didn't want to miss an  
14 opportunity to point out that I think this goes back  
15 to how we educate and provide support for caregivers,  
16 right? You mentioned being a caregiver yourself.  
17 So, while, you know, they're--what they can do is  
18 limited, being aware of what's going on. Just  
19 quickly, I was--one of my D.C. colleagues connected  
20 me to a close friend living in D.C. who has a mom and  
21 dad living in Queens where she grew up and  
22 unfortunately, they're discovering that their parents  
23 are becoming victims of financial exploitation,  
24 harassment, cash, sending, mailing cash, and you  
25 know, she said, you know, "These are two people that

1 would not give me a nickel when I was growing up for  
2 anything, and now they're handing out money left and  
3 right and they feel powerless to do anything." You  
4 know, now it seems to be going through the mail, so  
5 you know, it looks like the United States Postal  
6 Inspection Service can get involved and others, but  
7 she felt at a disadvantage from the get-go, because  
8 even though her son lived--her brother lives there  
9 and they're both professionals, and they said, "We  
10 just don't know what's available. How do we handle  
11 this? What kind of conversation should we be having,  
12 and who can we go to if there's anyone?" So, I  
13 think, you know, it goes back to that whole continuum  
14 of caregiving and you know, when you are a caregiver  
15 or you're looking after a loved one that, you know,  
16 to the best that we can help provide the support and  
17 education to, but you know, I think as Molly  
18 mentioned and others it's, you know, it would be  
19 tough to standardize, I think, you know, throughout.  
20 But I think, you know, there are still places where  
21 people know the person coming in the bank, and they  
22 say, "Oh, you know, I know this person. This just  
23 seems erratic or this seems odd, and what can we do?  
24 And what legally rights do we have to notify someone  
25



1  
2 if we know that their caregiver, you know?" Again,  
3 that's a--I'm sure there's--it crosses a lot of lines  
4 too that we have to look at.

5 COUNCIL MEMBER ROSE: I think it's really  
6 important, and I don't know how to do it, because  
7 it's not something that's planned. Caregivers kind  
8 of find themselves in the middle of it and not  
9 knowing, you know, what to do, but today we're  
10 actually hearing a bill which will give caregivers,  
11 you know, time to go through whatever processes and  
12 care that they need to devote to, you know, family  
13 members who are ill or even young people, but it's  
14 very time consuming. So, I think both conversations  
15 are very cogent at this time.

16 : And just one more comment on that is  
17 that it may be that the Alzheimer's Association or  
18 one of the organization that deals with people with  
19 those types of needs and caregiver needs does have  
20 some sort of a plan for caregiver on how to, or at  
21 what point or what stage. I'm not sure of it, but I  
22 would imagine they do.

23 COUNCIL MEMBER ROSE: [off mic] didn't  
24 mean to turn this into a caregiver's hearing. Thank  
25 you.

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2 CHAIRPERSON CHIN: Council Member  
3 Koslowitz?

4 COUNCIL MEMBER KOSLOWITZ: Thank you,  
5 Madam Chair. I kind of have an opposite story.  
6 There are people that live alone and they have one  
7 child and they'll put their children in charge of  
8 their bank account. I know I do that. You know, I  
9 live alone and I have children and they're in charge  
10 of whatever I have if something should happen to me,  
11 but at the same time they're in charge right now.  
12 I'm not worried about them. They're not abusive in  
13 any way, and I also was in charge of my mother's  
14 money when she was incapacitated. She was of sound  
15 mind, but she was incapacitated and I took care of  
16 her bills and did whatever. I know of a situation  
17 where somebody put their son on their account and the  
18 son went to the bank and helped himself to the money.  
19 The mother would not say anything because it was her  
20 son and she did not want to report her son to  
21 anybody, and slowly but surely--and she was also of  
22 sound mind. Slowly but surely as she got older and  
23 she was about to pass away, she admitted that her son  
24 robbed her. So, in this legislation that--resolution  
25 that I'm--my name is on, I believe that if a bank is

