

ELDER ABUSE ALERT CONSIDERATIONS ABOUT A HIDDEN PROBLEM

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Based on a publication by Pamela B. Teaster and Joy O. Duke

Helen is a 78-year-old widowed woman who lives with her niece, Nancy, and her niece's husband. Helen has no children. Once a very independent woman and a fine seamstress, Helen has problems with dementia, osteoarthritis, and slight mini-strokes. We will consider the case of Helen as we learn about elder abuse.

Although the true prevalence of elder abuse is unknown, nearly 500,000 cases were reported in 2000. This publication will introduce you to the causes and types of elder abuse, the reasons why it often goes unreported, and profiles of victims and abusers. You will also learn about Adult Protective Services and the procedures and guidelines for reporting suspected abuse.



**WHAT DO YOU THINK
CONSTITUTES ELDER ABUSE?**

**WHAT WOULD BE SPECIFIC
EXAMPLES OF ELDER ABUSE?**

CAUSES OF ELDER ABUSE

A relationship exists between dependency and vulnerability to abuse, especially for older adults. If an abuser is the primary caregiver and views the dependency of an older adult as burdensome and stress inducing, the caregiver may exhibit abusive behavior. In this case, treating the caregiver's need for a less stressful life may prevent abuse. If the abuser is not the caregiver, the dependency of the older person creates vulnerability to someone who wants to exploit that dependence. This situation is particularly convenient for people who financially abuse older adults.

Helen has been declining mentally and physically for the past two years. She recently granted power of attorney to her niece, who had been pressuring her to do so. Her niece, Nancy, yells when Helen asks for special purchases, such as a bag of peppermints from her favorite drug store.

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Elder abuse is universally regarded as a horrible act, but the abuse often goes unreported. Why? Older adult victims fear:

- the loss of their caregiver, even if the caregiver is abusive,
- being alone with no one to do anything for them,
- placement in a nursing home,
- loss of privacy and family relationships,
- recriminations by the abuser,
- public exposure and outside intervention,
- the reported abuse will not be believed, and/or
- they are responsible for abusive behavior.

It is easy to hide the signs of elder abuse. Suspicious bruises can be partially explained by the fact that the skin of older adults bruises easily. Even if injuries are obvious, accomplished abusers will make sure that no one sees the signs. Victims may be hit on the back or buttocks so that clothing hides the signs. In comparison to child abuse, where schools make the bulk of reports, older adults can be virtually imprisoned by an abuser so that no one ever sees any evidence of abuse. Also, professionals, friends, and family are often hesitant to report elder abuse.

DEFINITIONS AND TYPES OF ELDER ABUSE

Adult Protective Services (APS), a program of the Virginia Department of Social Services, exists to stop the abuse, neglect, and exploitation of vulnerable adults.

The following terms are as defined by The Older Americans Act (Legal Counsel for the Elderly, 1996).

ABUSE

The willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain or mental anguish;

OR

Deprivation by a person, including a caregiver, of goods or services that are necessary to avoid

physical harm, mental anguish, or mental illness 42 U.S.C.A. § 3002 (13) (Supp. 1993).

NEGLECT

The failure to provide for one's self the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness (self-neglect);

OR

The failure of a caregiver to provide goods or services. 42 U.S.C.A. § 3002 (37) (Supp. 1993).

EXPLOITATION

The illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain. 42 U.S.C.A. § 3002 (26) Supp. 1993).

SELECTED PERCENTAGES FROM THE NATIONAL CENTER ON ELDER ABUSE, 2002*

NEGLECT AND ABANDONMENT
52.3%

EMOTIONAL ABUSE
35.4%

FINANCIAL/MATERIAL EXPLOITATION
30.2%

SEXUAL ABUSE
0.3%

ALL OTHER TYPES
1.4%

PHYSICAL ABUSE
25.6%

*MORE THAN ONE TYPE OF ABUSE IS OFTEN REPORTED FOR AN INCIDENT; TOTALS DO NOT EQUAL 100%.

