



# Abuse of the Elderly and People with Disabilities: An Overview

Candace Heisler, JD

# APSIL

This webinar is sponsored by the Adult Protective Services Program at the Illinois Department on Aging under a grant awarded by the Administration on Community Living.

Trained case workers at local provider agencies conduct investigations and provide support in resolving reports of abuse, neglect, financial exploitation, or self-neglect involving adults with disabilities (age 18 – 59) and other older adults (age 60+) living in community-based (non-institutional settings).



# Disclaimer

- This presentation is provided for general information purposes only and does not constitute legal or professional advice.
- The views expressed in this presentation are those of the speakers and may not necessarily represent the policy interpretations and procedures issued by the Adult Protective Services Program at the Department on Aging.

# Session Objectives

- Define abuse
- Review forms of abuse, settings, and indicators
- Discuss impact and costs of abuse
- Describe beliefs and misconceptions that can be barriers to an effective investigation



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# Elder Abuse Case Study

- International Association of Chiefs of Police (IACP) Video
- “Financial Exploitation by a Family Member”





# Why Does Law Enforcement Need to Know About Elder Abuse?

- More older adults and people with disabilities are now living longer than ever before in history.
  - United States
    - In 2019, 1 in 7 persons (16% of population) was age 65 and older.
    - By 2040, 21.6% of population will be age 65 and older.
  - Fastest growing population segment = those age 85 and older.
    - Experience higher rates of health problems and additional functional limitations
  - Diversity of population is also increasing.
    - In 2019, 24% of older Americans were members of ethnic and race groups.
    - By 2040, 34% of older Americans will be members of ethnic and race groups.



# Illinois

- In 2019, over 2 million residents were age 65 and older (16.12% of state population).
- By 2030, the elderly population is expected to number 3.6 million (25% of state population).
- Our population is increasingly diverse with “complex co-occurring physical and mental health conditions, substance use disorders, and earlier onset of dementia.” (Illinois 2022 - 2024 State Plan on Aging)



# With Age Comes ...

- Greater likelihood of
  - More chronic medical conditions
  - Increased rates of occurrence of dementia
  - More need for assistance and increased dependency

These changes are risk factors for abuse, neglect, and exploitation.

# Significance of Demographic Changes

- More reports and calls for service
- New state crimes for law enforcement to investigate
- Different training needs for law enforcement and other professionals

# Significance of Demographic Changes — Case Complexities

- Understanding dynamics of victim-perpetrator relationship
- Complying with legal/mandated reporting duties
- Working with allied agencies such as Adult Protective Services (APS)
- Locating and securing evidence
- Interviewing victims
- Dealing with issues of dementia and disability
- Reviewing legal documents such as advanced directives, POAs, and guardianships
- Acknowledging personal reactions to subject matter

# What is Elder Abuse?

- No single definition in use across the nation.
- The Elder Justice Roadmap engaged practitioners and experts in the elder abuse field in developing a framework for defining elder abuse. Not a legal definition.
- “Elder abuse includes physical, sexual or psychological abuse, as well as neglect, abandonment, and financial exploitation of an older person by another person or entity, that occurs in any setting (e.g., home, community, or facility), either in a relationship where there is an expectation of trust and/or when an older person is targeted based on age or disability.”



# Illinois Definitions

- No single definition used in the *Illinois Compiled Statutes*.
- Definitions for Adult Protective Services and mandatory reporting are different from those in criminal statutes.

# Illinois Definitions—Criminal Statutes

## 720 ILCS 5/Art. 17 and 5/Art. 12

### “Elderly Person”

- Financial Abuse: person 60 or older
- Abuse and Neglect: person 60 or older, incapable of adequately providing for their own health and personal care

### “Disabled Person”

- Financial Abuse: person with a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition that impairs their mental or physical ability to independently manage own property or financial resources, or both.
- Abuse and Neglect: person with a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition which renders them incapable of adequately providing for their own health and personal care

# Elder Abuse Complexities

- International Association of Chiefs of Police (IACP) Video
- “Understanding Elder Abuse”
- **Contains graphic material some may find disturbing.**







# Where Does Abuse Occur?

- **In Community Settings**

- Most live in the community, including private homes, unlicensed care homes, locations where unhoused people live, etc.