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2 aware of just one person coming in and withdrawing  
3 the money, that at least it's another person seeing  
4 what's going on and they could report it or make the  
5 person who's withdrawing the money aware of that  
6 person drawing the money. So, am I a sponsor of this  
7 resolution. Do you have any--

8 UNIDENTIFIED: So, you talk about--

9 COUNCIL MEMBER ROSE: [interposing]  
10 anything, you know, that could tell me to make me  
11 change my mind?

12 RISA BRECKMAN: So, you're really  
13 talking, I think, about you know, the permissive  
14 reporting legislation, and I think that it's, you  
15 know, I mean I think that there's a lot of good in  
16 that legislation. The one concern that I mentioned  
17 in my testimony was that if that son is somebody who  
18 the bank believes needs to be notified before they  
19 make the report to APS, that becomes problematic as  
20 you can imagine, that now the bank is notifying the  
21 abuser that they're going to be reporting to APS and  
22 that they're going to be freezing the account. So,  
23 that part of the legislation I think we need to  
24 discuss and take a closer look at. That's, you know,

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2 and I think your example kind of, I think, highlights  
3 why that's problematic.

4           ANDREA CIANFRANI: I think that would be a  
5 very important concern that Risa raised, and I'll  
6 double-check the exact text of the legislation,  
7 because I can't remember the timeline and if that--  
8 because I agree, I think notifying the person that  
9 may be taking the money before being able to do  
10 anything else as kind of a step would be problematic.  
11 I think, and again, I will double-check, but as  
12 written I think that that is part of the process that  
13 that person would need to be notified, but also that  
14 APS would be notified so that, like you're saying, it  
15 is a number, another person being notified and then  
16 APS could take the steps that they need to take to  
17 investigate that, including investigating the son or  
18 whatever it might be. But I'll double-check on that  
19 because I think that's a really important concern to  
20 make sure that it's very clear that that's not a, you  
21 know, stop, that if they report to the potential  
22 abuser that that person could hold it up. I think  
23 it's important, but we, LiveOn New York strongly  
24 supports the legislation. We thank you for your  
25 support. I think, again, it's a step to really help

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2 balance the right to protection, and I think there  
3 are balances to the right to privacy, and that's  
4 important, but I think it, you know--this is a 1.7  
5 billion dollar state, per year state crime and it's  
6 not being reported, and there really needs to be  
7 steps to address it. So, thank you for your support.

8 COUNCIL MEMBER ROSE: And there are more  
9 instances that come across in my office of people who  
10 are being, you know, financially abused, and they  
11 don't know what to do. They, you know, it's their  
12 child. They don't want to report their child. So,  
13 you know, something has to happen to protect them.

14 MOLLY KRAKOWSKI: In your district I  
15 would tell you that you can certainly forward them to  
16 JASA. We have the elder abuse contracts in Queens.  
17 It's a social work/lawyer team, and often times it's  
18 supporting both the victim and the victimizer. It's  
19 working with them, because if somebody is not going  
20 to get help or assistance unless their child is also  
21 being supported. Often times, a child has some issue  
22 or the caregiver has something else going on as well.  
23 So, it may be that that caregiver or that person that  
24 they're relying on is also in need of different  
25 services and support services in order to function,

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2 right? So, if it's a drug issue or if it's in a  
3 situation with mental health services being necessary  
4 for that person who is being--who's in the role of  
5 abuser, but is also somebody who is in need of  
6 assistance. So, that's another option. You know, I  
7 wonder if the person who you are describing whose son  
8 has access to her bank account would, if she were to  
9 know that the option is that she's going to go into  
10 Adult Protective Services instead, if she would be a  
11 little bit--if she would like a different option.

12 COUNCIL MEMBER KOSLOWITZ: She wouldn't  
13 do-- the person that I'm talking about wouldn't have  
14 done anything.

15 MOLLY KRAKOWSKI: Anything.

16 COUNCIL MEMBER KOSLOWITZ: It was her son  
17 and it was her only son.

18 MOLLY KRAKOWSKI: Right.

19 COUNCIL MEMBER KOSLOWITZ: And she  
20 wouldn't have done anything. She was just the victim  
21 and in her dying days when she had to go to a  
22 hospital she was a wealthy woman. She had a lot of  
23 money, and she wound up in the State Hospital.

