

## Tips for Working with Older Victims when you are Mandated to Report Elder Abuse

Note: This fact sheet was adapted from a longer article by Jessica Mindlin, Esq., and Bonnie Brandl, MSW, entitled, “*Respecting Elders, Protecting Elders: Untangling the Mystery of What Sexual Assault Advocates Need to Know About the Mandatory Reporting of Elder Abuse*” published in **Reshape** (Spring 2011; no. 27).

### Working with Victims

Staff who provide direct services need to know the elder abuse mandatory reporting laws reporting obligations, if any. Here are some tips to consider when working with older victims and reporting elder abuse.

#### 1. Prior to Intake or Interviews

- Advise all older victims about what information may and may not be kept confidential.
- Let older victims know, *before a disclosure is made*, what can happen if they discuss sexual assault, domestic violence, stalking or other forms of elder abuse. Giving the victim this information up front provides the victim with an opportunity to control what information to share, when to share it and with whom.

#### 2. Prior to Making a Mandated Report

- Let the victim know that, because a report is mandated, you will be contacting a regulatory agency, as required. Tell the victim to what agency the information will be reported (*e.g.*, adult protective services (APS)/elder abuse agency, law enforcement).
- Offer to include the victim in the reporting process. The victim may choose to self-report or to participate in the reporting process. Offering the option of self-reporting may preserve the victim’s willingness to work with you and with APS or other responding agencies. Self reporting may help the victim retain some measure of



autonomy and self determination, and can help ensure the information reported is accurate and in context.

- If a victim is not interested in self-reporting, let the victim know when and to whom the report will be made and exactly what information will be released.
- Discuss the practical and emotional consequences of reporting and help the victim understand the process. If you know the next steps (for example, that APS will send a worker to investigate within 72 hours), let the victim know what to expect.
- Recognize that the victim may feel angry and/or betrayed. Discuss and validate those feelings. If possible (and as appropriate), try to support a continued working relationship between the victim and your agency.
- Devise a safety plan with the victim. Victim safety must remain a primary consideration. Safety planning with older victims should take into consideration that the victim may have ongoing contact with the perpetrator (who may be the victim's caregivers, adult child(ren), spouse, partner, or other family members, or facility staff). The victim may also be providing care, housing or economic support to the offender and/or be dependent upon the offender for her or his daily care and ability to live independently. After you have helped the victim develop a safety plan, work with the victim to update it regularly.
- Victim service providers (VSP) funded by the Violence Against Women Act (VAWA) should remember that, if a report is made pursuant to a statutory (or court) mandate, the VSP must: (1) make reasonable attempts to notify the victim; and (2) take the steps necessary to protect the privacy and safety of the persons affected by the release of information.

### **3. Reporting the Elder Abuse**

- Contact the appropriate agency.
- To ensure that you are complying with VAWA and other federal confidentiality requirements, only report what is mandated by law. You may not breach confidentiality without the victim's (or legal guardian's) written and informed consent.

- Document that a report has been made

#### **4. During the Investigation**

- Offer to be present with the victim during or after any interview(s), as allowed by law and agency policy. Some states' laws specifically authorize victims to have an advocate present during a law enforcement interview.
- If the victim is interested in having other people present or available for support, work with the victim to determine who may be available.
- Let the victim know whether the report will be provided to other agencies and/or organizations, such as law enforcement.
- If the victim grants you permission, work with law enforcement, APS or any other responding agency to address safety concerns for victims whose risk may increase as a result of the investigation. Offer to assist victim with safety planning; update the plan regularly.

#### **5. After the Investigation**

- Follow-up with both the victim and other professionals to ensure that the necessary services are offered. When doing so, take care not to inadvertently release a victim's private or personal information without the victim's consent.
- Continue to work with the victim and other responding agencies to address and respond to victim's safety concerns. Remember that a victim's risk may increase due to some investigative practices.

*Disclaimer: The general information presented here is intended for educational purposes only. It does not constitute and is not a substitute for independent legal advice and should not be relied upon for that purpose. If you need legal advice you should consult with your own attorney.*

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This project was supported by Grant No. 2004-WT-AX-K024 (VRLC) and Grant No. 2005-EW-AX-K003 (NCALL), awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, and conclusions expressed are those of the authors and do not represent the official position or policies of the U.S. Department of Justice.