



**House
Legislative
Analysis
Section**

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ELDERLY ABUSE PREVENTION PROGRAM & FUND

RECEIVED

House Bill 4316 (Substitute H-2)
First Analysis (11-2-87)

NOV 17 1987

Sponsor: Rep. Floyd Clack
Committee: Senior Citizens & Retirement

Mich. State Law Library

THE APPARENT PROBLEM:

Recent studies have shown that an increasing number of older persons who are dependent upon others for their care are being subjected to various forms of mental and physical abuse or neglect, as well as financial exploitation. Nationwide, it is estimated that one million senior citizens are abused each year. In Michigan, the Department of Social Services (DSS) is authorized by the Social Welfare Act to report and investigate suspected cases of abuse, neglect, endangerment, or exploitation of persons of at least 18 years of age who are unable to act on their own behalf because of mental or physical impairment, or because of the frailties or dependence brought about by advanced age. Many people contend that government's responsibility to the elderly should go further: rather than dealing with abuse and neglect after the fact in a crisis intervention situation, programs should be established to prevent abuse, to alert the public to the forms which adult abuse can take, the reasons why it develops, and what community services are available to assist families in order to avoid abusive situations. Statistics show that more than 60 percent of the abused elderly are victimized by persons close to them and upon whom they rely for support. Many of the elderly, however, avoid contact with DSS, either because they associate the department with "hand-outs," because they view government agencies as being cold and impersonal, or because they fear retaliation from their abusers. What is needed, it is felt, is an outreach program evolving around a community based access center, such as a senior citizen center, a township hall, or any facility that seniors will feel comfortable going to, as well as efforts to educate the community via television, letters, newspapers, and so forth.

THE CONTENT OF THE BILL:

The bill would amend the Older Michiganians Act to establish an Older Persons' Abuse Prevention Program and Fund, to be administered by the Office of Services to the Aging in the Department of Management and Budget. The fund would consist of contributions of money from individuals, corporations, or other associations, and any money appropriated to the fund. With the fund, the office would create an older persons' abuse prevention project to aid both abused persons and their abusers. To implement the project, the office would 1) administer the fund; 2) develop an Older Persons' Abuse Prevention Program in cooperation with the Departments of Social Services, Public Health, Mental Health, and State Police, the Office of Substance Abuse Services, and representatives of local police agencies; and 3) evaluate and approve proposals from community organizations for grants from the Older Persons' Abuse Prevention Fund. Proposals could be submitted directly to the office, or to any area agency on aging, who would then be required to forward them to the Office of Services to the Aging. Under the bill, grants from the fund would be expended as determined by an interagency review panel, chaired by the director of the office, or the director's designee, for purposes consistent with the Older Persons' Abuse Prevention Program.

The office would be required to develop and implement two Older Persons' Abuse Prevention pilot programs, to be established in cooperation with community organizations that provide services to older persons and that have adequate facilities, staff, and expertise to provide services for the prevention of the abuse of the elderly. The bill would require that the pilot programs be implemented not later than 18 months after the bill's effective date, and that the office report to the legislature — not later than two years after implementation — on the programs' results. As defined in the bill, "abuse of older persons" would include physical, emotional or social, financial, or environmental abuse involving an older person.

MCL 400.581 et al.

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the fiscal implications of this bill are unknown at this time. (10-29-87)

ARGUMENTS:

For:

Elderly citizens who are abused are an especially vulnerable segment of our population. Often, they are afraid to report abuse, especially when soliciting help may involve "reporting" their abusers — the same people they are dependent on for care — to a government agency. Our present protective services laws cannot get to the root of the problem, since they only provide for "crisis intervention" in a situation that is already out of hand. The bill is commendable for its attempt to provide a coordinated, community based system of resources that addresses both the needs of the abused and the abuser. The two pilot programs would allow the state to test different ways of coordinating services to meet these needs.

For:

With technological advances in the medical field prolonging life and the advancing age of the large segment of the population born during the "baby boom" period, the problem of abuse of the elderly may be expected to increase. The bill addresses the problem and attempts to implement a method of combating it. Additionally, as the placement of mental health clients into various types of independent and semi-independent community settings increases, and those individuals age, the legislation provides additional safeguards against the abuse by emphasizing cooperation between the various state departments involved in human services.

Against:

The legislation limits the submission of proposals for grants and for the pilot programs to community organizations. While these organizations would certainly be an appropriate source of proposals, there are other potential

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sources, such as universities, private research groups, and county programs, which should not be overlooked.

Against:

The bill does not go far enough: funding and staffing for the program have not been adequately defined. What is needed is a legislative appropriation for start-up funds and an analysis to identify minimum staffing requirements.

POSITIONS:

The Department of Social Services supports the bill.
(10-30-87)

The Office of Services to the Aging supports the bill.
(10-30-87)

The Department of Mental Health supports the bill.
(10-30-87)

The Department of State Police supports the bill. (10-30-87)

The Office of Substance Abuse, Department of Public Health, supports the bill. (10-30-87)

The Michigan County Social Services Association supports the bill. (10-30-87)