

# Elder Abuse Basics: Prevention, Intervention, and Remediation

CHAPTER SUMMARY • January 2021

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## ABA Commission on Law and Aging

The ABA Commission on Law and Aging is a collaborative and interdisciplinary leader of the American Bar Association's work to strengthen and secure the legal rights, dignity, autonomy, quality of life, and quality of care of aging persons. The Commission accomplishes its work through research, policy development, advocacy, education, training, and through assistance to lawyers, bar associations, and other groups working on issues of aging.

## Key Lessons

1. Everyone has a role in prevention, intervention, and remediation of elder abuse. Prevention activities are steps taken to reduce the risk, such as careful selection and oversight of caregivers, supporters, advisors, and agents. Intervention activities are steps taken to stop abuse and restore the person to relative safety when abuse has occurred. Remediation activities are steps taken to help the person regain independence, trust, autonomy, and rights.
2. Uniform definitions of abuse are essential to clear communication and reporting. CDC published uniform definitions of adult abuse for this purpose. Beyond this, each state has statutory definitions that are used to empower adult protective services and law enforcement.
3. It is essential that everyone who works with vulnerable adults understand the basics of spotting the signs of abuse, neglect, and exploitation.
4. Undue influence, exploitation, and fraud are overlapping concepts that all result in the taking of money and property of an adult, although each has unique definitions. Understanding the fine differences clarifies what laws apply.
5. COVID-19 has increased risks of elder abuse. Isolation, illness, fear, financial need, and lowered levels of contact and oversight all increase the risks of abuse, neglect, and exploitation.

## 1. Three Stages of Advocacy on Elder Abuse

There are three stages of advocacy on elder abuse: prevention, intervention, and remediation. The actions to be taken in each stage are unique, and advocates play an important role in all three.

### Prevention

Prevention activities are the steps taken to **reduce the risk of abuse**. This includes advance planning and careful selection of caregivers, service providers, and agents. In advance planning, prevention can include drafting oversight and accountability into every document. In the selection of caregivers, prevention can include setting clear limits on power and authority of all persons relied on to help the person. Special attention should be taken with persons who are at high risk, or those who have experienced abuse, neglect, or exploitation in the past. In some cases, a potential or past perpetrator of abuse may be an individual that the older adult does not want to exclude from their life. Abusers are often family or close friends, and an older adult may want to continue to maintain contact. Social contact can be provided for, with oversight to limit the potential for abuse, neglect, or exploitation. Planning for prevention can fail when circumstances change, but careful planning works more often than it fails.

## Intervention

The second stage in elder abuse response is intervention. Intervention focuses on **stopping ongoing abuse**, neglect, and exploitation and returning the person to a position of relative safety. Intervention is the primary role of Adult Protective Services, but other advocates can play a role in intervention as well, including civil legal aid attorneys. If a crime was committed, police and prosecutors may seek justice as part of the intervention phase. Intervention includes legal actions, such as creating or revising legal documents or seeking court orders for protection.

## Remediation

The third stage in elder abuse response is remediation. The goal of remediation is to **help the person regain or restore dignity**, autonomy, trust, quality of life, economic security, and elder rights. Remediation includes trauma informed counseling, support services, social services, and legal assistance as needed. Legal actions in remediation may include litigation to recover property and damages, or actions to restore rights.

### PRACTICE TIP

Abuse, neglect by caregivers, and exploitation can happen in all settings. These acts happen when someone does something wrong. It is important to look for signs of abuse no matter the setting or professionals involved. Perpetrators of abuse can be anyone who has the opportunity to commit acts of abuse, including agents, trustees, caregivers, immediate family members, professionals, new friends, and guardians.

## 2. Person-Centered Strategies: Cultural Awareness

When working with older adults who have experienced abuse, advocates should employ person-centered strategies, including the consideration of the impact of race and culture. Individuals who have a personal, family, or cultural history of poor treatment by outsiders may be reluctant to report to Adult Protective Services or law enforcement. If help is offered, they may initially decline. Generations of experiences of systemic racism create a rational basis for this resistance to outside help. It is important to validate the fears of an individual. Try to determine who the individual trusts, who they turn to in a moment of need, and consider partnerships with trusted entities to help the individual. Building trust takes time, especially where there is a history of discrimination and maltreatment. Start building trust and partnerships in the community as part of your work to respond to elder abuse.

