

WHY FAMILY VIOLENCE INCLUDES ELDER ABUSE

24th Annual Maine Geriatrics Conference

June 13, 2014

2

DISCLOSURE

The presenter DOES NOT have an interest in selling a technology, program, product, and/or service to CME/CE professionals.

Broken Trust — Dot

Maine Public Broadcasting Network

3



Dot's Case

4

- The social worker: Met Dot through a local mental health agency
- Home health care, PT, social worker from nursing agency: For in-home rehab
- LE: Dot's daughter dared her to contact the police
- Bank: Dot's daughter's friend worked at the bank
- APS: No referral to APS

Dot's Outcome

5

- SW: Worked with Dot, Provided support
- Others: Were told of abuses, but did not report it or assist Dot
- LE: Interviewed Dot in her daughter's presence and then told her how lucky she was to have a daughter who kept her at home rather than in a nursing home; No charges or investigation; no prosecution
- Bank: Helped the daughter get her name on Dot's accounts

Result: Dot lost everything, including her home.

Elder Abuse: Under the Radar

For every one case of elder abuse that comes to the attention of a responsible entity...

1

another twenty three cases never come to light.

23

Source: NYS Elder Abuse Prevalence Study; Weill Cornell Medical College, NYC Department for the Aging; Lifespan; (2011)
Slide courtesy of Life Long Justice

Key Training Points

7

- Focus on victim safety
- Be aware of and avoid assumptions
- Recognize abuser tactics
- Work collaboratively



Objectives

As a result of this training, you will be able to:

- Discuss elder abuse and its causes
- Identify how abusers justify elder abuse
- Describe co-occurring investigating
- Develop strategies to effectively interview older adults
- Describe the challenges older victims face when seeking safety and justice in elder abuse cases

What is Elder Abuse?

9

When an older adult experiences:

- Physical, sexual, or emotional abuse
- Neglect
- Financial exploitation

(Any of the above may co-occur with each other)

Recognizing Elder Abuse

Group Exercise

10

Consider physical and sexual abuse, neglect, and financial exploitation. What would be some of the *indicators* of these forms of abuse?

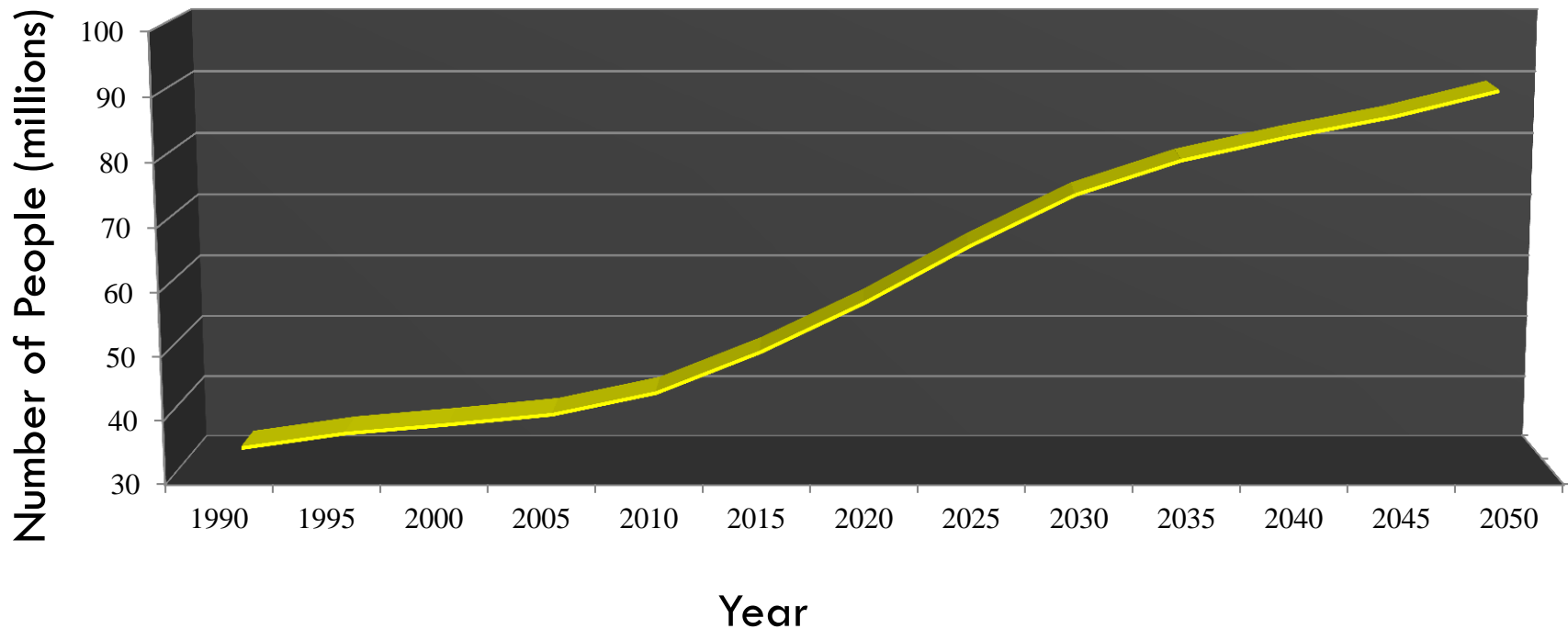
- Victim indicators
- Suspect indicators
- Environmental indicators

Who Are Victims of Elder Abuse?

