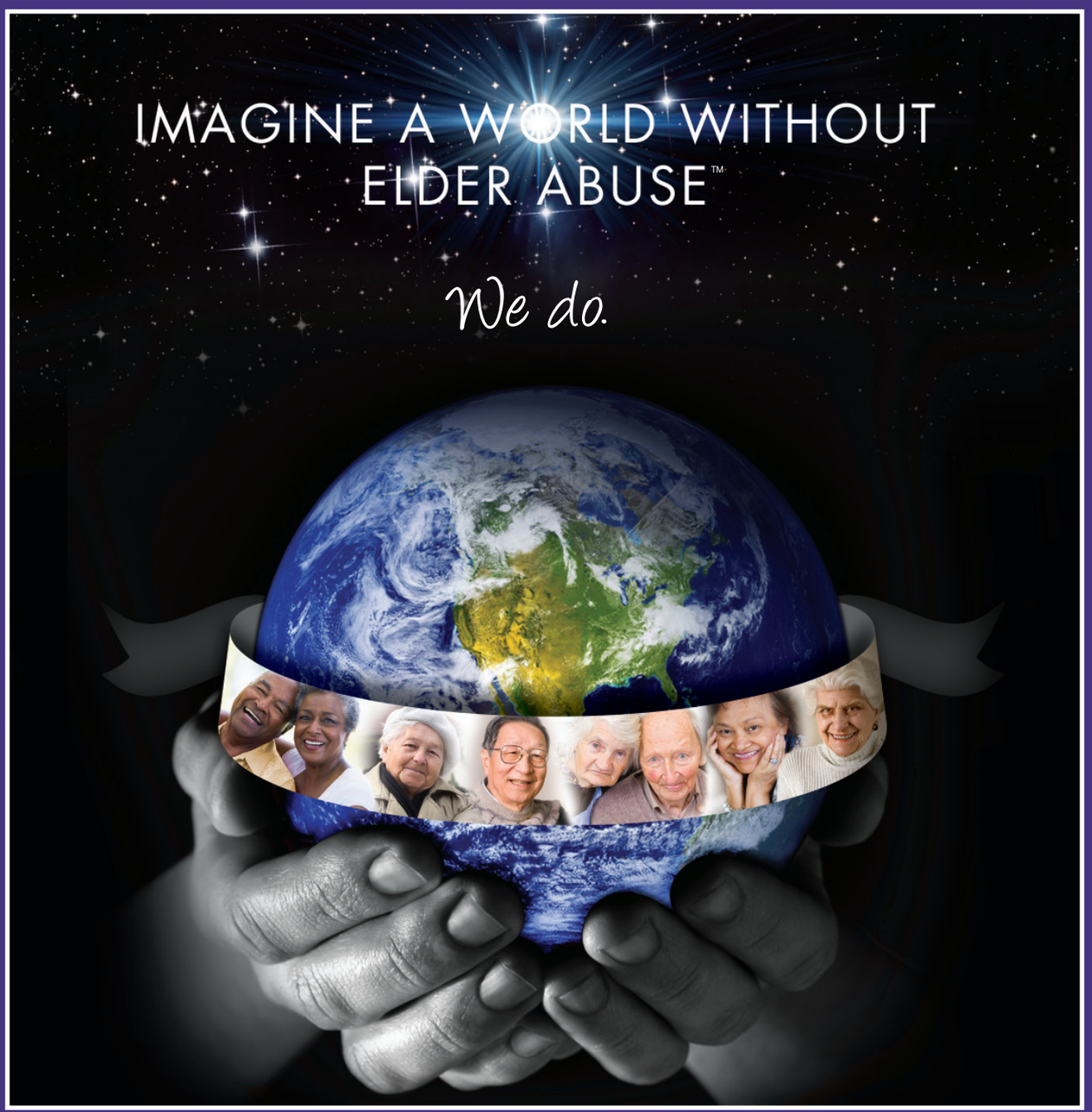
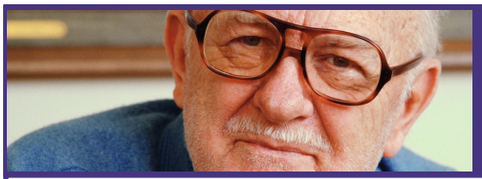
Elder Justice & Advocacy



Elder Abuse Protection Toolkit



Get the Facts

Elder abuse can occur anywhere. It can occur in a person's home and in Long Term Care Residential facilities. Elder abuse affects elders of all socio-economic groups, cultures, and races. Data shows that elders are most often abused by family members or a person in a position of trust. Most victims know their abuser. Elders who have the highest risk of abuse are women, "older elders", and individuals with dementia.

