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...
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The OAA directs the Aging Network to address elder abuse, especially in regard to protection from prevention activities (https://acl.gov/programs/protecting-rights-and-preventing-abuse/elder-justice) and the long-term care [TJC]. The OAA has funded Adult Protective Services (APS) programs (https://apstarc.acl.gov) for most years. APS varies in accordance with the statute of each state or jurisdiction (Stetson University, n.d.). Many AAs 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, 2020a). Both AAs and Title VI programs partner with other service providers to fulfill their respective missions.

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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, 2017b).

• 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, 2020a). 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://oaa.gov/programs/protecting-rights-and-preventing-abuse/elder-justice-and-the-longterm-care/). The nationwide social services program with primary responsibility for investigating and responding to potential elder 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 Technology 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 (McClesy & 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 following Kathy Greenlee’s tenure as ACA administrator and assistant secretary for aging from 2009 to 2016. Greenlee established elder abuse as ACA top priority under the Obama Administration (Greenlee, 2014) and brought APS within ACA, giving the program its first-time federal home (Greenlee, 2016). Greenlee’s tenure coincided with passage of the Elder Justice Act of 2009 (EJA, 7195), which was supported by NASW and enacted into law as an amendment to the Patient Protection and Affordable Care Act (2010). (PL 11-114-1) Programmatically, most EJA-authorized activities are housed within ACA. 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 (ACA, 2020a, 2020b, 2020c) led by ACA 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 (McClesy, 2019; NASW, 2021) and other advocates (such as Blancato, 2019a)
• funding for ‘Elder Justice and Adult Protective Services’—funds authorized since federal fiscal year (FY) 2015 have supported Elder Abuse Prevention Interventions demonstration programs (AC, 2017c), Elder Justice Innovation Grants (ACA, 2018a, 2019a), and State Grants to Enhance Adult Protective Services (ACA, 2018b)
• dedicated federal funding for APS programs via grants to all 50 states, DC, and the territories
• grants to support LTC ombudsman programs (Carolla, 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 (PL 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, 2021a). These appropriations constituted first-time dedicated federal funding for the APS program. ACA 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 (NATP) (ACL, 2021b, 2021d, 2021e) and to enhance the capacity of state APS programs to respond to and resolve abuse and neglect complaints.

• The most recently enacted COVID-19 package—the American Rescue Plan Act of 2021 (PL 117-2), signed into law this past March—includes yet another EJA funding: $188 million per year for the current and upcoming FYs (FY 2021 and FY 2022, respectively) (EJC, 2016b). Of that amount, more than $65 million is being allotted to DC, states, and territories to enhance their APS programs (ACL, 2021a). ACA will determine how to allocate the remaining EJA funds each year (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 belong—and a Congressional Research Service (CRS) report (Carolla, 2020) had concluded that the EJA had been severely underfunded by clients, community partners, and the Administration. The significance of the recent EJA emergency appropriations notwithstanding, actual funding for the EJA remains considerably less than the amount authorized by the states (Blancato, 2019a, 2020, 2021). (Carolla’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.

NASWW’s transition recommendations to the Biden–Harris Administration and the 117th Congress urged reauthorization of all federal funding for the EJA, along with full funding for APS and SSBG (NASWW, 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 longstanding 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 at least one of both a Client Assistance Program (CAP) and a State Protection and Advocacy System (SPA); additionally, the Native American Disability Law Center (www.nativедisabilitylaw.org) serves Indigenous American Disability Law Center
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.

The Family Violence Prevention and Services Act (FVPSA; P.L. 104-87, enacted into law by the Violence Against Women and Children Act of 1994; Pub. L. 103-322) and the Elder Abuse Prevention and Prosecution Act (P.L. 113-4) are largely untapped sources 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 113-4) 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.). RSA, authorized in 1973 by the Developmental Disabilities Assistance and Bill of Rights Act (P.L. 94-242) (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 people with disabilities, but also training and technical assistance for service providers (ACF, 2021b). Furthermore, some provide limited policy advocacy. ACF (2021b) administers RSA 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 RSA program specific to individuals living with mental illness (Benefits.gov, n.d.). Moreover, ACF— 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 RSAAs and CAPs.