24 MOLLY KRAKOWSKI: It's tragic.

25

1  
2 COUNCIL MEMBER VALLONE: Just to follow  
3 up on Council Member Koslowitz's point, all banks  
4 aren't created equally. I think one of my pet peeves  
5 is how ridiculous some of the bank policies are out  
6 there, and how many times we still tell people stay  
7 away from the bank, they still go to that particular,  
8 and sometimes it's just a local bank. But it  
9 highlights the concerns of financial cooperation, and  
10 I think of the things the Chair and I spoke about in  
11 the past was having the age-friendly financial  
12 institution certifications where we can work together  
13 on the State and even on the City level. I still  
14 believe we can--if a bank is going to work with your  
15 organizations and with us, our clients and our  
16 seniors to take that extra step even without a law  
17 telling them they have to, to say, "Hey, you know  
18 what? Ms. Rodriguez, there's an issue here." Whether  
19 it's a son or its doctor or whether it's a lawyer,  
20 somewhere that that bank will take that step. I  
21 would feel more comfortable using that bank and  
22 getting that bank--as a result, they would get  
23 additional business and all the rest. I think the  
24 financial institutions would realize once it hits  
25 their pockets to be more age-friendly, because then

1 we will steer clients to where they have to go. The  
2 other concern real quick, my last point, would be if  
3 this does pass and it does become a freeze on an  
4 account, now I'm thinking because the lawyer side of  
5 me is how do I unfreeze that account? Because what  
6 if there was--there's going to be another bank who's  
7 going to say, "You know, what? Freeze his account.  
8 We don't know what's going on." And it may not be.  
9 It may be the son was just had to pay a lot of bills  
10 all at once, or pay the roofer, and all this. Next  
11 thing you know 12,000 dollars went out of the account  
12 and they freeze it, and now the person can't pay the  
13 rent, the Con-Ed bill, the mortgage payment, whatever  
14 it may be. So, it's going to be a lot of work, but  
15 we're going to have to figure out a way to then what  
16 will satisfy that financial institution to unfreeze  
17 the account upon proof that it wasn't wrongdoing,  
18 because you're going to have unfortunately again at  
19 the hands of these banks. If they say, "Go get me a  
20 court order," you're talking about five to 10,000  
21 dollars on legal fees and six months, period.  
22 There's nothing going to happen quicker at a court  
23 case. So, we may have to have some additional  
24 thought. Any thoughts on that?  
25



1  
2                   ANDREA CIANFRANI: just a quick thought  
3 on that. Again, I think the intent is to temporarily  
4 refuse a transaction and to not freeze the entire  
5 account. I think that's problematic because there  
6 would be cases where say an older adult has a very  
7 limited amount in the account, and if you are looking  
8 at one specific transaction yet freezing the entire  
9 account, that person would not have any money for the  
10 rest of the month for food or whatever it might be.  
11 So, I think the purpose of the legislation is to look  
12 at the specific transaction and not to just blanketly  
13 [sic] freeze an entire account. So, I think that  
14 that might hopefully alleviate a little bit of that  
15 concern, but again, I think that that language should  
16 be looked at, and that's important, but I don't--I  
17 think the important part is not to freeze the entire  
18 account. It's to look at the specific transactions  
19 that are questionable, the 100 dollar withdrawal  
20 every week and then the 5,000 dollar withdrawal at  
21 one point and specifically targeting that  
22 transaction.

23                   COUNCIL MEMBER VALLONE: I see a future  
24 bus ride with all of us on it up to Albany in the

1  
2 near future to get these points across. I think  
3 that's the only way it's going to happen.

4 ANDREA CIANFRANI: We're working on it.

5 COUNCIL MEMBER VALLONE: Thank you.

6 CHAIRPERSON CHIN: Thank you. I think to  
7 follow up with the--because right now the Intro 105  
8 referring to the legislation that the Assembly has  
9 not passed, the Senate has passed, but not the  
10 Assembly. So, do you have any insight in terms of  
11 what's the hold up? I mean, are there--are they  
12 looking at some of the issues that you've raised in  
13 the testimony?

