



Where to Go for Help

In most states, an agency has been established to deal with problems of abuse. The responsible agency may be called the Adult Protective Services or the Department of Social Services, or another similar name.

There are also agencies in every region, called Area Agencies on Aging, that provide assistance with locating resources for elders at risk. Your Area Agency on Aging will have more information on the structure of state protective agencies and other relevant programs. Typically there is a toll-free number for reporting a case of suspected abuse.

The Role of the Elder Law Attorney

Elder Law Attorneys are experienced in dealing with the problems of the elderly and will be familiar with the problems of abuse, neglect and exploitation. In addition to taking steps to protect the victim from further abuse, an Elder Law Attorney may be able to secure the return of assets taken by the perpetrator, or to recover damages for the injuries caused by abuse or neglect. In some states, special court proceedings and/or damages may be available to the victim of abuse, neglect, or exploitation.

About the National Academy of Elder Law Attorneys (NAELA)

NAELA, founded in 1987, is a national association of Elder Law Attorneys devoted to the education and training of attorneys who can meet the needs of the elderly and people with disabilities, and who advocate for the needs of such individuals.

While NAELA members work one-on-one with clients in their local areas, NAELA also examines and advocates on national public policy issues facing the elderly in America including long-term health care; planning for retirement; estate planning and probate; guardianship and conservatorship; health care decision making; and elder abuse and neglect.

This informational brochure is provided as a public service and is not intended as legal advice. Such advice should be obtained from a qualified Elder Law attorney.

More information on NAELA and a directory of NAELA members in your area can be found at www.NAELA.org.

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Elder Abuse, Neglect and Exploitation



The Law and Aging Series

IN MANY CASES,
THE ABUSER IS A
family member
OR TRUSTED
LONG TIME FRIEND



The Issues

With the aging of the American population, problems of the elderly have become more widespread. One unfortunate outgrowth of this development has been the increased frequency of abuse, neglect and exploitation of vulnerable adults.

Abuse, neglect and exploitation are usually defined by state legislation, and the definitions may vary significantly. Typically, however, the terms may be defined as follows:

“Abuse” typically refers to physical, emotional, or sexual abuse.

“Neglect” means failure to provide necessities. In most states, it is necessary to show that the wrongdoer has a duty to provide for the victim.

“Exploitation” is usually defined as taking financial advantage of a disabled or elderly victim.

Because state law is much more important in preventing abuse, neglect and exploitation than federal law, rules and protections will vary tremendously from state to state. A few generalizations can be made about the issue, but concerned individuals should consult local authorities or an attorney familiar with Elder Law issues for more detailed information.

What You Need to Know

In many cases, the perpetrator is a family member or trusted, long-time friend. Frequently, older adults are financially exploited by in-home caregivers.

Remember to promptly remove all financial documents, i.e., checkbooks, bank statements, etc. When a caregiver is placed in the home, also remove family jewelry and items of value. Problems even arise in controlled settings such as nursing homes, adult care facilities, and congregate living arrangements.

It is frequently very difficult to detect abuse. Typically, abusive behavior occurs in private and victims may be unable to describe the attacks. When reports are made, they are frequently not believed.

A growing number of unscrupulous people prey consistently on vulnerable and incapacitated adults. Those familiar with the field report that the same individuals often appear as exploiters of multiple victims.

Experts note that there are some signs of abuse, neglect or exploitation which might alert family members, concerned friends or professionals to the possibility of problems.

Among the signs to watch for:

- Withdrawal, particularly when the possible victim suddenly expresses a desire not to visit or receive visits with longtime friends or family. This is forced isolation. Often the abuser reports the older adult is not available to speak on the phone or visit.
- Fearfulness or anxiety on the part of the victim or frequent arguments or tension with the caregiver.

- Sudden, unexplained changes in living arrangements (such as a younger person moving in to “care for” an elderly person shortly after they have met).
- Financial exploitation and consumer scams may be different. The elderly are particularly vulnerable to financial abuse such as identity theft and abusive selling tactics. Look for new accounts, new credit cards, unusual investments or participation in sweepstakes.

Most states require professionals who observe signs of abuse, neglect or exploitation to report their suspicions to the appropriate authorities. Depending on state laws, it may be a criminal violation to fail to make such reports. Those required to report their suspicions may include: nurses (and aides), social workers, psychologists, accountants, lawyers, bankers and others.

