

ELDER ABUSE:

Recognition, Response & Resources

Outsmarting Financial Fraud and Elder Abuse Seminars

September 2012

Hosted by FINRA, SaveandInvest.org,

Maine Office of Securities and

Maine Association of Area Agencies on Aging



American Academy of Family Physicians

- “We are losing our elders to an epidemic rarely talked about or even acknowledged. An epidemic that leaves some ashamed, some afraid and too many dead.” (10/18/99)



Is Elder Abuse a Problem?

- This year, the Department of Justice estimated that 1 in 9 people over 60 will be a victim of elder abuse and exploitation this year – that's 33,000 people in Maine.
- Older Adults who are abused/mistreated are 3 x more likely to die within the next decade than the same age adults who are not mistreated (Lachs, Williams, et al)



What is Elder Abuse?

- Financial Exploitation
- Neglect
- Sexual Abuse & Stalking
- Physical Abuse
- Emotional Abuse
- Intentional Isolation



Who are the Victims of Elder Abuse?

- Everyone over 60 is a potential victim
- All racial, ethnic, socio-economic and religious backgrounds
- 70 to 75% females 30 to 35% males
- Competent and independent elders and incompetent and dependent elders



Who are the abusers:

90% of abusers are relatives, friends or caregivers. Very few are strangers.

- Family
 - > intimate partners
 - > adult children/other family members
- Outside caregivers
- Others in authority positions



Abuser Tactics:

- Uses fear and intimidation
- Threatens physical violence or uses violence
- Refuses to care for a dependent person – withholds food, medication, affection
- Uses silence, insults, blames, humiliates
- Threatens - “you will go to nursing home”
- Isolates victim from friends, supports, family and normal activities



Why does elder abuse occur?

- Power and control
- Greed
- Entitlement



Why elders are vulnerable

- Generous and good-hearted toward friends & family
- Often live alone
- Often have assets and own a home
- Reliant on others for care
- Often have physical limitations (hearing or visual impairment, illness, less strength)
- Medication use
- Dementia and mild cognitive impairment



Red Flags – What to look for:

- Sudden changes in personality or hygiene
- Fear of certain people, physical characteristics and/or places
- Social isolation/not allowed to visit alone
- Change in routines – no longer attending events or doing activities enjoyed in the past
- Anxiety, fearfulness, depression
- Sudden or swift decline in health



More red flags:

- Sudden loss of ability to meet financial obligations
- Going without things they need or always had
- Stated problems/conflicts with care givers
- Injury that has not been cared for or without a realistic explanation
- Malnourishment
- Coded disclosures
- Loss of hope



Why it's hard to seek help:

- Dependent on abuser for care – no one else to provide care
- Fear of losing independence, living situation
- Fear of being institutionalized
- Fear the abuser will get in trouble
- Fear of retaliation
- Isolation & lack of support system
- Shame



Other barriers to help:

- Generational values
- Lacks options or knowledge of options
- Lack of age-appropriate services (e.g. lack of emergency housing for elders)
- Fear or misunderstanding of system response (general assumptions)
- Love of the family member/abuser



Resources that help victims:

- In an emergency, call 911 or local law enforcement agency
- DHHS Adult protective services (APS)
 - 1-800-624-8404 – call can be confidentialServices provided to protect adults who are unable to protect themselves from abuse, neglect or exploitation



APS Interventions:

- Investigates reports of abuse, neglect or exploitation
- Arranges services to help make adults safe
- Arranges services to allow adults the most personal freedom possible
- Seek guardianship &/or conservatorship of adults who are unable to make decisions for themselves and have no family/friend to help them



Legal Services for Elders:

- Legal Services for the Elderly
- Mission Statement: To provide free civil legal services to Mainers over the age of 60.

Structure:

- Helpline: The Helpline is the initial point of contact for a new client seeking legal advice.
- Area office attorneys handle cases that relate to the fundamental needs and rights of the clients including: preservation of autonomy and income, preservation of housing, preservation of health care and benefits, and promoting freedom of choice. Offices in Bangor, Scarborough, Augusta, Lewiston, and Houlton.



Legal Services for the Elderly

- Helpline can screen for reduced fee referral to private attorney.
- Medicare Part D Unit: We have a unit dedicated to appealing (rather than applying for) prescription decisions made under Medicare Part D.
- Medicare Information: We have two non-attorney Medicare specialists on staff who can answer more general Medicare questions.



What is Financial Exploitation?

