

Adult Abuse – Risks for Persons With Dementia

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COVID-19 and Abuse



- Isolation:
 - Isolation is a tool used by persons who commit abuse, and exploitation
 - Social Distancing normalizes isolation
- Family, close friends and caregivers are the highest risk of being abusers
 - The persons we are most likely to be in close contact with

Financial Exploitation and COVID 19

- Exploitation
 - Social Distancing lessons opportunities to observe signs of exploitation
 - Some financial exploitation is to meet financial need of the abuser
 - Financial downturns increase the risk



Neglect in a time of COVID-19

- Caregiver neglect
 - Caregivers who are sick
 - Or who fear for their safety
 - Insufficient care in residential settings
 - Isolation in residential settings
- Self Neglect
 - With less interaction, self neglect can be harder to spot.



Three Stages of Help



- Prevention
 - Planning for personal, health care, legal, financial matters including oversight and accountability as appropriate, as a preventative measure
- Intervention
 - Action steps when a person has experienced abuse, neglect or exploitation to
 - Stop ongoing abuse
 - Restore the person to a position of relative safety
 - Bring about justice
- Remediation
 - Steps that are taken after abuse, neglect or exploitation to restore, dignity, autonomy, trust, quality of life.

Prevention

- Everyone plays a role in prevention
- Includes:
 - Advance planning
 - Careful selection of service providers, caregivers, supporters, and agents
 - Cautions on high-risk persons who have ongoing contact
 - Create oversight and accountability
- Newcomers and strangers can commit abuse
- Trusted persons can turn out to be untrustworthy

Intervention

- Steps taken to stop ongoing maltreatment
 - Not just criminal responses
- Can include:
 - Adult Protective Services / Law Enforcement
 - Social Services interventions
 - Civil legal help
 - Family and Community Response
 - Multidisciplinary Responses

Remediation

- Efforts to restore or preserve trust, dignity, autonomy, quality of life
 - Ongoing supports and services
 - Restorative Justice efforts
 - Ongoing counseling or therapies
 - Civil recovery of assets, damages
 - Restoration of rights
 - Revision of legal planning as needed

Elder or Adult Abuse?

- The trend is for abuse laws to cover all person's age 18 and older, who are vulnerable as defined in the law.
- Vulnerability is defined based on limited ability to defend oneself.
- Some statutes still create categorical coverage based on age (easier to prove for a criminal prosecution) but inherently ageist.

Hawaii is a Vulnerable Adult State



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- "Vulnerable adult" means a person eighteen years of age or older who, because of mental, developmental, or physical impairment, is unable to:
 - (1) Communicate or **make responsible decisions** to manage the person's own care or resources;
 - (2) Carry out or arrange for **essential activities of daily living**; or
 - (3) **Protect oneself from abuse**, as defined in this part. [L 1989, c 381, pt of §1; am L 1990, c 144, §1 and c 234, §1; am L 2008, c 154, §4]
 - In early to mid stages a Person with dementia can likely do all of this.

2016 Centers For Disease Control Uniform Definitions For Data Collection Purposes

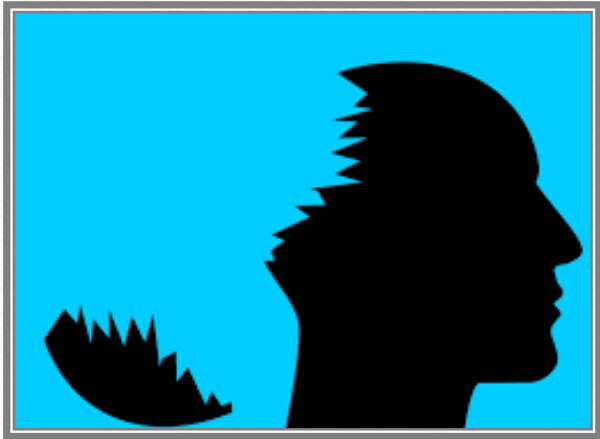
- Physical Abuse: The intentional use of physical force that results in acute or chronic illness, bodily injury, physical pain, functional impairment, distress, or death.





- Sexual Abuse: Forced and/or unwanted sexual interaction (touching and non-touching acts) of any kind with an older adult.

