

COMMENTARY

Increasing Safety for At-Risk Adults: Screening In-Home Care Providers

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Years ago, the director of a program for adults with developmental disabilities asked me to teach a workshop for staff after a male aide molested a wheelchair-bound client in a bathroom. A head nurse at a hospital for frail elders asked for a workshop after a stroke patient was diagnosed with a sexually transmitted disease. "Why me?" I asked the people extending these generous invitations. Good question—my field is child welfare. "Everybody else refused," they answered. Bad answer.

From my perspective as a child welfare social worker, I see unnecessary gaps in screening and hiring practices for in-home helpers who work with dependent adults and frail elders. I have heard the justifications for the status quo from consumers, client advocates, and agency directors and find them unpersuasive and unnecessarily dangerous.

PREREQUISITES FOR WORK WITH MINORS

People wishing to work with children in health and mental health programs, schools, child care, foster care, group homes, and residential programs must submit fingerprints to their prospective employer who, in turn, sends them to the state's Department of Justice for clearance. The clearance includes juvenile court and child protective services cases as well as criminal convictions (Goldman & Salus, 2003; Howell, 1993; Lockyer, 2000). The former may be more relevant than a Department of Motor Vehicles (DMV) or criminal background check because the triggers (for example, crying, enuresis, defiance, and temper tantrums) that lead a parent to abuse a child are apt to abound in work with children.

Once hired, employees must be informed of their responsibilities under the child abuse reporting laws and agree to report reasonable suspicions of abuse or neglect promptly to the appropriate protective agency. They must sign a statement saying they know they are mandated by law to report suspected child abuse and neglect, understand what constitutes abuse and neglect, and know how and

when to report their reasonable suspicions. The employer must keep the fingerprint clearance and this signed statement in the employee's personnel file. Most states require more extensive training for those applying for social work, marriage and family therapy, and clinical psychology licenses (Goldman & Salus, 2003; Howell, 1993).

Whenever there is a question about omissive or comissive behavior by an employee or an agency, an investigator's first move is to check the personnel files for fingerprint clearances and reporting law agreements. That is not to say that people seeking to victimize children do not scale these hurdles—far too many do—but, as hurdles go, they are good deterrents.

Prospective employees must be fingerprinted and pay the nominal fee the police, sheriff, and DMV charge, usually about \$15. Each state's Department of Justice charges the employer approximately \$75 to \$85 per candidate to run the scans. Agencies, even child care agencies operating on shoestring budgets, are expected to include this expense in their budgets as a reasonable and necessary cost of doing business.

Child welfare is committed to preserving family ties for at-risk children (National Council of Juvenile and Family Court Judges, Child Welfare League of America, Youth Law Center, & National Center for Youth Law, n.d.) and waives many requirements for relatives providing child and foster care that would be mandatory for nonrelatives doing the same work. This double standard aims to keep families together with minimal assurances of safety and raises the bar considerably for nonrelatives wishing to become foster parents or to work with children in day care centers, schools, and therapeutic programs.

WORKING WITH AT-RISK ADULTS

In adult services, the landscape is very different. Some people contact an agency for helpers and generally rely on the agency to screen staff. Many agencies

have improved their screening in the past several years, but consumers cannot assume that agencies do more than contact references and perhaps the DMV. Other people hire aides on their own and may not do more—and may not know how to do more—than phone the references given by the candidate. Here are four reasons given by both consumers and professionals in favor of maintaining this level of screening.

1. Most adults are happy with the people they've hired to care for them (Matthias & Benjamin, 2003), many of whom would not meet the mandatory standards for work with children.

They see no need for, and do not want, a governmental bureaucracy telling them whom they can hire. Yes, but there is a difference between flying blind and making informed choices. People with limitations of one sort or another are bringing able-bodied helpers into their home and giving them access to their person, property, financial data, credit cards, and everything else in their homes and wallets. How tempting—and easy—to pocket a little something now and then, especially when they work hard, feel underpaid and perhaps underappreciated, and the elderly people in their charge, who sleep a lot these days, lose track of things and will never notice or miss the cash....“Not my grandson!” Probably not, and you should have the right to opt out of the screening if you wish. But others, who might have reason to worry, would benefit from having a screening procedure readily available.

