

Recognizing and Reporting Elder Abuse

Remember when children and young adults were taught to respect their elders? At what point did our older citizens become a segment of our population (who is) ignored, hidden away, or treated disrespectfully? This is a generalization that doesn't hold true for all seniors, but there is an element of truth when the topic of elder-abuse is addressed.

The entertainment industry and media portray youthfulness as attractive, energetic, and full of hope and life, while old age represents a loss of beauty, health issues and a realization that death is eminent. Much of society has lost touch with the value inherent in an older individual. Senior citizens are a resource to be valued even though they may require extra care and expense as they age. Treating the elderly as a segment of society with little value, affects their life in profound ways. This article does not represent circumstances in the life of all seniors, but it does pertain to many.

What are the current facts surrounding elders at home, in residential care facilities and skilled nursing homes? The Elder Justice Coalition (EJC), founded in 2003, is a 3000-member organization that works on a bipartisan basis to establish Acts providing resources to help victims of abuse. Older adults in this country are at risk for physical, sexual and financial abuse and exploitation. Our great nation cannot combat what it doesn't see or acknowledge. Society must not 'turn a blind eye' when it sees or suspects any form of elder abuse.

Seniors with Dementia or Alzheimer's are often like children before they learn to express themselves well.... they are vulnerable citizens relying on others to be their voice. Anyone who has reason to suspect an elder is being abused is morally obligated to report what they know, no matter what the age of the victim. What programs and laws are in place, protecting our senior citizens and how are they contacted?

The American Society on Aging puts out a publication called *Generations, Journal of the American Society on Aging*. Their Fall 2012 issue highlighted elder abuse and the elder justice movement in America. This publication states that "the current Administration is committed to helping address this huge social and criminal problem. For ten years, advocates worked with Congress to pass the Elder Justice Act (EJA). By the successful end of that work, more than 600 organizations had signed on to support the Act, the issue, and the goals. The EJA advances the field, yet it has not received an appropriation." This means the government has passed an Act, without authorizing money for the special purposes defined within the legislation. Elder abuse is alive and well in America. What does it look like?

Financial elder abuse can often be spotted within our banking organizations. Our local bankers are mandatory reporters, which means they must report suspicious banking transactions, like unusual withdrawals or signatures that don't match. Another component of elder abuse is of a sexual nature. This type of abuse is extremely difficult to detect because the abused person may not show physical signs of abuse or may be unable to express themselves clearly. Some sexual activity in care facilities is consensual between both parties, but occasionally it is not. Many family members cannot bear to even think of their elder relative being abused and so they live in denial of what may clearly be in front of them.

There is a great deal of elder abuse within families and this is perhaps the most difficult type of abuse to eradicate. Secrets within families often remain hidden long after both the victim and the perpetrator have died. Those who

are being abused will often stay silent because they fear losing their most basic necessities, such as a shelter, food and even the company of those who hurt them.

If a person suspects a small child is being beaten or sexually abused, that concern would most certainly be reported or the suspected perpetrator would be confronted. Why wouldn't this same action be taken to protect a fragile, older person? Society and government can have thousands of programs and committees in place, but if there is no response or reporting of abuse, regardless of where it occurs, abuse will continue. If stopping elder abuse falls on the shoulders of society, which it does, where does society go to report suspected abuse?

Mandated reporters are individuals who must legally report abuse when they see it. As individuals, people may not be mandated to report abuse, but they are morally mandated. It's important to remember that a person doesn't need to have proof or details of suspected abuse in order to report....they just need to have a reasonable suspicion that a senior is being harmed or taken advantage of. The investigating agency will take the necessary steps in determining if there has actually been abuse. There are several reasons people fail to report abuse in all its various situations and one of those is fear of retaliation. Thankfully, there are laws protecting individuals who feel compelled to report suspected abuse.

- If a known or suspected instance of elder abuse has occurred in a long-term care facility, the report should be made to the local Long-Term Care Ombudsman, the local law enforcement agency or the Bureau of Medi-Cal Fraud and Elder Abuse.*
- If abuse has occurred anywhere other than in a facility, reports should be made to the local county Adult Protective Services agency and to the local law enforcement agency.*
- The reporting person is protected from both criminal and civil liability.

Suspected elder abuse within Placer County should be reported to: Placer County Adult System of Care at (888) 886-5401. Anyone can call this number for all of Placer County including Western Placer County. This agency is the first step and is available 24/7. All reports are anonymous, so even a family member can feel comfortable making a call. After receiving the call, if warranted, an Adult Protective Service (APS) report will be filed. Local law enforcement agencies are listed in the phone book, on-line and through information (411).

Remember, there are different kinds of abuse that must be reported. They include neglect and physical or emotional abuse.

Physical abuse includes:

- Physical assault
- Sexual assault
- Unreasonable physical constraint
- Prolonged deprivation of food or water
- Inappropriate use of a physical or chemical restraint or psychotropic medication

Neglect includes:

- Failure to assist in personal hygiene
- Failure to provide clothing and shelter
- Failure to provide medical care
- Failure to protect from health and safety hazards
- Failure to prevent malnutrition or dehydration
- Self-neglect

Emotional abuse includes:

- Verbal assaults, threats or intimidation
- Subjecting an individual to fear, isolation or serious emotional distress
- Withholding of emotional support
- Confinement

Financial abuse includes:

- Defined as "...the improper use of an elder's funds, property, or assets" (NCPEA, 2001).
- Theft or fraudulent use of an older adult's money or material belongings
- The use of undue influence to relinquish or gain legal authority over assets
- Spending the older person's money
- Making poor financial decisions
- Withholding copies of documents
- Forging or forcing signatures

Elders deserve to be treated with dignity and to feel safe in their final years. There are many forms of fear and inhibitions that can deter one from reporting elder abuse in all its forms.

Everyone, if they live long enough, will become an older senior citizen. Establishing sound and effective policy today ensures the care and safety for everyone's tomorrow.

WHERE CAN I FIND MORE INFORMATION?

The National Center for State Courts Center for Elders and the Courts (CEC), www.eldersandcourts.org

The ABA Commission on Law and Aging, www.abanet.org/aging.

The National Center on Elder Abuse, www.ncea.aoa.gov.

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The Older Adult Advisory Commission is responsible for advising the Department of Health and Human Services and the Board of Supervisors on the needs of Placer County's older adults. Meetings are held the 3rd Tuesday at 1:00 PM. More information may be found online at:

<http://www.placer.ca.gov/Departments/hhs/adult/OlderAdultAdvisoryCommission.aspx>
or by calling the Public Authority at (530) 886-3680.

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