Definitions

Emotional Abuse	The intentional infliction of mental or emotional anguish by threat, humiliation, intimidation, or other verbal or non-verbal abusive conduct. Examples include name calling, insulting, ignoring for extended periods of time, frightening, intimidating, and isolating from friends and family.
Financial Exploitation	The unauthorized use of funds or any resources of an elderly individual; the misuse of power of attorney or representative payee status for one's own advantage or profit. Examples include stealing jewelry or other property and obtaining the elderly person's signature for transfer of property or for a will through force, pressure or violence.
Neglect	The failure by the caregiver to obtain adequate goods or services for the elderly person's maintenance and well-being, either intentionally or accidently. Examples include a caregiver who fails to buy groceries or prescription medications. Neglect can also be self-induced. Self-neglect is when the behavior of an eldery person threatens his or her own health or safety. Examples are failure to provide oneself with adequate food, clothing, shelter, medication, safety, and proper hygiene.
Physical Abuse	The intentional use of physical force that results in bodily injury, pain, or impairment, Examples include beating, slapping, bruising, cutting, burning, pushing or shoving, excessively restraining, force-feeding, and physical punishment.
Sexual Abuse	The non-consensual sexual contact of any kind with an elderly individual. Examples include fondling of the breast or genitals, rape, coerced nudity, and sexually explicit photographing.

Definitions above are from Alabama's Elder Abuse Prevention Act., please see back side for definitions from Alabama's Adult Protective Services Act of 1976.

Get the Facts (cont'd)

Definitions from the Alabama Adult Protective Services Act of 1976

Abuse	The infliction of pain, injury, or the willful deprivation by a caregiver or other person of services necessary to maintain mental and physical health.
Emotional Abuse	The willful or reckless infliction of emotional or mental anguish or the use of a physical or chemical restraint, medication, or isolation as punishment or as a substitute for treatment or care of any protected person.
Exploitation	The expenditure, diminution, or use of the property, assets, or resources of a protected person without the express voluntary consent of that person or his or her legally authorized representative.
Neglect	The failure of a caregiver to provide food, shelter, clothing, medical services, or health care for the person unable to care for himself or herself; or the failure of the person to provide these basic needs for himself or herself when the failure is a result of the person's mental or physical inability.
Sexual Abuse	Any conduct that is a crime as defined in Sections 13A-6-60 to 13A-6-70, inclusive. (rape, incest, sodomy and indecent exposure)

The Red Flags

Emotional Abuse

- Unexplained or uncharacteristic changes in behavior, such as withdrawal from normal activities, unexplained changes in alertness
- Social isolation
- Caregiver is verbally aggressive or demeaning, controlling, overly concerned about spending money, or uncaring

Exploitation

- Lack of amenities person can afford
- Elder giving excessive financial reimbursement/gifts for needed care and companionship
- Caregiver has control of elder's finances but fails to provide for elder's needs
- Elder has signed property transfers (Power of Attorney, new will, etc.) but is unable to comprehend the transaction or what it means.

Neglect

- Lack of basic hygiene, adequate food, or clean and appropriate clothing
- Lack of medical aids (glasses, walker, dentures, hearing aid, medications)
- Person with dementia left unsupervised
- Person confined to a bed left without care
- Home cluttered, filthy, in state of disrepair, or fire and safety hazards
- Home without adequate facilities (stove, refrigerator, heating, cooling, working plumbing, and electricity)
- Untreated pressure "bed" sores (pressure ulcers)

Physical/Sexual Abuse

- Unexplained fractures, bruises, welts, cuts, sores, burns, torn or bloody undergarments

Questions to Ask

Elder abuse is any form of mistreatment that results in harm or loss to an older person. Elder abuse can happen to anyone. It is important to learn how to identify elder abuse and report it. Ask yourself these important questions to identify if you or someone you know is a victim of abuse.

