Preventing, Detecting and Addressing Elder Abuse

Neighborhood Legal Services
Elder Law and Advocacy Center
What is Elder Abuse?

- Harm or threatened harm to a vulnerable adult’s health or welfare, caused by another person
- Elder abuse = a CRIME
Prevalence of Elder Abuse

- Recent studies have begun to explore this issue:
  - NY random digit dialing study (2011):
    - 7.6% of those 60+ in the community were victimized in the past year (mostly by family)
  - National random digit dialing study (2009):
    - 10% of elders victimized by abuse or neglect (not including financial exploitation)

► That translates to 3.35-4.41 million people
Additional Data as to Prevalence of Elder Abuse

- CA study (2010):
  - 47% of people with dementia who were cared for at home by family were abused.
- Frequent abuse and neglect of residents of long term care facilities is well-documented, but prevalence data is unavailable.
Who May Be a Victim?
Profile of a Victim

- Age: 60+ (50+ for some service providers)
- Gender: Male or Female
- Relationship with Abuser: Ongoing, with expectation of trust
- Vulnerable: lacks ability to manage affairs due physical or mental incapacity
Who is Most At-Risk?

- Those with disabilities and the very elderly
  - Persons >80 years of age are 2 to 3 times more likely to suffer abuse and neglect than the rest of the population
- Random surveys don’t capture data concerning:
  - Those in facilities
  - Those without the capacity or ability to answer the phone
  - Those without phones (4% of elders)
  - Those too frightened to speak because an abuser is nearby
Who are the Perpetrators of Abuse?

- Abuse is most commonly committed by a family member who may depend on the vulnerable adult for financial, emotional or other support.
- Abuse is also seen in long-term care settings such as hospitals, assisted living, and nursing homes.
Why pay attention now?

U.S. POPULATION AGE 65 AND OLDER IS ON THE RISE
1990-2050

Number of People (millions)

Year
State and Federal Responses to Elder Abuse

- The field of elder abuse is said to be 40 years behind the child abuse advocacy movement and 20 years behind the domestic violence movement—in funding, staffing, awareness, data, etc.

- In Michigan, while the state has sought to strengthen child protective services, adult protective services staff has been decimated, beleaguered, and over-burdened
Adult Service Staff Loss

- 1998 – 649
- 1999 – 531
- 2000 – 541
- 2001 – 538
- 2002 – 540
- 2003 – 368
- 2004 – 353
- 2005 – 353
- 2006 – 328
- 2007 – 328
- >2008 – 328
Expenditures by Federal Agencies on Elder Justice

- Administration on Aging: .4%
- National Institute of Aging: .1%
- Center for Disease Control: .0008%
- Office of Violence against Women: .5%
- National Institute of Justice: 2.5%
Federal Dollars Spent on Abuse and Neglect of Children and Elders

Population of Children and Elders Current Statistics

U.S. Dollars (millions)

<table>
<thead>
<tr>
<th>Child Abuse</th>
<th>Elder Abuse</th>
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<tr>
<td>$6,700 millions</td>
<td>$154 millions</td>
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Number of People (thousands)

<table>
<thead>
<tr>
<th>Children</th>
<th>Elders</th>
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<tr>
<td>75,217 thousand</td>
<td>40,229 thousand</td>
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Types of Elder Abuse

- Physical Abuse
- Emotional/Verbal Abuse
- Sexual Abuse
- Financial Exploitation
- Neglect
- Abandonment
Physical Abuse

Definition: Using physical force, which may result in bodily injury, physical pain or impairment
Signs of Physical Abuse

- Cuts, lacerations, puncture wounds
- Bruises, welts, discoloration of skin
- Poor hygiene
- Dehydration or malnourishment
- Over-medicated
- Hesitation to speak openly in front of caregiver
Emotional/Verbal Abuse

- **Definition:** Verbal threats, intimidation, humiliation, harassment, name calling, insults, or forced isolation

