


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

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



**ELDER RIGHTS PROJECT**  
civil legal aid for victims

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Elder Abuse 101:  
Presentation Overview

1. PREVALENCE
2. DEFINITIONS
3. WARNING SIGNS
4. CASE EXAMPLES FROM THE ELDER RIGHTS PROJECT
5. ELIGIBILITY AND REFERRALS

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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>



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

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



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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.



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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  
1<sup>st</sup> to 4<sup>th</sup> degree sexual assault (includes sexual contact without consent)

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Definitions  
"Abuse"

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.

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Definitions  
"Abuse"

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

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<p>Definitions “Neglect”</p>	<p><u>Neglect</u></p> <ul style="list-style-type: none"><li>• Failure of a caregiver to <b>endeavor</b> to secure or maintain adequate care, services, or supervision for an individual, which</li><li>• Creates a significant risk to the individual's physical or mental health</li></ul> <p>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.</p>
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<p>Definitions “Financial Exploitation”</p>	<p><u>Financial Exploitation</u></p> <p>Obtaining, or receiving for less than fair market value, a person's money, property, or belongings by:</p> <ul style="list-style-type: none"><li>◦ Deception, coercion, or force</li><li>◦ Abuse of financial authority</li><li>◦ Use of personal information (aka Identity Theft)</li><li>◦ Forgery of signatures/documents</li></ul>
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<p>Definitions “Financial Exploitation”</p>	<p>“Manufacturing Consent”</p> <p>Obtaining, or receiving for less than fair market value, a person's money, property, or belongings by:</p> <ul style="list-style-type: none"><li>◦ Deceiving</li><li>◦ Enticing</li><li>◦ Coercing</li><li>◦ Compelling</li><li>◦ Forcing</li></ul> <p>Lack of informed consent/Undue influence</p>
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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.



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**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

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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

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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.



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**Definitions**  
“Financial  
Exploitation”

Forgery

Falsely making or altering any writing with intent to defraud

Examples:

- 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



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### 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: 16.22% 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



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### Victims of Crime Act (1984)


**Goals for Victims**

- Response to physical, emotional needs
- Stabilize lives
- Understanding of, participation in, criminal justice system
- Safety

**Funding**

- Fees and fines of convicted federal offenders





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### 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

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Services	Protection Orders
	◦ Domestic abuse/Harassment
	◦ Individual at Risk
	Landlord/Tenant Matters
	◦ Defending evictions related to abuse
	◦ Evicting abusers
	Review/Revoke abusive POAs
Recover money and property	
Foreclosure defense	
Reverse unauthorized charges/debt collection defense for ID theft victims	

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Services	Obtain/preserve needed public benefits
	Family law matters
	Draft simple advance planning documents
	Information and referrals to collaborating agencies

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Services	Things we cannot do:
	◦ Personal injury (tort) cases
	◦ Criminal cases
	◦ Worker's Compensation
	◦ Employment Discrimination
	◦ Immigration
	◦ School Desegregation
	◦ Abortion

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Success Stories

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### Referral Process

REFERRAL FORM      ERP INTAKE LINE

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

1.844.614.5468



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844-614-5468  
Questions?

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