



Elder Abuse: The Basics

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WHAT IS ELDER ABUSE OR ABUSE OF DISABLED (VULNERABLE) ADULTS?

Abuse is defined by state law, so there are well over 50 definitions.*

For access to ASAAPS database of state laws, go to: <http://www.asaaps.org/clearinghouse/statelaws.php>

"Abuse" includes many actions and non-actions:

- **Physical**

Physical abuse is the use of physical force that may result in bodily injury, physical pain, or impairment. Physical abuse may include but is not limited to such acts of violence as striking (with or without an object), hitting, beating, pushing, shoving, shaking, slapping, kicking, pinching, and burning. The unwarranted administration of drugs and physical restraints, force-feeding, and physical punishment of any kind also are examples of physical abuse.

- **Sexual**

Sexual abuse is nonconsensual sexual contact of any kind with an elderly person. Sexual contact with any person incapable of giving consent also is considered sexual abuse; it includes but is not limited to unwanted touching, all types of sexual assault or battery such as rape, sodomy, coerced nudity, and sexually explicit photographing.

** National Center on Elder Abuse, The National Elder Abuse Incidence Study Final Report, Administration for Children and Families and Administration on Aging, 1998. These definitions were developed through a four-step process: analysis of then-current state definitions of domestic elder abuse; the convening of local roundtables of practicing professionals to gather first-hand knowledge about how elder abuse is detected, reported, and investigated; a critical review of preliminary definitions by a group of elder abuse experts; and a pilot field testing of the consensus definitions. ASAAPS has adapted them to also pertain to the abuse of younger disabled adults.*

ASAAPS — American Society of Adult Abuse Professionals and Survivors

6990 N. Rockledge Avenue, Glendale, WI 53209

414-540-6456 (phone) 414-540-6489 (fax)

www.ASAAPS.org (web) director@ASAAPS.org (email)



- **Emotional or psychological abuse**

Emotional or psychological abuse is the infliction of anguish, emotional pain, or distress. Emotional or psychological abuse includes but is not limited to verbal assaults, insults, threats, intimidation, humiliation, and harassment. In addition, treating an older or disabled person like an infant; isolating an elderly or disabled person from family, friends, or regular activities; giving an older or disabled person a "silent treatment"; and enforced social isolation also are examples of emotional or psychological abuse.

- **Neglect**

Neglect is the refusal or failure to fulfill any part of a person's obligations or duties to an elder or disabled adult. Neglect may also include a refusal or failure by a person who has fiduciary responsibilities to provide care for an elder or disabled person (e.g., failure to pay for necessary home care service, or the failure on the part of an in-home service provider to provide necessary care). Neglect typically means the refusal or failure to provide an elderly or disabled person with such life necessities as food, water, clothing, shelter, personal hygiene, medicine, comfort, personal safety, and other essentials included as a responsibility or an agreement.

- **Financial or material exploitation**

Financial or material exploitation is the illegal or improper use of an elder's or disabled adult's funds, property, or assets. Examples include but are not limited to cashing checks without authorization or permission; forging an older or disabled person's signature; misusing or stealing an older or disabled person's money or possessions; coercing or deceiving an older or disabled person into signing a document (e.g., contracts or a will); and the improper use of conservatorship, guardianship, or power of attorney.

- **Abandonment**

Abandonment is the desertion of an elderly or disabled person by an individual who has assumed responsibility for providing care or by a person with physical custody of an elder or disabled person.

- **Self-neglect**

Self-neglect is characterized as the behaviors of an elderly or disabled person that threaten his/her own health or safety. Self-neglect generally manifests itself in an older or disabled person's refusal or failure to provide himself/herself with adequate food, water, clothing, shelter, safety, personal hygiene, and medication (when indicated). The definition of self-neglect excludes a situation in which a mentally competent person (who understands the consequences of his/her decisions) makes a conscious and voluntary decision to engage in acts that threaten his/her health or safety.



WHO ARE THE VICTIMS?

States define by law who is considered a victim of elder/vulnerable adult abuse.

All states have laws covering abuse of elders, which means someone 60, 62, or 65 years of age and older as defined in that particular state law. Some laws cover only "vulnerable" elders, using various definitions of "vulnerable" to mean having certain disabilities or medical conditions or being particularly "frail." Most state vulnerable adult abuse laws also cover people with disabilities age 18 and over. Which disabilities make someone fall into the "vulnerable" category varies from state to state. Our state laws database is at www.asaaps.org/clearinghouse/statelaws.php

That does not mean that because you don't fall under your state's definitions, you are not a victim of abuse; the emotional, physical, and financial consequences of being abused are just as bad for someone who does not meet their state law's definitions as they are for someone who does fall within the definitions' scope. But those state definitions can govern what your abuser may be charged with and what services may be available to you.

Anyone can fall victim to elder or disabled adult abuse.

