

Elder and Vulnerable Adult Neglect and Financial Exploitation

What Community Health Workers Need to Know

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From 1 to 2 million Americans aged 65 or over have been harmed by a caretaker in a domestic or institutional setting.

--National Research Council

Nearly 1 in 5 elders has been the victim of financial abuse.

- Investor Protection Trust
- [http://www.investorprotection.org/downloads/IPT EIF FE Medical Survey News Release 03-22-16.pdf](http://www.investorprotection.org/downloads/IPT_EIF_FE_Medical_Survey_News_Release_03-22-16.pdf)

Even mild abuse, neglect, or exploitation increase premature deaths in the elderly by 300%.

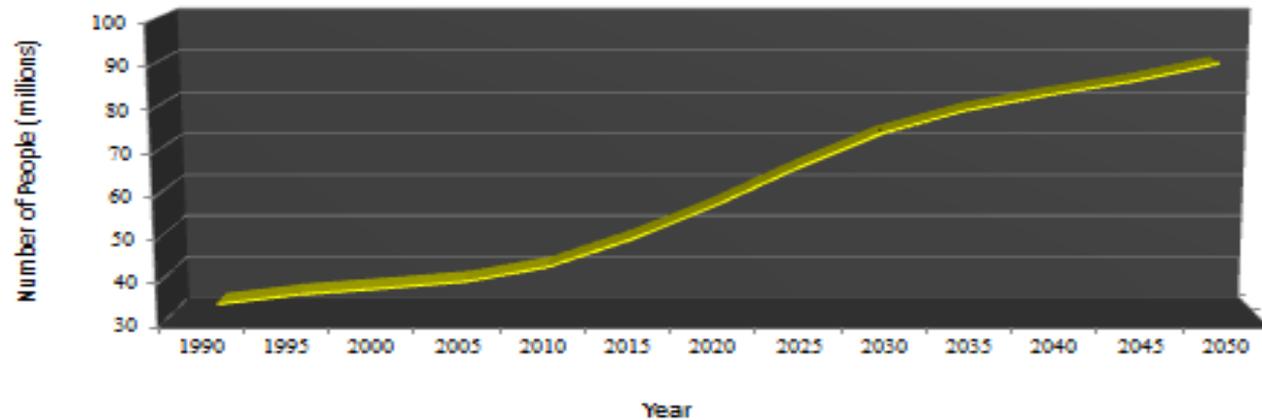
Mark Lachs, MD
Weill Cornell Medical College

Lachs, MS, Williams, CS, O'Brien, S, Pillemer, KA, Charlson, ME. The Mortality of Elder Mistreatment. JAMA, 1998; 280(5): 428-432.

A Growing Problem...

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

Roadmap

- Elder Abuse Project @ the KCPAO:
What We Do
- Define Elder Abuse & Neglect
- Dynamics and Red Flags of Elder Abuse
- Crimes of Elder Abuse
 - Financial Exploitation (Theft)
 - Neglect (Criminal Mistreatment)
- Mandatory and Permissive Reporting

Elder Abuse Project: What We Do

- Formed in 2001 to prosecute cases of elder financial exploitation, neglect, sexual assault, and homicide
- Two full-time deputy prosecutors handle dozens of criminal cases and inquiries per year
- Trains first responders, medical community, and the public
- Works to improve systemic response to elder abuse

What is Elder Abuse?

- Abuse = Willful or non-accidental action or inaction that harms a vulnerable adult
- Abuse can include:
 - Mental Abuse
 - Sexual Abuse
 - Physical Abuse
 - Personal Exploitation/Undue Influence
 - Financial Exploitation*
 - Neglect/Abandonment

*often co-occurring with neglect/abandonment

Types of abuse defined in RCW 74.34.020 for DSHS purposes

What is Neglect?

- When a person or agency with a duty of care for a vulnerable adult acts, or fails to act, in a way that results in the vulnerable adult not getting the care needed to keep the physically or mentally healthy
- Criminal Charge = Criminal Mistreatment (RCW 9A.42.020)

What is Abandonment?

- When a person or agency with a duty of care acts or fails to act in a way that leaves the vulnerable adult unable to get needed food, clothing, shelter, or healthcare
- Criminal Charge = Abandonment of a Dependent Person (RCW 9A.42.050)

What is Financial Exploitation?

- When the abuser illegally or improperly uses a vulnerable adult's income/resources/assets for their own personal gain
- Criminal charge = Theft from a Vulnerable Adult (RCW 9A.56.400)

What is Self-Neglect?

- When the vulnerable adult, not living in a facility, cannot provide for themselves, which threatens their well-being
- Often combined with hoarding/mental health issues
- Not a crime, but still must be reported

Who Commits Elder Abuse?

