



**Statement of William F. Benson, National Policy Advisor  
National Adult Protective Services Association**

**To the  
Elder Justice Coordinating Council  
Washington, D.C.  
November 15, 2022**

Thank you for the invitation to speak with you today. My name is Bill Benson. I serve as National Policy Advisor to the National Adult Protective Services Association (NAPSA), which I have done since I left the Administration on Aging after serving as its Acting Assistant Secretary for Aging. We at NAPSA are grateful to again have this opportunity to provide testimony to the Elder Justice Coordinating Council. It is a pleasure to be here before Acting Assistant Secretary Barkoff and all the dedicated agencies that comprise the EJCC. As Adult Protective Services works with older adults and persons with disabilities, we greatly appreciate Ms. Barkoff's commitment to and support of collaboration between the aging and disabilities worlds. I also am pleased to recognize Jennifer Spoeri, NAPSA's new executive director, who is viewing today's meeting.

NAPSA represents the nation's state and local Adult Protective Services (APS) programs. As a founding member of the Elder Justice Coalition and having played a major role in the shaping and enactment of the Elder Justice Act, we thank you for the unique role you play in bringing together the impressive array of federal agencies engaged in combating abuse of older adults and persons with disabilities, in all its forms. Your convening today is an important reminder of what has been achieved since you first met in 2012 and serves to put the spotlight on what more needs to be done.

We are very pleased that you will also hear today from Bob Blancato of the Elder Justice Coalition, Dr. Heather Mutchie of Purdue University and others, whose testimony will complement ours.

APS is the nation's only system of state-based statutorily authorized civil programs to investigate abuse, neglect, and exploitation, and to respond and offer protection to, and empower those it serves. Not only are older adults and persons with severe disabilities often invisible, but to a large extent so is the primary system charged with protecting them from abuse. APS differs from state to state and sometimes from county to county. In the historical absence of federal leadership or resources, which we are now gratefully finally seeing, states have evolved their own systems and approaches, with their own definitions and standards. For example, APS programs are administratively varied; about half are based in state units on aging; about half in state departments of social or human services, and a few in various other arrangements. Many state APS programs are fully a state level function; in others, APS is administered through local government agencies and some non-profit entities.

Over 90 percent of states serve all persons with significant disabilities who are age 18 and older; while several serve only persons 60 or 65 and older, and some states, such as California, can serve older persons without disabilities, where age alone is sufficient criterion when abuse is alleged. All APS programs investigate abuse in home settings, where nine out of ten older persons live, nearly all have jurisdiction in assisted living facilities, but only about half are authorized under state law to conduct abuse investigations in nursing facilities. In about one-third of states, APS professionals work in other programs in addition to APS, such as aging services.<sup>1</sup> While progress is being made through efforts such as ACL's Voluntary Consensus Guidelines, these variations have made it difficult to gather consistent data; to describe APS in a succinct way; to explain to victims, the general public and allied professionals how and where and under what circumstances to report suspected abuse; and to develop standards of practice and training.

We are especially honored to be here today to address the impact of the first-ever fulfillment of direct program funding to states promised by the Elder Justice Act, upon its enactment in 2010. Continuation of this funding is imperative. For over four decades, until fiscal year 2021, APS has relied on state and local funding. Of great significance has been the Social Services Block Grant (SSBG). Many states continue to direct a portion of their SSBG funding to APS and to limited services to support abuse victims. Several states fully fund their APS program with SSBG. In the Administration for Children and Families’ (ACF) 2020 SSBG report, 36 states indicated using \$146.63 million for the Protective Services – Adult category. However, since a 2017 high point of \$214.064 million, this commitment of SSBG for APS by states has decreased over 30% to \$143.63 million. Few states are seeing an increase in their own revenue going to APS that would offset this funding drop. This trend is concerning. The chart below shows the number of states reporting to ACF as using SSBG for APS, the amount spent and change from the previous year.

|                | <b>States Using SSBG<sup>ii</sup></b> | <b>SSBG Expenditures</b> | <b>Percent Change</b> |
|----------------|---------------------------------------|--------------------------|-----------------------|
| <b>FY 2010</b> | 34                                    | \$180,371,648.00         | -16.39%               |
| <b>FY 2011</b> | 34                                    | \$194,592,281.00         | 7.88%                 |
| <b>FY 2012</b> | 36                                    | \$203,330,386.00         | 4.49%                 |
| <b>FY 2013</b> | 36                                    | \$187,821,429.00         | -7.63%                |
| <b>FY 2014</b> | 37                                    | \$191,048,216.00         | 1.72%                 |
| <b>FY 2015</b> | 36                                    | \$199,329,436.00         | 4.33%                 |
| <b>FY 2016</b> | 36                                    | \$206,523,144.00         | 3.61%                 |
| <b>FY 2017</b> | 39                                    | \$214,064,420.00         | 3.65%                 |
| <b>FY 2018</b> | 38                                    | \$156,198,521.00         | -27.03%               |
| <b>FY 2019</b> | 37                                    | \$155,040,154.00         | -0.74%                |
| <b>FY 2020</b> | 36                                    | \$146,630,877.00         | -5.42%                |

While SSBG has historically been and continues to be a source of critical funding for APS, we cannot overstate the importance of the recent federal funding directed to states through the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSA) and the American Rescue Plan Act (ARPA) of 2021. This new funding has been vital to states for improving their basic APS infrastructure and investing in enhancements to their systems.