- Defrauding, diverting or baldly stealing money and other valuables from mothers, fathers, aunts, uncles grandparents, neighbors, lovers, friends who are over 60 years of age.
- Receiving houses, land, assets, bank accounts, income streams for less than full value (or no value) elders
- Forcing the elderly person to relinquish control of assets (to sign over, sell, or give away) (sometimes through estate planning gone awry)
- Forcing (or preventing) an elderly person to change a will or Power of Attorney
- Stealing or misusing the elder's income
- Forging the elder's signature on checks or deeds
- Overcharging for services or rent
- Taking out credit cards in the elder's name



Red Flags of Financial Exploitation

- Closed bank accounts or unexplained withdrawals from accounts
- Checks or ATM withdrawals of cash
- Increase in credit card activity (new accounts or unexplained charges)
- Victim is unaware of income or resources
- Exploiter refuses to leave when asked
- Unpaid bills
- Discrepancy between income, resources and living conditions
- Elder is deprived of independence



Civil Legal Remedies

- There is legal help available to victims of elder abuse.
 - Elder victims experience violence or threats of violence can get a protection order to keep the abuser away.
 - Sometimes, elder victims who lose assets can get help getting them back if the abuse used threats or undue influence to get the assets.



Civil Legal Causes of Action

- Improvident Transfer of Title
- Unjust Enrichment
- Fraud
- Conversion
- Breach of Contract
- Breach of Fiduciary/Confidential Relationship
- Intentional Infliction of Emotional Distress
- Other Torts
- Judicial Relief in Probate – 18-A M.R.S.A. § 5-916



LSE's representation:

- Restores individual's rights
- Secures victim's safety
- Recovers assets victim needs to support and care for self
- Assists with restoring MaineCare (Medicaid) when eligibility is lost



Criminal prosecution:

- Elder abuse is not a specific crime.
- In Maine, the age of the victim is not relevant to any criminal action taken on behalf of an elderly victim and—aside from the Improvident Transfer of Title statute—is not relevant to civil actions.



You can help! Here's how:

- Be a good friend or family member
- Know and look for signs of abuse
- Notice threatening or belittling behavior
- Ask if things are ok
- Get information on supports and services that can help
- Offer information and be a support



If You Are Concerned....

- Ask about what you've observed
- Don't judge and don't assume
- Do not pressure disclosure
- Respect choices
- Provide information on resources that could help
- Believe the unbelievable, even if the victim has a dementia diagnosis



Helpful Things to Do

- Listen and validate feelings
- Let them know they are not alone and it is not their fault
- Have brochures available for community resources
- Ask if they have a safe place to go or phone from which to make a call



Helpful Things to Say

- “I’ve noticed you’ve had a lot of bruising lately. Is everything alright?”
- “I’m concerned about you. Would you like to talk?”
- “You sound scared about what’s going on. What can I do to help?”
- “This was not your fault.”



More Helpful Things to Say

- “I would like to connect you to someone who can help you understand all your options and can help you to deal with this.”
- “My immediate concern is your safety. Do you feel safe here right now?”
- “I’ve noticed that you are having trouble with your bills lately, are you getting everything that you need?”



Consider the Setting

- Make sure you ask in a private place to protect confidentiality
- Ensure you have adequate time
- Be prepared, whether they choose to disclose or not



Things to Remember

- It is not your role to “fix” the situation, but you can be an important source of support and information
- You don't need to be an expert to express concern and offer resources
- You may never know how much your concern has meant to someone



Community Supports Help:

- Call your local Area Agency on Aging to find out what supports and services are available to help your friend
 - 1-877-ELDERS-1
 - Can do long term care options counseling
 - Can identify possible housing
 - Can assist in getting benefits
 - Can provide family support & Meals



Domestic Violence Resources

- Much elder abuse is domestic violence grown old
- Offer the statewide hotline number to a friend or call yourself: 1-866-834-4357
- Several DV agencies have elder advocates who understand and can respond to elder abuse dynamics



Domestic Violence Services

- 24 Hour Confidential Helpline
- Emergency Shelter
- Community Education
- Court Advocacy
- Support Groups



Sexual Assault Centers

- People over 60 account for 18% of sexual assault victims
- 44% of sexual assault reports of the elderly are made by service provider, healthcare or geriatric worker
- Maine's sexual assault centers can provide support and advocacy for older victims – call or refer: 1-800-871-7741



Sexual Assault Services

- 24 Hour Confidential Response line
- At hospital support for treatment
- Support with police and through the legal system (if chosen)
- Individual advocacy and support
- Support Groups (some elder)
- Community Education



Initiatives in Maine (examples)

- TRIADs
- Elder Abuse Task Forces (EATF)
- Maine Council on Elder Abuse Prevention
- Elder Abuse Institute of Maine (Martha's Cottage)
- Tea and Tips



Resources

Department of Health & Human Services
(APS) 1-800-624-8404

Area Agencies on Aging:
1-877-ELDERS-1

Legal Services for the Elderly:
1-800-750-5353



Resources (continued)

- Sexual Assault Statewide Hotline:
1-800-871-7741
- Domestic Violence Statewide Hotline:
1-866-834-4357
- Mental Health Crisis:
1-888-568-1112
- Long-Term Care Ombudsman Program:
1-800-449-0229



Summary

- ALL forms of abuse happens in later life
- Abusers are most often known to the victim
- Most cases go unreported
- Hope exists - recognize, respond and refer
- Get involved with efforts to end abuse

Questions?

