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**REPORT OF THE
NEW JERSEY
ADVISORY COUNCIL
ON ELDERLY ABUSE**

**TO GOVERNOR
Thomas H. Kean**

**Leonard S. Coleman, Jr.
Chairperson**



MAY 15, 1986

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REPORT OF
THE
GOVERNOR'S ADVISORY COUNCIL

ON
ELDERLY ABUSE

MAY 15, 1986

THOMAS H. KEAN, GOVERNOR
STATE OF NEW JERSEY



STATE OF NEW JERSEY

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H. KEAN
GOVERNOR

May 15, 1986

Honorable Thomas H. Kean, Governor
State of New Jersey
State House
Trenton, New Jersey 08625

Dear Governor Kean:

Through Executive Order 103, you created the New Jersey Advisory Council on Elderly Abuse and charged it with the task of developing a coordinated and comprehensive strategy to combat and prevent elderly abuse in New Jersey.

As Chairman of the Advisory Council, I am proud to present you with the Council's report: a summary of its findings and a series of recommendations which the Council believes to be integral components of a program to address the problem of elderly abuse.

Although there is currently no reliable data on the actual number of abused elderly in New Jersey, national estimates suggest that 4% of the elderly population--or as many as 52,000 older New Jerseyans--are victims of the types of abuse defined in the report.

One of the Council's primary recommendations is that legislation be enacted which would include services designed to help prevent abuse, to alleviate the suffering of abused elderly, and to address the abuser.

The report also recommends that reporting, delivery of services, and data collection take place at the county level with oversight responsibility assigned to the New Jersey Division on Aging in the Department of Community Affairs.

The members of the Advisory Council appreciate and share your concerns for New Jersey's vulnerable elderly and their families. We believe that adoption of the recommendations contained in this report will be an important step forward in ensuring the welfare of our older citizens.

Sincerely,

Leonard S. Coleman, Jr.
Commissioner





ACKNOWLEDGEMENT

The Advisory Council on Elderly Abuse acknowledges with appreciation the efforts of personnel from the Division on Aging who assisted in preparing the report: Alexandria Bosna, Coordinator, Penelope Blakemore, Dawn Reinke and Nancy Scott; and the editorial assistance of Ritamarie Rondum and Elizabeth Cox. Special recognition is given to Gwen Cannon for secretarial support.



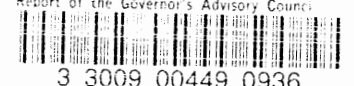
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CONTENTS

	Page
Members of Advisory Council on Elderly Abuse	i
Executive Summary	iii
Introduction	v

RECOMMENDATIONS

Age Group To Be Served	1
Elderly Abuse Defined	2
Mandatory Reporting	3
Penalties For Abusers	5
Access By Public and Social Service Agencies	7
Extending Public Awareness	8
Training	9
Central Administrative Agency	9
Provision of Services	11
Coordinating Services at the County Level	13
State Funding	14
Recommended Legislation	15



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EXECUTIVE SUMMARY

Governor Thomas H. Kean, responding to reports of elderly abuse and recognizing the need to develop a program to prevent and alleviate mistreatment of older citizens, created the Advisory Council on Elderly Abuse by signing Executive Order 103, on May 28, 1985.

The Council consists of members of the Governor's Cabinet as well as representatives from service agencies, law enforcement, public safety and the public at large. The Commissioner of the Department of Community Affairs was directed to chair the Council. The Division on Aging was responsible for staff support.

The Council's first task was to conduct a public hearing on September 23, 1985. It deepened understanding of the causes of physical, financial and psychological abuse and self-neglect of the elderly as well as of perceived service gaps. It brought out specific instances of abuse of elderly persons and helped identify aspects of the problem.

Abusers tend to be close relatives, including adult children of victims, who are involved in giving primary care. Chronic diseases of elderly people prolong the duration of their dependency. Physiological and psychological changes caused by aging and illness, as well as those associated with medication, can cause personality changes in older people. Testimony indicated that it is difficult for families to cope with these changes, especially when eruptions of aggressive, belligerent and disoriented behavior occur. Then, love, respect and responsibility can erode into anger, guilt and disappointment with years of tiring caregiving.