- Family members, partners, and trusted others
 - Guardians and Powers of Attorney
- Caregivers
- Faith leaders and representatives
- Financial advisors
- Strangers who become “friends” with the older adult
- Complete strangers (e.g., lottery scam)

Red Flags for Elder Abuse: Victim Risk Factors

- Social Isolation
- Lack of Social Supports & Community Engagement
- Dementia / Cognitive Impairment
- Physical Disabilities / Mobility Issues
- Dependence on Others
- Substance Abuse
- Lack of Resources

Red Flags for Elder Abuse:

Common Characteristics of Abusers

- 9 out of 10 are family members (often adult males)
- Often living at home with the vulnerable adult
- Divorced or single
- Unemployed/unmotivated
- History of “living off of” the victim’s assets
- Mental health issues
- Addictions: Gambling, Substance Abuse, Etc.

Dynamics of Elder Abuse

- Very similar to dynamics of domestic violence, but sometimes even harder...
 - Abuser and victim often in a dependent, trust relationship
 - Abuser exercising power and control over the victim for his/her own personal gain
 - Abuser often justifies his/her actions that are harmful
 - Consequences of reporting can be life-altering for the victim
 - Victim may not want to report, but also may be incapable of reporting
- Elder abuse today is where DV was 30 years ago...



For every one case
that is reported,

1

another twenty-three cases
never come to light.

23

Elder Abuse is Rarely Reported: Why?

- Victim may be uncooperative or unable to self-report due to:
 - Embarrassment or Shame
 - Love for the abuser (often a “trusted other”)
 - Dependence on the abuser
 - Victim doesn’t recognize that what is happening is abusive

Elder Abuse is Rarely Reported: Why?

- Victim fears retaliation
- Victim fears being placed in a facility (often threatened by abusers)
- Victim fears losing his/her independence
- Victim or victim's family distrust "the State" and fear unintended consequences from reporting (law enforcement, the justice system, immigration consequences, DSHS, etc.)

Elder Abuse is Rarely Reported: Why?

- Others (neighbors, family, friends) might not report because:
 - They “know what’s best” for the victim
 - They fear the result will harm the victim even more
 - They don’t want to get involved
 - They just don’t notice

Elder Financial Exploitation

Elder Financial Exploitation

- Most common form of elder abuse reported
- Often co-occurring with neglect, physical violence, sexual abuse
- Very often leads to significant declines in victim's physical and mental health
- Victims often left with nothing

- Seniors lose a total of approximately \$36 billion per year to financial exploitation
 - True Link Report on Elder Financial Abuse
- On average, an individual victim loses \$120,300
 - AARP BankSafe Initiative: A Comprehensive Approach to Better Serving and Protecting Consumers (Jan 2016)

State v. Janet Bauml



Financial Abuse of the Elderly: Sometimes Unnoticed, Always Predatory

Retiring

By ELIZABETH OLSON NOV. 27, 2015



Retiring

Examining the challenges and opportunities of life in retirement.

[Migrant Workers in Recreational Vehicles](#) OCT 21

[The Future of Retirement Communities: Walkable and Urban](#) OCT 14

[How to Improve Your Retirement Income if You Haven't Saved](#) OCT 7

[Honoring a Loved One With a Charitable Fund](#) SEP 30

[The Doctor Is In. In Your House, That Is.](#) SEP 23

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Mariana Cooper, 86, with her granddaughter, Amy Lecoq, 39. Ms. Cooper was bilked out of much of her savings by someone she considered a friend. Ruth Fremson/The New York Times

Why is this a typical FE case?

- Victim isolated and lonely, living in her own home
- Victim trusted defendant implicitly
- Victim had poor memory/understanding of what happened to her money and the consequences of “loaning” money
- Victim lost most of her savings & her home
- Investigators unsure whether there was a crime or abuse because victim “gave” money to suspect
- Victim was suffering from undiagnosed dementia

Neglect/Criminal Mistreatment

- Person with responsibility for the vulnerable adult withholds basic necessities of life, resulting in harm or imminent risk of harm

Basic Necessities of Life

- Food
- Water
- Shelter
- Clothing
- Hygiene
- Oxygen
- Medications
- Medically necessary health care

Common Signs of Neglect

- Malnourishment
- Dehydration
- Pressure ulcers
- Dirty clothing, bedding
- Untrimmed, dirty nails
- Poor oral hygiene
- Hoarding
- Lack of food/supplies in the house

Physical Assault/Abuse

- Actual harmful touching or the threat of harmful touching

Common Signs of Physical Abuse

- Bruising in areas unlikely to occur by accident (torso, head and neck, inner arms and thighs)
- Patterns on bruising (fingers, objects)
- Responses to questions that are inconsistent with external signs (“I ran into a door”).
- Statements that suggest concern or fear about being at home or upsetting someone the older adult lives with.
- Missing or canceling regular appointments.
- **Key Question: “Are you safe at home?”**

State v. John McKinney

“Bellevue neighbors say they often heard cries from elderly neighbor.”

