Elder Abuse 101:
Definitions, Dynamics, and Dedicated Resources for Victims

Resources

Wednesday, August 16, 2017
11:15 AM – 12:30 PM
Elder Abuse 101:
Definitions, Dynamics, and Dedicated Resources for Victims

Elder Abuse 101:
Presentation Overview
1. PREVALENCE
2. DEFINITIONS
3. WARNING SIGNS
4. CASE EXAMPLES FROM THE ELDER RIGHTS PROJECT
5. ELIGIBILITY AND REFERRALS

Elder Abuse:
Hidden Epidemic
• 10% of people 60 or older are affected
• 50% of people with dementia are affected
• As few as 1 in 23 cases are reported, fewer are prosecuted

https://www.justice.gov/lair/file/826526/download
Elder Abuse: Dire Consequences

- Premature death and increased hospitalizations
- 5.3 billion in health care costs
- Loss of wealth to
  - Individuals/Families
  - Businesses
  - Medicare/Medicaid

Elder Abuse: Why target older adults?

- Lonely, isolated, dependent on others
- Cognitive decline
- Regular income
- Accumulated assets
- Trusting, polite
- Vulnerable due to grief
- Lack of experience with financial matters
- Loved ones with money problems, AODA, mental health issues, etc.

Definitions

“Elder Abuse”

- 60+
- Has experienced, is currently experiencing, or is at risk of experiencing
  - Abuse
  - Neglect
  - Financial exploitation
  - Self-neglect (not a crime)
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Definitions “Abuse”

Physical Abuse
Intentional or reckless infliction of physical pain, injury, illness or impairment of any physical condition.

Sexual Abuse
1st to 4th degree sexual assault (includes sexual contact without consent)

Emotional Abuse
- Language or behavior
- Serves no legitimate purpose
- Intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing; and
- Does (or reasonably could) intimidate, humiliate, threaten, frighten, or otherwise harass the individual to whom the conduct or language is directed.

Treatment without Consent
- Administer medication
- Perform psychosurgery, electroconvulsive therapy, or experimental research
- Without informed consent/lawful authority

Unreasonable confinement/restraint
- Intentional and unreasonable confinement of an individual in a locked room
- Involuntary separation of an individual from his or her living area
- Use on an individual of physical restraining devices
- Provision of unnecessary or excessive medication
### Definitions

#### “Neglect”

**Neglect**
- Failure of a caregiver to **endeavor** to secure or maintain adequate care, services, or supervision for an individual, which
- Creates a significant risk to the individual’s physical or mental health

*Caregiver = a person who has assumed responsibility for all or a portion of an individual’s care voluntarily, by contract, or by agreement, including a person acting or claiming to act as legal guardian.*

#### “Financial Exploitation”

**Financial Exploitation**
- Obtaining, or receiving for less than fair market value, a person’s money, property, or belongings by:
  - Deception, coercion, or force
  - Abuse of financial authority
  - Use of personal information (aka Identity Theft)
  - Forgery of signatures/documents

#### “Manufacturing Consent”

**“Manufacturing Consent”**
- Obtaining, or receiving for less than fair market value, a person’s money, property, or belongings by:
  - Deceiving
  - Enticing
  - Coercing
  - Compelling
  - Forcing

*Lack of informed consent/Undue influence*
Examples of manufacturing consent

- Mother gives house to daughter who promises to care for her for life. Once deed is signed, daughter kicks Mom out and mortgages the house.
- Love con: much younger woman starts “dating” an elderly, cognitively disabled man and gets him to pay her rent, utilities, cell phone, etc.
- Step-father allows his daughter to move in temporarily. She brings several other people into the home, refuses to leave, and does not pay rent or expenses as promised.

Definitions

“Financial Exploitation”

Abuse of Financial Authority

Substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities.