Some sources say the "typical" or "average" elder abuse victim is white, female, and above a certain age. There are currently more white elders in the U.S. than there are elders of any other race, and there are more female elders in the U.S. than male elders, so it makes sense that more of them, numerically, are abused. Some studies do show that rates of elder abuse rise as ages rise -- in other words, a 95-year-old elder is more likely to be abused than a 65-year-old elder. This may be because some abusers hope a much older person will die or develop dementia before the crime is discovered.

But the truth is, elders and adults with disabilities of all ages, both genders, all racial backgrounds, all incomes, and all education levels can and do become the victim of someone who decides to hurt them or who assumes care for them but is unable to handle the demands. Being weak, confused, lonely, "tricked," or anything else is not the reason someone gets abused, neglected, or exploited. The reason someone gets abused, neglected, or exploited is because someone made a decision to hurt her or him or let him or her be hurt.

Studies do show that adults with disabilities are many more times likely to be victimized by someone else than are adults without disabilities. This is probably a result of the abusers thinking people with disabilities are less likely to fight back or be believed when they report a crime.



WHO ARE THE ABUSERS?

Abusers can be family members, paid caregivers, neighbors, lawyers...anyone.

Because there is no federal agency that collects and compares data from all of the state agencies that handle different types of abuse, neglect, or exploitation of elder and disabled adults in all the settings in which they reside, we really don't know what type of person is most likely to become an abuser. Studies of the abuse of elders living in private homes show that the vast majority of their abusers -- between 75 and 90 percent -- are family members: spouses, adult children, grandchildren, siblings. But many elders and adults with disabilities are abused by non-family members.

We do know that people who abuse drugs or alcohol, or who are dependent on the elder or disabled adult for their income, seem to be more likely to become abusers. But stable, well-regarded family members can also decide to take "their inheritance" before it is spent or hit a grandfather who isn't doing what they want him to do. Paid professionals like accountants, lawyers, and insurance agents also sometimes abuse their positions to take advantage of an elder or disabled adult.

WHAT CAN BE DONE ABOUT ABUSE?

Legally, you may be *required* to report suspected abuse.

Most states have what is called "mandatory reporting." That means that certain types of professionals or, sometimes, "anyone" must report to police and/or adult protective services when they suspect someone is being abused. If you do not, you could be prosecuted (although that is rare, except in cases of abuse in institutions like nursing homes). Reporting can always be done anonymously, and your identity is always kept secret. If you report your suspicions and it turns out nothing is wrong, there are no consequences for you. The only exception to this is if you knowingly file a report in order to harass someone. In all other states, reporting is strongly encouraged, so that professionals can help assess what's going on and get help in if it is needed. Our state laws database is at www.asaaps.org/clearinghouse/statelaws.php

Many systems offer services to elder and disabled adult abuse victims.

Most states have an Adult Protective Services (APS) or Elder Protective Services, usually at the county level, that receives and investigates report of elder or disabled adult abuse. Many types of abuse are crimes, and so the police sometimes get involved. Long-term care ombudsmen help resolve abuse and neglect complaints in nursing homes, and protection and advocacy services address problems in residential facilities for adults with disabilities. For more information on what agencies are involved in addressing abuse and how you can locate the one in your state or area, go to ASAAPS' reporting section at www.asaaps.org/basics/reporting.php



Be a good friend.

People who are abused, neglected, or exploited often feel ashamed, angry, fearful, confused, and lots more emotions. You can be most helpful by listening to their feelings, believing what they say, supporting their right to continue to make decisions for themselves, and accompanying them as they move through the service and criminal justice systems. What is not helpful is: blaming them for what happened; questioning how they could have "let" it happen; making them move or give up banking or activities; and taking control of their lives. Changes in ability are nearly inevitable with advanced age, and the experience of abuse may make people notice changes they had overlooked before. Nevertheless, becoming the victim of abuse, neglect, or exploitation does not mean the person is automatically incapable of staying in charge of their lives.

What they most need is for those around them to not blame them, or take control of their lives.

Be an advocate.

For the most part, the systems that have been set up to help elders and adults with disabilities who are victims of abuse are under-funded, under-trained, and often lack the legal tools they need to do what we want them to do.

You can help by being aware of what legislation is pending that would either help or hurt prevention and intervention systems and efforts, and then making your opinion known to your elected representatives. To see ASAAPS' listing of some of the relevant pending Federal and state legislation, see www.asaaps.org/news/legislation.php.

CAN ABUSE BE PREVENTED?

There are many ways to lower your risk of being a victim of abuse.

Even though it is the abuser's decisions, not the victim's, that cause abuse, there are some things you can do to lower your risk of becoming a victim. For more information about how you can help protect yourself, go to ASAAPS' prevention section (at www.asaaps.org/basics/prevention.php).

There are also many things that family and community members can do to help protect older and disabled loved ones. For more information on these techniques, go to ASAAPS' prevention section.