Adult services could set up a double standard as child welfare has done for relative and nonrelative placements. The system could require screening unless the elder, or elder's guardian or conservator, if appropriate, knowingly opts out.

2. Costs to fingerprint and screen are prohibitive. A large bureaucracy would be needed to deal with all of this.

Fingerprinting is unnecessarily expensive these days. The rate was set years ago, before Live Scan. A nudge to the Department of Justice from elder advocacy groups, especially in concert with the child care and advocacy fields, would speed improvements along. The

bureaucracy already exists and would not get larger except for a few new hires to handle the increased workload. The database grows as people are convicted of crimes. Checks just match or fail to match candidates with the database.

3. Agencies believe their liability would be greater if they did more screening.

Many agency directors believe their liability is reduced by not looking further than reference checks and a DMV clearance. If the safety assurances they gave consumers were based on a more thorough assessment, they think their liability would increase when employees abuse, neglect, steal from, or defraud clients.

Reference checks are almost always good. People do not volunteer the names of former employers likely to speak negatively about their performance—and former employers fear being sued if they provide more than dates of employment. Beyond that, people with problematic pasts use the skills they developed along their troubled way to fabricate references, using relatives and cohorts.

Adults brought to juvenile court for neglecting or, physically, sexually, or emotionally abusing their (or their partner's) children may be unknown to criminal and traffic courts. Thus, an applicant who abused a child for wetting the bed can apply for a job as an attendant for an incontinent elder and sail through the reference and DMV checks.

Furthermore, many county jails and state prisons sponsor prerelease programs that train inmates to become in-home care providers. Probation officers and parole agents often recommend in-home care jobs to their clients because they know the background checks are cursory and the staffing shortages chronic in this line of work. Former prisoners are often strong (all that working out in the yard) and can lift nonambulatory patients on and off furniture and toilet seats, a vital skill, and something many aides cannot do. Former prisoners will sail through the DMV check because they do not drive while incarcerated.

4. Agencies are short staffed as it is; more thorough screening would only increase the shortage of available staff.

Agency heads say, "If I knew more about each applicant's background, I'd hire fewer applicants and have an even harder time filling the staffing needs of my clients." Consumers trust agencies to send safe people into their homes. This trust is misplaced and unfounded by today's practices. Staffing shortages do not justify taking unnecessary risks with the lives of clients.

RISK FACTORS FOR FRAIL ELDERLY AND DEPENDENT ADULTS

Frail elders and dependent adults are at risk of neglect and physical, sexual, and emotional abuse and exploitation by relatives and caregivers in much the same ways that children are (National Center on Elder Abuse, 1998). Having more assets than children have, elders are at unparalleled risk of financial abuse, fraud, theft, and identity theft (Hafemeister, 2003; National Center on Elder Abuse). They may be more isolated than children who typically go to child care or school, places infested by mandated reporters (Wolf, 1997). At a minimum, children play outside and tend to be noticed by neighbors. When hit, children cry and scream, distressing sounds that are often overheard by neighbors. Housebound elders may be invisible and inaudible to their well-intentioned neighbors and be isolated in general. Their human contact may consist of their in-home help and the occasional visit to the doctor and dentist. They might find it too humiliating and frightening to ask for protection from a relative selected to care for them. And; they may believe they have no alternative.

REASONABLE REQUIREMENTS AND EXCEPTIONS

Adult services should create a protocol for screening prospective employees. Competent adults should be able to opt out of this protocol if they give informed consent by signing a simple waiver. This allows consumers to hire friends and relatives they trust without burdensome requirements, while protecting people hiring strangers and relying on agencies to provide safe staff. The protocol should include

- reference checks that ascertain that the reference is legitimate.
- chronological list of jobs so that gaps (for example, time incarcerated) can be detected.

- credit check. Salaries are low, indebtedness is common, and opportunities to take money and goods from clients abound.
- fingerprinting that includes the child abuse, criminal, and DMV databases.
- signed statement agreeing to protect client by complying with reporting laws.

With these realistic and practical measures, safety could be increased for frail elders and dependent adults without restricting their choice of service providers. People seeking to hire strangers to provide care for themselves or their relatives would have guidelines to follow, and the cost of fingerprinting would come down, benefiting agencies that provide services to children as well as adults. **SW**

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