

Elder Abuse: Problem in Search of a Policy

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Abstract

Despite more than 25 years of discussion, research, legislation, social programs and law enforcement activity, little is clear about the social problem of the abuse and neglect of older adults. This article provides an overview of the phenomenon of "elder abuse" and explores some of the controversies surrounding the phenomenon. It reviews the history of federal legislation designed to protect older adults, then discusses Illinois statutory protections for older adults as provided through the state's Adult Protective Services agency. The article closes with a brief description of the current federal legislation that addresses elder abuse and neglect.

Introduction

There is a widespread belief that abuse of the elderly is a real and troubling social phenomenon in this country. Yet this most rudimentary of observations sustains little agreement among either professionals or laypersons. In fact, since the problem was first "discovered" in the late 1970s, the field continues to be plagued with uncertainties born of a lack of definitive, empirical research. Even the most basic questions concerning the nature and extent of the mistreatment of older adults remain unanswered: What is "elder abuse"? How widespread is it? What causes it? Who are the perpetrators? Who among the older adult population are the most likely victims? (Wolf and Pillemer, 1989 as cited in Bonnie, 2002).

The term "elder abuse" is generally understood to include a broad litany of mistreatments involving older adults, including physical, psychological and financial abuse, neglect, and self-neglect. One leading authority defines the term this way:

In its common usage, elder abuse is an all-inclusive term representing all types of mistreatment or abusive behavior toward older adults. This mistreatment can be an act of commission (abuse) or omission (neglect), intentional or unintentional, and of one or more types: physical, psychological (or emotional), or financial abuse and neglect that result in unnecessary suffering, injury, pain, loss or violation of human rights and decreased quality of life (Hudson, 1991, as cited in Wolf, 2000, para.6)

The very breadth of this definition points to a fun-

damental difficulty in the field. As Callahan has observed, "...[A]buse, like beauty, is in the eye of the beholder" (Callahan, 1988, p. 454).

Elder Abuse: A Brief History

The mistreatment of older adults is both a relatively new social problem and a problem as old as society itself. Over the past 35,000 years in which humanity has existed, the question of what to do with the older, frail members of society has had a broad range of answers. Those answers vary in part according to how a society values its elders. In more traditional societies, the elder members of a community are often viewed as repositories of cultural wisdom with a continuing, critical value for their communities which entitles them continued access to that community's respect and resources (Gutmann, 1994). Gutman states that this special status has largely been abandoned in contemporary western society.

Those older adults who are no longer wage earners or able to contribute to the material welfare, are perceived as burdens. They are seen as a drain on the emotional, financial and temporal resources of families and communities (Gutmann, 1994). This kind of negative, dehumanizing view is not, to be sure, universal. On the societal level, it is balanced by social values that assert that care of the helpless elderly is fundamental to the realization of a just, moral society. Such care has been a recognized responsibility and specific goal of social policy in English/American society at least since the English Poor Laws of 1601, which are credited with substantial success in creating a system that did a generally good job of caring for English society's indigent elders (Thompson, 1984, as cited in Biggs et al., 1995).

The Magnitude of the Problem

There is no clear picture of either the magnitude nor the incidence of domestic/community elder abuse in the United States. In testimony to the Senate Finance Committee (2002), Richard J. Bonnie, the chairman of the National Research Council's Panel to Review Risk and Prevalence of Elder Abuse and Neglect, characterized the current state of knowledge on magnitude and incidence as a "nearly blank slate, a tabula rasa." He characterized the gaps in current

knowledge as “enormous.” Elder abuse and neglect, according to Bonnie, has been given little in the way of research interest or funding from major foundations or the federal government. This deficiency is evident in all aspects of the field, resulting in a lack of hard information about all aspects of elder abuse, from causes to the effectiveness of potential solutions.

