



**National Adult Protective Services Association's
*Comments on the Federal Elder Justice Interagency Working Group's
Strategies for Federal Action on
Elder Abuse, Neglect and Exploitation***

NAPSA congratulates the Elder Justice Coordinating Council and the interagency working group on presenting nine very clear and succinct recommendations to be considered. The nine points address most of the critical issues facing the field of elder abuse.

To prepare its response, NAPSA solicited comments from state and local APS programs and from others with expertise in APS, and has incorporated their comments here. Below NAPSA first offers several comments about the overall set of recommendations and then follows with comments on each specific recommendation.

Overall Comments

1. The issue of elder abuse and the EJCC would gain more attention and more gravitas if the Council adopted a formal comment process through the Federal Register. The informal process in place gives the impression that addressing elder abuse is not as serious a federal responsibility as other matters. Federal Register publication would also give everyone with an interest access to all the comments made, as well as to how the federal government responded to them.
2. The vast majority of elder/vulnerable adult abuse cases do not rise to the level of criminal behavior. Those perpetrators who commit crimes must be reported, investigated and prosecuted. At the same time, over-emphasizing criminal cases runs the risk of continuing to ignore the needs of most victims, whose health, well-being and financial security need to be addressed by well-trained and adequately-funded protective and support services.
3. Professionals who have worked with elder abuse victims for many years point out that Adult Protective Services is the core around which other systems and services operate in most cases of reported abuse, neglect and exploitation. While some (few) victims are served by domestic violence or victims' programs, APS is both:
 - the statutorily-authorized agency in each state with the responsibility to investigate reports of alleged abuse, neglect and exploitation and provide services to older and vulnerable victims;

- experienced in working with:
 - complex cases involving multiple types of abuse;
 - clients with cognitive impairments;
 - aging and disability service providers; and
 - APS goes to victims rather than requiring victims to come to the program before they can be helped.

APS is the key player in every state in responding and helping victims of elder and vulnerable adult abuse.

4. Although the Council was created by the **Elder** Justice Act, it is important for the recommendations to recognize that APS, the states' primary response system to elder abuse:
 - serves adults with disabilities of all ages in the vast majority of states; and,
 - has as one of its primary victim groups adults who self-neglect to the extent that their health well-being and safety are in significant jeopardy.

These realities have significant impact on APS, in terms of resources, case complexities and other demands on state and local programs, and hence on any national response to elder abuse.

5. It is critical to establish a federal Office of Adult Protective Services to promote the role and interests of the APS field at the federal level, and to help coordinate the efforts of the participating federal agencies with the APS Resource Center and state and local APS programs. The Office staff should have strong knowledge, interest and experience in APS as well as in elder abuse, and be able to represent APS programs and clients at the federal level.

Comments on Specific Recommendations

1. *Support the investigation and prosecution of elder abuse, neglect, and financial exploitation cases through the launch of the Elder Justice Website, development of a "successful practices" guide to creating additional Elder Abuse Forensic Centers, and creation of a National Resource Center for the Investigation and Prosecution of Elder Abuse.*

- In those cases which should and are taken seriously by the criminal justice system, the victims still require ongoing support, services and information. As noted above, most elder abuse cases are not criminal in nature, either because the behavior itself does not meet a criminal definition, or because the perpetrator is unable to form criminal intent. Resources should first be directed at programs which help the greatest number of victims.

2. *Support and protect elder victims by improving identification of elder abuse and enhancing response and outreach to victims.*

- While this recommendation says "support and protect elder victims" the details provided at the EJCC meeting were focused mainly on developing new tools to identify victims.