14 : I can speak to that. I think a lot of  
15 the issues that were raised today here at this table  
16 are very on point with what they're looking at. A  
17 really important thing, as it should be especially  
18 considering financial accounts, is the right to  
19 privacy and trying to balance that with the right to  
20 protection. So, when you're doing those two things,  
21 you're obviously going to come up against a lot of  
22 different nuances that are important to consider.  
23 So, I think that would probably be the main thing at  
24 least from what we're looking at as their concerns,  
25 and so we've been--you know, again, this legislation

1  
2 has been, you know, proposed for the last several  
3 years. Again, the Senate has passed it unanimously  
4 and the Assembly has not done so. So, we're really  
5 working hard to go back to the Assembly leaders and  
6 sponsors to really try to figure out. You know, we  
7 don't want to keep just pushing something if it's not  
8 going to pass. We really want to try to dig down and  
9 figure out what those concerns are and continue to  
10 try to work to get this passed in a way that is  
11 supported by everybody to address this. So, I really  
12 think it probably focuses on privacy and balancing it  
13 with, you know, the right to protection be one main  
14 thing.

15 CHAIRPERSON CHIN: On terms of Intro 106,  
16 there is no legislation right now being proposed in  
17 Albany, so we wanted really to take this opportunity  
18 to kind of put some urgency there and ask the State  
19 to do something on this issue in terms of really  
20 looking at how do we increase more reporting. And I  
21 agree with you that funding and training it's an  
22 important component, whatever legislation that gets  
23 passed in the future, that we do have that component,  
24 and in the city we've been advocating for more  
25 funding, you know, every budget cycle. And the last

1  
2 cycle we got the Mayor to put back two million extra  
3 dollars for elder abuse education and training, but  
4 that's--it's still a very small amount, and in terms  
5 of having, you know, mandatory training for  
6 professionals, all those issues are important, but  
7 how can you help us in terms of really get the state  
8 legislation to focus some attention on this issue and  
9 to look at what are some of the models in other  
10 states so that we can craft some legislation that  
11 will meet the needs? Ms. Breckman?

12 RISA BRECKMAN: I mean, that's--you know,  
13 you're--it's a great question. You know, there's--we  
14 have some upstate partners. I think it's really a  
15 matter of having upstate/downstate conversation and  
16 trying to align all of our interests and concerns.  
17 The partner upstate that we work pretty closely with  
18 is called Life Span, and they spend a lot of time  
19 upstate talking about elder abuse with the  
20 legislators, and so certainly I think they'd be  
21 really interested in discussing this with people  
22 here. Again, working in partnership and trying to  
23 figure this out is, I think, the best way to go,  
24 because we're going to need to be united if  
25 something's going to pass, you know, and I don't know

1  
2 if we are aligned upstate and downstate. So, that's-  
3 - you know, I don't know if that answers your  
4 questions exactly, but--

5 CHAIRPERSON CHIN: Well, yeah, and we  
6 also have to reach out to our colleagues, you know,  
7 in the State Assembly and State Senate that chairs  
8 Aging and see how we can also work together.

9 RISA BRECKMAN: Yes, right. But it is  
10 all about conversation. It all starts there, and so  
11 I really thank you for this opportunity.

