

## **Social Workers and Elder Abuse**

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Social workers generally have a basic understanding of their role in identifying and reporting suspected child abuse and neglect. However, many social workers are less familiar with their responsibilities regarding elder abuse and neglect. This Legal Issue of the Month article reviews the elements of elder abuse, the different types of elder abuse, warning signs, and the reporting of elder abuse.

### **What Is Elder Abuse?**

Elder abuse is a term referring to any knowing, intentional, or negligent action that causes harm or creates a serious risk of harm to an older, vulnerable<sup>1</sup> or disabled<sup>2</sup> adult, whether harm is intended or not.<sup>3</sup> The age of protection varies from state to state. The term elder includes persons who are at least 50 years of age and above, depending on which state law is being applied. Elder abuse is a serious public health problem affecting millions of older Americans each year.<sup>4</sup> As the aging population continues to increase, the number of affected persons is also likely to increase.

### **Types of Elder Abuse:**

The U.S. Department of Health and Human Services has identified six types of elder abuse:

1) physical, 2) sexual, 3) neglect, 4) exploitation, 5) emotional abuse, and 6) abandonment. They are defined as:

- Physical abuse – inflicting physical pain, injury or impairment on an elderly person
- Sexual abuse – non-consensual sexual contact of any kind with an elderly person
- Neglect- the failure by those responsible to provide food, shelter, health care or protection for an elderly person
- Exploitation – the illegal taking, misuse or concealment of funds, property or assets of an elderly person for someone else’s benefits
- Emotional abuse- inflicting mental pain, anguish or distress on an elderly person through verbal or nonverbal acts
- Abandonment- desertion of an elderly person by anyone who has assumed the responsibility for care or custody of that person.

Self-neglect is also acknowledged as a form of elder abuse but is distinguished from other types of elder abuse where there is a third party perpetrator. Self- neglect is characterized as the failure

of a person to perform essential self-care tasks where such failure threatens his/her own health or safety.<sup>5</sup>

### **Warning Signs**

Social workers who work with the elderly are likely to be the first to discover abuse. Elder abuse comes in many forms. Although one sign does not necessarily indicate abuse, the presence of certain signs may indicate a problem. Typical signs and symptoms may include but are not limited to the following:

- Fractures, bruises, burns, abrasions, signs of being restrained may be an indication of physical abuse
- Sexually transmitted diseases, bloody underclothing or bruises around breasts or genital area can occur from sexual abuse
- Uncharacteristic changes in behavior (i.e., withdrawal from normal activities) and threatening or controlling behavior by the caregiver may be an indication of emotional abuse
- Sudden changes in financial situation, significant withdrawals from bank accounts, unpaid bills, suspicious changes in wills, policies, and power of attorney may be the result of exploitation
- Bedsores, unattended medical needs, poor hygiene, dehydration, malnutrition, unsanitary living conditions, and unusual weight loss are indicators of possible neglect
- Desertion of an elderly person at a hospital, nursing facility or public location may be an indication of abandonment<sup>6</sup>

### **Adult Protective Services**

While there is currently no federal law protecting elders from abuse, all 50 states have passed laws specifically dealing with elder abuse, neglect, and exploitation. Laws and definitions of terms may vary from one state to another, but all states have set up reporting systems.<sup>7</sup> Adult Protective Services (APS) is designated as the public agency to receive, investigate, and respond to allegations of elder abuse and neglect and for providing victims with treatment and protective services. Long Term Care Ombudsmen (LTCO) investigate and resolves nursing home, assisted living and board and care facilities based complaints.<sup>8</sup>

Elder abuse is believed to be widely under-reported. It is believed that officially reported cases are just the tip of the iceberg. For every report of elder mistreatment that is made to Adult Protective Services, it is estimated that at least five cases go unreported.<sup>9</sup>

### **Who are the abusers?**

The majority of abusers are family members, most often an adult child or spouse. Abuse can also occur at a long term care facility, such as a nursing home or assisted living residence by

employees who have direct contact with residents. Other offenders may include other family members, old friends, and “new” friends who intentionally prey on older adults.<sup>10</sup>

