

The Elder Justice Act: Coordinating
Federal Agencies' Response to Elder
Mistreatment

White Paper

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10/31/2012**

Introduction

This paper is submitted on behalf of the Elder Justice Coalition.¹ We are a non-partisan 3000- member coalition dedicated to advancing elder justice policy at the federal level whether through passage and implementation of legislation or through administrative action. In our years of work, we view as our signature accomplishment our seven years of effort and advocacy to gain passage of the Elder Justice Act.²

We applaud the first meeting of the Elder Justice Coordinating Council on October 11 and we were pleased to participate. We worked closely with the Senate and the House in developing the language to establish this Council. The Elder Justice Act is all about developing a comprehensive and coordinated federal response to the growing problems of elder abuse, neglect and exploitation in America. This response can and should begin by achieving better coordination among the different federal agencies that have some role and responsibility to promote elder justice and prevent elder abuse. That was the intended purpose behind the creation of this Council and we look forward to your ongoing work.

Immediate and Practical Action Needed: Advocacy

This paper focuses on four areas. The first addresses areas that have immediate and practical action implications for the federal government. We maintain that advocacy is one of these. We need sustained advocacy from within and outside the federal government to achieve funding for the Elder Justice Act either through appropriations or as was done earlier this year through allocations from the Affordable Care Act.³ We need important other elder abuse

¹<http://www.elderjusticecoalition.com/>

² Elder Justice Act of 2009, S. 795, 109th Cong., sess. 1. (2009).

³ Patient Protection and Affordable Care Act, H.R. 3590, 111th Cong., sess. 2. (2010).

prevention programs in the Older Americans Act⁴ and the Violence Against Women Act⁵ to be continued through the reauthorization of these laws.

Since these are issues that await action in the lame duck session of Congress or more likely in 2013, there are certain actions this Administration can take in the interim. We need to ensure the continued and completed implementation of the Elder Justice Act. In particular, we call on the Administration to name the members of the Elder Justice Advisory Board⁶ and to convene its first meeting. Through administrative direction from the Administration on Aging we ask that all aging network staff who come in regular contact with older people receive elder abuse related training. In addition, we should examine all federal resources which are dedicated to training in areas of abuse prevention and think in terms of reallocating any unused or underused funds toward more elder abuse prevention training.

In addition, we applaud the work of the Office of Financial Protection for Older Americans of the Consumer Financial Protection Bureau (CFPB). They have done important work in raising public awareness about elder financial abuse over the past year. One example was a forum conducted jointly with our Coalition, the Benjamin Rose Institute on Aging and Skip Humphrey, the Director of the Office of Older Adults in Cleveland. It was a forum involving a variety of stakeholders including those directly working in financial institutions discussing what they are doing to help address elder financial abuse. The hope is this office will commit to a national training initiative on combating elder financial abuse and have this training provided at the state and local level with appropriate standards. Also in the spirit of immediate and practical actions which the federal government can take, we urge that the Adult Protective Services (APS) Resource Center and the National Center on Elder Abuse be continued.

⁴ Older Americans Act Reauthorization Bill, S. 2562, 112th Cong., sess. 2. (2012).

⁵ Violence Against Women Reauthorization Act of 2011, S. 1925, 112th Cong., sess. 2. (2011).

⁶ Elder Justice Act of 2009, S. 795, sec. 2022, 109th Cong., sess. 1. (2009).

Leveraging National Partners

The second area this paper focuses on is issues related to leveraging national partners to address elder mistreatment. We believe to an extent there have been important relationships established between this Administration and national partners, most notably the partnership for the historic observance in the White House of World Elder Abuse Awareness Day⁷ earlier this year which involved both private and non-profit partners. In addition, the composition of the National Center on Elder Abuse provides another good example as a unique, multi-disciplinary consortium of equal national organizational partners with expertise in elder abuse, neglect and exploitation.

The naming of the aforementioned Advisory Board and its 27 members from different sectors will inevitably lead to new and expanded partnerships including a focal point for discussion an exchange of information and ideas. Further, the combined work of this Council and the Advisory Board can lead to an enhanced national elder justice strategy which should ultimately be the basis of a public-private partnership of commitment. It would also make sense for the Administration to break the topic of elder abuse down and determine which sectors are or should be involved in prevention and work to identify and cultivate national partners in the solution. This can include the medical sector, law enforcement, the financial sector, faith-based communities, information system companies, organized labor and so on. In addition, an inventory should be done to determine and compile all activities of national entities currently involved in elder mistreatment prevention work and have that help leverage new partnerships.