- **Signs:**
  - Hesitation to talk openly in front of caregiver
  - Isolation from family and friends
  - Implausible stories
Sexual Abuse

Definition: Any type of unwanted touching, fondling, or sexual activity when threatened or forced without consent
Signs of Sexual Abuse

- Unexplained vaginal or anal bleeding
- Torn or bloody underwear
- Bruised breasts
- Venereal diseases or vaginal infections
- Isolation
- Changes in emotional state
Financial Abuse

Definition: The illegal or improper use of an adult’s funds or property
Signs of Financial Abuse

- Forged or forced signatures on checks or other documents
- Unauthorized use of bank/credit cards
- Unpaid bills, overdue rent, shut-off notices
- Missing personal belongings or assets
- Lack of amenities
- Lack of food/groceries in the home
- Forced isolation from family & friends
Neglect/Abandonment

Definition: Failure by a caregiver who is responsible for a vulnerable adult to provide adequate care.
Signs of Neglect/Abandonment

- Inaccessibility to food or prescribed meds
- Personal care or supervision not provided
- Untreated medical/mental health conditions
- Animal or insect infestation in the home
- Unexplained weight loss
- Accumulated bills, newspaper & debris
- Does not have necessary aids/prosthetics
Signs of Self Neglect

- Inability to manage personal finances
  - Hoarding, squandering or giving money away
  - Failure to pay bills, etc.
- Incapable of managing self care & daily activities
  - Shopping, meal preparation, housework
  - Not taking meds, over-medicated, etc.
- Lack of safe housing and/or utilities
The Problem of Under-Reporting

- Only 10% of elder abuse cases are reported and only 2% are self-reported
- For every case of abuse, neglect or exploitation that comes to light, 23.5 do not
- Only 1 in 43.9 cases of financial exploitation is reported
- Only 1 in 57.2 cases of neglect is reported
Only 4.3% of cases come to the attention of a responsible entity!
Barriers to Self-Reporting

- Ashamed
- Embarrassed
- Fear of losing independence
- Concerns about their own capacity
Prevention of Elder Abuse

- Healthcare professionals can help stop the abuse of vulnerable adults by:
  - Being educated about the signs of abuse & neglect
  - Routinely screening vulnerable adults for signs of abuse & neglect both during intake and throughout the course of care
Prevention of Elder Abuse, con’t.

- If concerns arise, by making additional inquiries of the patient, an identified caregiver or family member
- Identifying and referring the patient to community resources for supportive services
- If abuse is present, prompt reporting to the appropriate authorities is required by mandatory reporting laws
Suggested Screening Practices

- Incorporate standard questions about abuse and safety upon intake
  - Automatic and formalized questions minimize stigma and encourage disclosure
- Interview the patient alone
  - If the patient requires assistance, try to provide an independent aide
- Advise the patient as to whether confidentiality applies to your conversation and whether you are a mandated reporter
Suggested Screening Questions

- Are you getting out with your friends?
- Are you afraid of anyone?
- Who makes decisions about your life, such as how or where you should live?
- Who controls your finances and makes financial decisions? How is that working out?
- Have you ever been touched by someone in a way that makes you feel uncomfortable? Is this going on now?
Response: Compassion and Referral

- Listen with empathy and without judgment
- Affirm the victim’s right to safety and that safety is your first concern
- Reassure the victim that the abuse is NOT their fault
- Help the victim connect to a domestic violence, sexual assault, or elder abuse advocate or APS.
Laws Protecting Vulnerable Adults from Abuse

- These are designed specifically to protect elders and punish abuse:
  - Special criminal law protection for “vulnerable adults”
  - Mandatory reporting of suspected elder abuse
  - Probate court protections
Civil Remedies vs. Criminal Penalties for Elder Abuse