- NAPSA recommends that the aging network lead the way in implementing increased outreach and victim identification by:
 - Routinely screening all clients for abuse, neglect and exploitation;
 - Giving abuse victims high priority for services.
 - The recommendation that victim services should be better coordinated could be wrapped into one recommendation involving multi-disciplinary teams.
 - Clarifying that the term “social services” means APS, that abuse reports are made to APS, and that APS plays a vital role in mitigating elder and younger adult abuse, neglect and exploitation (as well as addressing self-neglect), would strengthen this recommendation.
3. *Develop a national Adult Protective Services (APS) system based upon standardized data collection and a core set of service provision standards and best practices.*
- NAPSA strongly supports developing a national APS data system, having already undertaken the development of national APS program standards and a national training program, but also recognize the fundamental problem facing APS, which is the lack of adequate resources. There can be no national APS system, nor high-quality protective services for vulnerable and older adults in every community, until state and local direct victim protective services are adequately funded, including funding to enhance and support data collection efforts. Moreover, as many states have developed APS data collection systems and worked with firms who design such systems, any deliberations concerning data collection should include considerable representation from the APS field.
 - NAPSA believes it is premature to talk about developing a national APS system, given the diversity of APS program administrative homes, client and residence eligibility standards and differing definitions. It would be more appropriate to say “support state and local APS services and begin development of more standardized program, data and training standards.” Or it could be worded similarly to recommendation number seven; e.g., “improve the capacity of APS to investigate elder and vulnerable adult abuse and to protect and provide services to its victims, working with APS professionals, programs and organizations.” Any new, national standards, especially if they come without serious funding attached, will require major buy-in from the field, which will only come with the field’s close involvement from the beginning of the process.
 - Commenters from the field express concerns about “federal oversight of APS service standards”, given the lack of statutory authority and mandates, as well as the absence of APS expertise in the federal government, which could potentially hamper state and local support of efforts to create a national APS system.

4. *Establish a coordinated federal research agenda to identify best practices for prevention of and intervention in elder abuse and elder financial exploitation.*
 - This should be a high priority, with the emphasis on research linked to practice, but it should not take precedence over supporting current services to victims. Victims suffering right now cannot be ignored while researchers find better ways to serve them. Nonetheless, much more research is needed and the federal government should devote more resources to it, including encouraging private philanthropy to support such research.
 - The research agenda should also include self-neglect, which has been shown to be a risk factor for future abuse by others, and which also carries a very high risk of premature mortality.
5. *Develop a strategic, multifaceted public awareness campaign including media relations, public service announcements, and online tools and information with clear and consistent messaging to raise awareness and understanding of elder abuse, neglect (including self-neglect), and exploitation.*
 - It would be a great contribution to have federal agencies agree on consistent, well-designed public awareness materials.
 - NAPSA recommends the initial public awareness campaign focus on educating mandated reporters, and that there be a simultaneous effort to build the capacity of APS to respond to increasing numbers of reports.
 - The recommendation speaks to collaboration across federal agencies. Perhaps as importantly, there should be collaboration among state and local jurisdictions and the federal government. Examples of successful efforts at the state and local level could serve as models for federal collaborative efforts.
6. *Develop training to educate stakeholders across multiple sectors and disciplines on preventing, detecting, intervening, and responding to elder abuse, neglect, and exploitation.*
 - NAPSA agrees fully with this recommendation, especially as it pertains to mandated reporters.
 - As with research, any training developed should include self-neglect.
7. *Bolster the ability of financial services providers to address financial exploitation.*
 - NAPSA fully supports this recommendation, as financial institutions are also on the front lines of seeing and responding to elder financial abuse. Already proven, successful programs such as the one developed by Philadelphia APS and Wachovia Bank in the early 2000s, the California FAST and FIT teams, and others should be

promoted and disseminated. The guidance for banks being developed by the Office of the Comptroller of the Currency and other federal agencies will be tremendously helpful in reassuring financial institutions that they are permitted to share information with APS without incurring liability or violating the law.

- NAPSA's Financial Exploitation Advisory Board includes prominent members from the financial services industry, including the Financial Services Roundtable, the Bank of America, Well Fargo Advisors, and others. As the Board's goal is to work with the industry, regulators, advocates and prosecutors to reduce and prevent elder financial abuse, it could be a great asset in implementing this recommendation.

8. Reduce financial exploitation by fiduciaries through enhanced oversight and collaboration among federal and state entities.

- APS routinely works with fiduciaries of all types (guardians, agents with power of attorney, representative payees) in investigating and redressing elder abuse and has a great deal of expertise in how they might be held more accountable.
- Much more clarity and information-sharing by federal agencies would greatly improve client services and protection.
- NAPSA is working closely with the Social Security Administration to better coordinate the SSA representative payee program with APS.

9. Improve the ability of APS and first responders to screen for diminished capacity, vulnerability to financial abuse, and whether individuals have been victimized.

- More accurate, reliable, affordable and easy-to-administer capacity assessment tools are urgently needed for use in the field by APS practitioners. This is another area where the federal government could support additional research to accelerate reaching this goal. The availability and use of such tools would help to standardize important components of APS evaluation and promote more evidence-based practices.