Emotional Abuse

Is someone physically restraining or overmedicating you or another elder as punishment or as a substitute for treatment or care?

☐ YES ☐ NO

Is someone causing you or another elder emotional distress by name-calling, threats or insults?

☐ YES ☐ NO

Is someone giving you the "the silent treatment" by ignoring your comments and opinions or discussing you and your care as though you are not present?

☐ YES ☐ NO

Is someone isolating you or another elder from family, friends, or regular activities?

☐ YES ☐ NO

Financial Exploitation

Has your money or that of another elder been taken or used inappropriately without appropriate consent?

☐ YES ☐ NO

Have you or another elder signed a power of attorney, will, or other legal document that you think is not in your or the other elder's best interest?

☐ YES ☐ NO

Has your money been used to make purchases without your consent?

☐ YES ☐ NO

Have you noticed checks, jewelry or other valuables missing from your possession?

☐ YES ☐ NO

Have you noticed unusual activity in your bank account(s) that you did not authorize?

☐ YES ☐ NO

(More questions on back)

Questions to Ask (cont'd)

Neglect

Do you or another elder routinely lack enough food to eat and liquids to drink?
☐ YES ☐ NO

Do you believe the place you or another elder lives in unsafe or unsanitary?
☐ YES ☐ NO

Are you or another elder left in soiled clothing for long periods of time?
☐ YES ☐ NO

Do you or another elder have untreated medical conditions or injuries?
☐ YES ☐ NO

Is your caregiver failing to provide you or another elder with food, clothing, medicine, medical care, or other needs?
☐ YES ☐ NO

Have you or another elder been left alone for long periods of time without needed supervision, treatment, or care?
☐ YES ☐ NO

Physical Abuse

Has your caregiver or another elder withheld services needed for your mental or physical health?
☐ YES ☐ NO

Have you or another elder been hit, slapped, kicked, or physically harmed?
☐ YES ☐ NO

Sexual Abuse

Has anyone touched you or another elder in a sexual or inappropriate way without your permission?
☐ YES ☐ NO

To report elder abuse, call 1-800-458-7214. The hotline is available 24 hours, 7 days a week. The hotline is operated by the Department of Human Resources (DHR) Adult Protective Services Division. You may leave a message during high volume call times or after normal business hours. You can report elder abuse anonymously. If you have an emergency, call 911 or your local law enforcement agency.

If you feel that you are being abused or neglected but are scared to report it, ask to see someone you trust. Tell them what's going on and they can report it. You have a right to be protected and free from abuse, neglect and exploitation.

Resources

Area Agency on Aging — Toll Free 1-800-243-5463
Serves as the focal point on aging to coordinate public and private resources to help foster the independence and enhance the quality of life for seniors.
www.alabamaageline.gov

Alabama Disability Advocacy Program (ADAP) — Toll Free 1-800-826-1675
Provides quality, legally based advocacy services to Alabamians with disabilities in order to protect, promote and expand their rights.
www.adap.net

Attorney General's Office - Consumer Protection Victim Assistance — Toll Free 1-800-392-5658
Serves as legal counsel to Alabama's state agencies, departments, and officers. — Toll Free 1-800-626-7676
www.ago.state.al.us

Alabama Better Business Bureau — Toll Free 1-800-824-5274
Offers a variety of consumer services, including consumer education materials; business reports; mediation and arbitration services; information about charities and organizations that are seeking public donations.
www.bbb.org

Alabama Department of Human Resources (Adult Abuse Hotline) — Toll Free 1-800-458-7214
Protects elderly and disabled adults from abuse, neglect, and exploitation and prevent unnecessary institutionalization.
www.dhr.alabama.gov

Alabama Department of Insurance — 334-269-3550
Regulates the insurance industry, providing consumer protection, promoting market stability, and enforcing fire safety standards and laws.
www.aldoi.gov

