



## Elder Abuse Mandatory Reporting 101: Frequently Asked Questions for People Who Work with Older Adults

This resource is designed for advocates, social workers, healthcare professionals, legal aid attorneys, and other professionals who work with older adults. Mandatory reporting laws can significantly impact the autonomy, privacy, and decision-making of older adults. While these requirements exist to protect vulnerable individuals from abuse and neglect, they also create complex ethical considerations around client confidentiality and self-determination. Professionals must navigate the balance between a duty to report suspected abuse and their commitment to respecting an older adult's right to make their own decisions. Being well-informed about when, what, and how to report—as well as understanding the potential consequences for the older adult—enables professionals to provide more effective advocacy while fulfilling their legal obligations responsibly.

# Understanding Mandatory Reporting

## **What is mandatory reporting?**

**Mandatory reporting** refers to laws that require certain people to report certain maltreatment to Adult Protective Services (APS), law enforcement, or other entity. Mandatory reporting laws are specific to the location or jurisdiction but most commonly, they address abuse, neglect, or other harm of children, adults with certain disabilities that may make them susceptible to maltreatment, or older adults. In these FAQs, we focus on mandatory reporting of abuse, neglect, or other maltreatment of older adults (elder abuse).



## **What is the purpose of elder abuse mandatory reporting laws?**

Elder abuse mandatory reporting laws are intended to protect people who may be vulnerable and/or unable to protect themselves. Reporting elder abuse may protect older adults from ongoing harm and offer resources to help prevent further abuse, neglect or exploitation.

## **Where can I find the mandatory reporting law for my state?**

The American Bar Association maintains a [chart of mandatory reporting laws](#) by jurisdiction. Information in this chart should be verified for accuracy as statutes change frequently. All states except New York have mandatory reporting statutes. Victim Rights Law Center at [TA@victimrights.org](mailto:TA@victimrights.org) can provide technical assistance with understanding a jurisdiction's reporting laws.

## Reporting: Who, What, and When?

### **Who may be an elder abuse mandatory reporter?**

Definitions of "mandatory reporter" vary from jurisdiction to jurisdiction. In some jurisdictions, "anyone" or "any adult" is a mandatory reporter. In other jurisdictions, specified professionals or employees are mandatory reporters. Mandatory reporters often include healthcare or social service providers, law enforcement officers or emergency responders, financial institution employees, long-term care facility staff, home health aides, APS workers, etc.



### **Who is supposed to be protected by mandatory reporting laws?**

Whether a report must be made about a particular older adult depends on the statutory language in that jurisdiction. Some jurisdictions' laws are based on age, while others take effect when an adult is determined to be "vulnerable."

### **What kinds of harm must be reported under mandatory reporting laws?**

Elder abuse mandatory reporting laws typically cover five main categories of harm:

- **Physical abuse** (for example, hitting, restraining, or causing bodily harm)
- **Neglect** (for example, failing to provide necessary care, food, shelter, or medical attention)
- **Financial exploitation** (for example, misusing an elder's money or property)
- **Emotional abuse** (for example, threats, intimidation, or psychological harm)
- **Sexual abuse** (any non-consensual sexual contact)

While these core categories are consistent across most states, the specific definitions and thresholds for reporting can vary.

**My organization receives funding from the US Department of Justice Office on Violence Against Women (OVW). How does this impact my mandatory reporting obligations?**

Mandatory reporters who receive OVW funding are required to uphold client confidentiality based on requirements outlined in the Violence Against Women Act (VAWA). Grantees and subgrantees receiving VAWA funding from the Department of Justice, Office on Violence Against Women may only share personally identifying information (PII) when:

- The person to whom the grantees and subgrantees are providing services is a victim about whom a report *must* be made, (as outlined in the jurisdiction's statute).
- The harm to the person to whom the grantees and subgrantees are providing services meets the standard for a report, and the reporter is not exempt from reporting, (e.g., attorney, clergy member, et al., with a privilege that may exempt them from reporting).

In accordance with VAWA, if a report is required, only the information required by law should be shared. Statutes typically require a report to include information "if known." You can learn more by reviewing the OVW [FAQ on the VAWA Confidentiality Provision](#).

## The Reporting Process

### **How is a report of elder abuse made?**

Jurisdiction-specific statutes usually state the entity to which mandated reporters must report—usually law enforcement or Adult Protective Services, how the report shall be made (e.g., via phone or online), the timeframe in which the report must be made (usually within 24 hours), and the information that must be provided, if known (e.g., name and address and persons responsible for care, nature of the abuse, evidence of prior abuse, etc.).



### **What happens after a report is made?**

Reports of elder abuse are handled differently based on county or state standards. In general, elder abuse reports are made to the local APS agency. APS agencies, which operate in every state, are the primary governmental entities responsible for investigating allegations of abuse, neglect, and exploitation of vulnerable adults, including older adults. Upon receipt of a report, APS professionals screen for eligibility criteria as listed in state statutes. If the report meets criteria, it is “screened in” and assigned for investigation. Although response time requirements vary, a face-to-face contact typically needs to be made 24 hours to three days from screen in. APS investigators are often required to interview the older adult, alleged perpetrator, and witnesses, while gathering evidence such as medical records and documentation of injuries or unsafe conditions. When criminal conduct is suspected, APS coordinates with law enforcement, potentially leading to criminal prosecution.