Abusers are likely to be under severe stress and may suffer from the effects of alcoholism, drug addiction, marital problems, long-term financial difficulties and/or mental illness. The abused often suffer from poor health or have a physical or mental impairment making them dependent on others, physically, emotionally or financially. Both abusers and abused are generally unaware of the community resources which may be available to them and fearful of alternatives.

Physical abuse included children beating their elderly parents. One son, for example, crushed out his lighted cigarettes on his mother's leg. Others are forced to live in filthy or unhealthy environments while still others suffer from poor nutrition and improper treatment procedures. Centers reported the improper use of medication and also found that stealing food from older people's homes is not uncommon.

Financial abuse involves children forcing parents to sign over their homes, taking their social security money and misusing their life savings. One man testified his elderly aunt was victimized by her apartment superintendent who wrote scores of checks from her account for his own enrichment.

Psychological abuse includes children not permitting others to communicate with their parents. Another example is non-inclusive isolation wherein a resident parent is not allowed to be part of the household.

Day care centers have also reported cases of abuse. They have seen unexplained bruises or marks on the bodies of older people. Some of the elderly were observed collecting food to take home to a non-existent cat or dog.

Cases of abuse can be serious and even life-threatening. It was noted, however, that the incidence of elderly abuse may affect a small percentage of our population. National estimates suggest that approximately four percent of elderly people suffer abuse. The vast majority of caregivers for the elderly in New Jersey are not among those involved in the mistreatment of older people in any manner.

The Council divided into subcommittees to define abuse, determine its extent, identify efforts to remedy the problem, review existing and pending legislation about elderly abuse and to ascertain what other states have done about the mistreatment of older people.

It was learned there are five bills before the State Legislature concerning elderly abuse, but none with a comprehensive remedy. A survey confirmed there is a lack of consistent record keeping by agencies involved with mistreatment of older people.

All 50 states responded to inquiries about efforts to combat the mistreatment of older citizens. Of the total, 41 have some kind of abuse-related legislation; 18 have legislation specially directed to older persons; 17 have legislation covering persons over 18 years of age; 37 include mandatory reporting of abuse and four include voluntary reporting. Nine states, including New Jersey, have no specific statutes dealing comprehensively with the abused elderly in a community setting.

The Council's investigation revealed a lack of standardization on the collection of data about elderly abuse. As a result, it was difficult to properly investigate the degree of abuse, as well as the number and types of incidents. It was also determined there is insufficient information to recommend mandatory reporting of elderly abuse cases.

The Council did reach agreement on the need for new legislation establishing protective and preventive measures covering the mistreatment of the elderly. Further, it concurred on the need for a uniform reporting system and an appropriation of \$2 million to initiate the program, including new county grants-in-aid.



INTRODUCTION

This report was prepared for the Advisory Council on Elderly Abuse by staff of the New Jersey Division on Aging which provided support services. The report presents the issues developed by Council members in their subcommittees, and offers background, analyses and recommendations as to how New Jersey should approach the prevention and alleviation of the problem of elderly abuse.

Executive Order 103 directed the creation of a New Jersey Advisory Council on Elderly Abuse to investigate the nature and degree of elderly abuse in the State to suggest methods to combat this problem, and recommend actions to be taken to address the needs and concerns of New Jersey's aging population.

The Executive Order directed that the report include a description of the problem of elderly abuse in New Jersey, a profile of the victims and their abusers and recommendations for appropriate actions to be taken.