- **In Institutional Settings**

- Only a small percentage live in institutions, such as nursing homes, assisted living arrangements, homes for veterans, licensed group homes, centers for independent living, supported living and intermediate care facilities, etc.
- Estimated to be under 2% of the population age 65 and older
- Includes all forms of abuse; most often committed by staff on residents and resident to resident

# Investigative Significance of Setting

- If abuse occurs in institutional settings, consider if additional victims; multiple suspects; and witnesses on staff, contractors, other residents, visitors
- Possible evidence sources:
  - Minimum Data Set
  - Facility records for resident: administrative, care plans, physician/nursing notes, medication administration, dietary, therapies, etc.
  - Contracts
  - Personnel records for facility staff: employment, education and training, licensure, background screening, etc. (if staff member is a suspect)
  - Schedules (for victim, staff, contractors, and facility)
  - Long-Term Care Ombudsman may be able to provide useful general information about a facility (Resident consent is needed for disclosure of records absent a court order.)



# Forms of Abuse

- Physical abuse
  - Sexual abuse
  - Financial exploitation
  - Neglect
  - Emotional abuse
  - Abandonment
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- Self-neglect is not a crime, but assistance is available through the Adult Protective Service Program.<sup>1</sup>
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- **Handout Materials** — Definitions and Crimes and Department of Justice, Elder Justice Initiative, Resources for Law Enforcement<sup>2</sup>

# Investigative Mindset – Co-Occurring Forms

- If one form is present, consider if other forms are occurring:
  - Is one form the way to commit another form (e.g., abuse to obtain assets)?
    - Always consider financial exploitation when report is for another form.
  - Cascading Abuse – was the response to the report of abuse the commission of a different form of abuse by a different perpetrator?

# Victims

- Across a continuum of abilities
- Most live in community and are independent
- Key risk factor is social isolation — important to offer information about available services in the community through the Aging and Disability Networks in Illinois
- May be targeted for abuse
  - Many have assets
  - Perceived as “low risk, high gain”

# Perpetrators

- Often a person known, trusted, and perhaps loved by victim
- May have substance use disorders, mental health conditions, and may be dependent on the victim
- Motivations vary by type of abuse:
  - Power and control
  - Greed
  - Anger
  - Entitlement
  - Stress

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# Indicators of Abuse

- Useful to learn indicators of abuse — vary by form
- Reason for concern but not proof that a crime has occurred
- Victims may not recognize or be able to describe indicators of abuse
- Consider how best to act on allegations/suspicious:
  - Investigation
  - Enforcement
  - Referral
- **Handout Materials — Indicators by Type of Abuse**

# Indicators of Abuse (continued)

- Always be concerned if:
  - Access to see or speak with an alleged victim is being impeded
  - Implausible, inconsistent, or evasive explanations are offered for incident
  - Alleged Victim's hesitation in responding
    - Demeanor – anxiety, fear, etc.
    - Deferral to the suspect or someone else for responses
    - “Coded” responses about suspect
  - Suspect engages in victim-blaming behaviors
  - Unexplained behavior changes on part of alleged victim
  - Delay or failure in seeking medical care, missed follow-up appointments, frequent changes in physicians, or missing/stolen medicine and equipment



# Extent of Abuse in the Adult Population

- 10% of older adults victimized every year
  - Most common forms are financial abuse and neglect by a caregiver (Acierno et al., 2010)
- Adults with disabilities and cognitive deficits at higher risk for abuse
- Under-reported incidents
  - 1 in 24 reported (all forms)
  - 1 in 44 reported (financial abuse) (Lifespan, 2011)

# Costs and Impact

Victims of elder abuse suffer catastrophic losses irrespective of the form of abuse, the setting in which the abuse occurs, or the identity of the perpetrator.

Abuse exacts physical, health and psychological costs from its victims as well as huge financial losses.

