



Report Abuse

Abuse

Many people 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.

Law enforcement officers play a key role in responding to reports of abuse and in working with Adult Protective Services provider agencies on behalf of the victims. The goal is to see that the victims have a full range of legal and service alternatives available to them.

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 adults with disabilities age 18-59 or a person age 60 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 the reports of alleged abuse, neglect and financial exploitation, and 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 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 report suspected abuse, neglect or financial exploitation, call 1-866-800-1409, 1-888-206-1327 (TTY) or the local Adult Protective Services provider agency serving your area. Law enforcement officers must report for adults who cannot report for themselves.

The Role of Law Enforcement

Because the Illinois Adult Protective Services Program assists victims of emotional abuse, neglect and deprivation, as well as victims of sexual abuse, physical abuse and financial exploitation, not all cases involve criminal behavior.

However, many do involve assaults, batteries, fraud, unlawful restraint and other serious crimes. In addition to responding to reports of alleged criminal activity, law enforcement officers may occasionally be requested to accompany an Adult Protective Services caseworker to a home to investigate a case; only when the worker has a good reason to believe that a dangerous situation exists. Cooperation with these requests will help

to ensure the safety of the adult and the caseworker.

As with other family problems, abuse and neglect are shrouded by secrecy, and victims are often reluctant to involve the criminal justice system. However, appropriate law enforcement and social service responses can do a great deal to alleviate the adult's fears and to help ensure that the adult lives his or her life with dignity.

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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 LAW ENFORCEMENT OFFICERS

The Role of Law Enforcement

(Continued from the front)

Numerous statutes may be applicable in

abuse cases: *Adult Protective Services Act (320 ILCS 20); Financial Exploitation of an Elderly Person or a Person with a Disability (720 ILCS 5/17-56); Criminal Abuse or Neglect of an Elderly Person or Person with a Disability (720 ILCS 5/12-4.4a(b)); Aggravated Assault (720 ILCS 5/12-2(b)(1)); Aggravated Battery (720 ILCS 5/12-3.05(d)(1)(d)(2)); Aggravated Criminal Sexual Assault (720 ILCS 5/11-1.30(a)(5)); Aggravated Criminal Sexual Abuse (720 ILCS 5/11-1.60(a)(3)); and other criminal statutes involving crimes against the person or property.*

Indicators of Physical Abuse and Neglect

▶ **There are numerous indicators of physical abuse and neglect:** unusual or unexplained injuries, including fractures, burns, bruises, signs of confinement (tied to furniture, etc.); evidence of inadequate care, such as poor hygiene, sunken eyes or cheeks, or dehydration.

▶ **Client behaviors which might provide important clues of abuse include:** fear, withdrawal, depression, hesitation to talk openly, contradictory statements not due to mental dysfunction, agitation and anxiety, aggression, sudden or unexplained change in appearance or behavior.

▶ **Family or caregiver behaviors include:** not allowing the adult to speak for himself or herself or to see others alone; socially isolated; obvious absence of assistance; blaming, threatening or insulting the adult; history of abuse or problems with alcohol or drugs; or mental illness.

Indicators of Financial Exploitation

▶ A caregiver or family member with access to an adult's money appears to use the funds for personal gain rather than for the adult, resulting in many unpaid bills or overdue rent, for example.

▶ An adult does not have adequate food, clothing or personal care items when there appears to be enough money to obtain them.

▶ An adult is grossly overcharged for residence or services.

▶ An adult loans large sums of money with no arrangement for repayment.

▶ An adult complains of deception or theft of property or funds.

▶ An adult suddenly changes will or other financial documents.

Victim Profile

The average age of abuse victims is 70 and about 65% of these victims are women.

Almost three-quarters of the victims had impairments, including functional, mobility, and cognitive.

Victims often experience more than one type of abuse with financial exploitation being the most frequently reported and is highly associated with emotional abuse.

Over half of the reports received 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.

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

Abuser Profile

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

Female abusers slightly exceed male abusers. Almost 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 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
- ▶ Financial or legal assistance and protections, such as representative payee, direct deposit, trusts, order of protection, civil suit and/or criminal charges
- ▶ Counseling referral for the victim and/or the abuser
- ▶ Guardianship proceedings and nursing home placement when needed
- ▶ Emergency responses for housing, food, physical and mental health services.

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_HC (Rev. 2-14 5,000)