- Some Civil Remedies
  - Protective Proceedings
  - PPOs/TROs
  - Injunctive Relief
  - Revocation or creation of Power of Attorney/other legal documents
  - Landlord Tenant Law (evictions)
… Civil and Criminal Remedies

- Theft, Larceny
- Assault & Battery
- Criminal fraud
- Vulnerable adult abuse
- Sexual assault/rape charges
Mandated Reporters of Elder Abuse

- Health care professionals
- Social workers and mental health workers
- Public or private agency employees providing service to another adult
- Full or part-time caregivers
- Law enforcement
- Financial institutions? No!
When Reporting is Required

☐ If a mandatory reporter suspects or has reasonable cause to believe abuse, neglect or exploitation of a vulnerable adult is occurring

☐ CALL LAW ENFORCEMENT!!!

☐ APS [24 hour hotlines]
  ■ Statewide: (800) 996-6228
Penalties for Failure to Report

- **Civil**
  - Liability for damages and fine up to $500
  - Loss of License

- **Criminal**
  - Guilty of misdemeanor and jailed or fined.

- **Protections for Reporters**
  - Immunity from civil or criminal penalty if report made in good faith.
Adult Protective Services

- What CAN APS do?
  - Intervene to stop abuse
  - Refer to law enforcement for arrest and prosecution
  - Provide services to enhance the victim’s safety
  - Strengthen support systems
  - Provide legal interventions, i.e. guardianships or conservatorships
  - Petition for hospitalization
  - Provide an emergency medical or protective order
Adult Protective Services

- **What CAN’T APS do?**
  - Force services on a competent adult who refuses them.
  - Personally take an endangered adult into custody.
  - Investigate when the alleged victim is no longer at risk.
Other Partners in Prevention of Elder Abuse

- For people in nursing homes, adult foster care, and homes for the aged, the State and Local Long Term Care Ombudsman Program
- Geriatric Assessment and Treatment programs
- MI Choice Waiver Agents
- Domestic Violence network
More partners…

- Law Enforcement—police, prosecutors and medical examiners
- Nursing home and licensed assisted living regulatory agencies (BHS, DHS)
- Area Agencies on Aging
- Centers for Independent Living
- Michigan Protection and Advocacy Service
State & Local Resources

- 911!
- Vulnerable Adult Abuse Hotline: (800) 996-6228
- Crime Victims’ Assistance Office
- Area Agency on Aging and NLSM Elder Abuse Program
  - Wayne, Monroe and Livingston Counties: (313) 937-8291
- Legal Service Providers:
  - Hotline: (800) 347-5297
  - Local Legal Assistance Program (contact your local Area Agency on Aging)
State & Local Resources, con’t.

- State and Local Long-Term Care Ombudsman (866) 885-9393
- Michigan Protection and Advocacy:
  - (800) 288-5923 [toll free]
  - (517) 487-1755
- Michigan Coalition Against Domestic and Sexual Violence (517) 347-7000
- Community Mental Health
- The Vulnerable Adult Abuse Hotline (800) 996-6228
National Resources

☐ National Domestic Violence Hotline
  ■ 1-800-799-SAFE
  ■ 1-800-787-3224 (TTY)
  ■ www.ndvh.org

☐ National Center on Elder Abuse
  ■ www.ncea.aoa.gov

☐ National Clearinghouse on Abuse in Later Life
  ■ www.ncall.us

☐ National Adult Protective Services Association
  ■ www.apsnetwork.org
Why You?

- More contact with vulnerable adults
- You may be the only life-line for a victim of elder abuse
- You are in a unique position to connect victims of abuse to available supports
- Reporting Requirements
Conclusion

☐ As a healthcare provider, you can have a positive effect on a vulnerable adult’s life by safeguarding their most basic needs—safety, health, and financial security—and in turn, empower and protect those who may not have anywhere else to turn.
CONTACT INFORMATION

- Neighborhood Legal Services Michigan
  - Elder Law and Advocacy Center
  - (313) 937-8291