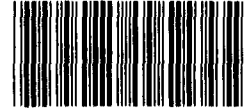


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Testimony



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**EFFECTIVENESS OF REPORTING LAWS
AND OTHER FACTORS IN IDENTIFYING,
PREVENTING, AND TREATING ELDER ABUSE**

Statement of
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Before the
Subcommittee on Human Services
Select Committee on Aging
House of Representatives



SUMMARY

Experts and policymakers have debated for many years whether states should adopt mandatory or voluntary reporting laws for domestic elder abuse. A key issue in this ongoing debate is whether one type of reporting law is more effective than the other for identifying victims of elder abuse.

We found that states with mandatory reporting laws cannot be meaningfully compared with states with voluntary reporting laws because (1) laws concerning elder abuse vary substantially from state to state; (2) states differ widely in the procedures they use for collecting case identification data; and (3) the number of elder abuse cases that states identify is influenced by many factors in addition to reporting laws, but empirical data on these other factors are not available. Therefore, it was not possible to determine whether one type of reporting law is more effective than the other in identifying cases of elder abuse.

Most experts we surveyed consider reporting laws--whether mandatory or voluntary--much less effective than other factors in maximizing the number of elder abuse cases identified, prevented, and treated. State officials we surveyed considered a high level of public and professional awareness the most effective factor for identifying elder abuse victims; in-home services was considered the most effective factor for both prevention and treatment of elder abuse. Reporting laws were seen as moderately effective in case identification, but few respondents saw them as effective for either preventing a first occurrence of elder abuse or treating substantiated cases.

Although it is important to have some system for reporting elder abuse, focusing the debate on the relative effectiveness of mandatory versus voluntary reporting seems of questionable value. Our findings suggest that efforts to raise public and professional awareness, improve interagency coordination, and increase the availability of in-home services and respite care have a more significant impact on the effectiveness of state elder abuse programs.

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here this morning to discuss our report on mandatory and voluntary reporting laws for domestic elder abuse, which is being released today.¹ To help identify victims of elder abuse, nearly every state has passed an elder abuse reporting law. Mandatory reporting laws require either all people or certain categories of professionals, such as physicians and social workers, to report incidents of elder abuse to the authorities. Under voluntary reporting laws, no one is required to report, but any person may report incidents to the proper officials. As of November 1990, 42 states and the District of Columbia had adopted mandatory reporting laws and 8 states--Colorado, Illinois, New Jersey, New York, North Dakota, Pennsylvania, South Dakota, and Wisconsin--had made reporting voluntary.²

Experts and policymakers have debated for many years whether states should adopt mandatory or voluntary reporting laws. A key issue in this ongoing debate is whether one type of reporting law is more effective than the other for case identification.³ Supporters of mandatory reporting believe that

¹Elder Abuse: Effectiveness of Reporting Laws and Other Factors (GAO/HRD-91-74, Apr. 24, 1991).

²In New Jersey, voluntary reporting for domestic elder abuse is not prescribed in law; however, the state operates a voluntary system based on administrative policy.

³Experts and policymakers also debate whether elder abuse reporting laws (1) make valid assumptions about the competency of older people, (2) adversely affect client-professional relationships, or (3) trigger investigations that may violate

it leads to more reports because some people will not report unless required to do so by law. But proponents of voluntary reporting contend that it is equally effective, primarily because reporting is influenced by many factors other than reporting laws.

MANDATORY AND VOLUNTARY REPORTING STATES

CANNOT BE MEANINGFULLY COMPARED

In our study, we explored ways to compare states with mandatory reporting laws to states with voluntary reporting laws in order to resolve which type of law is most effective for case identification. We found the two kinds of states cannot be meaningfully compared for three reasons.

First, state laws addressing elder abuse vary widely. For example, some states use a broad definition of elder abuse, while others define it more narrowly. Broader definitions can significantly affect the total number of cases states identify in a given year. For instance, some states have reported that self-neglect cases account for a large proportion of their caseloads.⁴

alleged victims' rights to privacy and self-determination. Our study, however, focused only on the effectiveness of reporting laws.

⁴Self-neglect, recognized in the Older Americans Act (42 U.S.C. 3022 (18)) and many state laws as a type of elder abuse, generally means the failure to provide for oneself the goods or services necessary to maintain one's health or safety.