ACF 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 the ADLMS) and the Rehabilitation Services and Supports (RSS), is a largely untapped source of funding for older adults with disabilities. The State and local governments and Tribes that receive ADLMS are required to allocate at least 60 percent of ADLMS funds to the State’s CIL system. The ADLMS funding level is determined by the number of people with disabilities living in the state or locality and is adjusted every five years (ACF, 2012, p. 27). However, in federal FY 2019 to more than 7.2 million people who had experienced crime, of this number, 357,300 were 60 years or older, a 17 percent increase from FY 2018 (OAG, 2020, p. 79). DOJ also

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, 357,300 were 60 years or older, a 17 percent increase from FY 2018 (OAG, 2020, p. 79). DOJ also

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Within the intimate partner violence movement, the Violence Against Women Act funds (and VAIW supports) the National Elder Justice Clearinghouse (https://ovc.gov/program/stop/elder-fraud/providinghelpingestrong-help), established in early 2020, and has funded multiple projects to enhance state technology capacity related to elder abuse. Over the past several years, DOJ has consistently sought grant applications specific to elder justice. In response to those solicitations, DOJ awarded at least 60 grants to (a) support held innovations and enhance outcomes in addressing elder abuse and financial exploitation, (b) develop or bolster enhanced multidisciplinary teams (EMDTs), and (c) support legal services delivery (OVC, 2017, 2018, 2019b, 2019c, 2019d, 2020). 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 Victims Services Set-Aside Program (OVC, 2020). 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, 2019b). Furthermore, this year’s elder justice initiative (“OVC, 2021b) solicited applications for additional EMDT grants; an announcement regarding those awards is forthcoming this autumn (OVC, 2021a).
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 (PL 93-112) which was amended in 2014 by the Workforce Innovation and Opportunity Act (WIOA, PL 113-128) and by title I of the Americans with Disabilities Act (ADA) of 1990 (PL 101-336) which was amended in 2008 by the ADA Amendments Act of 2008 (PL 110-325), provide information, referral, and legal services, primarily for students and employees with disabilities (Rehabilitation Services Administration [RSA], n.d.). RSA, which was amended in 1975 by the Developmental Disabilities (DD) Assistance and Bill of Rights Act (PL 94-341) was amended in 2008 by the DD Assistance and Bill of Rights Act of 2000, PL 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 to service providers (ACL, 2021b). Furthermore, some provide limited policy advocacy. ACL (2021b) administers RSA 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 RSA program specific to individuals with mental illness (Bethenia.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 all RSA and PAs.

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Conclusion

Many elder justice programs supported 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, advocacy, and research.

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VOCA funding to numerous entities for elder justice programs.
report 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) (DOAG, 2020, p. 79).

In addition to administering VOCA through OVC, DOJ has a robust Elder Justice Initiative (EJ). EJ focuses on four mission areas: (a) 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; (b) investigating and prosecuting financial scams and helping resolve cases of grossly substandard care provided by LTC entities; (c) supporting research on elder abuse; and (d) providing information and referrals to older adults and families (however defined) (DOJ, n.d-a).

Specific EJ-funded activities include: (a) Webinars (DOJ, 2021) and community presentation materials (DOJ, n.d-b) 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-c); (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).

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Counseling, among services and Some also provide other institutions. nursing homes and prevent transitions to (or transitions from (or systems advocacy, peer support, independent living with disabilities: Independent Living Centers for Developmental Disabilities Assistance and Bill of Rights Act of 2000, P.L. 111-320, 124 Stat. 3459 (2010).


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Ofers permanent support services to people 50 years or older who have experienced domestic violence, dating violence, sexual assault, or stalking. The program also educates service providers regarding abuse in later life and bolsters a coordinated community response to such situations.


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