

Practice Perspectives

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Federal Funding for and Administration of Elder Justice Programs

This publication is one of a four-part series on elder justice. Please visit www.socialworkers.org/Practice/Aging/Aging-Tools to read the accompanying Practice Perspectives *Elder Justice & Racial Justice* and *Elder Abuse & COVID-19*. A complementary report, *Social Work Roles in Elder Abuse Prevention and Response*, is forthcoming and will be posted to the same web page.

Funding for elder abuse prevention and response is multifaceted and complex. Many elder justice services offered by social workers and other service providers are supported, in part, by federal funding. Consequently, understanding how elder justice programs are funded and administered can help social workers understand not only the breadth of existing social work roles within the elder justice movement, but also potential resources to support social work innovation. This publication focuses on funding for and administration of elder justice programs within four spheres: aging, disability, intimate partner violence (IPV), and crime victim assistance. Although these spheres and the funding streams within each are presented as distinct, service providers frequently draw on funding from multiple sources to support their work.

Aging

Many programs to prevent and address elder abuse are housed within the Aging Network. The Aging Network is a national network of federal, state, local, and Tribal agencies established by the Older Americans Act (OAA) of 1965—most recently reauthorized by the Supporting Older Americans Act of 2020 (P.L. 116-131)—to promote the well-being of people 60 years and older and to help older adults live independently in their homes and communities. The Aging Network has multiple tiers:

- The Administration on Aging (part of the Administration for Community Living [ACL], a division of the U.S. Department of Health and Human Services [HHS]) is based in Washington, DC, and has primary responsibility for administering the OAA. ACL funds multiple national resource centers, including the National Center on Elder Abuse (NCEA). NCEA is administered by the Keck School of Medicine at the University of Southern California (USC).
- The 56 State Units on Aging (SUAs), which are known by a variety of names, are state-level agencies responsible for developing and administering multiyear state plans to advocate for and assist older adults and family caregivers. Many

Social workers and other service providers often draw on federal funding from some combination of aging, disability, IPV, and crime victim assistance sources to support their elder justice work.

SUAs also serve adults young and middle-aged adults who live with disabilities. Each state has an SUA, as do the District of Columbia (DC) and the five permanently inhabited territories—American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the U.S. Virgin Islands, hereafter referred to as “the territories” (ACL, 2017d).

- The local tier of the Aging Network encompasses 622 Area Agencies on Aging (AAAs), more than 260 Title VI programs, and tens of thousands of service providers (ACL, n.d.). AAA (a term that varies across locations) refers to a public or private nonprofit agency designated by the state to serve older adults in a geographic area such as a city, a county, or a multicounty district (ACL, 2017b). Many AAAs also serve as Aging and Disability Resource Centers, which provide objective information, referrals, and counseling related to long-term services and supports (ACL, 2017a). Title VI programs serve American Indian, Alaska Native, and Native Hawaiian Elders (ACL, 2020c). Both AAAs and Title VI programs partner with other service providers to fulfill their respective missions.

The OAA directs the Aging Network to address elder abuse, especially in regard to prevention activities (<https://acl.gov/programs/protecting-rights-and-preventing-abuse/elder-justice>) and the long-term care (LTC) ombudsman program (<https://acl.gov/programs/Protecting-Rights-and-Preventing-Abuse/Long-term-Care-Ombudsman-Program>). However, the OAA does not fund Adult Protective Services (APS), the nationwide social services program with primary responsibility for investigating and responding to potential abuse, neglect, and exploitation of older adults. Rather, APS is supported primarily by Social Services Block Grant (SSBG) funds and state or local revenues (Adult Protective Services Technical Resource Center [APS TARC], 2019).

Administered by state and local governments, APS agencies investigate allegations of elder abuse, provide protective services, and collaborate with clients, community partners, and government agencies to maximize the safety and independence of people who experience elder abuse (McGee & Urban, 2021). The scope of APS varies in accordance with the statute of each state or jurisdiction (Stetson University, n.d.). For example, in some areas APS investigates and

responds to self-neglect and even evictions—and in many areas it serves not only older adults, but any adult 18 years or older who lives with a disability. In contrast, in some areas APS does not serve people 65 years or older unless such individuals are deemed “vulnerable” by virtue of cognitive, developmental, physical, or psychiatric disability.