Second, data collection practices differ from state to state. As a result, many states cannot provide comparable data on the total number of cases identified. For example, a recent study found that some states did not maintain separate statistics for the elderly and other adult victims of abuse; some states combined reports of domestic abuse with reports of institutional abuse; and other states could not distinguish substantiated reports from unsubstantiated ones.⁵

Third, experts believe that many factors in addition to reporting laws have an important effect on case identification. For example, greater public awareness and simple procedures for reporting should both lead to more reports. The effects of these other factors must be accounted for to determine the independent impact of mandatory and voluntary reporting laws. However, this kind of analysis is not possible, because empirical data are not readily available for many of these factors and would be difficult to collect.

Because mandatory and voluntary reporting states cannot be meaningfully compared, it was not possible to determine whether one type of reporting law is more effective than the other for identifying victims of elder abuse. However, we believe this

⁵Tatara, Toshio, Summaries of National Elder Abuse Data: An Exploratory Study of State Statistics Based on a National Survey of State Adult Protective Service and Aging Agencies, National Aging Resource Center on Elder Abuse. (Washington, D.C.: Feb. 1990.)

issue is relatively unimportant because we found that for identifying, as well as preventing and treating, elder abuse other factors are considered more effective than reporting laws-- whether mandatory or voluntary.

SEVERAL FACTORS CONSIDERED MORE EFFECTIVE
THAN REPORTING LAWS

To assess the effectiveness of reporting laws compared to other factors, we surveyed 40 officials from state agencies on aging and adult protective services for their expert opinions. We asked them to rank the three most effective factors for maximizing the number of cases identified, prevented, or treated.

Public and Professional Awareness Considered
Most Effective Factor for Identification

State officials considered a high level of public and professional awareness by far the most effective factor for case identification. It was ranked among the three most effective factors by 32 respondents, as shown in attachment I. Agencies rely heavily on the public to find out when incidents of elder abuse have occurred. But before people can report elder abuse, they need to know what it is and how reports are made. Accordingly, public and professional awareness is critical for identifying victims of elder abuse.

Three other factors were rated equally effective for identifying cases, with each cited by 15 respondents. These factors were (1) agencies' reputations for resolving cases successfully, (2) interagency coordination, and (3) reporting laws. Agencies' reputations are considered important because the experts believe people are more willing to report elder abuse if they think doing so will lead to positive outcomes for the victims. Interagency coordination is considered effective because several different organizations may be involved in the process of identifying cases.

Reporting laws were considered effective as a case identification tool because they define the responsibilities of government and private citizens in responding to the problem of elder abuse and establish official procedures for making, receiving, and investigating reports. For these reasons, state officials and other experts generally believe it is important for states to have some type of reporting law--whether mandatory or voluntary--to help identify cases.

In-Home Services Considered Most Effective
Factor for Prevention

For preventing a first occurrence of elder abuse, state officials considered in-home services for the elderly the most

effective factor. It was ranked among the three most effective factors by 26 respondents, as shown in attachment II. In-home services, such as home health care, meals-on-wheels, and homemaker and chore services, provide needed assistance to older people who cannot easily leave their homes or who have difficulty caring for themselves. Without these services, an older person's health or living environment could deteriorate, leading to some type of elder abuse; for example, neglect or self-neglect. In-home services are also considered effective for prevention because trained service providers, who regularly visit older people in their homes, may detect an increased risk of elder abuse that would otherwise go unnoticed.

Two other factors were also considered effective for prevention: a high level of public and professional awareness, because it educates people about the causes of elder abuse, as well as the various services available to help prevent it; and in-home respite care, because it reduces the stress associated with caring for a dependent older person, commonly identified as one of the major causes of elder abuse.

Reporting laws were not considered particularly effective for prevention. Only five state officials ranked reporting laws among the three most effective factors. Often, respondents did not see a direct relationship between reporting laws and prevention, but some saw an indirect link. For example, one respondent suggested that

reporting laws help to prevent elder abuse through early identification of high-risk situations.

In-Home Services Considered Most Effective
Factor for Treatment

For treating elder abuse, in-home services was considered the most effective factor. It was ranked among the three most effective factors by 25 respondents, as shown in attachment III. In-home services, such as home health care, meals-on-wheels, and homemaker and chore services, help correct the circumstances that often lead to elder abuse and prevent it from recurring.

The second highest-ranked factor for treating elder abuse was interagency coordination. This is viewed as essential because treatment services may be provided by several agencies, and victims of elder abuse may be only one of the client groups these agencies are responsible for serving. The third highest-ranked factor for treatment was in-home respite care. Experts believe that caregivers are more likely to stop mistreating their dependent elderly if the stress associated with caring for them can be periodically relieved through these types of services.

