



# Report Abuse

## Abuse

Many adults who live at home are at risk of abuse, neglect and financial exploitation by family members and others close to them. Victims of abuse are often isolated, and may be afraid or unable to seek help for themselves. In many cases, the only person outside the family who may be aware of financial exploitation is a banker; therefore, it is critical that bankers know the signs of exploitation and report cases for investigation and services.

## Reporting Abuse

Effective 2013, the Illinois Adult Protective Services Act (Public Act 98-0049), formerly the Elder Abuse and Neglect Act, was enacted into law to address the problem of the abuse of an adult with disabilities age 18-59 or a person age 60 years or older who live in their own home. Under the authority of the Act, the Illinois Department on Aging administers a statewide intervention program to respond to reports of alleged abuse, neglect and financial exploitation, and to work with the adult to develop and implement a case plan to stabilize the situation and resolve the abusive circumstances.

The program is based on the adult's

right to self-determination; no decisions are made about a competent adult without that adult's involvement and consent. Every effort is made to keep the person in his or her own home.

The Adult Protective Services Act provides that people — who in good faith report suspected abuse or cooperate with an investigation — are immune from criminal or civil liability or professional disciplinary action. It further provides that the identity of the reporter shall not be disclosed except with the written permission of the reporter or by order of a court. Anonymous reports are accepted.

**To make a report, call 1-866-800-1409, 1-888-206-1327 (TTY) or the local Adult Protective Services provider agency.** Reporting is voluntary for bank officials.

## Indicators of Financial Exploitation

Bankers should be aware of the possibility of exploitation by family members, caregivers and others. While many family members who become involved in an adult relative's financial matters act in the best interest of the adult, others do so to benefit themselves and may cause serious harm. If exploitation is

suspected, the bank employee should make a report to the Adult Protective Services Program. This will ensure a trained, objective caseworker investigates the allegations and helps prevent further abuse. While the following indicators do not necessarily signify exploitation, they are reasons for concern:

▶ Unusual activity in bank accounts such as large withdrawals, especially

in years or from a joint account shortly after it has been opened.

▶ Inappropriate activity in an adult's bank account, such as withdrawals from automated teller machines when the person cannot walk or get to the bank; checks or other documents are signed when the adult cannot write.

▶ Personal belongings such as art, silverware or jewelry are missing.

## Defining Abuse

▶ **Physical abuse** (20% of reports) means inflicting physical pain or injury upon an adult.

▶ **Sexual abuse** (4% of reports) means touching, fondling or any other sexual activity with an adult, when the person is unable to understand, unwilling to consent, threatened or physically forced.

▶ **Emotional abuse** (45% of reports) means verbal assaults, threats of maltreatment, harassment or intimidation. Emotional abuse is often coupled with other forms of abuse.

▶ **Confinement** (7% of reports) means restraining or isolating an adult, other than for medical reasons.

▶ **Passive neglect** (38% of reports) means the caregiver's failure to provide an adult with life's necessities, including, but not limited to, food, clothing, shelter or medical care. No new affirmative duty of care is created.

▶ **Willful deprivation** (11% of reports) means deliberately denying an adult medication, medical care, shelter, food, a therapeutic device or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm — except when the dependent person has expressed an intent to forego such care.

▶ **Financial exploitation** (58% of reports) means the misuse or withholding of an adult's resources by another, to the disadvantage of the adult and/or for the profit or advantage of someone else.

Source: Illinois Department on Aging, Elder Abuse and Neglect Program Annual Report FY 2012.

This material was developed by the Illinois Department on Aging and is partially based on *Elder Abuse and Neglect: Causes, Diagnosis and Intervention*, by Mary Joy Quinn, R.N., and Susan I. Tomita, M.S.W., and *Inadequate Care of the Elderly* by Terry T. Fulmer, Ph.D., R.N., and Terrance A. O'Malley, M.D.