⁷Presidential Proclamation, World Elder Abuse Awareness Day 2012, <http://www.whitehouse.gov/the-press-office/2012/06/14/presidential-proclamation-world-elder-abuse-awareness-day-2012>, retrieved Oct. 23, 2012.

Encouraging National Attention

The third area this paper addresses is how the federal government can encourage and catalyze national attention to the issue and again foster better public private partnerships to achieve the same goal. Certainly the convening and subsequent work of this Council should go a long way to achieving this goal.

Federal government leadership had been sorely lacking in the area of elder abuse prevention. This was the reason why an Elder Justice Act was first proposed and later became law. This Administration has turned this lack of leadership around. But more lies ahead. It is about both resources and resourcefulness. Among all the federal agencies represented on the Council, there are sufficient resources if coordinated to take the lead in embarking on a robust public education and awareness campaign on elder mistreatment. Materials from the National Center on Elder Abuse and the CFPB are good examples that can be built onto. One very straightforward idea that could be implemented in quick fashion would be to include a set of standardized tips on how to prevent elder mistreatment, especially financial abuse on every federal agency website including those of Members of Congress. We would add parenthetically that our Elder Justice Coalition is willing and able to be a distribution channel for educational materials and public awareness activities.

Further, working with the media, the entertainment and advertising industries, there are more resourceful ways to get a message to the American public about how we can all help stop elder abuse. This Council should include collaborations with those inside and outside of government who have worked with success in the child abuse and domestic violence prevention world, especially around messaging and raising public awareness and in some cases outrage.

Identifying Short-Term Gaps

Finally, we need to address how to identify gaps in the short term that can have immediate and practical action implications.

One of these certainly has to be data collection. In the greatest and most technologically advanced nation in the world, why is there such an inability to collect accurate incidence data on elder abuse? An investment needs to be made in improving data collection. It is another example of a public-private partnership waiting to happen. Furthermore, in the archives of the HHS Office of the Assistant Secretary for Planning and Evaluation, there was a report produced several years ago called for in the original Elder Justice Act which addressed issues related to better data collection.⁸ The report recommends both “a national dataset comprised of administrative data on elder abuse that is reported to local authorities and then centralized and analyzed on an ongoing basis” as well as “a national prevalence study (or a series of ongoing studies) to assess the total amount of elder abuse in the United States, including an estimate of the level of unreported abuse.”⁹ Those recommendations should be followed.

Another gap that most certainly needs to be addressed is the unevenness of the country’s numerous and diverse authorities who investigate elder abuse. This is especially true with Adult Protective Services. A report just issued jointly by the National Association of States United for Aging and Disabilities (NASUAD) and the National Adult Protective Services Resource Center (NAPSRC) makes this point. In their executive summary they note that “there is no federal oversight or funding for the Adult Protective Services program.”¹⁰ The report goes on to note

⁸ ASPE, *Congressional Report on the Feasibility of Establishing a Uniform National Database on Elder Abuse*, <http://aspe.hhs.gov/daltcp/reports/2010/eldercr.pdf>, retrieved Oct. 23, 2012.

⁹ *Id.* at 2-3.

¹⁰ NASUAD and NASPRC, *Adult Protective Services in 2012: Increasingly Vulnerable*, page viii, http://www.hcbs.org/files/218/10851/NASUAD_APS_Report.pdf, retrieved Oct. 23, 2012.

“without a national program, states create laws and regulations independently”¹¹ and as a result APS programs in the states vary greatly.

One immediate step that can be implemented and is called for in the Elder Justice Act would be to designate a home for APS and in turn vest it with greater responsibility and resources to coordinate the response to elder abuse. In addition, stronger alignment between APS and the law enforcement community at the national, state and local level must be advanced and can be through the work of this Council and a newly empowered Office of APS within HHS.

Conclusion

In conclusion, while we laud the convening of this Council, we want to caution it not to become too much of a Washington-only entity. The federal government has an absolutely key responsibility to take the lead in developing an elder justice strategy based on coordination. Yet much of the work on the ground that is done in the fight against elder abuse is done at the state and local level. There are hundreds of coalitions, alliances and committees across our nation working to prevent elder abuse according to a report from the National Center on Elder Abuse.¹² Most recently these coalitions were established under the leadership of the National Committee for the Prevention of Elder Abuse in locations that never had one but that had a growing elder abuse problem. We should be learning more about and from these local initiatives as part of the Council’s work and its eventual recommendations. Elder abuse prevention is a shared responsibility. Having the federal government take more responsibility is a step that is long overdue.

¹¹ *Id.*

¹² National Center on Elder Abuse, *State, Regional and Local Elder Abuse Coalitions, National Directory*, January 2001.

DISCLAIMER:

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