12 CHAIRPERSON CHIN: Thank you.

13 ANDREA CIANFRANI: I would add to--again,  
14 it's a great question. One of the things that's  
15 actually coming up October 27<sup>th</sup>, LiveOn New York is  
16 hosting a road map to address elder abuse event here  
17 in New York City. Risa's actually one of the main  
18 people helping to organize that event, and what we're  
19 trying to do is I think what you're getting at,  
20 Chairwoman Chin, is to really bring together key  
21 stakeholders from across all disciplines to really  
22 say, New York City needs a road map to address elder  
23 abuse. That's not, you know-- it's happening.  
24 There's a lot of great people doing a lot of  
25 wonderful things focused on elder abuse, but we're

1  
2 trying to bring everyone to kind of get on the same  
3 page for a lack of better terms. We're involving, as  
4 Risa mentioned, Life Span. They again are--they hold  
5 the state contract for elder abuse for funding and do  
6 a lot of wonderful work across the state, and we're  
7 involving numerous individuals such as your office in  
8 that event, and so I think that that will be,  
9 hopefully be a really good opening to discuss a lot  
10 of the other things that we talked here today and to  
11 really start working on, you know-- the purpose of  
12 this event is not to just have a conversation that  
13 goes nowhere. It's really to come up with a road map  
14 and to come up with short term and long term key  
15 actions times and have it be very focused. And then  
16 in December we're having a part two workshop follow-  
17 up to that event to look at those action items and  
18 really kind of set something in place. So we're  
19 really happy. I know that your office will be  
20 involved in that as well as Council Member Vallone  
21 and a lot of different stakeholders from across the  
22 city. So that's something that we're trying to do to  
23 bring everyone together.

24 CHAIRPERSON CHIN: No, that's really great  
25 and important, because we do look towards you, all

1  
2 the advocates who have years and years' experience on  
3 this issue and, you know, as the City Council, you  
4 know, we can help, you know, pass legislation and  
5 push forward, you know, a stronger budget on elder  
6 abuse, and we will continue to do that. But I think  
7 that's, you know, in the long run we really need some  
8 strong, you know, state support on this, because they  
9 can also provide the funding that critically needed.  
10 So, by working together hopefully we can really draw  
11 more attention to this issue because the aging  
12 population is growing, and this is not going to--the  
13 number of abuse cases is going to continue to grow,  
14 and we know that people, you know, hesitate to come  
15 forward because of all the reasons that we've heard  
16 in the testimonies, and we just got to work together  
17 to change that.

18           RISA BRECKMAN: I just wanted to add one  
19 other thing, and that is--and maybe I'm going to  
20 sound a little like I'm on a soap box, but there's a  
21 group of people who I'm deeply concerned about, and  
22 try to mention this every time I have the chance to,  
23 that are the family, the non-abusing family, friends  
24 and neighbors in the lives of elder abuse victims.  
25 We talk about nearly one in 24 people being unknown

1  
2 to a respond system, but many, many of those elder  
3 abuse victims are known to non-abusing family,  
4 friends and neighbors, and those people have a  
5 tremendous strain on them. They're not  
6 professionals. They don't necessarily know the way  
7 forward. They are living with tremendous anxiety.  
8 They do everything from, you know, being involved  
9 with people, their neighbors banking, and one  
10 neighbor I worked with or I know and I've heard her  
11 talk, is what she did for her next door neighbor in  
12 her building who is having some judgmental  
13 impairment. She ended up reporting her to Adult  
14 Protective Services, and the one thing her neighbor  
15 wanted most of all was to be able to stay in her  
16 home, and what happened was because of the report,  
17 the neighbor was removed from her home, and--you know  
18 the older woman was removed, and this neighbor lived  
19 with so much guilt that, I mean, she was beside  
20 herself with the fact that her report created a  
21 situation where the neighbor was removed. This woman  
22 received--the neighbor, this young woman, received no  
23 help for her own anxiety. What she got instead was  
24 all the professionals involved with the older adult  
25 calling her and asking her for information, "Go into



1  
2 your neighbor's home. Get these records. Get that  
3 record." I mean, they saw her as a para-professional  
4 almost. They were getting angry at her at times.  
5 This is just one example. So, these people need  
6 support. They need a help line, not just to help them  
7 understand how to report, but they need services for  
8 themselves. Some of them are really traumatized.  
9 Anyway, I just wanted to say that because they fall  
10 out of the reporting, you know, mandated reporters.  
11 Some states actually mandate anyone to report, but  
12 they are often making the reports. They are a big  
13 stream of reports into APS, but they're un--they're  
14 not receiving help themselves.