APS became more closely aligned with the OAA-funded Aging Network during Kathy Greenlee’s tenure as ACL administrator and assistant secretary for aging from 2009 to 2016. Greenlee established elder abuse as ACL’s top priority under the Obama Administration (Greenlee, 2014) and brought APS within ACL, giving the program its first-time federal home (Greenlee, 2016). Greenlee’s tenure coincided with passage of the Elder Justice Act of 2009 (EJA) (S. 795), which was supported by NASW and enacted into law as an amendment to the Patient Protection and Affordable Care Act (2010) (P.L. 111-148). Programmatically, most EJA-authorized activities are housed within ACL. Although the EJA authorized multiple provisions to mitigate elder abuse, very few have been funded by Congress during the annual appropriations process. Among the provisions authorized by the EJA are those listed below:

- establishment of an Elder Justice Coordinating Council to coordinate federal activities addressing elder abuse, neglect, and exploitation (ACL, 2020a, 2020b)—led by ACL since 2012, albeit without funding
- creation of an Advisory Board on Elder Abuse, Neglect, and Exploitation to develop a strategic plan for elder justice—neither funded nor established as of September 2021, despite the advocacy of NASW (McClain, 2019; NASW, 2021) and other advocates (such as Blancato, 2019b)
- funding for “Elder Justice and Adult Protective Services”—funds authorized since federal fiscal year (FY) 2015 have supported Elder Abuse Prevention Interventions demonstration programs (ACL, 2017c), Elder Justice Innovation Grants (ACL, 2018a, 2021e), and State Grants to Enhance Adult Protective Services (ACL, 2018b)
- dedicated federal funding for APS programs via grants to all 50 states, DC, and the territories

- grants to support LTC ombudsman programs. (Colello, 2020; Elder Justice Coalition [EJC], n.d.)

Although the EJA authorized millions in funding beginning in federal FY 2011, Congress approved very little EJA funding through the annual appropriations process for many years. The COVID-19 pandemic prompted significant boosts in EJA funding, however:

- The Consolidated Appropriations Act, 2021 (P.L. 116-260), signed into law in January 2021, included emergency EJA appropriations of \$100 million for elder justice programs, with at least half of that amount designated for APS programs (EJC, 2021d). These appropriations constituted first-time dedicated federal funding for the APS program. ACL is dividing nearly \$94 million of the approved funds among all states, DC, and the territories (ACL, 2021b). Portions of the funds are also being used to create a National Adult Protective Services Training Program (NATC) (ACL, 2021b, 2021d, 2021e)¹ and to enhance the capacity of state LTC ombudsman programs to respond to and resolve abuse and neglect complaints.
- The most recently enacted COVID-19 package—the American Rescue Plan Act of 2021 (P.L. 117-2), signed into law this past March—includes yet more EJA funding: \$188 million per year for the current and upcoming FYs (FY 2021 and FY 2022, respectively) (EJC, 2021b). Of that amount, more than \$85 million is being allotted to DC, states, and territories to enhance their APS programs (ACL, 2021a). ACL will determine how to allot the remaining EJA funds each FY (Availability of Program Application Instructions, 2021).

The COVID-19 emergency funding for EJA in federal FY 2021 and FY 2022 marked a significant investment in the EJA. Before Congress approved such funding, both the EJC (Blancato, 2020)—to which NASW belongs—and a Congressional Research Service (CRS) report (Colello, 2020) had concluded that the EJA had been severely underfunded. The significance of the recent EJA emergency appropriations notwithstanding, actual funding for the EJA remains considerably less than the amount authorized by

the statute (Blancato, 2019a, 2020, 2021). (Colello's CRS report includes detailed listings of authorized EJA funding contrasted with funding actually approved by Congress through federal FY 2020.) Moreover, authorization of appropriations for most EJA provisions expired in 2014, and the law must be reauthorized to maximize its effectiveness.

To that end, the Elder Justice Reauthorization and Modernization Act of 2021 (EJRMA) (H.R. 4969/S. 2674) was introduced in early August 2021 (EJC, 2021a). In late September, EJRMA was included in federal budget reconciliation legislation, the Build Back Better Act (H.R. 5376), passed by the House Budget Committee (EJC, 2021c; H.R. Rep. No. 117-130, 2021). Both chambers of Congress must reach agreement on budget reconciliation legislation before President Biden can sign EJRMA into law. As of this writing however, the Senate has not yet indicated its approval for inclusion of EJRMA.

