



Promoting Practice-Based Policy

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To cite this article: Lisa Nerenberg MSW MPH (2010) Promoting Practice-Based Policy, Journal of Elder Abuse & Neglect, 22:3-4, 335-339, DOI: [10.1080/08946566.2010.490183](https://doi.org/10.1080/08946566.2010.490183)

To link to this article: <https://doi.org/10.1080/08946566.2010.490183>



Published online: 12 Aug 2010.



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When service providers participating in the Archstone Foundation's Elder Abuse and Neglect Initiative met to discuss common concerns, they highlighted the need for a sustained and proactive approach to improving California's response to elder abuse. The Advocacy Work Group formed to identify unmet needs and barriers, including the shortage of mental health services for vulnerable older adults, the need for alternatives to guardianship, and insufficient coordination with other constituencies. The Work Group is currently developing a blueprint for promoting dynamic partnerships among stakeholders, facilitating the exchange of information, and advancing informed public policy and service development.

KEYWORDS advocacy, California, collaboration, legislation, public policy

Whenever service providers in the field of elder abuse prevention come together to discuss their work, it is not long before the conversation turns to systems problems: the need for new services and public policy, the lack of coordination among stakeholders, and pervasive misconceptions by the public about abuse and those entities charged to respond. The convenings of the Archstone Foundation Elder Abuse and Neglect Initiative (Initiative) were no exception, so an Advocacy Work Group (Work Group) formed to track common, persistent concerns

The Work Group set for itself the modest goal of tracking needs, barriers, and challenges that were raised during or between convenings. Because the projects represent a wide spectrum of approaches to abuse

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prevention, the problems they reported reflected an equally broad spectrum, ranging from concerns about confidentiality and the “discoverability” of information exchanged during multidisciplinary team meetings to confusion about California’s elder and dependent adult abuse civil restraining orders. Projects that educate professionals about their mandatory reporting duties in the event of suspected abuse discovered glaring inconsistencies in how reports were being handled across the state, making it virtually impossible to develop uniform training materials. A variety of concerns were raised by legal services attorneys, Adult Protective Services (APS) social workers, and others regarding conservatorship (California’s term for adult guardianships), including the need for training physicians in how to fill out “capacity declarations” (statements by physicians or psychologists that may be required for conservatorship petitions), the shortage of conservators for older adults with limited assets, and the need for less restrictive alternatives. Other problems that were identified included the need for more legal assistance to victims of financial abuse and better screening of long-term care workers and facilities. Complaints about the inadequate supply of mental health services for vulnerable and abused older adults prompted questions about whether Proposition 63 (“Prop 63”) funding could be accessed. Prop 63 was a 2002 California voter referendum that created a new source of funding for mental health services by adding an additional 1% tax on the personal incomes of Californians earning more than a million dollars a year.

The Work Group met monthly by phone to discuss these problems as well as other developments affecting the field. Members reported on local efforts to improve the screening of home care workers and to encourage senior centers to develop policies to prevent proprietary or predatory salespersons who pose as objective financial advisors from making presentations. The group learned that few aging service providers were applying for Prop 63 funds and responded by developing a fact sheet on the mental health needs of abused and vulnerable older adults that could be used by providers in developing proposals for funding.

The group also discussed pending state legislation on elder abuse, which highlighted the need for better communication and collaboration among advocates within and beyond the elder abuse prevention network. Work Group members identified thirty bills with a direct impact on abused and vulnerable older adults that had been introduced in the California State Legislature. Some bills, like California Assembly Bill (AB) 2038, which would have radically affected the handling of elder abuse cases in long-term care facilities, had been introduced by advocates for other constituencies with little or no input from elder advocates. Upon learning about AB 2038, members of the Work Group worked with the bill’s sponsors to negotiate critical structural changes and advocate for its passage. Unfortunately, the bill did not pass. However, important potential alliances were formed that could be instrumental in future legislative and other advocacy efforts.

The Work Group also identified the need for policy-focused research. Specific areas of need included studies to determine how proposed changes in elder abuse reporting requirements would affect APS and Long-Term Care Ombudsman caseloads and resource needs. The group also identified the need for surveys to evaluate the status and impact of existing elder abuse laws because: (a) multiple newly enacted laws have not been implemented, (b) several laws are being interpreted differently across the state, and (c) it is unclear whether these laws (even those implemented in a uniform manner) are having the intended impact. An example is California Probate Code Section 2952, which went into effect in 2001 and provides for the freezing of assets believed to be in jeopardy as a result of elder financial crimes. The statute is used in some California counties and not in others.