15 CHAIRPERSON CHIN: So how can we help  
16 them?

17 RISA BRECKMAN: Well, the New York City  
18 Elder Abuse Center spends a lot of time on the phone  
19 with them with people who call us, the family--non-  
20 abusing family, friends and neighbors. We offer  
21 emotional support. A lot of them need counseling and  
22 we try to refer them. We would love to set up a help  
23 line for them and to be a resource for them  
24 officially, but that would require funding because we  
25 just don't have the bandwidth to, you know, just kind

1  
2 of say, sure, call us. Because we're really talking  
3 about for every unknown victim, we're talking about a  
4 huge population of people who are underserved, the  
5 non-abusing family, friends and neighbors. Their  
6 testimony is so compelling. I, you know, I could  
7 certainly give you the names of some of them to talk  
8 with if you wanted. And we also did an e-newsletter  
9 with some of their stories and I can email them to  
10 you. They're incredible stories.

11 CHAIRPERSON CHIN: That would be helpful.

12 RISA BRECKMAN: Yeah, sure.

13 CHAIRPERSON CHIN: I mean, it comes down  
14 to in terms of resources for caregivers and more--

15 RISA BRECKMAN: [interposing] Absolutely.

16 CHAIRPERSON CHIN: and resources to help  
17 do education and outreach so people know where to  
18 call, who to call, and it's really getting the word  
19 out there so that people know that exists, and it's  
20 something that people should learn more about.

21 RISA BRECKMAN: You know, one story was  
22 Brooke Aster's [sic] butler, and he's in our e-  
23 newsletter, and his story is just unbelievable  
24 because he helped bring that story to life, to light,  
25 and he ended up losing his job in the process. And

1  
2 so, again, what I'm trying to say is that these  
3 people, there's a lot at stake for them. He's a  
4 remarkable human being. But anyway, I will send you  
5 the e-newsletter.

6 CHAIRPERSON CHIN: Thank you.

7 RISA BRECKMAN: Yeah.

8 CHAIRPERSON CHIN: Molly, you have  
9 something to add?

10 MOLLY KRAKOWSKI: Yeah, I just wanted to  
11 add one thing, which is that in terms of New York  
12 State's involvement, now that New York City is going  
13 to be participating in the New York Connects  
14 referrals and information, in theory there should be  
15 a lot of money coming into this city in the form of,  
16 you know, campaigns, right? Shouldn't there--when  
17 I'm on the subway and the whole subway car is filled  
18 with advertisements on, you know, how to share your  
19 seat or Con-Edison, I mean, New York City should be  
20 also getting big posters on SNAP, and they should be  
21 getting posters on elder abuse and who to call and  
22 how to identify. You know, can be very few key  
23 targeted words which would be an influx of at the  
24 very least information and giving some notice to  
25 people about what may be going on if you see someone

1  
2 in your building who's X, Y or Z, who do you call, or  
3 if a neighbor, if somebody you know is being taken  
4 advantage of. You know, I think that there are ways  
5 that we should be asking the state to funnel that  
6 money to some of the services that specifically  
7 target older adults.

8 RISA BRECKMAN: Awareness with services,  
9 yeah. We need the additional services, yeah.

10 CHAIRPERSON CHIN: Well, we got to get  
11 the State to put forth the resources and really help  
12 us do the outreach and the education that you talk  
13 about. I really wanted to thank all of you for taking  
14 time out this morning to come and testify. It really  
15 gave us a lot of really useful information that we  
16 can work on, and really appreciate and thank you for  
17 all the great works that you do for our seniors, and  
18 we look forward to continuing to work with you. So,  
19 thank you again for coming this morning. Thank you.  
20 Is there anyone else that wanted to testify that  
21 signed up to testify? Did you fill out a form, ma'am?  
22 Oh, you have to fill out a form with the Sergeant.  
23 And I just want to thank all the AARP members for  
24 stopping by this morning. Thank you for all your  
25 great volunteer work. Okay, so I don't see anyone

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COMMITTEE ON AGING

else that wanted to testify, so the hearing is  
adjourned.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 30, 2015