11

- Age: Over 60
- Gender: Majority of victims are female; but also older males
- All racial, ethnic, socio-economic, and religious backgrounds

U.S. Population Age 65 and Older is on the Rise 1990-2050



Source: U.S. Census Bureau population estimates.

Slide courtesy of Life Long Justice.



Who Commits Elder Abuse?

14

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

This definition excludes victimization by strangers.

Where Does Elder Abuse Occur?

15

- Private residences
- Public settings
- Facility settings

16

Dynamics of Elder Abuse

Why Does Elder Abuse Occur and Persist?

How Are Older People Harmed?

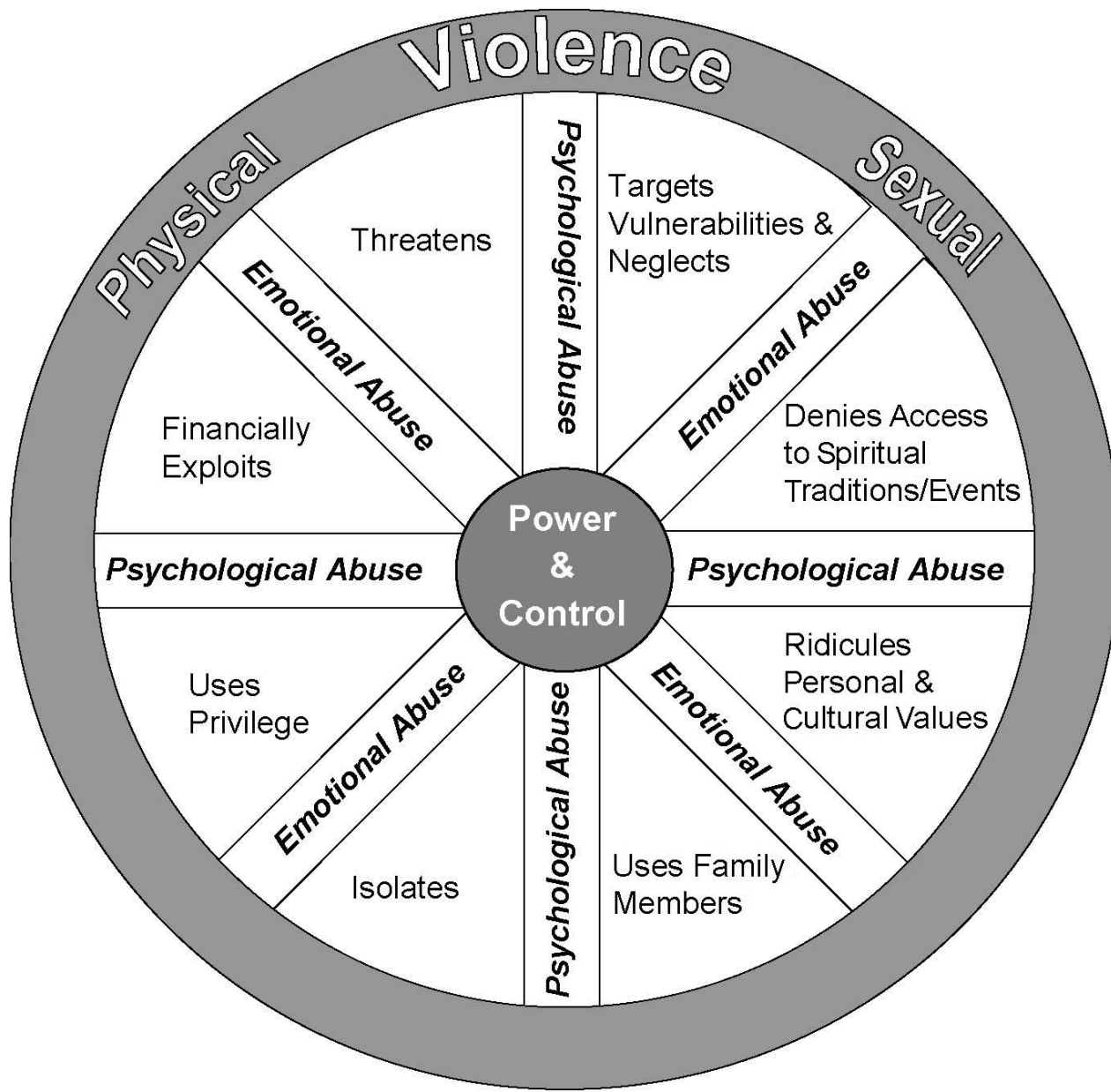
17

- Accidents
- Well-intended caregivers
- By persons with physical/mental health conditions who can't control aggressive behavior
- Elder abuse (intent)

Why Does Elder Abuse Occur and Persist?