CRRSA and ARPA funding had a critical impact in meeting needs associated with the COVID-19 pandemic. Many Adult Protective Services programs needed personal protective equipment (PPE) but had great difficulty obtaining it. APS programs were not necessarily classified as first responders or essential personnel by states or localities for receiving PPE. We applaud the Department of Homeland Security’s Cybersecurity & Infrastructure Agency for listening to the field and including APS in the essential critical infrastructure workers list. This inclusion assisted agencies and advocates in bringing protections to workers.

During the pandemic APS agencies varied in whether they continued to do face-to-face investigations or moved to remote responses. However, APS agencies did not close their doors during the pandemic. They were often

the first or only agency to return to direct face-to-face work with clients and others. This pivot required programs to ensure staff had the technology needed including mobile printers in Indiana, softphones (software-based telephones) in Connecticut, and basics such as laptops and cell phones in many other states. Several agencies have indicated moves to a permanent virtual workplace which will mean a continued need for these resources and solutions to equity issues such as home internet speed or private workspace to maintain confidentiality.

We are also seeing innovations and impact on the infrastructure of APS data and case management systems through the new funding. Just as state APS structure varies significantly, so do their data systems. APS data systems often developed as part of another system, such as for Child Protective Services, before moving to their own. Some data and reporting systems are still a part of other systems. This can cause challenges when updating or changing a system to meet APS – and policy makers – needs. Further, many states note having systems that have not been updated and no longer meet the needs of APS. The development of the Administration for Community Living’s National Adult Maltreatment Reporting System (NAMRS) has gradually spurred updates. APS agencies have noted a goal of upgrading their data systems is to provide a deeper level of reporting to NAMRS. Enhancements also include document libraries for easy resource access and data dashboards to inform management. Data system improvements have the potential to improve quality assurance practices, guide administration, support workers, and respond to recommendations from policy makers and others. We would like to note that it takes ongoing funding to maintain and upgrade data systems and continue to gather the information needed to move APS research and best practices forward.

We are grateful to the Administration for Community Living and to state APS programs for their support for APS staff training. NAPSA is honored to spearhead the development of the CRRSA-funded National Adult Protective Services Training Center or NATC. This asynchronous e-learning platform is already providing core, quality training to over a thousand registrants in the first two months of its operation. State administrators have indicated intentions to use NATC modules as their base training, and to reserve precious in-person time (and resources) for skill building and other collaborative training that builds on the e-learning modules. With ongoing funding, NATC can provide quality, up-to-date information for APS to use in innovative and time efficient training plans. States have also used CRRSA and ARPA funding for specific training needs. In June of this year Nebraska was able to hold a two-day statewide training on hoarding which was livestreamed for those not able to be in person. Hoarding is an especially complex problem for APS and for communities. Kentucky has contracted for forensic trainings for staff. As abuse and exploitation cases are becoming more complex, forensic skills are increasingly necessary both for investigators and for referrals to law enforcement. In Virginia, a pilot virtual course on adult sexual assault filled up quickly with interested workers. Virginia is also working on training about screening for nursing home and long-term services and supports to address recent changes by the state. The funding has also allowed APS to contract with outside groups, such as Georgia with the Medical College of Georgia for both conducting capacity assessments and for training. New Mexico APS has contracted for training on financial exploitation and for worker safety, a major concern for APS.

We’d like to note that a significant number of the EJCC’s eight recommendations include public and professional awareness elements. ARPA funding is being used by many states for public awareness efforts, both to raise general awareness of adult abuse and to highlight that APS remained open for business during the pandemic. The latter goal came out of a decrease in reports to APS across many states, particularly in the earlier part of the pandemic emergency. This decrease was particularly seen in professionals reporting – such as by medical practitioners, financial services entities and others, whose availability to abuse victims may have been impacted by isolation due to pandemic prevention policies<sup>iii</sup>. Eleven states contracted with NAPSA to develop a series of public awareness materials that can be customized with state specific contact information. Other campaigns

include North Dakota's Vulnerable Adult Protective Services' public awareness commercial with a message that "it is your business to report to APS." The video includes signs of abuse and how to report (<https://www.youtube.com/watch?v=DPmaPUtqH44>). South Dakota APS developed 30-second commercials on scams, hoarding, and self-isolation. Nebraska APS developed a campaign on COVID related scams and a second with the Office of the Public Guardian to raise awareness of the office and to recruit potential guardians. Ongoing funding is needed to both maintain campaigns and to respond adequately to the resulting increase in calls to APS.