Unfortunately, there is at this time no uniformly accepted definition of elderly abuse, and, therefore, no standardization in data collection upon which the Council could base its description of the abused, the abuser, and, the problem of elderly abuse

New Jersey's elderly population is growing dramatically. Those older people sixty years and over now number 1,336,000, nearly 18% of the State's citizens. The elderly are expected to number nearly 1.5 million by the next century, representing 19% of New Jerseyans and increasing 48% since 1970. From 1970, those individuals who are seventy-five and older are projected to number 568,000 by 2000, an increase of 124%. Projections to the year 2000 for those eighty-five and older number 158,000 people, an increase of 230%.¹

Though the incidence of elderly abuse remains unclear among researchers, several current national estimates place it at approximately 4% of the elderly population, extrapolated to as many as 53,000 affected older persons in New Jersey.²

1. New Jersey Department of Labor, Office of Demographic and Economic Analysis, New Jersey Revised Total and Age and Sex Population Projections. Trenton, July 1983. pp. 60-61

2. U.S. House of Representatives, Select Committee on Aging, Elder Abuse: An Examination of the Hidden Problem. 97th Congress, April 1981 Washington, D.C.: U.S. Government Printing Office, p. 76



It is clear that government strategies for the prevention and treatment of elderly abuse should primarily be concerned with education, services and accompanying supportive statutes. This holds whether or not the abuse is caused by individual or family psychopathology, exhaustion and acute stress from overwhelming caregiver responsibilities, lack of community supports, longstanding negative family dynamics, ignorance of the caregiver or a combination of these.

THE NEW JERSEY ADVISORY COUNCIL ON ELDERLY ABUSE

THE GROUP TO BE SERVED

The Issue

The first issue to be resolved was at what age does the term "elderly" apply. It was the opinion of the Council that the definition of "elderly" would pertain to the population above age sixty.

Some members expressed the belief that the Legislature should consider separately the issue of legal protection for adults under age sixty who are vulnerable, and enact appropriate legislation. These members provided the following statement.

"Vulnerable adults are at risk even if they have not reached the age of sixty. As an example, two women have been disabled by multiple sclerosis. They are equally vulnerable to abuse. One is forty-nine, the other sixty-one. Do we deny care and protection based on age? Or, consider the situation of a man who suffers a massive stroke or severe Alzheimer's Disease at the age of fifty-five. It would be unfortunate, indeed, if we said he is less at risk or less in need of intervention because he is under age sixty. Research with the Intervention Projects of the New Jersey Department of Human Services shows 38% of the people needing protective services to be under age sixty and indicates that the clients served need the same services as those over sixty."

Recommendation

The Council recommends adults age sixty and over be the target group for Elderly Abuse Prevention legislation. The elderly are vulnerable to abuse and at risk and were the subject of the Governor's charge to the Council. However, the Council recognizes that other segments of the adult population are subject to abuse as well.

Although the Council recognized the broad issue of abuse, its recommendations for legislation are based on the specific and distinctive needs of the elderly and are mindful of the particular vulnerability of the frail elderly.

Rationale

The Governor's Executive Order 103 directs development of a Strategy...to eliminate elderly abuse and...offer assistance to...victims." This Council's research has determined that the problem of abuse exists in the over sixty years of age population and is growing with the increase in that population segment. As more people live to

older ages, there is the likelihood that more of us will, at some point in our lives, become responsible for the care of an older relative.

Stress on caregivers may create more demands for services for both the cared for and the caregiver.

ELDERLY ABUSE DEFINED

The Issue

There is no uniform set of definitions of elderly abuse recognized and accepted by practitioners in the field. Recent studies suggest that researchers must construct precise, measurable and scientifically useful definitions of elderly abuse. Further, acts of commission must be seen as conceptually distinct from acts of omission. Violence must be viewed as different in kind and cause from neglect.

The subcommittees have identified the major forms of abuse against persons over sixty years of age. These findings are incorporated in the recommended definition of elderly abuse below.

Recommendation

The Council recommends that the term "Elderly Abuse" be defined to include:

- Physical Abuse -- The infliction of physical pain or injury, or unreasonable confinement.
- Psychological Abuse -- The infliction of psychological or emotional suffering by actions and/or verbalizations which constitute a recurring or ongoing pattern of behavior which humiliates, provokes, intimidates, confuses or frightens the older person.
- Financial Abuse -- The circumstance which allows for the illegal use or gross mismanagement of an older person's funds, assets or property.
- Elderly Neglect -- Acts of omission or commission involving abandonment by caregivers who are actively involved with older persons. These acts result in the inadequate provision of care or services necessary to maintain the physical and mental well-being of older persons and place those individuals in a situation which can result in serious injury or which is life-threatening. (Caregivers are defined as persons who are required to undertake, or who have undertaken, the responsibility to provide care to an older person.)

