

*Laws Governing Elder Abuse*

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**Introduction**

As the Baby-Boomer generation (those born between 1946 and 1964) reaches retirement age, the population of senior adults is expected to increase in all fifty states. The Census Bureau projects that America's aging population will double between 1995 and 2025. (Gaugler, 2003, p. 3) As the population of senior adults grows, so does the occurrence of elder abuse. Over the years, several laws and legislations have been passed to help protect older adults from being a victim of elder abuse.

In 1999, Cyphers reported that almost half of the 236,000 incidents of elder abuse reported to adult protective services, or APS, in the United States were from domestic settings and were substantiated after investigation (1999). Currently, state laws require that the APS worker interface with both victim and perpetrator. Many states also require perpetrator notification at the end of the investigation.

Unfortunately, there is no systematic inquiry when it comes to elder abuse legislation. Thus, it is very difficult to determine whether the variations in state statues and regulations, relate to differences in the reporting and investigation of such activities. (Jogerst, 2003, p. 14)

**Summary of Primary Findings**

In 2003, Jogerst reported that nationally it is estimated that 550,000 persons aged 60 years or older have experienced elder abuse, neglect or both. Since the recognition of elder abuse as a significant social and health problem, there has been a significant amount of legislative responses to this issue. By 1985, every state in the United States of America had implemented some form of an adult protective program. By 1993, all states enacted laws addressing elder abuse in domestic and institutional settings. (Jogerst, 2003, p. 12)

Many states have additional legislations that pertain to older Americans, including laws required by the Federal Older Americans Act, long-term care ombudsman programs, and licensing laws for different facilities.

Currently, Medicaid Fraud Units and laws relating to the criminal prosecution of certain types of elder abuse and neglect have been implemented. Tang and Yan reported that in 1999, fifteen percent of its six million Chinese citizens, aged over sixty years, has reported being a victim of some form of elder abuse. In a study in the United Kingdom, forty-five percent of caregivers who provide support to older adults were surveyed. They admitted to at least one form of elder abuse. In Greece, fifteen percent of the surveyed population,

aged sixty years or older, admitted to being a victim of some form of elder abuse. (Tang and Yan, 1999, p. 34)

**Implications for Social Work Practice**

As the number of individuals aged sixty years of age and over, has increased in this country, so has the incidence of elder abuse.

Unfortunately, the prevalence and nature of this growing problem has generally remained hidden from public view. (Cyphers, 1999, p.25) It is imperative that both professionals and lay persons become more aware of the current legislation surrounding this issue. Practicing social workers have to be better equipped to spot abuse, know where and how to report suspected incidents of elder abuse and neglect.

**10 Recommendations for Practice with Systems of All Sizes**

1. Social Workers should be aware of current legislation in place to protect individuals from elder abuse.
2. Care needs to be taken to educate senior adults on the types of elder abuse and where and how to report incidents.

**DATA AT A GLANCE**  
"IT IS ESTIMATED THAT 550,000 PERSONS AGED 60 YEARS OR OLDER HAVE EXPERIENCED ELDER ABUSE, NEGLECT OR BOTH."

**Table III.** Summary of Logistic Regression Analyses

Variables	Predictors	$\beta$	Wald	Sig.	Exp(B)
Verbal abuse	Visual ability	-0.658	4.361	.037	1.931
	Participants' dependence	0.461	13.686	.000	1.586
	Caregivers' dependence	-0.295	4.172	.041	0.745
	Memory	-0.093	4.421	.039	1.097
Physical abuse	Caregivers' dependence	-2.093	6.712	.010	0.123
	Participants' dependence	1.212	7.908	.005	3.361
Violation of personal rights	Age	0.106	7.270	.007	1.111
Overall abuse	Visual ability	-0.674	4.686	.030	1.962
	Participants' dependence	0.417	11.538	.001	1.518
	Caregivers' dependence	-0.298	4.297	.038	0.742
	Memory	-0.095	0.034	.034	1.099

3. It is imperative that reporters and investigators are familiar with warning signs of non-physical mistreatment.

4. Individuals who provide care for older adults should be given information concerning respite programs and community recourses to prevent caregiver burnout.

5. It is important that professionals are culturally competent in other ethnic backgrounds so they are better equipped to assist a diverse population of individuals.

6. Social workers should be aware that different ethnic backgrounds have considerable variability in operational definitions of elder abuse and neglect.

7. Professionals should have a working knowledge of causations and warning signs of elder abuse.

8. Professionals should have working knowledge of laws and be aware that they vary from state to state.

9. Professionals should be aware of the various types of abuse, neglect and mistreatment.

10. Professionals should be aware that many times the perpetrator of abuse is the person trusted to care for the senior adult.

### Conclusion

Elder abuse is a serious public health, social, and safety issue. Based on the research presented above, it is clear that both awareness and legislation for the protection of this marginalized community has greatly increased since 1985. Unfortunately, with the increase in the older population coupled with the reported high incidence of elder abuse and mistreatment, this problem still remains a staggering social issue, both nationally and internationally.

As noted above, elder abuse does not only affect the United States. It is a major

issue in many countries around the world. The research examined, reported cases of elder abuse in China, the United Kingdom, and Canada, as well as the United States. Even though the research identified sexual, verbal, and physical abuse, as well as financial exploitation, in each country reviewed, there is no universal definition of elder abuse. As such, there are no national or international policies in place to report, prosecute, or tackle the social issue of elder abuse.

### References

- Bergeron, L. R., (2000). Servicing the needs of elder abuse victims. *Policy and Practice of Public Human Services*, 58(3), 40-50.
- Cyphers, G. C (1999). Out of the shadows: Elder abuse and neglect. *Policy and Practice of Public Human Services*, 57(3), 25-30.
- Gaugler, J. E., Anderson, K. A. (2003). Predictors of family involvement in residential long term care. *Journal of Gerontological Social Work*, 42(1), 3-26.
- Jogerst, G. J., Daly, J. M., (2003). Domestic elder abuse and the law. *American Journal of Public Health*, 93(12), 2131-2136.
- Tang, S. K., Yang, E. C., (1999) Elder abuse by caregivers: A study of prevalence and risk factors in Hong Kong Chinese families. *Journal of Family Violence*, 19(5), 269-277.

### About the Author

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