18

- Greed
- Power and control



Wheel adapted with permission from Domestic Abuse Intervention Project, Duluth, MN in 2006

Abuser Behaviors

20

Abusers often:

- Lie
- Manipulate
- Charm
- Justify their behavior
- Blame the victim and others

Common Abuser Justifications

21

Blames the Victim

- “She’s clumsy” (accident)
- “She didn’t do what I wanted” (victim’s behavior)
- “She started it” (mutual abuse)
- “He hit me when I was a child” (learned behavior)

Common Abuser Justifications

22

Abuser Excuses

- “I have a problem with my temper” (anger)
- “I was drunk or high” (substance abuse problem)
- “I’m sick. It’s not my fault.” (physical or mental health issue)
- “In my culture, elders share their resources” (culture)
- “He is too difficult to care for” (caregiver stress)

Caregiver Stress

23

- Emotions and feelings that some caregivers experience while assisting a person with medical needs or disabilities.

Providing Care Can Be Stressful

24

- Sometimes the stress is overwhelming and may cause distress
- Signs of caregiver distress: overeating, lack of sleep, depression, substance abuse, etc.

Caregiver Stress and Abuse

25

- Early research was based on abuser's self-reports
- Subsequent research states caregiver stress is not the primary cause of elder abuse

Reframing Caregiver Stress and Abuse

26

- Everyone experiences stress but most do not abuse
- Abuse is a pattern of tactics rather than an isolated incident
- Stressed caregivers target only the older adult—not others
- Abusers use caregiver stress as an excuse to create sympathy for themselves

Outcomes If Abusers' Justifications are Believed Without Further Investigation

27

- ❑ Offenders are not held accountable
- ❑ Message to abusers—do whatever you want with no consequences
- ❑ Providing abusers with services to address stress, anger, or substance abuse does not deal with power and control or greed
- ❑ Victims may not reach out for help again
- ❑ Victim safety is not addressed

Indicators of Exploitation

28

- Elder doesn't know what happens to their money
- Checks no longer come to the house
- Unexplained disappearance of funds or valuables
- Elder reports signing papers and doesn't know what was signed
- Transfer of property, savings

“Civil” Mindset

29

- Many times, the victim will have willingly signed financial documents such as checks, property transfers, etc. If they didn't understand what they were signing, it doesn't make it any less a crime.
- “Durable Power of Attorney” doesn't give the agent a right to use assets as own
- These are THEFT cases.

Powers of Attorney and Guardianships

30

Power of Attorney

- An instrument which transfers authority to make decisions or financial management to another

Health Care Power of Attorney

- An instrument which transfers authority to make decisions concerning healthcare issues to another.

Guardianships

- A court order granting certain powers to a family member, other individual, governmental agency, or institution to control the affairs of another person

Applicable Laws

31

These are Theft Cases

- Misuse of Entrusted Property (M.R.S.A. Title 17-A, § 903, Class D)
- Endangering the Welfare of a Dependent Person (M.R.S.A. Title 17-A, § 555, Class D)
- Theft by Misapplication of Property (M.R.S.A. Title 17-A, § 358, Class B, C, D, E based on \$)

Applicable Laws (continued)

32

- Theft (M.R.S.A. Title 17-A §353)
- Improvident Transfers (M.R.S.A. Title 33, Chapter 20 §1022, Undue Influence)
- Silver Alert Program (M.R.S.A Title 25 §2201)
- ❖ 60 and older and under “extraordinary circumstances” 18 to 59. Credible threat to the safety and health of the person and “dementia, etc.” as determined by LE.

Maine Department of Health & Human Services

33



Adult Protective Services

24 Hour Hotline

1-800-624-8404

To report suspected abuse, neglect or exploitation of
incapacitated or dependent adults

RESOURCES

34

- Adult Protective Services: 1-800-624-8404
- Area Agencies on Aging: 1-877-ELDERS-1
- Domestic Violence Agencies: 1-800-537-6066
- Legal Services for the Elderly: 1-800-750-5353
- Mental Health Crisis: 1-888-568-1112
- Sexual Assault Agencies: 1-800-871-7741
 - Potential Legal Remedies:
http://www.maine.gov/ag/elder_issues/PotentialLegalRemedies-EJTPMaine2009.pdf

APS Program Administrators

35

- Juantia Goetz, Caribou, 493-4105
- Brian McKnight, Portland, 822-2150
- Martha Perkins, Bangor, 561-4390
- Jeff Shapiro, Augusta, 624-5271

- Doreen McDaniel, Director of APS, 287-9205

Thank You

Ricker Hamilton

Deputy Commissioner of Programs

Maine DHHS