- Self-Neglect or Self-Abuse -- Behavior or the lack of behavior on the part of an older person which is life-threatening or which can lead to serious injury.

Rationale

The above definitions of elderly abuse have been structured to provide a basis upon which new legislation can be drafted and existing legislation amended, particularly to extend the availability of protective services. However, the Council has also attempted to define elderly abuse in a manner which limits the State's intrusion into the constitutional rights of those elderly who have the capacity to decide what is best for themselves.

Although existing criminal statutes may be applicable to some acts of elderly abuse, society's way of viewing the elderly often causes such acts to go unreported or not be taken seriously. Acts against the elderly may receive different treatment than similar acts committed against younger persons.

MANDATORY REPORTING

The Issue

Of the forty-one states which have adult abuse statutes, thirty-seven have laws which require mandatory reporting.

Mandatory reporting requirements generally apply to any caretaker, social worker, physician, registered or licensed practical nurse, or other professionals. As a result of information obtained in the course of employment, any of the above persons having reasonable cause to suspect or believe that an older person is being or has been abused, is required to report such information in a timely manner to the state or county agency designated to receive such reports. In some states, all persons having knowledge of abuse are required to report as described above.

Recommendation

After many unsuccessful attempts to arrive at a majority decision with respect to this issue, the Council finally agreed to make no recommendation in this area. Instead, the Council opted to request additional time to study this particular issue further. The plan would be to assess further the major positions concerning mandatory reporting, and to issue a separate report on the subject.

The inherent conflict is between society's desire to help vulnerable elderly people and the desire to respect their civil liberties.

Those who favor mandatory reporting believe the following arguments prove it is a necessary part of any protective legislation regarding elderly abuse:

- Mandatory reporting would be a statement by the legislature as to the seriousness of the problem;
- Mandatory reporting may help to alert abusers to the legal risks of elderly abuse;
- Mandatory reporting will help to remind all citizens of their obligations;
- Mandatory reporting protects the rights of elderly to not be abused/exploited;
- The Legislature is more likely to adequately fund services if there is mandatory reporting;
- Mandatory reporting is likely to result in more comprehensive statistical data collection for better program planning
- Mandatory reporting will call attention to the problem and increase case finding of at-risk older people; and
- Without legally mandated reporting, many people will choose to "look the other way" rather than get involved

Those who object to mandatory reporting provide the following arguments:

- Mandatory reporting violates the confidential nature of the client-helper and patient-doctor relationship;
- Funds for services may be diverted to administer a reporting system;
- Mandatory reporting might prevent an older person from revealing information about abuse to a possible source of assistance through fear of investigation which might result in criminal charges against a member of the family or in institutionalization for themselves;
- If sufficient services and trained investigative staff are not in place upon enactment of such a law, the entire system could be subject to



criticism from those who report and then find that insufficient or inappropriate follow-up has been done;

- Although thirty-seven states have laws which include mandatory reporting, many of these laws were passed as a "quick fix" and do not have the service capability to follow up on the reports. These laws can then be rendered meaningless;
- Some states which have mandatory reporting laws are not certain if the increase in reporting has resulted from enactment of the law, or from the publicity resulting from passage of the law. In other states, it is more evident that the public awareness programs attached to these laws are associated with the increase in reporting;
- Arguments against mandatory reporting as a method of increasing case findings include the proposition that if a good program, with an appropriate scope of services and sufficient, well-trained personnel is in place and made known to the community, an adequate level of reporting will occur voluntarily.
- Mandatory reporting constitutes an involuntary intervention into the life of an assumed competent person and, therefore, must be sufficiently justified;
- Mandatory reporting laws are unenforceable in most cases and there have been few successful prosecutions; and
- Neglect and abuse can arise from differing reasons and intents; therefore, mandatory reporting should address these differences.

ALTIES FOR ABUSERS

The Issue

Criminal prosecution of violent family members is a controversial issue. One argument against prosecution is that while it satisfy society's need for retribution, it neither cures the problem necessarily provides for the interests of the elderly victim.