Many of the issues and needs that the Work Group identified were not new. They echo problems, frustrations, gaps, and challenges that have been voiced by local, state, and national coalitions, task forces, professional associations, research institutions, problem-solving forums, think tanks, and policymakers ever since elder abuse was first recognized in the late 1970s. Some of these earlier initiatives had focused narrowly on specific concerns within the state (e.g., a Probate Task Force was appointed by the Chief Justice of California's Supreme Court to improve the management of probate conservatorship cases). Others, like the National Policy Summit on Elder Abuse, which was convened by the National Center on Elder Abuse in 2001, were much broader in scope, covering topics ranging from the criminal justice system's response to elder abuse to the need for heightened public awareness. What most of these forums had in common was that their findings had not been broadly disseminated, nor had their recommendations been implemented. Some became casualties of retrenchments or changing administrations. Even those initiatives that yielded new policies or initiatives typically stopped short of monitoring their progress, impact, or sustainability.

In discussing the need for new approaches to advocacy, Work Group members pointed to promising approaches developed by other advocacy networks within and beyond California. These included California's Fall Prevention Center of Excellence (FPCE), a statewide network of stakeholders, supported by the Archstone Foundation, which was created to improve practice and inform policies that support fall prevention. The FPCE was the culmination of months of planning by a statewide steering committee that had identified gaps in services and resources and developed an action plan. Another model that was suggested for further exploration was that employed by state domestic violence and sexual assault coalitions, which promotes coordination among federal, state, and local organizations, and provides training, technical assistance, public awareness, and advocacy.

The Work Group next developed a proposal to enlist the help of stakeholders across the state in creating a coordinated and comprehensive advocacy plan. The project includes the following key features:

1. Conducting an environmental scan to identify previous studies, hearings, and reports on elder abuse and related issues to identify content that is still relevant and applicable;
2. The formation of a technical advisory group of experts in elder abuse and related fields (domestic violence, caregiving, disability rights, etc.) to provide advice, technical assistance, resources, and contacts to the Work Group;
3. Organizing a statewide summit in California to further explore areas of pressing need. These may include, for example, the justice systems' response to elder abuse, issues related to the state's reporting law and response system, and the apparent epidemic in complex forms of financial abuse that is being witnessed statewide; and
4. The development of a blueprint for the state. A hallmark of the plan (which will differentiate it from past initiatives) will be a recommendation for an entity or organization to spearhead advocacy on an ongoing basis. In developing its recommendations for a lead California advocacy organization, the Work Group will review models developed by other interest groups, or elder advocates in other communities. The blueprint will be distributed to policymakers at the local, state, and national levels; program developers; the philanthropic community; and other stakeholders.

The Work Group has identified several overarching principles or approaches that will guide its work. These include maintaining a balance between preventative and remedial interventions. Examples of preventative approaches include the early identification of high-risk situations, improved screening of home care workers, presentations about how to avoid being victimized at senior centers, and heightened monitoring of powers of attorney. Remedial interventions include the prosecution of offenders, the recovery of assets, and treating victims' physical and emotional injuries.

Another theme is to explore alternative avenues for enacting changes, through other means in addition to legislation. These ideas include urging state planning and administrative entities to address problems and to include abused and vulnerable older adults among the populations they prioritize for funding. An example of this approach was the Work Group's response to the California Department of Aging's call for public comments on its 2009-2013 State Plan on Aging. The group provided oral and written testimony calling for greater attention to the needs of abused and vulnerable older adults and describing specific areas of need.

The Work Group also hopes to engage the participation of volunteers, including recent retirees from the fields of APS and law enforcement; interns from schools of social work, health professions, and public policy; and senior advocates. It further hopes to coordinate its efforts with other states and participate in national policy initiatives to ensure that state and federal policy enhance and support each other.

Proposing a plan for improving advocacy in California is clearly a daunting undertaking. Among the obstacles that the Work Group and others face are the state's diversity, a lack of coordination among key state agencies, a decentralized and uncoordinated response network, and an unprecedented financial crisis.

The Archstone Foundation Elder Abuse and Neglect Initiative and the partnerships it has fostered offer a unique and unparalleled opportunity to improve the state's response to elder abuse. The Initiative has already stimulated collaboration among researchers, clinicians, academics, court administrators, and advocates with firsthand experience and knowledge in critical areas of research, practice, and policy. If the Work Group succeeds in achieving a proactive, sustained, and inclusive approach to advocacy, it will have a lasting impact on the lives of older adults.

NOTE

1. Members of the Advocacy Work Group include Krista Brown, Molly Davies, Lori Delagrammatikas, Steven Hosking, Heidi Li, Betty Malks, Adria Navarro, Lisa Nerenberg, Shawna Reeves, Terri Restelli-Deits, and Mary Twomey.