Brandl and Cook-Daniels (2002) provide more detail on the serious limitations of research in the field of elder abuse. The authors undertook a massive comparison of key findings in a range of critical areas from major studies in the field of elder abuse between 1988 and 1999, which they reported on in a study entitled *Domestic Abuse in Later Life*. They concluded that “Comparing results across studies is practically impossible,” (Brandl & Cook-Daniels, 2002, p.5) noting that the studies varied widely in type and definition of abuse, ways in which the abuse was reported, age of respondents and gender of study subjects. Other methodological problems included small sample size, general exclusion of cognitively impaired elders, and a broad variety of sampling biases.

Given these methodological problems, it is not surprising that in drafting the Elder Justice Act of 2002, Senator John Breaux’s Special Committee on Aging was forced to settle for a very broad estimate of the incidence of elder abuse in this country. In its findings, the bill stated that “Each year, anywhere between 500,000 and 5,000,000 elders in the United States are abused, neglected or exploited” (U.S. Senate, 2002). Such an estimate is so broad as to be almost meaningless.

While the dimensions of the elder abuse problem are profoundly unclear, it is possible to get a very general idea of its nature. The largest study to date is the National Elder Abuse Incidence Study (NEAIS), a statistical analysis of elder abuse for the year 1996 issued by the National Center on Elder Abuse. Despite what are described by Brandl and Cook-Daniels (2002) as “serious methodological flaws,” including small sample size and short study duration, the NEAIS does shed some insight on the issues of concern to the field (p.4). The study estimated that 450,000 elderly persons living in community-based settings were abused and/or neglected during 1996. It stated that female elders were more likely to be abused than males, and elders 80 years and over (sometimes called the “old old”) were most at risk for abuse. Even more disturbing, the study clearly identified family members as the most likely perpetrators of the abuse: “In almost 90 percent of the elder abuse and neglect incidents with a known perpetrator, the perpetrator is a family

member, and two-thirds of the perpetrators are adult children or spouses. (National Center on Elder Abuse, 1998, Summary, para.1).

Data on elder abuse cases reported in Illinois provides another perspective. The data shows a steady increase in the number of abuse cases reported to the state’s Adult Protection Services, with a leap from 1,082 in fiscal year 1990 to 7,157 in fiscal year 1999. Of the total cases reported, 57% met the state’s standards for elder abuse, exploitation and neglect (Illinois Department on Aging, 2002, para.1). These case reports provide a far more detailed picture of the daily reality of elder abuse in the state and therefore deserve to be described in some detail. They appear to confirm key findings of the NEAIS that a typical victim is likely to be female and more than 80 years old. Like the NEAIS study, they indicate that the abuser is most likely to be a relative. Victims’ children accounted for 41% of cases, while spouses were named as perpetrators in 14% of cases. According to the report, financial exploitation is the most frequent form of elder abuse (53% of reports), followed by emotional abuse (42% of reports). Thirty-seven percent of reported cases involved passive neglect, while 20% of reports alleged physical abuse. The report states that more than one type of abuse is usually present in the cases (Illinois Department on Aging, 2002, para. 2).

History of the Current Policy

While the fact of the mistreatment of elderly persons may be as old as society itself, the idea of “elder abuse” as a specific subset within larger concerns about care for the elderly is considerably more recent. In fact, the problem of “elder abuse” as it is now understood appears to have first emerged in the national consciousness in the 1970s (Wolf and Pillemer, 1989; Dunn, 1996).

Wolf and Pillemer (1989) contend that the “discovery” of abuse of the elderly as a social problem stemmed from three primary social factors. The first and most obvious factor was the growth in the elderly population, both in numerical terms and in terms of its political clout. The authors suggest that the emergence of this constituency paralleled the emergence of new ideas spawned by the women’s movement of the 1970s which “prompted an examination of myths about family life and an increasing recognition that the family can be extremely oppressive to some of its more vulnerable members” (Wolf and Pillemer, p. 7). This recognition created an awareness that “helped build a foundation for the interest in maltreatment of the elderly” (Wolf and Pillemer, p. 7).