Supporters of criminal prosecution assert that violence in the home is just as criminal and dangerous to life and property as violence in the streets. They believe that prosecution can be an effective tool to force abusers into treatment and that the threat of prosecution may be a more effective deterrent to violence with some abusers than other penalties.

Mandatory intervention and treatment for the abused, the abuser, and the entire family are alternatives to prosecution.

Recommendation

If, as a result of any evaluation initiated under the provisions of an Elderly Abuse Prevention Act, a determination is made that family members or other caregivers may have committed an offense chargeable under the penal code and/or the Domestic Violence Act, such information shall be reported in writing by the designated reporting agency to the county prosecutor.

The agency will have made an assessment of the family situation and a determination of the services which should be made available in order to provide support in strengthening and maintaining the family unit. This information and a plan for provision of these services to the victim and to the abuser should be a part of the written report to the prosecutor.

If criminal proceedings are initiated, a defendant applying for pre-trial intervention should be evaluated for his or her reaction to education, treatment, or rehabilitation to prevent future acts of abuse or neglect.

If the court finds the defendant would not benefit from such education, treatment, or rehabilitation, the proceedings should continue as in any other criminal case. The prosecutor should have the same right as in every other application for pre-trial intervention to consent or object to the defendant's application.

Rationale

Post-charge diversion is a currently available alternative to traditional criminal case processing. In such instances, prosecution of charges is deferred pending a defendant's successful completion of a counselling program.

While few abusers voluntarily participate in counselling, many accept treatment ordered by the courts. The Council, therefore, urges that the courts select an evaluating agency which has a history of working with the elderly and an understanding of the family dynamics and stresses which can lead to abusive conditions.

The Council recognizes that at all levels of any intervention process, it must be kept in mind that the preservation of the family unit is to be the primary consideration, and that every alternative to adversarial relationships must be used. This includes services for the abuser as well as the abused.

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ACCESS BY PUBLIC AND SOCIAL SERVICE AGENCIES

The Issue

The legal system must provide basic procedural safeguards for the non-consenting older person when an evaluating agency is considering intervention. Currently, Adult Protective Services clients can be defined as: Mentally Competent (consenting and non-consenting) or Mentally Incompetent (consenting and non-consenting).

Gaining access to an older person in order to assess the situation, determine the need for services, and make a temporary placement, when necessary to protect an older person from abuse by others or self, is a necessary part of protective service.

This potential infringement on civil rights must be delimited carefully to be no more intrusive than absolutely necessary.

Recommendation

The Council recommends that legislation include a defined process which will enable an evaluating agency with sufficient probable cause to gain entry into the residence of an older person when abuse is reported. Such access should be allowed, providing certain criteria are met. These criteria should be set forth in the legislation. Moreover, in any instance, gaining access into the residence of an older person where abuse has been reported should require a court order.

When such evaluations indicate that the older person should not be removed from the residence, but that the situation requires monitoring, petition should be made to the court for an Order to Supervise. Legislation should also provide for limiting the liability of staff persons involved and for procurement of court orders.

Legislation also must provide basic procedural safeguards for the non-consenting older person relating to the intervention decision. Criteria for determining competency must not be narrowly drawn, but any intervention authorized by the court should be tailored to the specific needs of the older person.

Rationale

In some instances, the agencies charged with evaluating elderly abuse, as well as law enforcement agencies, will need enabling legislation to gain access to a victim of abuse.

Also, at times these agencies will need to intervene when an older person refuses assistance, even though he/she may be in a life-threatening situation. Legislation must allow for intervention under these conditions, while limiting the extent of the intervention in order to protect constitutional rights.

EXTENDING PUBLIC AWARENESS

The Issue

Public awareness needs substantial expansion through an ongoing public awareness program that would educate the public about the types of elderly abuse, their causes, and the availability of preventive and protective service programs to alleviate them.

Recommendation

The Council recommends that the community needs to be made much more aware that abuse of older people is more than an isolated occurrence. This can be accomplished through a variety of programs including public service announcements on radio and television, and printed materials.