The victim's life "can be jeopardized in the form of declining functional abilities, progressive dependency, a sense of helplessness, social isolation, and a cycle of worsening stress and psychological decline."  
(Connolly et al., 2014; Dong, 2005)

# Costs and Impact (continued)

- Costs: Billions annually
  - Direct medical costs: \$5.3 billion (Mouton, 2004)
  - Financial abuse costs: \$36.48 billion (True Link, 2015)
  - Fraud costs: \$50 billion (FINRA, 2015)
- Premature death (Dong, 2005; Lachs, et al., 1998)
- Psychological Distress
- Hospitalization (Dong and Simon, 2013)
- Loss of home and independence
- Destruction of family relationships



Impact of Abuse: “An Age for Justice”

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# Barriers to Effective Investigation

- Ageism and Ableism
- Beliefs about older adults and people with disabilities
- Misconceptions about financial exploitation crimes



# Ageism and Ableism

What are your beliefs about older adults and people with disabilities?

- All have dementia or cognitive deficits.
- Being old or disabled means a person cannot recognize abuse because they do not experience pain.
- They are not capable of learning new information.
- None are tech savvy.
- Most are helpless and in need of assistance.
- Age and disability mean someone will not be a credible witness.
- Reports by older and disabled victims are unreliable.
- Those with a guardian are not competent to testify.



# Rethinking Personal Beliefs

- Most older adults and adults who have a disability live independently in the community.<sup>1</sup>
- Approximately 10.7% of the population age 65 and older has Alzheimer's dementia and aging increases its prevalence.<sup>2</sup>
  - ages 65 to 74: 5.0%
  - ages 75 to 84: 13.1%
  - ages 85 and older: 33.2%
- Existence of a guardian does not prevent a person from being a reliable reporter or witness.
  - There are different legal standards and findings relating to different capacities (e.g., managing finances vs. understanding the oath to tell the truth).

# Beliefs = Implicit Biases

- People are dehumanized and seen as less important members of society.
- Crimes are not perceived as being serious cases.
- Many crimes are not investigated or prosecuted.
  - Assumptions are often made in cases of unattended deaths that the decedent died of natural causes simply because the person was older or had a disability.
  - Thefts from an older person are not important because as an heir the suspect was entitled to an inheritance.
- Abusers receive more lenient sentences than others who commit similar acts against younger victims or people without disabilities.



# Misconceptions About Financial Exploitation Crimes

- A case is civil (and not a crime) if there is a power of attorney/guardianship.
  - A fiduciary has a duty to act in the best interests of the Principal/Ward.
  - Breach of fiduciary duty may be criminal conduct:
    - Personal use of victim's funds
    - Self-dealing at expense of the victim
  - Investigate when a substitute/surrogate decision-maker withdraws significant amounts from a victim's bank accounts because a fiduciary duty exists even if in the case of joint account holders.

# Misconceptions About Financial Exploitation Crimes (continued)

- If victim gave consent, then there is no crime.
  - Did victim have capacity to consent (i.e., did victim have legal capacity to understand nature of agreement and did victim act voluntarily)?
  - Even if victim had capacity to consent, was consent obtained by undue influence?
  - Did suspect use deceit, misrepresentation of key facts, or fraud to obtain consent?

# Working with Adult Protective Services (APS)

- Cases are complex and require multiple responses
- APS
  - Expertise in working with older adults and adults with disabilities
  - Investigation = risk assessment and interventions, if consent provided
    - Not criminal investigators
    - Refer suspected criminal conduct to law enforcement
    - Need support by law enforcement for welfare checks, gaining safe entry, maintaining the peace, accessing criminal history information, etc.
  - Valuable partners for law enforcement and may have already collected financial and medical records or other relevant information in a case

# Future Presentations

- Short segments on:
  - Medical issues
  - Capacity and consent
  - Powers of attorney
  - Interviewing
- Abuse Investigation Case Study



# For More Information ...

To report abuse, call:

**1-866-800-1409**, Adult Protective Services Hotline (24-Hour)

Additional Resources:

- <https://www2.illinois.gov/aging/ProtectionAdvocacy/Pages/abuse.aspx>
- <https://www2.illinois.gov/aging/Engage/Pages/default.aspx>



**Thank you for the work you do to  
investigate allegations of abuse to  
protect older adults and adults  
with disabilities!**