Elder Justice & Advocacy

IMAGINE A WORLD WITHOUT ELDER ABUSE™
We do.

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 elderly 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.
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<thead>
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<th><strong>Definitions from the Alabama Adult Protective Services Act of 1976</strong></th>
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<td><strong>Exploitation</strong></td>
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<td><strong>Sexual Abuse</strong></td>
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<td><strong>Physical/Sexual Abuse</strong></td>
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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.
<table>
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<tr>
<th>Organization</th>
<th>Toll Free</th>
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<tr>
<td><strong>Area Agency on Aging</strong></td>
<td>1-800-243-5463</td>
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<tr>
<td>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.</td>
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<tr>
<td><a href="http://www.alabamaageline.gov">www.alabamaageline.gov</a></td>
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<tr>
<td><strong>Alabama Disability Advocacy Program (ADAP)</strong></td>
<td>1-800-826-1675</td>
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<tr>
<td>Provides quality, legally based advocacy services to Alabamians with disabilities in order to protect, promote and expand their rights.</td>
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<tr>
<td><a href="http://www.adap.net">www.adap.net</a></td>
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<tr>
<td><strong>Attorney General’s Office - Consumer Protection Victim Assistance</strong></td>
<td>1-800-392-5658</td>
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<tr>
<td>Serves as legal counsel to Alabama’s state agencies, departments, and officers.</td>
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<tr>
<td><a href="http://www.ago.state.al.us">www.ago.state.al.us</a></td>
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<tr>
<td><strong>Alabama Better Business Bureau</strong></td>
<td>1-800-824-5274</td>
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<td>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.</td>
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<tr>
<td><a href="http://www.bbb.org">www.bbb.org</a></td>
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<tr>
<td><strong>Alabama Department of Human Resources (Adult Abuse Hotline)</strong></td>
<td>1-800-458-7214</td>
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<tr>
<td>Protects elderly and disabled adults from abuse, neglect, and exploitation and prevent unnecessary institutionalization.</td>
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<tr>
<td><a href="http://www.dhr.alabama.gov">www.dhr.alabama.gov</a></td>
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<tr>
<td><strong>Alabama Department of Insurance</strong></td>
<td>334-269-3550</td>
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<tr>
<td>Regulates the insurance industry, providing consumer protection, promoting market stability, and enforcing fire safety standards and laws.</td>
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<td><a href="http://www.aldoi.gov">www.aldoi.gov</a></td>
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<td><strong>Alabama Department of Public Health Nursing Home Complaint</strong></td>
<td>1-800-356-9596</td>
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<tr>
<td>Assisted Living Complaint</td>
<td>1-866-873-0366</td>
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<tr>
<td>Provide caring, high quality, and professional services for the improvement and protection of the public’s health.</td>
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<tr>
<td><a href="http://www.adph.org">www.adph.org</a></td>
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<tr>
<td><strong>Alabama Department of Mental Health</strong></td>
<td>1-800-367-0955</td>
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<tr>
<td>Serves Alabamians with intellectual disabilities, mental illnesses, and substance use disorders.</td>
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<tr>
<td><a href="http://www.mh.alabama.gov">www.mh.alabama.gov</a></td>
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<tr>
<td><strong>Alabama Securities Commission</strong></td>
<td>1-800-222-1253</td>
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<tr>
<td>Provides for licensing and regulation of securities broker-dealers, agents, investment advisers, investment adviser representatives, and financial planners.</td>
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<tr>
<td><a href="http://www.asc.state.al.us">www.asc.state.al.us</a></td>
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<tr>
<td><strong>Alabama Suicide Prevention Hotline</strong></td>
<td>1-800-273-8255</td>
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<tr>
<td>Provides confidential suicide prevention to anyone in suicidal crisis or emotional distress.</td>
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<tr>
<td><a href="http://www.suicidepreventionlifeline.org">www.suicidepreventionlifeline.org</a></td>
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Resources (cont’d)

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

“Do Not Call” Registry 1-888-382-1222
Register phone numbers to reduce telemarketing.
www.donotcall.gov

U.S. Postal Service (USPS) Inspector General 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 1-800-394-2255
Provides national advocacy for victims of all crimes.
www.ncvc.org

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

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

Housing and Urban Development (HUD) 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) 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

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
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)
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.
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

FOR MORE INFORMATION ON THE TOOLKIT

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.
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.

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