NAPSA applauds the significant efforts by ACL to ensure that CRRSA and ARPA funding fully reaches those whom APS serves. As noted previously, the majority of APS programs work with victims of maltreatment ages 18 and above. We appreciate the work and clarifications by ACL that the funding supports all APS clients not solely older adults. The ARPA and CRRSA funding went directly to the agency overseeing the older adult APS program with no requirement to pass funds on to other APS agencies within the state. As several states have dual programs with one agency serving younger adult clients and another older clients, we applaud those agencies that did pass through funding to the agency serving younger adults. It is essential that funding to states for APS must be for the full population served by APS, regardless of structure. NAPSA looks forward to working with the Council, ACL, and Congress to ensure this occurs in every state.

We must also use this opportunity to highlight efforts by states' APS programs to support and provide funding to American Indian tribes and tribal protective services programs with their ARPA funding. Cases involving tribal members and tribal jurisdictions can pose additional complexities. While some tribes may have their own protective services system, they are too often not included in related federal funding streams. While we applaud the first tribal set-aside for the Crime Victims Fund in 2018, tribes are not yet eligible for other funding sources including direct grants to states' APS programs under the Elder Justice Act or funds from the federal government under SSBG. We hope to see this changed in the future. Several states with significant tribal populations are taking steps to provide support to tribes in addressing abuse of adult tribal members. For example, Minnesota entered into contracts with several tribal nations who are using the funding for staffing, travel, and equipment and supplies. While two tribes in North Dakota have an elder protective services program, North Dakota's Vulnerable Adult Protective Services program maintains MOUs with the remaining tribes and have conducted visits accompanied by a tribal member. With the ARPA funding they are hiring a tribally based case manager and liaison to build stronger relationships with APS and culturally appropriate supports. South Dakota has funded a geriatric social work position in a tribal partner. South Carolina is working to provide funding to the Catawba Indian Nation for an elder social worker. South Carolina APS will include the worker in training and their certification processes. We look forward to the continued support and expansion of tribally based adult protective services programs.

I want to close with the most crucial issue for APS across the nation, which is staffing. APS is a labor-intensive service relying upon investigators, intake workers, case managers, experts in financial abuse, capacity assessment, support personnel, and others. It is difficult if not impossible to have an effective program without trained, competent and seasoned workers. APS is difficult and complex work requiring truly capable personnel. Adequate staffing is the most important need for APS. The promise inherent in the Elder Justice Act is that states will receive funding to support their workforce to competently respond to reports of abuse, neglect, and exploitation. While many states noted the need to hire staff, the CRRSA and ARPA funding has and is posing challenges for many states in their ability to increase and improve their workforce. A number of states have noted that they were not approved within their parent agency or state budget agency, or by the legislature to hire additional staff. The overarching reason is the short duration of the CRSSA and ARPA funding. State budget personnel have been reluctant to authorize creation of or filling of permanent full-time employee positions

without an indication that federal funding to states for APS would continue beyond Federal Fiscal Year 2023. Those states that have been able to hire staff have done so with predominantly temporary positions and the hope of further funding at the federal or state level. Other states were able to hire contract staff, but these were largely administrative, such as grant managers, or for direct services for clients to help them remain in the community. One administrator noted that they could not hire temporary staff or contractors to do the actual work of APS; with at least one state noting that state law prohibits them from using contractors to carry out state abuse investigations. In some cases, the ability to hire temporary staff helped alleviate backlogs due to the pandemic but it does not resolve the underlying challenge facing APS. To be blunt, APS work is exceptionally complicated and stressful work. In order to attract and maintain a trained and competent workforce, APS needs support to be able to pay competitive salaries to hire an adequate number of high quality, dedicated staff, especially as APS caseloads grow due to demographic factors alone.

Thank you for this opportunity to highlight the impact – and the importance – of the CRRSA and ARPA funding to APS. This funding could be a game-changer for ensuring adequate and effective APS in all states. Important work is being done as we speak. But if on-going funding is not secured, much of this progress will likely slow and even come to a halt. NAPSA commends the work done by all members of the Council to empower older adults, persons with disabilities, and those who work to prevent and address abuse, neglect, and exploitation. NAPSA will continue to work closely with the EJCC and each of its member agencies and offices in furthering the federal response to abuse and support for Adult Protective Services.

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<sup>i</sup> National Adult Protective Services Resource Center and National Council on Crime and Delinquency. *Evidence-Based Practices in Adult Protective Services: Survey Results*. 2012.

<sup>ii</sup> SSBG Expenditures includes SSBG and TANF Transfers indicated of the Protective Services – Adults category.

<sup>iii</sup> McGee, L. & Urban, K. (2022). *Adult Maltreatment Data Report 2021*. Submitted to the Administration for Community Living, U.S. Department of Health and Human Services.