August 2, 2002
Seattle Times

""Nobody knew he really needed some help,' said neighbor. 'If we never had heard him call for help it would be a totally different story,' she said. 'I would immediately call the police.'"

““We had been listening to this for months. Would they have preferred that we called 911 every time?””

Permissive & Mandatory Reporting of Vulnerable Adult Abuse

RCW 74.34.035

Who is a Mandatory Reporter?

- Employee of DSHS
- Law Enforcement
- **Social Worker**
- Individual Provider
- Employee or Operator of a Facility
- **Employee of Social Service, Welfare, Mental Health, Adult Day Health, Adult Day Care, Home Health, Home Care, or Hospice Agency**
- County Coroner or Medical Examiner

Social Worker Defined

- Standard Definition +
- Anyone working professionally to:
 - Encourage or promote the health, welfare, support or education of vulnerable adults, OR
 - Provide social services to vulnerable adults

Vulnerable Adult Defined

- Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
- Have a court-appointed guardian; or
- Have a developmental disability; or
- Live in a facility; or
- Receive services from home health, hospice, home care agencies, IP, or personal aide

What Must Be Reported?

Reporting of Abandonment, Abuse, Financial Exploitation, or Neglect

- When there is “reasonable cause to believe” that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred:
- **IMMEDIATELY REPORT TO DSHS/APS**

Reporting of Sexual Assault

- When there is “reason to suspect” that sexual assault has occurred
- **IMMEDIATELY REPORT TO LAW ENFORCEMENT (911) AND TO DSHS/APS**

Reporting of Physical Assault

- When there is
 - “reason to suspect” that assault has occurred
OR
 - “reasonable cause to believe” that an act has caused fear of imminent harm
- Assault can be touching or threat
- **IMMEDIATELY REPORT TO DSHS/APS AND LAW ENFORCEMENT***

Exception to Reporting Physical Assault to Law Enforcement

- Not required to report incidents of minor bodily injury between vulnerable adults (not more than basic first aid needed) UNLESS
 - requested to report by Injured Victim/Family
OR
 - Injury occurs on back, face, head, neck, chest, or private areas; fracture; pattern of assault; attempt to choke

Permissive Reporting

RCW 74.34.035(6)

- Permissive reporters may report to DSHS or law enforcement when there is “reasonable cause to believe” that the vulnerable adult is being or has been **abandoned, abused, financially exploited, or neglected.**

Who is a Permissive Reporter?

- Any person, including but not limited to...
 - Employee of a financial institution
 - Attorney
 - Volunteer in a facility or program providing services for vulnerable adults

Immunity

RCW 74.34.050(1)

- As long as any report of vulnerable adult abuse, whether permissive or mandated, is made in **good faith**, the reporter is immune from liability.
- Reason for this is to not discourage reporting.

Failure to Report & False Report: When is it a Crime? (RCW 74.34.053)

- **For Mandated Reporters:**
 - Knowingly Failing to Report
 - Intentionally Making False Report
- **For Permissive Reporters:**
 - No duty to report, so no crime of FTR
 - Intentionally Making a False Report

How to Report

1) Call 911

2) Call DSHS:

1-866-END-HARM

What Information to Provide

- Names and contact information of alleged victim and perpetrator
- What exactly you witnessed
- What, if anything, you heard the alleged victim and/or suspect say
- Any other possible witnesses
- If ongoing concerns, keep a log

What to Do If You Don't Hear Back

- APS
 - Call 206-341-7660 and ask for call back
 - If nothing after several days, call and ask to speak to a supervisor
- Law Enforcement
 - Call non-emergency line of precinct and ask if case has been assigned to a detective. If not, ask to speak to patrol sergeant.

When in Doubt, Report.

- Determining whether a particular situation actually is exploitation or neglect requires in-depth investigation by APS and law enforcement.
- Err on the side of caution.

Elder Abuse Resources

- www.washingtonlawhelp.org
- National Center for Elder Abuse:
www.ncea.org
- US Department of Justice Elder Justice Initiative: www.justice.gov/elderjustice

Feel Free to Contact Us

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- Thanks to Office on Violence Against Women, National Clearinghouse on Abuse in Later Life