Among other things, efforts should be made to teach the general public about aging to help them prepare for caring for their older relatives.

The Governor, or another prominent public figure or personality, should be the featured spokesperson in this effort.

Efforts must be made to provide a direct message through mass media on the availability of services to families who need help in adequately caring for elderly members.

The messages should seek to persuade caregivers and those who are considering taking in their elderly parent/relative that they are not alone and to inform them of where they may get help. Funding for these efforts should be from public appropriations supplemented by private contributions.

Rationale

In its final report, the Subcommittee on Problem Identification agreed that three factors contribute to the lack of accurate data on the extent and nature of elder abuse:

1. unclear definitions;
2. lack of professional and public awareness; and
3. reluctance on the part of the elderly to admit to being abused.

A community education effort should be directed toward the ultimate elimination of underlying myths and stereotypes about aging that may serve to perpetuate society's indifference to the problems of abuse, neglect, exploitation and abandonment of older persons.

This program will be coordinated by the New Jersey Division on Aging with the Domestic Violence Prevention Program in the Department of Community Affairs.

TRAINING

The Issue

Appropriate training of those professionals who come into contact with instances of elderly abuse should be based on planned, standardized training materials that contain components designed to provide law enforcement and service providers, among others, with the information and knowledge required to identify and protect victims of elderly abuse.

Recommendation

A training module should be prepared by the New Jersey Division on Aging which shall include, but not be limited to:

- Signs and symptoms of abuse and how to recognize such signs;
- Barriers to reporting abuse;
- Family dynamics and stress factors;
- Profiles of abusive relationships;
- Strategies for prevention of abuse;
- Management of fear and sensationalism;
- Criminal Justice Remedies N.J.S.A. 2C-25 et seq.; N.J.S.A. 2C-24 et seq.; N.J.S.A. Ch. 9; and
- Intervention techniques.

Training should be standardized for delivery and available to a wide range of professionals. Training should be coordinated with the Domestic Violence Prevention Program in the Department of Community Affairs and certified by the Division on Aging.

Rationale

Standardized training and certification will ensure that those persons providing services to, and working with, abused elderly will become more knowledgeable and sensitive to their needs.

CENTRAL ADMINISTRATIVE AGENCY

The Issue

A central agency at the State level was indicated as a necessity in each of the subcommittee reports. This central agency should be designated by law to administer the State's policy for protecting abused elderly, to establish a State registry, and to develop community

education and training programs. A State registry would be responsible for keeping statistical accounts of the location of the abused, type of abuse, relationship of aggressor and abused, and referral(s) made. Community education would publicize service availability for abusive situations.

Professional and service provider training would teach police, social service providers, and health care providers how to identify and refer elderly abusive situations. It is essential that a State agency be responsible for, but not limited to:

- Collection of data;
- Definition of minimum core services;
- Setting of standards;
- Assuring standardized training of service providers;
- Providing technical assistance to the counties;
- Coordinating a public awareness campaign;
- Reporting to the Governor and Legislature;
- Promulgating rules and regulations;
- Administering state aid grants; and
- Monitoring and certifying core service availability annually.

Legislation should allow time for the designated central agency to set appropriate standards and assure the availability of county services.

The designation of a central agency would provide for a planned, coordinated response system to address the needs of this special population. A statewide Protective Services Survey, conducted by the Subcommittee on Current Efforts, and testimony from the Elderly Abuse Public Hearing, revealed that the current system is largely fragmented, unfocused and uncoordinated.

Recommendation

Based on the intent of Executive Order 103, which stresses the need to address elderly abuse, the Division on Aging is appropriate as the central administrative agency. Both the State enabling legislation which created the Division on Aging and the federal Older Americans Act assign responsibility to the Division on Aging for prevention, identification and treatment of elderly abuse, neglect and exploitation.

Further, the New Jersey Division on Aging would maintain a close working relationship with the Office of the Ombudsman for the Institutionalized Elderly, and the Office of the Public Guardian for Elderly Adults, both located in the Department of Community Affairs, and exclusively serving the elderly.