NASW's transition recommendations to the Biden-Harris Administration and the 117th Congress urged reauthorization of and full funding for the EJA, along with full funding for APS and SSBG (NASW, 2021). Furthermore, the association has supported EJRMA not only through EJC (2021a), but also as a member of the Leadership Council of Aging Organizations (Smith Sloan, 2021a, 2021b). NASW will continue to monitor and work to advance EJA reauthorization efforts.

Disability Rights

Some older adults with long-standing disabilities are more aligned with disability networks than with the Aging Network—and, consequently, may be more likely to turn to disability networks if they experience elder abuse, especially when such abuse occurs in a facility.

Congress has mandated two types of agencies to advocate with and on behalf of individuals with disabilities (National Disability Rights Network, n.d.). All 50 states, DC, and the territories each have both a Client Assistance Program (CAP) and a State Protection and Advocacy System (P&A); additionally, the Native American Disability Law Center (www.nativedisabilitylaw.org/) serves Indigenous

The Administration
for Community Living
(ACL) administers
elder justice
programs funded by
the Older Americans
Act. ACL now also
serves as the federal
home for Adult
Protective Services
programs.

¹ NATC, which will be housed at the National Adult Protective Services Association, will coexist with the ACL-funded APS TARC, which launched in 2016 (<https://apstarc.acl.gov/>). APS TARC was preceded by the National APS Resource Center, established in 2011 (www.napsa-now.org/resource-center/main/).

Within the disability rights sphere, Centers for Independent Living, Client Advocacy Programs, and State Protection & Advocacy Systems provide various services and supports for people experiencing elder abuse.

people living in the Four Corners area (which covers parts of Arizona, Colorado, New Mexico, and Utah). CAPs, authorized by the Rehabilitation Act of 1973 (P.L. 93-112) (which was amended in 2014 by the Workforce Innovation and Opportunity Act [WIOA], P.L. 113-128) and by title I of the Americans with Disabilities Act (ADA) of 1990 (P.L. 101-336) (which was amended in 2008 by the ADA Amendments Act of 2008, P.L. 110-325), provide information, referral, and legal services, primarily for students and employees with disabilities (Rehabilitation Services Administration [RSA], n.d.). P&As, authorized in 1975 by the Developmental Disabilities (DD) Assistance and Bill of Rights Act (P.L. 94-103) (which was amended by the DD Assistance and Bill of Rights Act of 2000, P.L. 106-402), provide not only legal services (including investigation and litigation), information, referral, and self-advocacy training for all people with disabilities, but also training and technical assistance for service providers (ACL, 2021f). Furthermore, some provide limited policy advocacy. ACL (2021f) administers P&A programs specific to (a) individuals with developmental disabilities, (b) people with traumatic brain injury, (c) assistive technology, and (d) voting accessibility, and the Substance Abuse and Mental Health Services Administration (SAMHSA) administers a P&A program specific to individuals living with mental illness (Benefits.gov, n.d.). Moreover, ACL— together with the Health Resources and Services Administration (HRSA), RSA, SAMHSA, and the Social Security Administration—funds the Training and Advocacy Support Center (www.tascnow.com), which is managed by the National Disability Rights Network and provides training and technical assistance to both P&As and CAPs.

ACL also administers the Center for Independent Living (CIL) program, which currently funds 354 CILs. Consumer-controlled CILs, authorized by the Rehabilitation Act of 1973 (as amended by WIOA), provide tools, resources, and supports to help people with disabilities integrate fully into their communities (ACL, 2021c). Specific services provided by CILs include information, referral, peer support, individual and systems advocacy, independent living skills training, and

services to facilitate transitions from (or prevent transitions to) nursing homes and other institutions; some also provide counseling and personal assistance services, among other services.