## 3. Definitions of Elder Abuse

Each state has specific definitions for elder and adult abuse.<sup>1</sup> The definitions vary significantly from state to state both in the acts that are considered abuse, neglect, or exploitation and in the elements of the act described in the statute. To enable national data collection and policy development, the Centers for Disease Control and Prevention (CDC) published uniform definitions for elder abuse in 2016.<sup>2</sup> The CDC definitions are specifically described as elder abuse definitions, using the threshold age of 60 found in the Older Americans Act. The modern trend is for state abuse statutes to authorize assistance by Adult Protective Services (APS) to all adults who are deemed to be vulnerable, as defined in the statute. Vulnerability is generally based on a person experiencing a limited ability to protect or defend themselves from harm. Some states still provide categorical coverage under abuse statutes based on age alone.<sup>3</sup> Coverage based on age alone is much easier to establish for data collection, APS eligibility, or in a criminal prosecution.

1 [americanbar.org/content/dam/aba/administrative/law\\_aging/2020-abuse-definitions.pdf](https://americanbar.org/content/dam/aba/administrative/law_aging/2020-abuse-definitions.pdf)

2 See [stacks.cdc.gov/view/cdc/37909](https://stacks.cdc.gov/view/cdc/37909)

3 [americanbar.org/content/dam/aba/administrative/law\\_aging/2020-threshold-eligibility-aps.pdf](https://americanbar.org/content/dam/aba/administrative/law_aging/2020-threshold-eligibility-aps.pdf)

The CDC definitions provide detailed examples for each type of abuse, and additional details on the elements of each type of abuse can be found here: [Elder Abuse Surveillance: Uniform Definitions And Recommended Core Data Elements](#). This paper focuses on the definitions from the CDC publication.

- **Physical Abuse:** The intentional use of physical force that results in acute or chronic illness, bodily injury, physical pain, functional impairment, distress, or death. Threats should be treated as emotional abuse.
- **Sexual Abuse:** Forced and/or unwanted sexual interaction (touching and non-touching acts) of any kind with an older adult.
- **Emotional/Psychological Abuse:** Verbal or nonverbal behavior that results in the infliction of anguish, mental pain, fear, or distress, that is perpetrated by a caregiver or other person who stands in a trusted relationship to the elder.
- **Neglect:** Failure by a caregiver or other person in a trusted relationship to protect an elder from harm or the failure to meet needs for essential medical care, nutrition, hydration, hygiene, clothing, and/or basic activities of daily living or shelter, which results in a serious risk of compromised health and/or safety, relative to age, health status, and cultural norms.
- **Financial Abuse/Exploitation:** The illegal, unauthorized, or improper use of an older individual's resources by a caregiver or other person in a trusted relationship, for the benefit of someone other than the older individual. This includes, but is not limited to, depriving an older individual of rightful access to, information about, or use of personal benefits, resources, belongings, or assets.<sup>4</sup>

These definitions do not include self-neglect. Many state statutes include a definition of self-neglect, as the state definitions serve as a prerequisite for help from Adult Protective Services. Self-neglect is a social issue, unless the person lacks the ability to understand the risk to themselves or others. Self-neglect is not a crime, though creating a danger to others might be.