The New Jersey Division on Aging would, in cooperation with the Department of Human Services, develop systems which would coordinate with the programs of the Department of Human Services providing services to victims of elderly abuse.

Rationale

Because of the location of the New Jersey Division on Aging within the Department of Community Affairs, it would have the advantage of coordinating public awareness and training programs with the Domestic Violence Prevention Program.

PROVISION OF SERVICES

The Issue

The Council recognizes that a statewide system must be developed to provide and case manage essential services to abused elderly and their families in the most efficient manner.

The subcommittee reports recommended constellations of services. The Recommendations Committee further refined these suggestions into specific core, or essential services that should be mandated statutorily in each county so that a basic response structure to elderly abuse would exist statewide.

Optional expanded or secondary services were also suggested. Such secondary services are important to encourage counties to consider additional services where resources permit, once their basic structure was in place. A comprehensive continuum of services with which to address elderly abuse is sought.

Some services, either core or secondary, are being provided in the counties by a variety of agencies. These include the Department of Human Services, the Department of Law and Public Safety, the Department of Community Affairs, and many other public and private agencies and/or organizations. All have a continuing role in the provision of services in the recommended structure.

Recommendations

Each county should be mandated to assure provision of a basic core of elderly abuse preventive and protective services. The Council recognizes the State's obligation to provide financial support for required services.

As described earlier, the New Jersey Division on Aging would establish a State program including the maintenance of a central registry

of all reports of incidences of elderly abuse, and would provide community education and training.

The counties would share community education and training functions, but primarily would provide, directly or through formal agreement with other State or private agencies, an intervention process including capabilities for twenty-four hour response, investigation, assessment and evaluation.

In addition to maintaining a State registry, the counties also would need to have complete files on reported cases of elderly abuse. The State registry would be statistical in nature to ensure confidentiality. The counties would maintain case files.

Within this basic structure, the New Jersey Division on Aging should assure the provision of core services at the county level and address the provision of expanded services as needed. The Division would certify annually the provision of all core services in every county.

Seven services are identified as core services.

- o Emergency Services -- Intervention which includes the twenty-four hour response capability described above, housing, medical care, clothing, heat, food, transportation, incidentals;
- o Case Management -- Assessment, planning and follow-through on behalf of a client to package appropriate services and ensure their delivery;
- o Outreach -- Seeking out frail abused elderly;
- o Legal Assistance -- Surrogate decision-making, such as initiating guardianship actions and/or conservatorship, and ensuring due process for the older person; use of the Domestic Violence Act and other protective services law; and, use of other relevant legal services;
- o Counselling -- Support, education and mediation during crises;
- o Homemaker Assistance -- Restoring domestic routine order and/or giving respite in stressed or chaotic domestic situations; and
- o Home-Delivered Meals -- Mid-day meal delivery to homebound older persons.

The following services may be considered expanded services. They are nevertheless desired parts of a comprehensive system should resources permit.

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- Adult Day Care -- Provision of social and medical day care;
- Adult Foster Care -- Provision of room and board in a non-relative's home;
- Caregiver Support Groups -- Peer socialization/counselling, with available professional consultation;
- Respite Care -- At-home or institutional care of an elderly person for the caregiver's relief;
- Postal Carrier Alert -- Program creating daily acknowledgment of elderly resident's presence;
- Income Supports -- Low-interest grants and loans, tax credits for caregivers, especially for purchase or rental of specialty equipment; and
- Other Services -- Other services as needed.

Rationale

Each county should plan to provide services in the most locally efficient manner. Many existing agencies already provide some essential services and need only a unified framework within which to assure that a comprehensive system would be available. The Division on Aging would assure that basic standards for core services would be met in each county by defining essential services and financially supporting the services required. It is accepted that planning time must be allowed for service expansion, for the refinement of local system operation and capacity, and for the procurement of locally available funds.

COORDINATING SERVICES AT THE COUNTY LEVEL

The Issue

Surveys conducted by the Council and the New Jersey Division on Aging demonstrate that many of the services seen as essential to a comprehensive system to prevent and alleviate elderly abuse already exist in some counties, at least in part. Moreover, certain County Offices on Aging, County Boards of Social Services, and other social services agencies currently provide some protective services. However, what is required is a focal point for the coordination of existing services, a single responsible entity within each county government to assure compliance with State policy.