### **Mandatory Reporters**

The individuals who are legally mandated to report known or suspected elder abuse vary by jurisdiction. In some states, certain professionals are mandated to report elder abuse or neglect if they know or suspect it has occurred. Social workers are among the professionals who are most likely to be named as mandatory reporters of elder abuse. Laws requiring mandatory reporting vary from state-to-state. As of January 2015, every state, except New York, has passed legislation that mandates professionals to report elder abuse, neglect, and exploitation.<sup>11</sup> To find the adult protective services, institutional abuse and long term care ombudsman program laws listed by state, go to:

[http://www.americanbar.org/content/dam/aba/migrated/aging/about/pdfs/APS\\_IA\\_LTCOP\\_Citations\\_Chart.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/aging/about/pdfs/APS_IA_LTCOP_Citations_Chart.authcheckdam.pdf)<sup>12</sup>

### **What to do if you suspect elder abuse?**

If you suspect elder abuse, report it to your local APS or LTCO office. You do not need to prove that abuse is occurring to make a report. It is up to the professionals to investigate the suspicions. Social workers are only required to report their suspicions, not to verify that elder abuse is actually occurring. Most states have a toll-free hotline number that you can call to report your concerns. To find a local APS agency in your state, go to the National Center on Elder Abuse Website at: [http://www.ncea.aoa.gov/Stop\\_Abuse/Get\\_Help/State/index.aspx](http://www.ncea.aoa.gov/Stop_Abuse/Get_Help/State/index.aspx) To find a local Long Term Care Ombudsman or other long-term care resources in your state go to:

[http://theconsumervoice.org/get\\_help](http://theconsumervoice.org/get_help)

### **TIPS**

- Review the relevant statute in your state to determine whether it mandates reporting and if you must report.
- Pay attention to the reporting requirements. For example, check to see if the victim meets the age (i.e. 55, 60, 65) in your statute or the definition of “vulnerable” or “at risk” adult.
- Inform the older clients in the initial session/meeting if you are mandated to report.
- Balance the client’s safety with their right to confidentiality
- Collaborate with other agencies to address contributing factors

### **References**

American Bar Association Commission on Law and Aging (2007) -Adult Protective Services, Institutional Abuse, and Long Term Care Ombudsman Program Laws: Citations, by State (Laws current as of 12/31/06). Prepared by Lori Stiegel and Ellen Klem of the American Bar Association Commission on Law and Aging for the National Center on Elder Abuse Copyright

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[http://www.americanbar.org/content/dam/aba/migrated/aging/about/pdfs/APS\\_IA\\_LTCOP\\_Citations\\_Chart.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/aging/about/pdfs/APS_IA_LTCOP_Citations_Chart.authcheckdam.pdf)

Bergeron, L. Rene; and Gray, Betsey: Ethical Dilemmas of Reporting Suspected Elder Abuse, *Social Work*, Volume 48, Number 1, p.98. (January 2003).

Long Term Care Ombudsman

<http://ltcombudsman.org/>

U. S. Department of Health and Human Services: National Center on Elder Abuse State Resource Directory [http://www.ncea.aoa.gov/Stop\\_Abuse/Get\\_Help/State/index.aspx](http://www.ncea.aoa.gov/Stop_Abuse/Get_Help/State/index.aspx)

U. S. Department of Health and Human Services: National Center on Elder Abuse/Administration on Aging <http://www.ncea.aoa.gov/index.aspx>

### **Resources**

2015 White House Conference on Aging <http://www.whitehouseconferenceonaging.gov/>

Eldercare Locator <http://www.eldercare.gov/Eldercare.NET/Public/Index.aspx>

NASW Recommendations for the 2015 White House Conference on Aging (June 12, 2015)

Long-Term Services and Supports

[http://www.socialworkers.org/practice/aging/documents/NASW\\_Comments\\_on\\_2015\\_WHCoA\\_LTSS\\_Policy\\_Brief\\_61215.pdf](http://www.socialworkers.org/practice/aging/documents/NASW_Comments_on_2015_WHCoA_LTSS_Policy_Brief_61215.pdf)