## 4. Warning Signs of Abuse

Everyone plays a role in identifying persons who may be experiencing abuse and helping the person access assistance. The National Center on Law & Elder Rights has a full checklist of [Signs of Abuse, Neglect, and Exploitation](#). Some key signs and signals from that list are included here:

### Physical Signs of Abuse

- Physical injuries, bruises, scratches, abrasions, broken bones, or sprains
- Casts, splints, difficulty moving or handling objects
- Circular burns (cigarette burns)
- Redness or scalding of the skin, especially on the back, bottom of the legs, buttocks, back of the arms
- Evidence of restraints, such as ligature marks on the wrists, ankles, or around the waist
- Signs of malnutrition or dehydration
- Over or under medication

<sup>4</sup> ELDER ABUSE SURVEILLANCE: UNIFORM DEFINITIONS AND RECOMMENDED CORE DATA ELEMENTS, pages 28-40, available at [stacks.cdc.gov/view/cdc/37909](https://stacks.cdc.gov/view/cdc/37909)

## Behavioral or Emotional Signs of Abuse

- Frequent emergency room visits
- Prescriptions from different doctors
- Refusal by family or caregivers to allow the person to be alone with you
- Isolation of the person by family, friends, or caregivers, and changes in social contacts
- No-shows or canceled appointments without explanation
- Exertion of power and control with no rational reason
- Unexplained changes in behavior, such as withdrawal
- Signs of fear (especially of a particular person)
- Emotional discomfort with the presence of a person or when talking about a person
- Changes in behavior, such as withdrawal, depression, or fear
- Behaviors such as rocking, nail biting, thumb sucking, mumbling to themselves
- Withdrawal from social activities

## Signs of Neglect

- Lack of suitable housing, utility disconnects, lack of adequate nutrition, inappropriate nutrition
- Not appropriately dressed

## Signs of Financial Abuse or Exploitation

- Unmet needs or unpaid expenses despite seemingly adequate income and assets
- Utility disconnects
- Missing financial statements or personal property
- Unusual or unauthorized debit, ATM, or credit card usage
- Checks payable to cash
- Unexplained purchases of “gift cards” or stored value cards
- Wire transfers
- Unexpected communication with persons outside of the country
- New friend or advisor in the person’s life, followed by changes in behavior
- Adding names to financial accounts
- Sudden or unexplained changes in estate plans

**PRACTICE TIP:**

Financial exploitation, undue influence and fraud are closely related concepts that all result in the unauthorized use or taking of the money or property of a person—theft. But each has unique elements. The following chart contains elements of each cause of action.

<b>R=Required O= Optional</b>	<b>Vulnerability</b>	<b>Person in a position of power or influence</b>	<b>Intentional lie, or material misstatement of fact</b>	<b>Theft or use of money or property for the benefit of another</b>
<b>Financial Exploitation</b>	<b>Required</b>	Optional	Optional	<b>Required</b>
<b>Undue Influence</b>	<b>Required</b> <b>Must have capacity</b>	<b>Required</b>	Optional	<b>Required</b>
<b>Fraud</b>	Optional	Optional	<b>Required</b>	<b>Required</b>

## Conclusion

Everyone who has contact with older adults should be aware of the basic definitions, signs, and signals of abuse, neglect, and exploitation. Every advocate has a role to play in preventing abuse, intervening to stop abuse, and remediation to help the person regain dignity, autonomy, trust, and legal rights. These commonly accepted definitions of abuse are easily supplemented by state specific definitions. It is important to recognize that resistance to help may occur based on past histories of racism, discrimination, and maltreatment. Start today to build trust within your community.

## Additional Resources

- [Centers for Disease Control publication Elder Abuse Surveillance: Uniform Definitions And Recommended Core Data Elements](#)
- [American Bar Association Summary of State Definitions of Adult Abuse](#)
- [American Bar Association Summary of Threshold Eligibility for Adult Protective Services](#)
- [Department of Justice Elder Justice Initiative](#)
- [Adult Protective Services Technical Assistance Resource Center](#)
- [National Center on Elder Abuse](#)
- [NCLER Signs of Abuse, Neglect or Exploitation: The Checklist](#)
- [NCLER Elder Justice Toolkit](#)

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**Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at [ConsultNCLER@acl.hhs.gov](mailto:ConsultNCLER@acl.hhs.gov).**

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*This Issue Brief was supported by a contract with the National Center on Law and Elder Rights, contract number HHSP233201650076A, from the U.S. Administration on Community Living, Department of Health and Human Services, Washington, D.C. 20201.*