Alabama Department of Public Health Nursing Home Complaint — Toll Free 1-800-356-9596
Assisted Living Complaint — Toll Free 1-866-873-0366
Provide caring, high quality, and professional services for the improvement and protection of the public's health.
www.adph.org

Alabama Department of Mental Health — Toll Free 1-800-367-0955
Serves Alabamians with intellectual disabilities, mental illnesses, and substance use disorders.
www.mh.alabama.gov

Alabama Securities Commission — Toll Free 1-800-222-1253
Provides for licensing and regulation of securities broker-dealers, agents, investment advisers, investment adviser representatives, and financial planners.
www.asc.state.al.us

Alabama Suicide Prevention Hotline — Toll Free 1-800-273-8255
Provides confidential suicide prevention to anyone in suicidal crisis or emotional distress.
www.suicidepreventionlifeline.org

(More resources on back)

Resources (cont'd)

1-877-FTC-HELP
U.S. Federal Trade Commission (FTC) Toll Free 1-877-382-4357
Provides consumer protection related to abusive lending, truth in lending, credit cards, identity theft, franchises, businesses, telemarketing, funerals, and cemeteries.
www.ftc.gov

Toll Free 1-888-382-1222
"Do Not Call" Registry TTY 1-866-290-4236
Register phone numbers to reduce telemarketing.
www.donotcall.gov

U.S. Postal Service (USPS) Inspector General Toll Free 1-800-654-8896
Investigates identity theft involving the U.S. mail: if mail was stolen, mailing address was fraudulently changed, or mail was used in an identity theft scheme.
www.usps.gov

National Center on Elder Abuse (NCEA) Eldercare Locator Service (800) 677-1116
Provides information and links to services on crimes against the elderly, including financial exploitation.
ww.elderabusecenter.org OR www.eldercare.gov

National Center for Victims of Crime Toll Free 1-800-394-2255
Provides national advocacy for victims of all crimes.
www.ncvc.org

National Foundation for Credit Counseling Toll Free 1-800-388-2227
Assists with credit problems and creditors.
www.nfcc.org

Senior Legal Assistance Program Toll Free 1-800-243-5463
Provides a statewide system of legal professionals who provide services for older adults when personal legal problems.
www.alabamaageline.gov

Toll Free 1-800-225-5342
Housing and Urban Development (HUD) TTY 1-800-877-8339
Provides strong, sustainable, inclusive communities and quality, affordable homes for all Americans
www.hud.gov

Alabama Department of Senior Services (ADSS) Toll Free 1-877-425-2243
Provides a wide array of services and programs to seniors and persons with a disability of any age.
www.AlabamaAgeline.gov

Know the Four

Elder Abuse

Elders are the #1 target for financial scams. Scam operators use four primary methods to target elders - the mail, the telephone, in-person, and the Internet. Scam operators use high-pressure sale pitches, scare tactics, and false claims to deceive you and take your money.

1. THROUGH THE MAIL – Sweepstakes/International Lotteries, Fake Checks

- Letters that say you have won millions. The fake company may even send you a check to cover the taxes and fees.
- You must Western Union the money to an international address.
- Don't do it! This is a scam and it is illegal for U.S. residents to participate in any type of foreign lottery or sweepstakes.

2. OVER THE TELEPHONE – Telemarketing is big business. Most telemarketers are legitimate. But remember, their primary goal is to make a sale. Beware of people who call you on the telephone and:

- Will not send information to you in the mail.
- Insist you must make a decision that day.
- Try to obtain your personal information.
- Use high-pressured sales pitches and scare tactics.
- Do not encourage you to share information with someone you trust.