Additionally, formal agreements are needed for the provision of services in each county. State aid funds would be necessary to support county administrative units.

Recommendation

As the local agencies designated to plan and coordinate services to the elderly, County Offices on Aging would take the lead in the area of coordinating services for abused elderly. We recommend that each County Office on Aging establish an Advisory Committee for its protective service function. The Advisory Committees would make recommendations to the County Offices on Aging as to how they can best fulfill their responsibility to prevent and alleviate elderly abuse in each county. The county Human Services Advisory Councils (HSAC) would be asked to designate representatives to these Advisory Committees. Additionally, County Offices on Aging would involve themselves with their county HSAC. Community education would be a function shared by the County Offices on Aging with the New Jersey Division on Aging. Working with their county Advisory Committees to maximize potential for local self determination, the County Offices on Aging would be responsible for providing, directly or through sub-contract, case management and the other essential core services. They will also participate with the New Jersey Division on Aging in developing and implementing public awareness and service provider training programs.

Rationale

While many county and private agencies provide services to older people, and will be essential for a coordinated system for dealing with elderly abuse, only the County Offices on Aging are dedicated exclusively to persons over sixty years of age.

Older persons have learned to view their County Offices on Aging as an advocate; therefore, this important factor should be considered when determining which agency should be the focal point for elder abuse service coordination.

STATE FUNDING

The Issue

Every discussion of the problem of elderly abuse throughout the nation finally focuses on the need for adequate funding of services. Without sufficient services to provide help for the abused and the abuser, any statute, administrative structure, or public awareness campaign would be meaningless.

Recommendation

Legislation to prevent elderly abuse should include an initial State appropriation of two million dollars (\$2,000,000) to the New Jersey Division on Aging with a minimum of a like amount to be provided annually thereafter.

These funds would provide on a matching basis (90/10) for State grants-in-aid to assist the counties to expand or initiate new services to meet the basic or core program as recommended by the Council. The provision of these funds would additionally enable the County Offices on

Aging to provide staff training and participate in public awareness education efforts. They will also support the administrative function in the New Jersey Division on Aging.

Rationale

The New Jersey Division on Aging will require an initial year to prepare, submit to public discussion, and adopt standards for county programs which both meet the initial core services identified earlier, and are realistic for achievement during the initial years of an elderly abuse program. In-depth county-by-county surveys need to occur to identify service deficiencies and establish the cost of expanding services.

An initial appropriation of two million dollars would launch the statewide program. Included in the first year analysis will be a study of the most efficient manner to provide a twenty-four hour hotline. While decentralization of most services to the county level is deemed desirable, the economics of this service and the requirement for trained and skilled personnel staffing a hotline may require a regional or bi-county structure.

RECOMMENDED LEGISLATION

The Issue

Existing criminal law, the recently enacted Domestic Violence Act (N.J.S.A. 2C:25-1 et seq.) and the Public Guardian for Elderly Adults Act (N.J.S.A. 52:27G-20 et seq.), all relate to issues of elderly abuse. However, there is still a need for a single statute to define elderly abuse; set forth an elderly abuse prevention policy; designate responsible administrative State and county agencies; and appropriate funds for a state aid program. Such a statute would not only incorporate new initiatives while re-enforcing existing statutes, but also would focus public attention on the renewed State determination to help the vulnerable elderly by preventing and alleviating their abuse.

Recommendation

The Council recommends that a bill be drafted under the auspices of the Advisory Council on Elderly Abuse to be entitled "The Elderly Abuse Prevention Act," and that it be introduced for adoption in the current session of the New Jersey Legislature.

Rationale

Legislative enactment would be desirable to implement most of the above recommendations. However, certain procedures recommended for dealing with instances of abuse, particularly gaining access to allegedly abused individuals, as well as mandating core services to be available in every county, require legislative authority. Such legislation would provide a forthright policy statement from the Governor and the Legislature on the issue of elderly abuse.