IPV

The movement to end IPV (also known as domestic violence, or DV) plays a strong role in elder justice by preventing and addressing IPV toward older adults. A primary source of funding for IPV is the Violence Against Women Act (VAWA), enacted as Title IV of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) and last reauthorized in 2013 (P.L. 113-4).² VAWA funds both legal and community-based responses to IPV, dating violence, sexual assault, and stalking (National Domestic Violence Hotline, n.d.). Two federal entities administer VAWA: the Office on Women's Health within HHS and the Office on Violence Against Women (OVW) within DOJ (National Network to End Domestic Violence, 2021). VAWA-funded community-based programs include IPV prevention and rape crisis centers and hotlines. Of particular relevance to elder justice are OVW-administered VAWA funds, which support the following activities:

- Enhanced Training and Services to End Abuse in Later Life (ALL) program—OVW administers three-year grants to help state, local, Tribal, and nonprofit entities (a) serve people 50 years of age or older who have experienced DV, dating violence, sexual assault, or stalking, (b) create or enhance a coordinated community response to such situations, and (c) educate service providers regarding this phenomenon (National Clearinghouse on Abuse in Later Life [NCALL], 2018). More than 130 grants were awarded between federal FY 2006 and FY 2020 (NCALL, 2020).
- NCALL—A project of End Domestic Abuse Wisconsin: The Wisconsin Coalition Against Domestic Violence, NCALL provides technical assistance not only to the previously described OVW ALL grantees, but also to other service providers and the public. Other NCALL activities include resource development, training, advocacy, and policy development (NCALL, 2021a, 2021c).

² The Violence Against Women Act Reauthorization Act of 2021 (H.R. 1620) (www.congress.gov/bills/117/congress/house-bill/1620?r=1&s=1) was introduced in March 2021 and passed by the House of Representatives within days. The Senate Committee on the Judiciary held a hearing on VAWA reauthorization in early October 2021 (www.judiciary.senate.gov/meetings/renewing-and-strengthening-the-violence-against-women-act). As of this writing, however, the Senate has not yet voted on the bill. NASVV supports reauthorization and revision of VAWA, as noted in the association's 2021 *Blueprint of Federal Social Policy Priorities*.

The Family Violence Prevention and Services Act (FVPSA) (1984) (S. 2430), enacted into law as Title III of Child Abuse Amendments of 1984 (P.L. 98-457), is a largely untapped source of funding for IPV programs serving older adults. The FVPSA program, located within the Family and Youth Services Bureau of the Administration for Children and Families (ACF), administers grants that support several types of activities:

- IPV prevention and public awareness programs
- shelter and supportive services for people who experience IPV
- National Domestic Violence Hotline
- technical assistance and training related to IPV, including state domestic violence coalitions and national resource centers. (ACF, n.d. & 2018a)

The most recent reauthorization of FVPSA (part of the CAPTA Reauthorization Act of 2010, P.L. 111-320) includes requirements for DC, states, and territories to “demonstrate a commitment to diversity and to the establishment of services for underserved populations,” including older adults (ACF, 2012, p. 27). However, in federal FY 2017 (the most recent for which data are available), only 3.4 percent of individuals served by these governments and Tribes were 60 years or older (ACF, 2018b, p. 1).

Crime Victim Assistance

The Victims of Crime Act of 1984 (VOCA), amended in 1988 as part of the Anti-Drug Abuse Act of 1988 (P.L. 100-690) and administered by DOJ’s Office for Victims of Crime (OVC), constitutes yet another source of funding for elder justice initiatives. VOCA established the Crime Victims Fund, which uses fines and penalties paid by convicted federal offenders to fund information resources, training and technical assistance, and state-based victim assistance and compensation programs (OVC, 2020a, 2020b, 2020e).

These programs and services are administered primarily through VOCA subgrants to every state, DC, and the territories (OVC, n.d.-a, n.d.-b), with limited funding available to localities, Tribal communities, individuals, educational institutions, and private nonprofit organizations (Office of the Attorney General [OAG], 2020; OVC, 2020d). VOCA funding levels, similar to OAA levels, are driven by the Congressional appropriations process and can fluctuate, in part because of a Congressional cap set on the Crime Victims Fund each year (OVC, 2020g). One noteworthy organization funded by VOCA for several years is the National Resource Center for Reaching

Victims (NRC) (<http://reachingvictims.org/>) (OVC, 2016), which provides training and technical assistance to increase accessibility and inclusion within victim assistance programs. As a member of the NRC collaborative, NCALL provides guidance on policy and practice related to older adults who have experienced crimes (NCALL, 2021b).