Reporting laws were not considered particularly effective in treating elder abuse. Only five respondents ranked reporting laws among the three most effective factors for treatment. Respondents

often did not see a direct connection between these laws and treatment, however some saw an indirect link. Some officials, for example, believe that having reporting laws has helped influence state legislatures to provide increased resources for treatment services.

CONCLUDING OBSERVATIONS

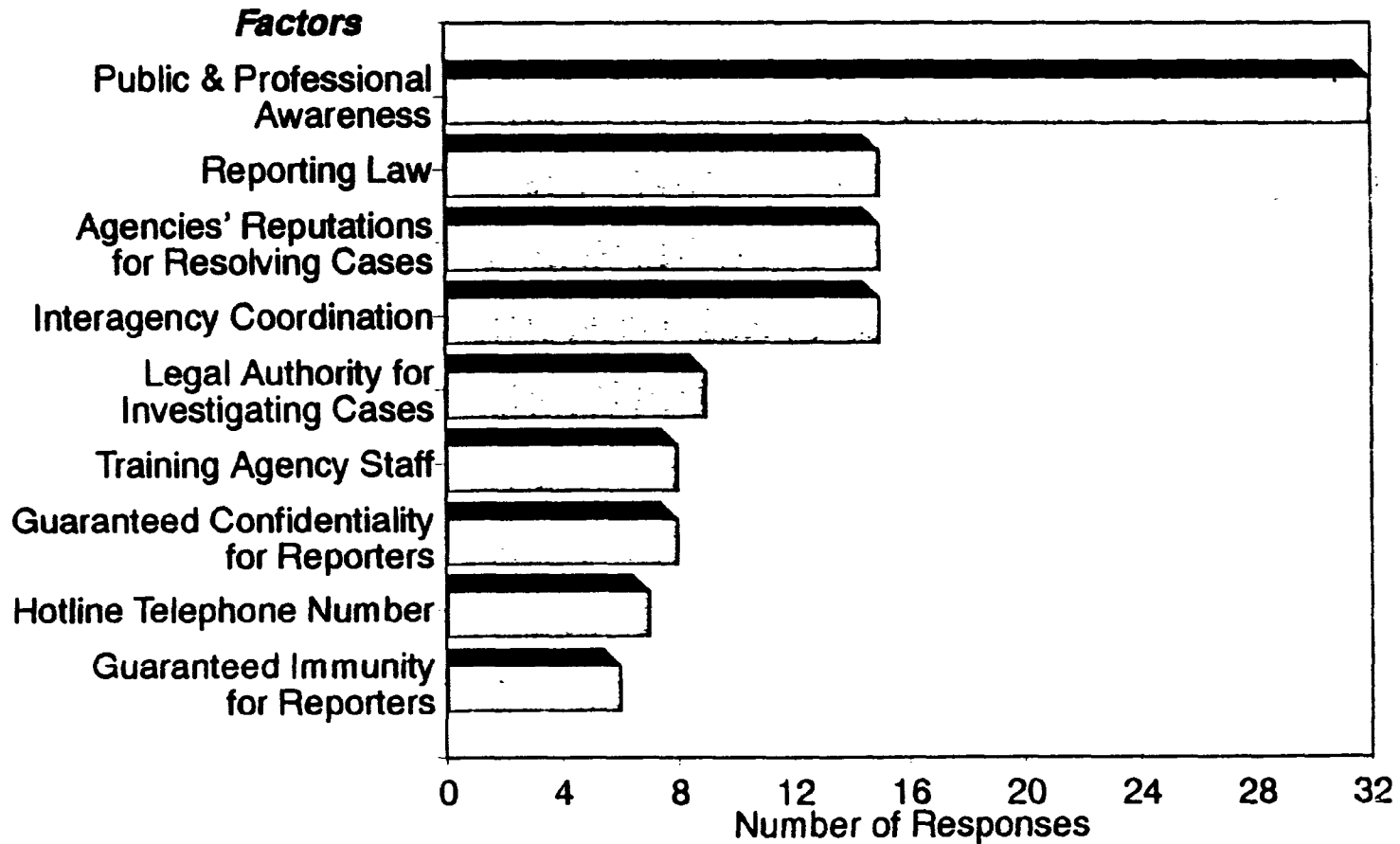
We believe that more can be gained by focusing on other issues, rather than continuing to debate the effectiveness of mandatory versus voluntary reporting laws. One kind of reporting law cannot be proven more effective than the other. And state officials we surveyed consider other factors--public awareness campaigns, interagency coordination, and in-home services and respite care--more effective than reporting laws. This suggests that the best way to help elder abuse programs identify, prevent, and treat the most cases possible is by focusing on these other factors, rather than by requiring a particular type of reporting law.

