



State, federal bills target rise in elder abuse incidents

by Mike Murphy
for Stateline Midwest

Since the introduction last year of the federal Elder Justice Act, some states have been examining their own legislation and programs in hopes of curbing the rise in elder abuse — which can range from cases of financial exploitation to incidents involving physical, mental and sexual mistreatment.

Action at both the state and federal levels of government reflect a growing recognition about the extent of the elder abuse problem. Reports of deaths in nursing homes caused by starvation, dehydration and bedsores (which are a sign of neglect or maltreatment) have received attention around the country. In addition, while the lack of a uniform reporting system makes it difficult to pinpoint the number of elder abuse cases every year, recent studies have consistently shown that the problem is at least fairly widespread.

According to the National Center for Elder Abuse, some studies estimate that anywhere from 3 percent to 5 percent of the senior population has been abused in some way. Between 1986 and 1996, the number of cases reported to state adult protective services increased by 150 percent, compared to a 10 percent rise in the senior population over the same time period.

“What we’re seeing now is only the tip of the iceberg,” adds Sara Aravanis, director of the National Center on Elder Abuse. Some studies have suggested that as many 5 million cases of elder abuse occur every year in nursing institutions and private homes, with 84 percent of the incidents never being reported.

In addition, with the senior population expected to double over the next 25 years, the number of potential elder abuse victims will rise significantly in the future.

Different kinds of abuse

Financial exploitation is one of the most common and publicized forms of elder abuse. In Illinois, for example, this type of mistreatment accounts for 56 percent of all reported cases.

“Twenty-five years ago, most [older] people neither had the money nor the resources they have now,” says Charles D. Johnson, director of the Illinois Department of Aging. “As the money grows, you’re going to have more people pulling at it.”

Many other types of cases are being reported in Illinois as well — including emotional abuse, passive neglect, physical abuse, willful deprivation, confinement and sexual abuse. In more than one-quarter of the elder abuse cases, the victims are over 86 years old, says Lois Moorman, acting director of the Illinois Elder Abuse Task Force. In addition, 70 percent of the victims are women.

“The sad part is that 76 percent of abusers are related and are either a spouse, child or relative,”

Survey highlights challenges facing state adult protective services

A 2003 survey of the state officials in charge of protecting the elderly population from abuse reveals some of the key challenges that they face. Conducted by the National Association of Adult Protective Service Agencies and the National Center on Elder Abuse, the survey reflects the responses given by adult protective service (APS) administrators in 42 states. Below are the key challenges mentioned by respondents.

Insufficient funding — The lack of federal funding for adult protective services is considered by state administrators to be their single biggest obstacle. Cutbacks in state budgets also were mentioned as a problem.

Staffing levels — Related to the funding issue, state APS administrators say they do not have enough staff to effectively operate existing programs. In addition, large caseloads and low pay are leading to high turnover rates.

Dearth of emergency resources — Another major concern is the lack of emergency and alternative placement resources available to a wide range of populations, including older victims of domestic violence and abuse.

Lack of public awareness — According to survey respondents, public awareness about the extent of the adult abuse problem is insufficient. In addition, they say not enough people are aware of the programs available to address the abuse, exploitation and neglect of vulnerable adults.

Problems with the legal system — Low rates of prosecution and the lack of training for law enforcement were among the problems listed by APS administrators. They also would like to improve coordination and collaboration between APS agencies and law enforcement.

Not enough reliable data — Some states say they do not have the kind of data necessary to evaluate APS programs or track clients through the system. One suggestion made by APS administrators is the development of a national automated data system that would collect uniform information from the states.

Internal administrative issues — Other problems cited by states included poor communication between the various agencies serving APS clients and the lack of clear legislative mandates regarding APS programs.

Moorman says. “Four out of five victims either have a physical or cognitive barrier.”

Last year, the Illinois Legislature passed three bills designed either to curb incidents of abuse or facilitate a better reporting of cases.

One measure prohibits someone convicted of abuse from inheriting the victim’s estate, while another adds paramedics and emergency medical technicians to the list of professionals required by law to report suspected cases of elder abuse.

The third bill instructs the state’s Department on Aging to work with banks on programs that provide more information on financial exploitation. The same measure also directs the state agency to coordinate educational efforts with utility and electric companies in order to curb two common causes of financial exploitation: telemarketing and home repair fraud.

Lawmakers themselves also have been trying to improve awareness. Earlier this year, for example, Illinois Rep. Jim Meyer hosted an elder abuse and prevention summit in his legislative district.

“The abuse issue is very hard for the elderly population to come to grips with,” the Naperville Republican says. “And I believe financial exploitation probably happens more than they think.”

Aravanis points to Iowa as being another state where officials have tried to improve elder abuse prevention and outreach programs. That state’s Elder Abuse Initiative was launched after lawmakers decided three years ago to allow money from a senior living trust fund to be used for a state elder abuse prevention coordina-

tor and for the funding of various demonstration projects.

The initiative now employs regional prevention coordinators around the state who work together with the state Department of Elder Affairs on identifying at-risk seniors and providing assistance to them. The program also provides training to members of the community.

At the federal level, Aravanis and others are pushing for passage of the Elder Justice Act, which proponents say would supplement and support various state initiatives. The legislation, as originally introduced in 2003, would make elder abuse a federal crime and create new offices of elder justice (in both the U.S. Departments of Justice and Health and Human Services). It also would address abuse in nursing homes by trying to improve staffing and training in these facilities.

Bob Blancato, national coordinator of the Elder Justice Coalition, adds that the bill “would enhance and expand model state and local abuse prevention programs through new federal support.”

According to Aravanis, tight fiscal situations have caused many state adult protective service agencies to focus largely on the reported cases of abuse. The federal measure would provide incentives for states to implement preventive strategies, she says.

The Elder Justice Act has several sponsors in the U.S. House and Senate but has not yet passed any congressional committees. Members of the Elder Justice Coalition are hoping that at least one chamber will begin taking action on the legislation this fall. ✨