In the realm of elder justice, VOCA funds (and OVC manages) the National Elder Fraud Hotline (<https://ovc.ojp.gov/program/stop-elder-fraud/providing-help-restoring-hope>), established in early 2020, and has funded multiple projects to enhance state technology capacity related to elder abuse. Over the past several years, OVC has consistently sought grant applications specific to elder justice. In response to those solicitations, OVC awarded at least 60 grants to (a) support field innovations and enhance outcomes in addressing elder abuse and financial exploitation, (b) develop or bolster enhanced multidisciplinary teams (E-MDTs), and (c) support legal services delivery (OVC, 2017, 2018, 2019b, 2019c, 2019d, 2020f). Moreover, OVC awarded numerous grants to enhance the capacity of Tribal Nations to address elder abuse or other types of crimes against older adults. These awards were made in response to broader funding announcements, such as for the Tribal Victim Services Set-Aside Program (OVC, 2020c). One such award, for example, is enabling implementation of a culturally appropriate, community-level approach to serving Alaska Natives who have experienced elder abuse (OVC, 2019a). Furthermore, this year OVC (2021b) solicited applications for additional E-MDT grants; an announcement regarding those awards is forthcoming this autumn (OVC, 2021a).

The Elder Abuse Prevention and Prosecution Act (2017) (P.L. 115-70) established requirements for DOJ to investigate and prosecute elder abuse and to enforce elder abuse laws. Among these requirements is an annual report to Congress detailing the extent to which VOCA funding is dedicated to services for people 60 years and older. The most recent report stated that more than 5,540 VOCA-funded organizations provided services (such as individual advocacy, crisis intervention, therapy, civil legal assistance, transportation, and emergency shelter) in federal FY 2019 to more than 7.2 million people who had experienced crime; of this number, 357,500 were 60 years or older, a 17 percent increase from FY 2018 (OAG, 2020, p. 79). DOJ also

Within the intimate partner violence movement, the Violence Against Women Act funds both the Enhanced Training and Services to End Abuse in Later Life program and the National Clearinghouse on Abuse in Later Life.

Within the realm of crime victim assistance, the U.S. Department of Justice (DOJ) administers the National Elder Fraud Hotline, funded by the Victims of Crime Act (VOCA). DOJ has also disbursed VOCA funding to numerous entities for elder justice programs.

reported that of the more than \$2.3 billion in VOCA awards to DC, states, and territories, \$67 million was allotted specifically to serve people who had experienced elder abuse (a 28 percent increase from FY 2018) (OAG, 2020, p. 79).

In addition to administering VOCA through OVC, DOJ has a robust Elder Justice Initiative (EJI). EJI focuses on four mission areas:

- building the capacity of prosecutors, law enforcement, judges, victim specialists, first responders, civil legal aid employees, and multidisciplinary teams (MDTs) to respond to elder abuse
- investigating and prosecuting financial scams and helping resolve cases of grossly substandard care provided by LTC entities
- supporting research on elder abuse
- providing information and referrals to older adults and families (however defined). (DOJ, n.d.-a)

Specific EJI-funded activities include (a) Webinars (DOJ, 2021) and community presentation materials (DOJ, n.d.-c) for professionals; (b) the multimedia Elder Abuse Guide for Law Enforcement (commonly known as "EAGLE"), an online tool developed by USC to help officers identify, address, and resolve situations of elder abuse (NCEA et al., n.d.); (c) training videos for prosecutors (DOJ, n.d.-d), (d) an MDT Technical Assistance Center (DOJ, n.d.-b) and MDT guide and tool kit (DOJ, 2016), and (e) an extensive research database (DOJ, n.d.-e).

Conclusion

Many elder justice services provided by social workers are supported by federal funds—which, in turn, are authorized by federal legislation. Various entities within DOJ and HHS disseminate these federal funds to state, local, and Tribal entities. The federal government also provides support and resources to assist service providers in implementing programs that prevent and address elder abuse. An understanding of how the federal government funds and administers elder justice programs within the spheres of aging, disability rights, IPV, and crime victim assistance can enhance social work practice, administration, and advocacy.

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ACL-supported elder justice activities include the Elder Justice Coordinating Council, Elder Abuse Prevention Interventions demonstration programs, Elder Justice Innovation Grants, State Grants to Enhance APS, and grants to support LTC ombudsman programs.

Centers for Independent Living provide the following services to people with disabilities: information, referral, peer support, individual and systems advocacy, independent living skills training, and services to facilitate transitions from (or prevent transitions to) nursing homes and other institutions. Some also provide personal assistance services and counseling, among other services.

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