The authors identify “increasing willingness of the state to intervene in family matters” as a third causal factor. They note that during the 1960s, protective services began to be provided on the state level in response to concerns about the mistreatment of children. This emerging state-assumed responsibility set the stage for a new and focused concern for the abuse of other vulnerable members of the family. “Already familiar conducting these interventions on behalf of children, it was but a short step for state protective services to expand the domain of their advocacy to include the vulnerable elderly” (Crysta 1986, Salend et al., 1984, as cited in Wolf and Pillemer, 1989, p.4)

In fact, the idea that the federal government should concern itself with the need for offering specific protections for vulnerable adults was first enacted into law during the 1960s, in the form of a program that mandated states to establish adult protective services. The first tangible policy actions by the federal government in this area were public welfare amendments to the Social Security Act passed by Congress, which authorized payments to the states for purposes of establishing protective services for “persons with physical and or mental limitations who were unable to manage their own affairs...or who were neglected or exploited. Services were to meet the medical, legal, social and psychological needs of this vulnerable population” (Wolf, 2000, para. 2).

According to Byers and Hendricks (1993), adult protective services became a state mandated program in 1974 with the adoption of the Title XX Amendment to the Social Security Act. The amendment covers all adults 18 years old and older without regard to income and focuses on abused and exploited adults. With this federal mandate, most states created adult protective service units in their social services agencies (Quinn and Tomita, 1986 as cited in Byers and Hendricks, 1993, p.6).

In 1978, Congress again visited the issue of the mistreatment of older adults in the form of testimony on the subject presented before the House Select Committee on Aging. The Committee, under the leadership of Representative Claude Pepper, was at the time exploring family violence. Despite the fact that the Committee produced no legislation that was enacted into law, its work was to have a profound effect on the future of elder abuse policy in the United States. Research by Peter Dunn (1996) suggests that Pepper’s Committee was directly responsible for elevating concerns regarding mistreatment of the elderly to the status of a national social problem. In fact, according to Wolf and Pillemer (1989) and Dunn (1996), the term

“elder abuse” first surfaced in the 1978 proceedings of this Committee.

Dunn presents a scenario in which a small number of interested persons in and around the 1978 Congress used limited and preliminary data on mistreatment of older persons as the whole cloth from which they consciously created a social problem. He contends that they then exploited the resulting public outcry for their own political benefit. If correct, Dunn’s thesis suggests that the continuing lack of an empirical knowledge base upon which to build elder abuse policy was present from the very beginning. It was then, as its critics contend it is now, a policy in search of a problem - a knee-jerk response to a poorly understood social phenomenon without an empirical foundation in solid research. Dunn’s research suggests that the chain of events that resulted in the creation of a national awareness of “elder abuse” first originated with social activist James Bergman, director of a Boston-based social service agency called Legal Research and Services for the Elderly (LSRE) (Dunn, 1996, p. 5).

Dunn’s research included extensive interviews with Bergman. He quotes Bergman as indicating that his involvement in the issue was at least partially motivated by a desire to raise LSRE’s public/political profile. This motivation, according to Dunn, dovetailed with the desire of Select Committee on Aging Congressmen (most notably Chairman Pepper and Cleveland Congresswoman Mary Rose Oakar) to find a hot-button issue with which to raise the Committee’s profile and their own political capital. As Dunn puts it, “the ambitious will endeavor to formulate, present, and have proclaimed, legislation on an issue which will be given publicity and notoriety” (Dunn, 1996, p.5.).

Dunn quotes Bergman describing how the term “elder abuse” was consciously chosen as part of a carefully orchestrated campaign to catapult the issue onto the national consciousness: “If LRSE were to create this issue, it needed to promote it, it needed to ‘shape the problem,’ it had to market the issue so as to appeal first to the media, then to the public and finally, to Congress. Promotion of the term ‘elder abuse’ was a central component in that marketing effort” (Dunn, 1996, p. 4).