The National Center on Elder Abuse (NCEA) has identified seven types of elder abuse: neglect, physical abuse, sexual abuse, emotional abuse, financial/material exploitation, abandonment, and self-neglect.

Nancy, Helen's niece, recently used some of Helen's money to make a late car payment. When Helen saw the cancelled check, she asked Nancy about it. Nancy responded, "I have to take you everywhere anyway." She continued to raise her voice, "You suspicious old woman! Can't you let me decide what's best? You've just lost your mind!"

WHAT KIND(S) OF ABUSE IS HELEN EXPERIENCING?

TYPICAL VICTIMS AND ABUSERS

Power and control are underlying issues in abuse. An abuser may feel justified in doing whatever he or she does in order to gain the power and control to which he or she feels entitled. Abuse can occur in a facility or in the home; regardless, a relationship exists between isolation and vulnerability to abuse.

TYPICAL VICTIMS:

- are females 80 years of age and older,
- have less than a college education,
- possess a poor to modest income, and
- are frail and vulnerable due to physical and mental impairments as well as other age-related changes.

IS HELEN A TYPICAL VICTIM?

Note: By no means do most older persons suffer from dementia or great physical impairments.

TYPICAL ABUSERS:

- are caregivers who want to give good care and are, for the most part, capable of doing so. They are chronically stressed and may have lost so much control over their lives that they try to control the situation or gain power by striking out and abusing the person for whom they provide care;
- are caregivers who want to provide good care but lack the skills and knowledge necessary to do so. They may have faulty reasoning (if one pill is good, two are better), and they may not know that they lack the skills and knowledge. They may have physical or mental problems themselves;
- are individuals who develop a relationship with older persons for gains they determine or perceive they can derive from the relationship; and
- are people who simply need to exercise power over another person.

WHAT KIND OF ABUSER IS NANCY?

ADULT PROTECTIVE SERVICES

Adult Protective Services (APS) programs are part of the department of social services in each county or city in Virginia. APS takes and investigates reports of abuse, neglect, and exploitation; provides a wide variety of health, housing, social, and legal services to stop abuse and prevent further maltreatment; and has the potential to intervene legally for providing essential protection to

persons who are in emergency situations and lack the capacity to consent to services.

After APS receives a report of suspected maltreatment, an APS social worker investigates the report and, if an adult is found in need of protection, provides services that he or she deems necessary



to maintain the adult's quality of life. If there is a question about an individual's capacity to consent to services, APS decides whether he or she lacks the capacity to make critical decisions and, without that capacity, is at risk of harm. Once decided, APS may petition the court for authority to provide needed services. The court makes the ultimate decision in this case. Most protective services to adults are delivered at the request of the adult needing protection or with his or her consent. Although protective services may be administered either voluntarily or involuntarily, it is the involuntary component of APS that serves as its distinguishing feature from that of other social services.

REPORTING SUSPECTED ABUSE

By law (Code of Virginia § 63.2-1606), certain professionals are required to report to local departments of social services that they suspect that persons are abused, neglected, or exploited. Mandated reporters are doctors, nurses, social workers, mental health professionals, law enforcement officers, people who work with adults in a public or private agency or facility, and people who provide full-time or part-time care to adults for pay.

Someone who reports alleged instances of abuse, neglect, or exploitation has immunity from any civil or criminal liability unless the reporter acts out in malice or in bad faith.

Failure to report suspected abuse within 24 hours may be fined up to \$500 for the first failure and up to \$1,000 for subsequent failures.

Over the past decade, there has been a 94 percent increase in reports of elder abuse to local departments of social services in Virginia. It is crucial that everyone in the community learn about elder abuse. We must have zero tolerance for its occurrence. Anyone who believes that an adult is being or has been abused, neglected, or exploited should report these suspicions to the local department of social services.

**GIVEN YOUR
KNOWLEDGE OF HER
CIRCUMSTANCES,
HOW COULD YOU
HELP HELEN?**



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