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Mr. Chairman, this concludes my remarks. At this time, I will be glad to answer any questions.

Effectiveness of Nine Factors in Identifying Elder Abuse

Maximum Number of Responses = 40

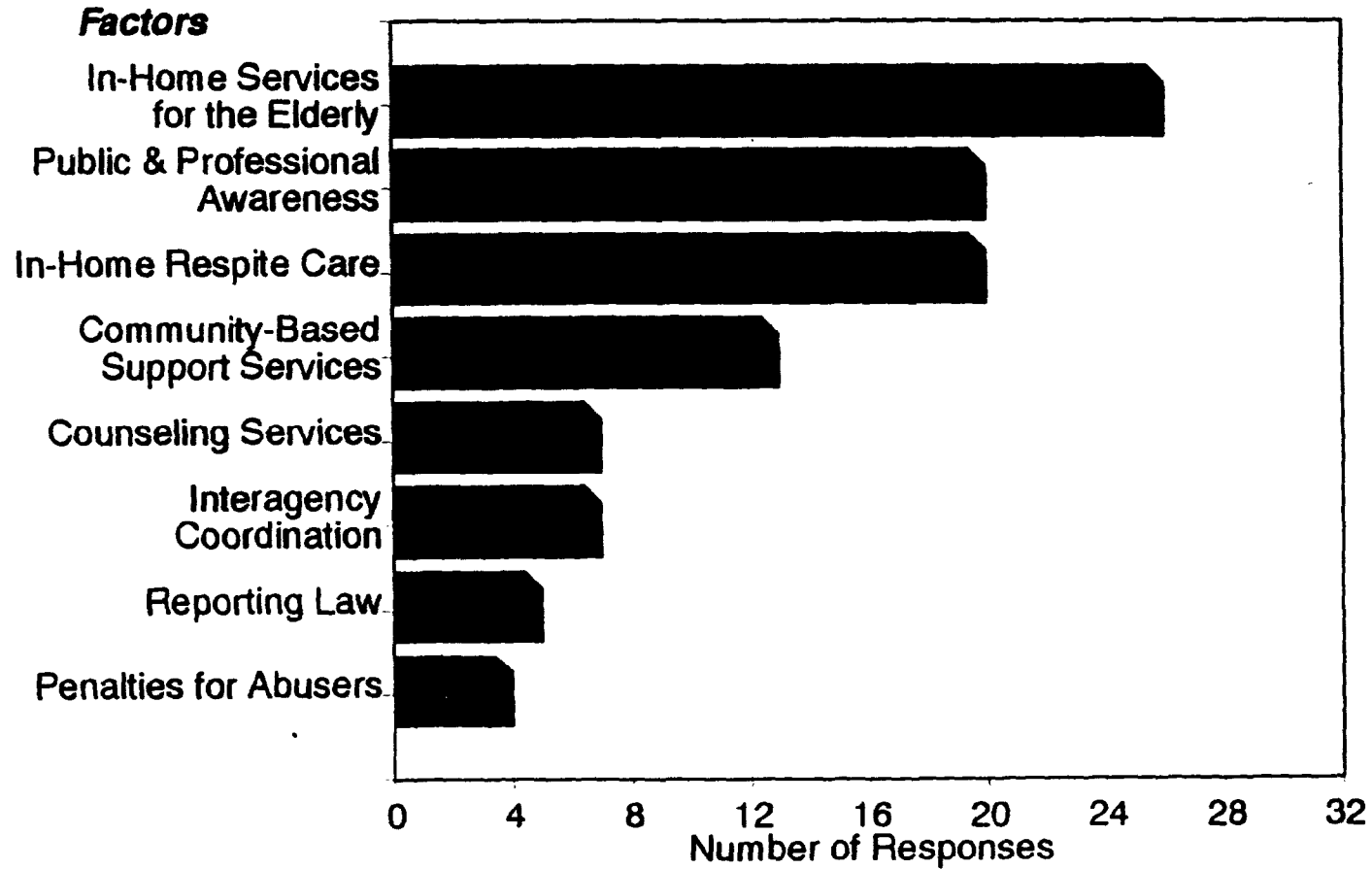


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Effectiveness of Eight Factors in Preventing A First Occurrence of Elder Abuse

Maximum Number of Responses = 40

10



Effectiveness of Eight Factors in Treating Elder Abuse

Maximum Number of Responses = 40