The term “elder abuse,” which captured the growing awareness of the social problems of wife and child abuse and applied it to the elderly, is extremely powerful, according to Dunn. Indeed, these two words provide an easily understood, highly evocative label useful for galvanizing public opinion and marshaling public support. Dunn credits Bergman with staging a

series of media events, including “briefings” organized with the help of a local Congressman, which highlighted findings of an LRSE study that confirmed the existence of elder abuse in the community. These findings were the basis for an orchestrated, sensationalized Congressional “hearing” designed to shape public opinion. The hearing was characterized by Bergman, in conversation with Dunn, as follows:

In presenting elder abuse as we did, we shaped the problem...focused on the physical battering...spilling blood, crisis intervention, provided a visual image in public and policy maker's minds...a victim in a pool of blood. No resistance to mandatory reporting, several states passed laws. The 'spilled blood image' led to a degree of urgency...rush in to save... overlook their rights... National attention came from blood, gore and guts (Dunn 1992, as cited in Dunn, 1996, p. 7).

Despite the graphic nature of the testimony presented to the House Select Committee on Aging and its widespread dissemination via the national media, no federal legislation was forthcoming to address the problem on a national level, though several unsuccessful attempts were made to pass such legislation throughout the 1980s. Opinions differ as to why this was true. Perhaps lawmakers simply were unwilling to move in the face of a lack of supportive empirical research. Wolf and Pillemer (1989) suggests that the failure was due at least in part to the ascendancy of a new, more conservative ideology in the federal government and the lack of political leadership in the form of a champion to guide the issue home (Wolf & Pillemer, 1989). Biggs et al. (1993) argue that problems with the budget and a lack of available federal money were among reasons for failure to pass legislation in the 1980s.

Though comprehensive federal legislation regarding elder abuse was not forthcoming, some legislation was enacted that strengthened state responsibility for responding to the elder abuse problem. They were, for the most part, based on Adult Protective Service models designed to respond to the problem of child abuse. Wolf (2000) argues that the early linkage of APS with elder abuse was both a natural consequence of the way in which the elder abuse problem was initially conceptualized, and ultimately a serious limitation:

In the United States, the construction of elder abuse as a social problem was profoundly affected by the alignment of elder abuse with Adult Protective Services (APS) and pre-exist-

ing stereotypes about aging. The images of impaired, vulnerable victims that this association conveyed seemed to fit into the predominant model of how child abuse occurs. Many envisioned a dependent elderly parent being cared for by a well-intentioned but overburdened and guilt-ridden daughter. The analogy extended further. Because there was no model statute and no database on elder abuse, child-abuse law with its mandatory reporting of suspected cases became the prototype for legislation in more than three-quarters of the states. Because the APS system for investigating and reporting cases was already in operation by the time elder abuse became a public issue, legislators could support action on elder abuse without having to call for additional state expenditures. Within a few years, most states had passed elder abuse laws or had amended existing adult protective services legislation to address the issue” (Wolf, 2000, para. 2, 3).

Federal legislation that specifically created a federal (as opposed to a state-mandated) program to deal with elder abuse was not enacted until 1992. Congress re-authorized the Older Americans Act in that year, and included in it new language that addressed elder abuse under Titles III and VII. This legislation created the Vulnerable Elder Rights Protection Program. The program is administered by the Agency on Aging (AoA). It established state ombudsmen offices, promoted abuse, neglect and exploitation prevention programs and created some funding incentives for state-level elderly assistance program development (National Center for Victims of Crime, 1999, para. 1).

Under Title VII, the AoA is empowered to distribute grants that support elder abuse programs by providing professional training, technical assistance, public education and coordination among state service systems and service providers. Under Title IV, the program has funded “more than 30 grants to support a variety of Title IV funded research, demonstration, evaluation and training projects on elder abuse prevention and related topics” (Findlaw for Legal Professionals, p. 2).

The Older Americans Act was reauthorized in 2000 with some amendments. According to Robert B. Blancato, President, National Committee for the Prevention of Elder Abuse, it was funded in 2002 at a grand total of only \$3.5 million dollars (U.S. Senate Finance Committee, 2002). This arguably miniscule funding commitment is reflective of the federal government's funding for elderly abuse in general. According to Blancato, “it is estimated that the total

federal commitment being spent today on programs addressing elder abuse, neglect and financial exploitation prevention is \$153 million. This is all of .08 percent of the funds currently spent on abuse prevention programs whether for children, women or the elderly” (U.S. Senate Finance Committee, 2002, p. 2).