# Adult Protective Services

## GUIDELINES FOR BANKERS / FINANCIAL OFFICERS

### Indicators of Financial Exploitation

- ▶ Power of attorney is given when the adult is clearly unable to comprehend the financial situation.
- ▶ Caregiver of the adult relative receives checks on their behalf but does not appear to take appropriate care of the adult's needs.
- ▶ Refusal to spend money on the care of the adult resulting in numerous unpaid bills or overdue rent.
- ▶ Recent acquaintances express “gushy,” undying affection for a wealthy adult.
- ▶ Sudden changes of title to the adult's home or a recent will in favor of a “friend” or relative, when the adult is not capable of understanding the nature of the transaction.
- ▶ Promises of lifelong care in exchange for willing or deeding of all property/bank accounts to caregiver or relative.
- ▶ Adult appears fearful.
- ▶ Adult loans large sums of money with no arrangement for repayment.
- ▶ Adult is grossly overcharged for residence or services.
- ▶ Caregiver is unusually interested in or expresses concern about the amount of money spent on care for the adult.
- ▶ Caregiver or relative tries to isolate the adult from family and friends, succeeding in making them completely dependent on him or her.
- ▶ Caregiver is concerned solely with the adult's financial situation and not his or her welfare.

- ▶ Any indication that the adult is physically or emotionally abused or neglected by a family member or caregiver. Such abuse often occurs together with financial exploitation.

### Family/Caregiver Indicators

- ▶ The adult is not allowed to speak for himself or herself, or to see others without the caregiver or relative present.
- ▶ Absence of assistance, attitudes of indifference or anger toward the adult.
- ▶ Conflicting accounts of incidents by family, supporters and victim.

### Victim Profile

The average age of abuse victims is 70 and about 65% of these victims are women. Victims often experience more than one type of abuse with financial exploitation being the most frequently reported and is highly associated with emotional abuse.

Many victims are functionally impaired, meaning they have difficulty performing daily tasks, such as walking, personal care and handling their own finances.

The majority of reports are substantiated; that is, some form of abuse is found to be occurring. Eight in 10 victims consent to work with the Adult Protective Services Program to resolve their difficulties.

### Abuser Profile

Three in four abusers are family members, the largest category being children, followed by other family members, and spouses.

### Responding to Abuse

The Adult Protective Services Program can help only those adults at risk who are identified through a report. Don't let someone continue to suffer, call if you suspect abuse. **All calls are confidential.**

**Adult Protective Services Hotline: 1-866-800-1409,**  
24-hour, toll-free

Female abusers slightly exceed male abusers. Nearly half of the abusers are the victim's primary caregiver. About one-fourth of the abusers are financially dependent on the victim, have an alcohol or substance abuse problem and many have limited coping ability.

### Program Profile

When a report is received, a trained Adult Protective Services caseworker responds within a specified time period depending on the severity of the case: within 24 hours for life threatening situations, within 72 hours for most neglect and non-threatening physical abuse situations and up to seven days for most emotional abuse or financial exploitation reports.

The low-key approach stresses the desire to work with the adult and his or her family or caregiver to resolve any problems. Depending on the adult's resources, needs and wishes, interventions may include:

- ▶ In-home or other health care
- ▶ Home care services
- ▶ Nutrition services
- ▶ Adult day services

- ▶ Respite care and support groups for the caregiver
- ▶ Housing assistance
- ▶ Counseling referral for the victim and/or the abuser
- ▶ Guardianship proceedings and/or nursing home placement when needed
- ▶ Emergency responses for housing, food, physical and/or mental health services
- ▶ Financial or legal assistance and protections, such as representative payee, direct deposit, trusts, order of protection, civil suit and/or criminal charges.

When investigating suspected financial exploitation, a caseworker should obtain the client's permission to review bank and other financial records. Bank personnel are urged to cooperate with an investigation and the proposed care plan to reduce the adult's vulnerability to further abuse. Bankers, investment counselors and other financial planners may also want to inform their adult clients of the possibility of abuse, the activities that can indicate it and how to seek help.

Source: Illinois Department on Aging, Adult Protective Services Program FY 2014.

The Illinois Department on Aging does not discriminate in admission to programs or treatment of employees in programs in compliance with appropriate State and Federal statutes. If you feel you have been discriminated against, call the Senior HelpLine at 1-800-252-8966, 1-888-206-1327 (TTY). Printed by Authority of the State of Illinois IOCI 14-519\_IH (Rev. 2-14 5,000) 

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