Elder Justice

[http://www.socialworkers.org/practice/aging/documents/NASW\\_Comments\\_on\\_2015\\_WHCoA\\_Elder\\_Justice\\_Policy\\_Brief\\_61215.pdf](http://www.socialworkers.org/practice/aging/documents/NASW_Comments_on_2015_WHCoA_Elder_Justice_Policy_Brief_61215.pdf)

Retirement Security

[http://www.socialworkers.org/practice/aging/documents/NASW\\_Comments\\_on\\_2015\\_WHCoA\\_Retirement\\_Security\\_Policy\\_Brief\\_61215.pdf](http://www.socialworkers.org/practice/aging/documents/NASW_Comments_on_2015_WHCoA_Retirement_Security_Policy_Brief_61215.pdf)

Healthy Aging

[http://www.socialworkers.org/practice/aging/documents/NASW\\_Comments\\_on\\_2015\\_WHCoA\\_Healthy\\_Aging\\_Policy\\_Brief\\_61215.pdf](http://www.socialworkers.org/practice/aging/documents/NASW_Comments_on_2015_WHCoA_Healthy_Aging_Policy_Brief_61215.pdf)

U.S. Department of Health and Human Services: Administration for Community Living/ Administration on Aging [http://www.aoa.acl.gov/AoA\\_Programs/Elder\\_Rights/index.aspx](http://www.aoa.acl.gov/AoA_Programs/Elder_Rights/index.aspx)

U.S. Department of Justice Elder Justice Website <http://www.justice.gov/elderjustice/>

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<sup>1</sup> A vulnerable adult is defined as a person who is being mistreated or is in danger of mistreatment and who, due to age and/or disability, is unable to protect himself or herself. U.S. DHHS: National Center on Elder Abuse: Administration for Community Living (ACL)/Administration on Aging (AoA).

<sup>2</sup> Many states combine the protection of elderly people with the protection of disabled adults. Bergeron, L. Rene; and Gray, Betsey: Ethical Dilemmas of Reporting Suspected Elder Abuse, *Social Work*, Volume 48, Number 1, p.98. (January 2003).

<sup>3</sup>U.S. DHHS: National Center on Elder Abuse: Administration for Community Living (ACL)/Administration on Aging (AoA).

<sup>4</sup> 2015 White House Conference on Aging. The White House has held a Conference on Aging each decade since the 1960s to identify and advance actions to improve the quality of life of older Americans. The White House Conference on Aging held in July 2015 explored issues that help shape the landscape for older Americans. This year marked the 50th anniversary of Medicare, Medicaid, and the Older Americans Act, as well as the 80th anniversary of Social Security. The 2015 White House Conference on Aging recognized the importance of these key programs as well as to look ahead to the next decade.

<sup>5</sup>U.S. DHHS: National Center on Elder Abuse: Administration for Community Living (ACL)/Administration on Aging (AoA).

<sup>6</sup>Id.

<sup>7</sup>Id.

<sup>8</sup> Administration on Aging: Office of Long-term Care Ombudsman Programs. Ombudsman programs operate in all states, the District of Columbia, Puerto Rico and Guam.

<sup>9</sup> Center of Excellence on Elder Abuse and Neglect, Programs in Geriatrics, University of California, Irvine, School of Medicine – Fact Sheet [http://www.centeronelderabuse.org/docs/ea\\_stats\\_fact\\_sheet\\_2011.pdf](http://www.centeronelderabuse.org/docs/ea_stats_fact_sheet_2011.pdf)

<sup>10</sup> 15 Questions and Answers About Elder Abuse, National Center on Elder Abuse.

<sup>11</sup> NYC Elder Abuse Center – New York State Doesn’t Have Mandatory Reporting: Good or Something to Change? (January 8, 2015).

<sup>12</sup> ADULT PROTECTIVE SERVICES, INSTITUTIONAL ABUSE AND LONG TERM CARE OMBUDSMAN PROGRAM LAWS: CITATIONS, BY STATE (Laws current as of 12/31/06) Prepared by Lori Stiegel and Ellen Klem of the American Bar Association Commission on Law and Aging<sup>1</sup> for the National Center on Elder Abuse<sup>2</sup> Copyright © American Bar Association Commission on Law and Aging (2007) Research conducted on Westlaw compliments of West Group.