The major portion of this \$153 million flows to the states in the form of Social Services Block Grants (SSBG). According to testimony presented to the Senate Finance Committee by Riker Hamilton, Protective Program Administrator for the Bureau of Elder and Adult Services in Portland, Maine, SSBG funds are the only direct source of federal funding for state APS programs. Thirty-one states (not including Illinois) depend on SSBG funds for some or all of their APS programs (U.S. Finance Committee, 2002, p. 1).

Adult Protective Services

The scope of federal programs addressing elder abuse is extremely limited as are the funds available to them. The real world of actual governmental responses to elder abuse occurs on the state level and is largely driven by the mechanics of the Adult Protective Service system in any given state. This discussion of the government’s policy response to elder abuse will therefore focus on Adult Protective Services in general, with a more detailed look at the legislation that governs APS policy in Illinois. All 50 states have some form of an APS system. Mandatory and voluntary reporting requirements are in place that require certain classes of professionals to report suspected elder abuse to state agents who are then required to conduct an investigation and make a determination. Their findings can trigger a response in the form of a broad range of legal, medical and social service options, ranging from court-ordered protections to removal from the home or community and placement in a nursing home.

Quinn and Tomita (1986) define adult protective services as “a multitude of services that draws on nearly every resource available to elders in any given community...A unique mixture of legal, medical and social services that permit the broadest array of interventions” (p. 9) that “exists somewhere between the social service and criminal justice systems” (p.15). Filinson and Ingman (1989) describe it as a “coordinated interdisciplinary service system to respond to both chronic and emergency cases; a set of core services...available to utilize in these cases; and a set of preplanned individual case responses or protocols to guide service providers in responding to emergency and chronic cases” (p. 97).

APS: The Illinois Experience

Each state has its own mandated Adult Protective Services legislation and its own unique approach. Illinois enacted the legislation that established this state’s APS system in 1984 (Byers and Hendricks, 1993). In Illinois, APS functions are conducted under the auspices of the Illinois Department of Aging through a geographic network of 13 Planning and Service Areas that cover the state, within which are specifically designated public and private agencies responsible for conducting APS functions (Illinois Department of Aging, Illinois Areas on Aging). APS services are governed by Illinois Statute 320. The statute stipulates that the “provider agencies shall assist, to the extent possible, eligible adults who need agency services to allow them to continue to function independently” (Illinois Elder Abuse and Neglect Act, 1988) The statute identifies APS functions as including receiving abuse reports, assessing them, and referring substantiated cases both to appropriate service providers and to law enforcement agencies if indicated. APS is also responsible for provision of case work and follow-up services on substantiated cases (Illinois Elder Abuse and Neglect Act, 1988).

The statute establishes a statewide mandated reporting system. It names a very broad group of service professionals as mandated reporters, including social workers, psychologists, counselors, psychiatrists, law enforcement officials, educators, doctors, dentists, dieticians and nurses. Also included are a broad class of Illinois state employees (Illinois Elder Abuse and Neglect Act, 1988). Mandated reporters under the law are given immunity from prosecution as long as their reports are made “in the belief that the alleged victim’s best interests are served” (Illinois Elder Abuse and Neglect Act, 1988). When a report is received, APS workers are required to make an in-person assessment including a visit to the residence of the subject of the report. Workers may also consult individuals or service agencies that may be knowledgeable about the case. If the case is substantiated, the worker is to develop a service care plan, again in consultation with other service agencies as necessary. The plan is to contain alternative options that “involve the least restriction of the eligible adult’s activities commensurate with his or her needs” (Illinois Elder Abuse and Neglect Act, 1988).