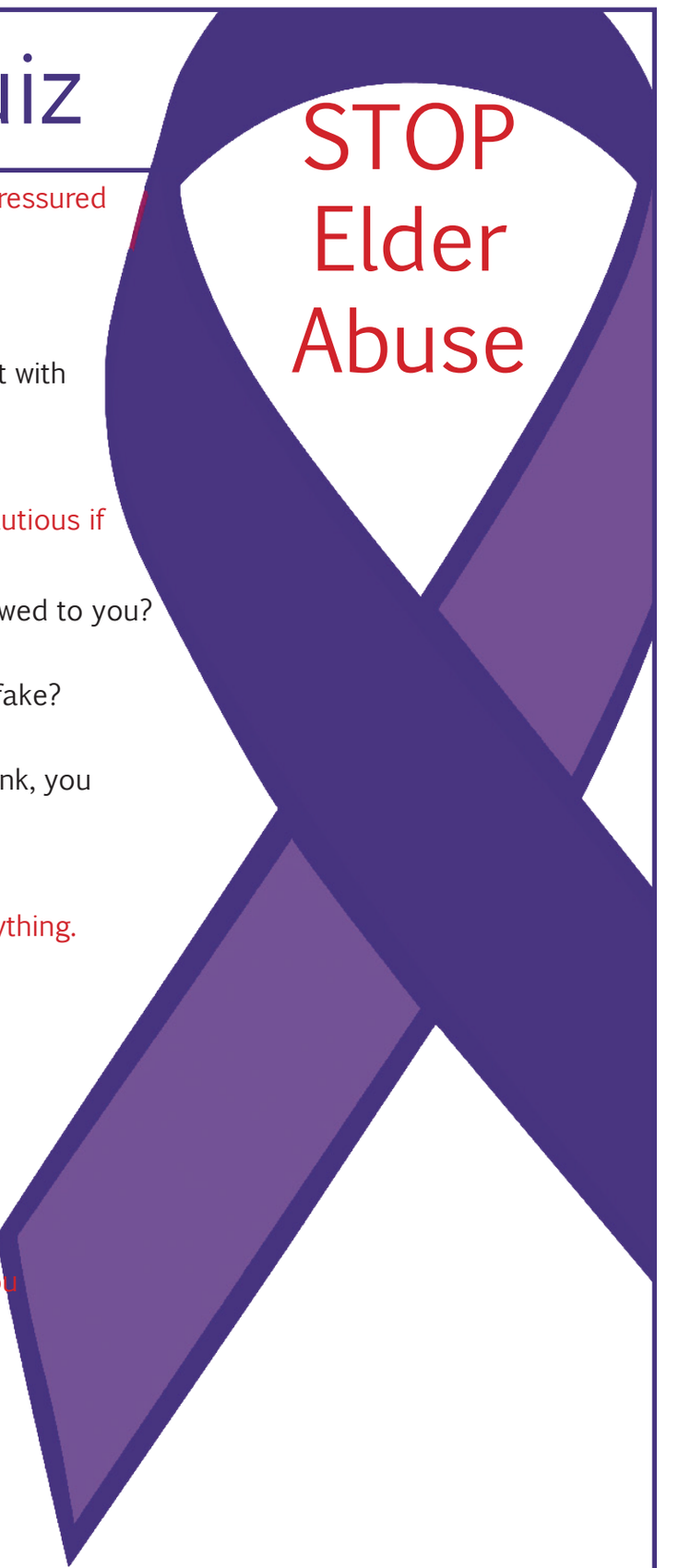
3. IN PERSON – Elders are twice as likely to fall for a scam in person. Be very careful who you let into your home. The best way to protect yourself is to not let anyone into your home who you were not expecting, including:

- Strangers who offer to do home repairs, especially after a disaster.
- Strangers who offer to sell you something or want to discuss your finances.
- Strangers who say they are from a utility company and need to check your meters, appliances, or other items in your house.

4. OVER THE INTERNET – Internet scams targeted at elders are on the rise faster than for any other age group, and elders need to be cautious when using the Internet. When you use the Internet, take these necessary precautions:

- Use a secure browser.
- Check the site's privacy policy before you order anything.
- Keep your personal information private.
- Review your monthly credit card and bank statements.

Financial Scam Quiz



Take time to make a decision about your money. Do not be pressured to make a fast decision.

Is someone pressuring you to make a quick decision?
☐ YES ☐ NO

Have you talked with someone you trust FIRST before you part with your money?
☐ YES ☐ NO

Be careful if you are told you won a prize or the lottery. Be cautious if you receive an unexpected check in the mail.

Did you receive a check saying you won money or money is owed to you?
☐ YES ☐ NO

Did you show the check to someone you trust to see if it is a fake?
☐ YES ☐ NO

Do you know if the check is fake and you deposit it in your bank, you are responsible to pay back the money to the bank?
☐ YES ☐ NO

Get all information in writing before you agree to purchase anything. Be sure to verify the information!