Throughout an administrative investigation or criminal prosecution, APS may connect the older adult to a range of services including emergency housing,

medical care, legal advocacy, counseling, home-based care, and financial management assistance. APS respects the older adult's right to self-determination, meaning the older adult may refuse services (unless deemed incapacitated), have their confidentiality protected, participate in decision-making, and have an advocate or other companion present during interviews. APS investigations conclude with findings that determine next steps, and in some cases, caseworkers offer services and resources before closing the case.

## Legal Protections and Consequences

### **What laws might protect a mandatory reporter of elder abuse?**

Many jurisdictions have laws that protect people who report abuse in "good faith" with "reasonable grounds" (or other standards) with immunity from liability in legal actions related to making a report.



### **What legal consequences might apply to elder abuse mandatory reporting?**

People who fail to report elder abuse when a statute requires them to do so could face legal consequences, including prosecution for a criminal violation.

People who knowingly make false reports of elder abuse may also face legal consequences and could face prosecution for a criminal violation to the same degree

as if they failed to report. A false report violation can also come into play if a reporter unknowingly makes a report based on someone else's knowingly false report to them (in which case the person who made the false disclosure to the reporter could be subject to legal action).

### **What are some policy considerations to be aware of related to mandatory reporting?**

- **Defining who is at risk:** When laws define an 'elder' based only on age (like anyone over 65), they don't give older adults who are fully capable of making their own decisions the choice to decide whether they want abuse reported or not. Remember that there is no age at which someone automatically becomes more susceptible to abuse.
- **Privacy considerations:** Research highlights that survivors of interpersonal violence may not seek help or may withhold information to protect someone who is harming them or otherwise keep the abuse private.
- **Cultural and family dynamics:** Policies may not adequately account for differing cultural approaches to caregiving or family structures. Some communities prefer internal resolution of conflicts, and mandatory reporting can disrupt these traditional support systems.

## Working With Survivors

### **What concerns might an older victim of abuse have about speaking with a mandated reporter?**

Older victims may have several concerns about reporting:

- **Fear of retaliation** from an abuser, particularly someone they rely on for care, companionship, or financial support
- **Loss of independence and control** if reporting leads to unwanted interventions
- **Protecting loved ones** from getting in trouble, even while wanting the harm to stop
- **Intimidation by legal processes**, especially for those with previous negative experiences with law enforcement or courts



- **Cultural and personal barriers** related to privacy, religion, or family loyalty
- **Shame and stigma** about being victimized, including self-blame or humiliation

### **How might someone support a survivor through the mandatory reporting process?**

Supporters should talk with survivors about their options and the benefits and risks of those options, in clear, trauma-informed language. Respecting a survivor's autonomy while addressing their safety concerns builds trust, even when reporting may be required.

Addressing immediate safety needs is critical to protect an older adult from further harm from an abuser. Safety planning should be collaborative, allowing the older adult to lead any response whenever possible, drawing on their priorities and wishes. Making referrals to community-based and culturally-specific resources are important because cultural and other identities influence how a survivor understands and may want to address abuse.

Consistent communication reduces anxiety, and working collaboratively with other professionals ensures comprehensive legal, medical, financial, and emotional support.

## Best Practices for Mandated Reporters



Building trust and rapport with older adults creates a foundation for supportive conversations when concerns arise.

### **Transparency and informed consent:**

Professionals working with older adults should inform them upfront if they are mandated reporters, so the adults can decide what information to share. Clearly communicate confidentiality protections and limits and explain mandatory reporting

obligations so that survivors are not surprised when a report must be made.

**Stay survivor-centered:** Listen to the older adult's concerns about reporting, and safety plan accordingly. Consider having the older adult make the report with you so they can maintain control over the situation.

**Maintain appropriate documentation and confidentiality:** Documentation should be objective and only detailed enough to provide necessary services. Survivors' communications and records need to remain secure and inaccessible to anyone outside of your agency or organization.

**Collaborate effectively:** Collaboration with other professionals strengthens interventions and increases the survivor's support network. Professionals working with older adults must maintain appropriate boundaries and protect survivors' confidentiality while providing such support.

**Stay informed and trained:** Supporters need to stay informed about reporting laws, as they vary by jurisdiction and profession and evolve. Ongoing training enhances competence in recognizing abuse dynamics, intervention strategies, confidentiality protections, and reporting requirements.

**Use trauma-informed approaches:** Trauma-informed approaches improve support for survivors by recognizing how trauma affects memory, disclosure patterns, and engagement with helping systems, and by providing responses that are not re-traumatizing. A trauma-informed approach shifts the focus of services from "What's wrong with this person?" to "What happened to this person?" and allows for more compassionate and effective interventions.

## [Additional Resources](#)

### **NCALL Videos**

- [Mandatory Reporting](#)
- [Mandatory Reporting Policies](#)
- [Mandatory Reporting: Working with Victims](#)
- [Challenges and Unintended Consequences of Mandatory Reporting](#)
- [Mandatory Reporting: Working with Immigrants and Refugees](#)
- [Mandatory Reporting: Tribal Communities](#)

### **American Bar Association Commission on Law and Aging**

- [Adult Protective Services Reporting Laws \(2022\)](#)

### **National Center on Elder Abuse/National Adult Protective Services Association**

- [Issue Brief: Mandated Reporting of Abuse of Older Adults and Adults with Disabilities](#)

### **United States Department of Health and Human Services**

- [How do I report elder abuse or abuse of an older person?](#)

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