APS workers must obtain the consent of the individual in order to provide services. If they determine that the individual who refuses needed services is incompetent, they are empowered by the statute to seek the appointment of a guardian who can provide

the necessary consent in the best interests of the incompetent. They can also use court orders to intervene in emergency situations (Illinois Elder Abuse and Neglect Act, 1988). The statute gives workers legal authority to access eligible adults who are the subject of a report of abuse, neglect or exploitation. Should that access be denied through interference by the caregiver or because the eligible adult is under duress, the worker can petition for an expedited court order to ensure access. The court can also freeze assets where financial exploitation is suspected (Illinois Elder Abuse and Neglect Act, 1988).

Moral Dilemmas

Observers have raised a number of fundamental philosophical issues with regard to the APS approach. The philosophical concerns have to do with a perceived conflict between the rights of the abused to autonomy and freedom from interference by the state. These concerns relate directly to concerns regarding the degree to which the abused individual is competent to direct his/her own affairs. According to Wolf (2000, para. 3) these philosophical concerns are grounded in the child-abuse-based conceptual foundation for APS and its mandatory-reporting-based structure. As indicated earlier, adult protective services were essentially conceptualized as an extension of service structures to adults that were initially designed to protect helpless and dependent children living in abusive family situations. Wolf and Pillemer (1989) frame the issue this way: "Critics of mandatory elder abuse reporting believe that in using the child abuse model, proponents are adopting a set of assumptions that are not applicable to older people" (1989, p. 153). They cite Palincsar and Cobb (1982) as arguing that "mandatory reporting laws for suspected incidents of child abuse are based on three assumptions: (1) children are incompetent, helpless and vulnerable; (2) children are at the mercy of their caretakers; and (3) society has a protectable interest in children" (Wolf and Pillemer, 1989, p. 153). The conflict when applying a child-abuse model to elder abuse falls in the tendency to equate all persons over a certain age with helpless children. By applying these assumptions to elders across the board, and regardless of individual capacity, Wolf and Pillemer assert that elders as a class of people are assumed to be "incompetent, and unable to report themselves. Such inferences infantilize the elder's position in society, foster negative stereotypes of the aged and limit older persons' ability to control their own lives" (Lee, 1986, as cited in Wolf and Pillemer, 1989, p. 153).

This lack of autonomy is made all the more serious by the widespread misunderstanding concerning what behaviors actually constitute elder abuse. As a result of this misunderstanding, elders may suffer an unwarranted invasion of privacy in violation of their civil liberties that is triggered by behavior that may not in fact constitute abuse as defined by the statutes (Macolini, 1995). The danger of a potential violation of civil liberties is further heightened by the wide latitude the APS worker has in evaluating cases. Byers and Hendricks (1993) describe APS worker responsibilities as follows:

An important function which accompanies the role of the adult protective services investigator is making critical decisions regarding social, legal, psychiatric and medical intervention... (it is an)... attempt to fill the gaps between social, medical and law enforcement services... All APS tasks involve decisions, discretion and social judgments... Most of these decisions rest with the personal discretion of the individual unit based on an interpretation of the Adult Protective Services law (1993, p. 11).

Serious as these concerns are, they are only some of the concerns that have been raised about the APS approach to elder abuse. Of more immediate and practical concern perhaps is the question of what happens when the APS trigger is pulled. It is clear that few communities have the resources available to them to offer an inclusive basket of potential solutions. There are very real questions as to whether or not the services that are available represent an improvement (either in reality or in the perception of the abuse victim) to the abusive situation. Citing a "gross insufficiency of resources available for effective individualized follow up and intervention after situations of elder mistreatment have been identified, reported and investigated" (p. 373), Kapp (1995) observes that all too often the only real choices available are remaining in the abusive situation, or involuntary placement in a nursing home. Finally, critics have asked whether the APS mandatory reporting system is the best possible use of scarce social service dollars in the fight to protect elders from abuse (Callahan, 1988).

Elder Abuse Policy Analysis

Is the patchwork of federal and state policy enshrined in the Older American's Act and individual state's APS legislation an effective policy solution to

the underlying social problem of elder abuse? There are actually a number of questions contained within this initial one. Does the existing APS-intensive approach work? If so, what might be done to improve it? If not, what other approach, if any, might produce better results? More broadly, is there any policy of any kind that could solve the problem of elder abuse? Is it a phenomenon amenable to policy intervention?