Have you received proper documentation AND verified the information? ☐ YES ☐ NO

Have you verified the offer or product to make sure it is legitimate? ☐ YES ☐ NO

Protect your credit card, checking account, Social Security and Medicare cards. Do not give your numbers to anyone you do not know or trust.

Is someone you do not know asking you for this personal information? ☐ YES ☐ NO

Always follow your Common Sense. Remember, if something sounds too good to be true, it probably is!

Are you sure what someone is asking of you is in your best interest? ☐ YES ☐ NO

If you have been deceived once, be very careful. You will probably receive scam offerings again.

Have you been getting more phone calls, visits, junk mailings, or emails than usual? ☐ YES ☐ NO

Power of Attorney

There is a lot of power in having a Power of Attorney when you need it. Just make sure you give that power to someone you absolutely trust!

THE POWER OF A POWER OF ATTORNEY

It is important for elders and their family members to make sure all financial and legal affairs are in order to protect their finances, their home, and their assets. It is essential to learn how important these legal documents are and how to be protected from being financially exploited before they sign on the bottom line and give someone complete control of their assets.

WHAT IS A POWER OF ATTORNEY?

Financial Power of Attorney

This gives another person (your agent) the authority to manage your finances and property and to transact business on your behalf. An agent may not override your wishes and must make decisions as you would. A financial Power of Attorney normally goes into effect as soon as you sign it allowing your agent to conduct your financial affairs immediately. A financial Power of Attorney can also be made for the future only if you are incapacitated.

Limited Power of Attorney

This gives the agent legal authority to perform only limited tasks on your behalf, but does not give him or her complete control over your financial matters. For example, you can give your agent the authority to cash your checks, but limit him or her to other powers over your assets.

Healthcare Power of Attorney

With a Healthcare Power of Attorney, you appoint an agent to make medical decisions on your behalf. It goes into effect only if you become incapacitated. By preparing this document in advance, you can decide who will make your medical decisions.

(More information on back)

Power of Attorney (cont'd)

THINGS TO CONSIDER TO PROTECT YOURSELF

1. Choose your Agent carefully.

Only appoint someone as your agent if you know that you can absolutely trust him or her to make good decisions about your finances, health, and assets.

2. Consider getting legal advice first.

An attorney can counsel you on the different ways the documents can be set up to meet your needs, and perhaps avoid financial exploitation.

3. Consider establishing oversight.

For example, you may want to include a statement of your agent's fiduciary duty in your legal document and require your agent to sign the document which acknowledges his or her acceptance of the fiduciary duty. Also, you may want to require your agent to send regular accountings to another person or persons.

4. Understand you can change your mind.

If you decide to change who you appointed as your agent, you can revoke the document as long as you are mentally capable of understanding your decision.

FOR MORE INFORMATION ON THE TOOLKIT

Alabama Department of Senior Services
201 Monroe Street - Suite 350
Montgomery, Alabama 36104
www.AlabamaAgeline.gov
E-MAIL: elderjustice@adss.alabama.gov
1-877-425-2243

This protection toolkit would not have been made possible without the leadership and participation of the Alabama Interagency Council for the Prevention of Elder Abuse, which includes 35 public and private agencies and advocacy organizations. A special thanks goes to the Prevention Council's Community and Professional Outreach Committee which developed this toolkit to better serve and protect Alabama's elders.

A special thanks to the National Medicare Rights Center and the Alabama Civil Justice Foundation for funding the production of this toolkit.

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TO REPORT ELDER ABUSE

Alabama Department of Human Resources Adult Protective Services

Adult Abuse Hotline

1-800-458-7214

aps@dhr.alabama.gov

Reports can also be made to a County Dept. of Human Resources or local law enforcement.

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ADDITIONAL REPORTING

Alabama Department of Public Health

ABUSE IN A NURSING HOME: **1-800-356-9596**

ABUSE IN AN ASSISTED LIVING: **1-866-873-0366**

Alabama Attorney General's Office Consumer Protection

SCAMS: **1-800-392-5658**