




**ELDER ABUSE: FORMS,
CAUSES AND POSSIBLE
LEGAL REMEDIES**

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Agenda

- Introduction
- Aging in America
- An Overview of Elder Abuse – Forms, Challenges and Resources
 - A Case Study: Miss Mary
- Legal Options and Remedies – Options, Considerations
 - A Case Study: Pat
- Questions

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Aging in America

77 Million Baby Boomers are Aging

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Aging in America

- Elders are the fastest-growing segment of our population:
 - Currently, 25% of adult women are age 60 or older
 - Persons over 65 will double by 2030
 - 20% of population will be 65 and older
 - 85 and older are the fastest growing group
 - The average lifespan of our children will be 100

■ Source: U.S. DHHS, Area on Aging, 2009

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A growing epidemic

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Elder Abuse

"With 77 million baby boomers aging, dementia on the rise, and caregiver shortages looming, the growing crisis of elder abuse has significant implications for the health, well-being and economic security of millions of Americans."

- Excerpt from letter to Sens. Corker and Kohl, March 2011

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Elder Abuse

"We've spent countless billions to extend how long we live, but many fewer resources to ensure safety and well-being in the time we've gained. Our failure to address the problem means that millions of our parents and grandparents are paying the price in the form of physical, sexual and psychological abuse, neglect, abandonment, and financial exploitation."

- MT Connolly

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How Are Older People Harmed?

Accidents

Well-intended caregivers

By persons with physical/mental health conditions who can't control aggressive behavior

Elder abuse (intent)

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Who Commits Elder Abuse?

- Intimate partners
- Adult children and other family members
- Caregivers
- Others in positions of authority

This definition excludes victimization by strangers.

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Where Does Elder Abuse Occur?

- Private residences
- Public settings
- Facility settings

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Why Does Elder Abuse Occur & Persist?

- Greed
- Power and control

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19 Challenges in Elder Abuse Cases

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Elder Abuse - Difficult to Identify

- Shame, fear, embarrassment, intimidation
- Elders may try to hide abuse to avoid being placed in a nursing facility
- Stereotypes of elderly may contribute to misdiagnosis
 - Symptoms attributed to age or dementia
 - Bruises may be seen as more common due to use of blood thinners or blood vessel changes

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Additional Challenges

- Lack of awareness and training
 - Law enforcement
 - Prosecutors
 - Judges
 - Civil Attorneys, including Guardians and GALs
- Elder abuse professionals - view offenders as overwhelmed
 - Consider the implications of using the caregiver stress model with all types of elder abuse offenders

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The Caregiver Stress Model

- Abuse is seen as the result of a caregiver being overburdened, stressed
- Limitations of this model:
 - Many abusers are not caregivers
 - Many abusers are actually financially or emotionally dependent on their victims
 - A significant portion of elder abuse is long-standing spousal abuse

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Abuse in Later Life - Challenges

- Physical abuse may decline (harder to identify)
 - Emotional Abuse
 - Power & Control tactics
- Older individuals and families become more isolated
- Social tolerance for situation, as victim may "be used to it by now"
- Lack of training for DV advocates in working with elder abuse cases - inappropriate services
- Victim may now be caring for the perpetrator

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Options in Elder Abuse Cases

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Pat

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Criminal Justice System

- Crimes?
- Arrest?
- Charge(s)?
- Bail Conditions?
- Negotiated Settlement?
- Jury or Bench Trial?
- Sentencing?
 - Conditions?

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Civil Justice System

- Restraining or Protective Orders?
 - Type?
 - Conditions?
 - Requirements?
 - Other considerations?
- Activated Powers of Attorney?
- Guardianship? Conservatorship?
- Small Claims or Civil Case?
- Other?

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28 The Importance of Collaboration

Interdisciplinary Teams and CCRs

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Who's Involved in Elder Abuse Cases?

- Social Services – APS, Elder Abuse or Adult At Risk Agencies; Human services; VA; SSA; Aging network
- Legal – Corporation Counsel; Judges; Legal Services; Private Bar; Probate; Prosecutor; Court-based Advocates
- Law Enforcement and Corrections – First Responders, Investigators; Victim-Witness; Probation and Parole
- Advocates – Mental Health; Disability Rights; DV and SA Advocates; Ombudsman

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Who's Involved in Elder Abuse Cases?

- Health Care – Primary health care providers; EMTs; Home Health Care; Public Health; Hospitals and Emergency Rooms; Urgent Care; Managed Care Organizations; Assisted Living; Nursing Home
- Faith Community – Clergy; parish nurse; advocacy groups
- Cultural, Ethnic and Community Organizations – Community centers; Tribal members
- Financial – Banks; Accountant; Investment Agency
- Others: Building inspectors; Utility workers; Postal carriers; Animal Protection, etc.

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Community Collaboration

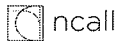
- Interdisciplinary Teams (I-Teams)
 - Case review; informal or formal
 - Multiple agencies or organizations involved; Direct services
 - Confidentiality agreements
- CCR
 - Systems review; formal or informal
 - Multiple agencies, organizations and individuals involved; Decision-makers
 - Sub-committees

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Questions? Thank you!

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