It appears clear from the brief discussions concerning value conflicts and the practical failings of the APS system that it does not always reliably and consistently provide meaningful protection and care for elders. And yet flawed though it is, it is a critically important part of any proposed solution to the problem. Elder abuse, however defined, is a reality. It is often beyond the capacity of those suffering the abuse to find relief without intervention. It is a legitimate function of the state to provide these individuals protection from their abusers, despite the real and troubling civil rights issues raised by such interventions.

The question then becomes one of what might be done to make the present system more efficient at providing the protections to abused elders for which it was designed. We get insight into at least some of the answers to that question from testimony presented to Senator Breaux's Finance Committee as it gathered facts in preparation for the drafting of the Elder Justice Act of 2002. First and foremost, the testimony indicates that additional federal funding is the APS community's highest priority. Riker Hamilton (2002) spoke directly to this in his testimony asking for the restoration of more than \$1 billion in funding for the Social Security Block Grants that has been cut in recent years (U.S. Senate Finance Committee, 2002). Joanne Otto, Executive Director of the National Association of Adult Protective Services Administrators, presented a comprehensive list of the current deficiencies that have been identified with the APS system by its own professional staff in her testimony to the same Committee. These deficiencies included staff shortages, lack of training, inadequate emergency temporary housing and in-home care for abuse victims, a lack of national and state elder abuse data and a shortage of responsible guardians to act on behalf of victims who lack the capacity to manage their own affairs (U.S. Senate Finance Committee, 2002).

Many of the deficiencies identified by Otto found their way into the Elder Justice Act of 2002. When the Act was first introduced in the Fall of 2002 as a bill, it was seen as another wish list, an effort by legislators sympathetic to the issue to lay out their vision of the

problem and to craft a somewhat idealistic vision of a potential solution. This vision includes: raising the visibility of the elder abuse problem, promoting training and education, coordinating and improving research into all aspects of the problem, increasing prosecutions, and providing assistance to victims, including shelters (National Center for Victims of Crime, 1999).

Conclusion

Significantly, the Elder Justice Act does not include a price tag. As the Act is worded, there are no specific requests for the funding necessary to support the programs it proposes. Its passage gives no assurance that the envisioned solutions will be funded at levels sufficient to be effective. But even if it were to be enacted in its present form, and funded at whatever level might be required to be fully effective, this legislation cannot be expected to solve the problem of elder abuse. The nature of elder abuse is such that it will never be fully eradicated. That said, it is worth noting that great progress has been made in the 25 years since Representative Pepper's Subcommittee on Aging first served as the catalyst for bringing the problem of the abusive mistreatment of older adults to national attention. Adult Protective Services agencies provide meaningful protections to thousands of vulnerable older adults in Illinois and across the country each year. Research efforts, though still scattered and inconclusive, are beginning to build a body of useful knowledge concerning elder abuse that is providing at least some guidance to both policy makers and practitioners in the field. Perhaps most important of all though, the fact of elder abuse, however defined or understood, has become a matter of widespread public awareness. Professionals in law enforcement and the social services, family members, caregivers, those who have contact with older adults, and the public at large are increasingly aware that the potential for abuse exists. This awareness is the necessary first step in preventive interventions. Elder abuse may never be eradicated, but it can and should be fought.