Fiscal agents include:
- Power of attorney for property/finances
- Representative payees
- Conservators
- Guardians of the estate

Examples of abuse of financial authority

- Granddaughter uses her authority under a POA-F to transfer two deeds into her name and take $30,000.00 from Grandma's savings.
- POA-F cashes in his aunt's stock and uses the proceeds to put a down payment on a summer home up north.
- POA-F takes money from the elder's account and uses it to pay his own bills and buy things for himself rather than the elder.
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### Definitions

#### “Financial Exploitation”

**Identity Theft**

- Unauthorized use of someone’s personal information or documents (SSN, PIN, credit card, etc.) to obtain something of value.

  - Use of existing credit/debit cards
  - Opening new credit cards
  - Opening utility accounts
  - Taking out a payday or other installment loan

**Forgery**

- Falsely making or altering any writing with intent to defraud

**Examples of Identity Theft**

- Son takes Mom’s credit card from her purse and uses it without her permission to buy things for himself.

- Son who lives with Mom takes the credit card application from the mailbox and opens a new account in Mom’s name without her permission and buys things for himself.

- Grandson uses grandpa’s personal information to electronically co-sign his student loan.

**Examples of Forgery**

- Elderly woman gives her roommate her purse for safekeeping when she goes into the hospital. He writes several checks to himself while she is gone and forges her signature.

- Niece forges her aunt’s signature on a quit claim deed transferring ownership of the property to herself.

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Warning Signs of Abuse
- Injuries, especially unexplained, untreated, or repeat injuries
- Poor physical condition (dehydration, malnourishment)
- Basic needs being unmet
- Unusual banking activity, including sudden transfers of property/assets
- Disappearance of financial/legal docs or checkbooks
- Strained or tense relationships
- Changes in personality or behavior
- Withdrawn/Isolation

Common Characteristics of Abusers
- Family member: 72.4% of reported abuse cases since 2005
- Fiscal Agent: 18.8% of reported abuse cases since 2007
- Financially dependent on elder: 16.2% since 2006
- Unemployed: 10.5% since 2006
- AODA: 14.3% since 2007; Mental illness: 7.6% since 2007

Source: DHS's Annual Elder Abuse and Neglect Report
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Statewide Collaboration

LEGAL ACTION OF WISCONSIN
• 1968
• 39 southern counties
• Free civil legal aid to low-income and elderly people

JUDICARE
• 1966
• 33 northern counties
• 11 American Indian tribes
• Free civil legal aid to (mostly) low-income people


Goals for Victims
• Response to physical, emotional needs
• Stabilize lives
• Understanding of, participation in, criminal justice system
• Safety

Eligibility
• Wisconsin resident
• 60+
• Victim of crime (elder abuse)
• Civil legal need related to victimization
• No income or asset limits
• No criminal charges, convictions or police report required

Funding
• Fees and fines of convicted federal offenders

Nicole Zimmer, Elder Rights Project Director, Legal Action of Wisconsin
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### Services

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<td>Individual at Risk</td>
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<th>Landlord/Tenant Matters</th>
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<td>Defending evictions related to abuse</td>
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<td>Evicting abusers</td>
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<th>Review/Revoke abusive POAs</th>
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<td>Recover money and property</td>
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<td>Foreclosure defense</td>
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| Reverse unauthorized charges/debt collection defense for ID theft victims |

| Obtain/preserve needed public benefits |

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<th>Family law matters</th>
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| Draft simple advance planning documents |

| Information and referrals to collaborating agencies |

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<th>Things we cannot do:</th>
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<td>Personal injury (tort) cases</td>
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<td>Criminal cases</td>
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*Nicole Zimmer*, Elder Rights Project Director, Legal Action of Wisconsin

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Success Stories

Referral Process

REFFERAL FORM
• Fax or email form:
• Completed by advocate with client consent
• Questions → Nicole Zimmer
• 414.274.3432

ERP INTAKE LINE
1.844.614.5468

Questions?

Nicole Zimmer, Elder Rights Project Director, Legal Action of Wisconsin