



Supreme Court of Appeals State of West Virginia

News

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Chief Justice Davis speaks at World Elder Awareness Day event For immediate release Tuesday, June 15, 2010

CHARLESTON, W.Va. – Abuse and neglect of older persons is under-recognized and can take many forms, including financial, physical, psychological, emotional, or sexual, Chief Justice Robin Jean Davis today told an audience attending West Virginia’s first commemoration of World Elder Abuse Awareness Day.

“I am proud that West Virginia is observing World Elder Abuse Awareness Day with this event,” Chief Justice Davis said. “The event supports a United Nations International Plan of Action that recognizes elder abuse as a public health and human rights issue.”

This day is set aside nationally to focus attention on the life, well-being, and dignity of older adults.

Elder Law generally is grouped into three areas: income and asset protection, autonomy, and health care, which includes safety. Supreme Court Administrative Office personnel have been meeting and collaborating with service providers and stakeholders to determine how to improve West Virginia law and court processes to address those issues.

Chief Justice Davis has made improving the way the court system meets the needs of senior citizens the main focus of this year, her fifth term as Chief Justice.

The Supreme Court Administrative Office, the West Virginia Auditor’s Office, the state Department of Health and Human Resources, the state Bureau of Senior Services, the AARP Foundation, Legal Aid of West Virginia, and Kanawha Valley Senior Services together organized West Virginia’s commemoration of World Elder Abuse Awareness Day.

Department of Health and Human Resources Secretary Patsy Hardy read a proclamation from Governor Joe Manchin III declaring June 15, 2010, as World Elder Abuse Awareness Day in the Mountain State.

Secretary Hardy said during fiscal year 2009, the West Virginia Department of Health and Human Resources Adult Protective Services program received over 12,735 reports of adult abuse, neglect and exploitation.

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Kanawha County Prosecutor Mark Plants also spoke at the event, giving those in attendance tips on what to look for when someone might be exploiting an elderly person's finances.

Chief Justice Davis said the Federal Law Enforcement Training Center identifies sexual abuse of elders as the most unrecognized, least reported type of domestic violence.

Perpetrators of elder abuse and neglect are not easily identifiable. Elder abuse and neglect presents a challenge for law enforcement because the situations often go unreported and the officers discover them purely by accident when responding to unrelated calls, Chief Justice Davis said.

"Elder abuse occurs most often in private residences. But it does occur in facility settings. Elders are harmed by well-intentioned, but stressed caregivers, by people with mental health or other conditions who can't control aggressive impulses, and by people with abusive intent," Chief Justice Davis said.

"Elder abuse has similar dynamics to domestic violence against more youthful victims. Abusers will lie, manipulate, be charming to law enforcement officers and others, and justify their behavior by blaming the victim. Caregiver stress is not an excuse for domestic violence or child abuse – so it should not be accepted as a justification for the crime of elder abuse either," Chief Justice Davis said.

When investigating elder abuse, it is important to keep the focus on victim safety. It is important for the Courts, the Legislature, law enforcement, and service providers to work together.

The event was held in the Capitol Rotunda.

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