References

- Biggs, S., Phillipson, C., Kingston, P. (1995). *Elder abuse in perspective*. Buckingham, England: Open University Press.
- Brandl, B. and Cook-Daniels, L. (2002). *Domestic abuse in later life: Prevalence and incidence*. Retrieved October 30, 2002 from the World Wide Web:

- <http://www.elderabusecenter.org/research/review/statistics.pdf>
- Byers, B. and Hendricks, J. (Eds.). (1993). *Adult protective services: Research & practice*. Springfield, IL: Charles C. Thomas Books.
- Callahan, J.J. (1988). Elder abuse: Some questions for policymakers. *The Gerontologist*, 28 (4), 453-458.
- Dunn, P.F. (1996). *Crime and older people: The 'getting' of elder abuse on the agenda*. Paper as presented at Conference of 23-25, February 1993. Unedited. In Compilation, Australian Institute of Criminology. Retrieved October 30, 2002 from the World Wide Web: <http://www.aic.gov.au/conferences/olderpeople/dunn.pdf>
- Elder Abuse and Neglect Act and Related Laws. (1999). Springfield: Illinois State TRIAD and the Illinois Department on Aging.
- Filinson, R., and Ingman, S.R. (Eds.). (1989). *Elder abuse practice and policy*. New York, Human Sciences Press.
- Findlaw for Legal Professionals. Retrieved October 29, 2002 from the World Wide Web: [http://library.lp.findlaw.com/articles/file/federal/dhhs/dhhs000083/title/Subject/topic/Elder %](http://library.lp.findlaw.com/articles/file/federal/dhhs/dhhs000083/title/Subject/topic/Elder%20http://www.elderabusecenter.org/research/review/statistics.pdf)
- Guttman, D. (1994). *Reclaimed powers: Men and women in later life*. Evanston, Ill.: Northwestern University Press.
- Illinois Compiled Statutes. Aging Elder Abuse and Neglect Act (1988) 320 ILCS 20/1-20/13.5 Retrieved November 27, 2002 from the World Wide Web: [320 ILCS 20/http://www.legis.state.il.us/legislation/ilcs/ch320/ch320act20.htm](http://www.elderabusecenter.org/research/review/statistics.pdf)
- Illinois Department of Aging, Illinois Areas on Aging Retrieved November 27, 2002 from the World Wide Web: [http://www.state.il.us/aging/2aaa/aaa-main.htm](http://www.elderabusecenter.org/research/review/statistics.pdf)
- Illinois Department on Aging. Elder Abuse and Neglect Program Retrieved November 27, 2002 from the World Wide Web: [http://www.state.il.us/aging/eldergts.htm#taskforce](http://www.elderabusecenter.org/research/review/statistics.pdf)
- Kapp, M.B. (1995). Elder mistreatment: Legal interventions and policy uncertainties. *Behavioral Sciences and the Law*, 13, 365-380.
- Macolini, R. (1995). Elder abuse policy: Considerations in research and legislation. *Behavioral Sciences and the Law*, 13, 349-363.
- National Center on Elder Abuse. (1998). *The National Elder Abuse Incidence Study: Final report*. Retrieved October 29, 2002 from the World Wide Web: [http://www.aoa.gov/abuse/report/default.htm](http://www.elderabusecenter.org/research/review/statistics.pdf)
- National Center for Victims of Crime. (1999) *FYI: Elder Abuse and the law*. Retrieved November 1, 2002 from the World Wide Web: [http://www.ncvc.org/gethelp/elderabuse-andthelaw/#1](http://www.elderabusecenter.org/research/review/statistics.pdf)
- U.S. Senate. Finance Committee. (2002). *Protecting seniors from abuse and neglect*. Hearing. 18 June, 2002. Bethesda, MD; Congressional Information Service.
- U.S. Senate. 107th Congress, Second Session. "S 2933, A Bill to Promote Elder Justice, and for Other Purposes." (Version: 1; Version Date: 9/12/02). Text from: *Full Text of Bills*. Available from: *LexisNexis™ Congressional* (Online Service). Bethesda, MD: Congressional Information Service.
- Wolf, R.S. and Pillemer, K.A. (1989). *Helping elderly victims: The reality of elder abuse*. New York: Columbia University Press.
- Wolf, R.S. (2000). The nature and scope of elder abuse. *Generations, the Journal of the American Society on Aging*, 24(2). Retrieved November 8, 2002 from the World Wide Web: [http://www.generationsjournal.org/](http://www.elderabusecenter.org/research/review/statistics.pdf)

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