Emotional / Psychological Abuse



- Emotional / Psychological Abuse: Verbal or nonverbal behavior that results in the infliction of anguish, mental pain, fear, or distress, that is perpetrated by a caregiver or other person who stands in a trust relationship to the elder.

Neglect

- Neglect: Failure by a caregiver or other person in a trust relationship to protect an elder from harm or the failure to meet needs for essential medical care, nutrition, hydration, hygiene, clothing, basic activities of daily living or shelter, which results in a serious risk of compromised health and/or safety, relative to age, health status, and cultural norms.



Financial Abuse / Exploitation

- Financial Abuse / Exploitation: The illegal, unauthorized, or improper use of an older individual's resources by a caregiver or other person in a trusting relationship, for the benefit of someone other than the older individual.



Why Uniform Definitions?

- Adult Protective Services national reporting system
- Elder Justice Act – Elder Abuse Coordinating Council
- Developing improved understanding of the issue
- Providing resources and training for APS, Law Enforcement, Prosecutors, Courts.
- Building the case for much needed funding



Adult Protective Services

- The primary role of APS is to investigate and provide intervention services
- APS uses the state specific definitions to determine if abuse can be substantiated.
- But reports using uniform definitions
- Substantiating abuse triggers eligibility for programs and services.

Warning Signs

- Rarely does a person say, I have been ____
- Persons with dementia may struggle to describe what is happening
- Decline in short term memory complicates reporting and substantiating abuse
- Delusions and hallucinations create a need for deeper investigation



Hawaii Haw. Rev. Stat. § 346-222

- **Abuse:** means any of the following, separately or in combination:
- **Physical abuse:** The nonaccidental infliction of physical or bodily injury, pain, or impairment, including but not limited to hitting, slapping, causing burns or bruises, poisoning, or improper physical restraint; or Causing physical injuries that are not justifiably explained or where the history given for an injury is at variance with the degree or type of injury.

Physical Signs To Look For

- Physical injuries bruises, scratches, abrasions.
 - Look on face, arms, legs.
- Broken bones or sprains.
 - Casts, splints, difficulty moving or handling objects.
- Circular Burns
 - Cigarette burns
- Redness or scalding of the skin, especially on the back, bottom of the legs, buttocks, back of the arms.
 - Signs of scalding from overly hot water



- Ligature marks on the wrists, ankles or around the waist
 - Evidence of restraints
- Signs of malnutrition or dehydration.
 - Ask about breakfast or lunch
 - Look for water or other drinks at hand
 - Weight loss or significant gain (clothes don't fit)
- Repeated injuries
 - Ask about injuries
 - Patterns in health insurance claims (may use different providers to cover)

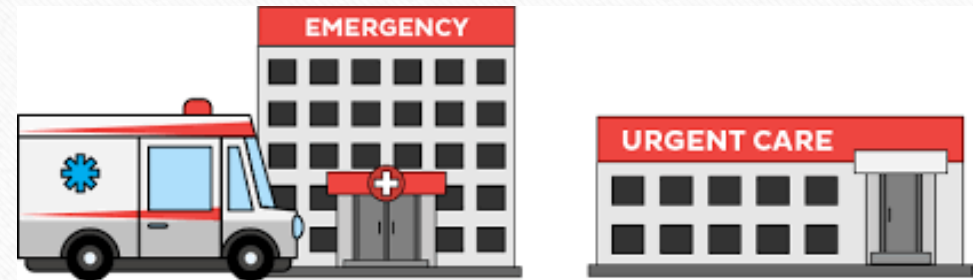


- Over or undermedication
 - Sleepy without explanation
 - Flat or blunted affect, zoned out, without explanation
 - Blood sugar irregularities
 - Blood pressure irregularities
 - Lack of needed medication
 - Multiple prescriptions for pain medication, or anxiety medications, or tranquilizers
- Broken or missing eyeglasses or dentures.
 - Repeatedly broken or lost (ask about history)
 - Ask about accidents



Behavioral or Emotional Signs

- Frequently emergency room visits
 - Prescriptions from different doctors
 - Look at insurance claims
- Reluctance to seek medical care for injuries
 - Covering up
- Dismissive explanation of injuries such as “I must have bumped into the table” or “he must have walked into the wall.”

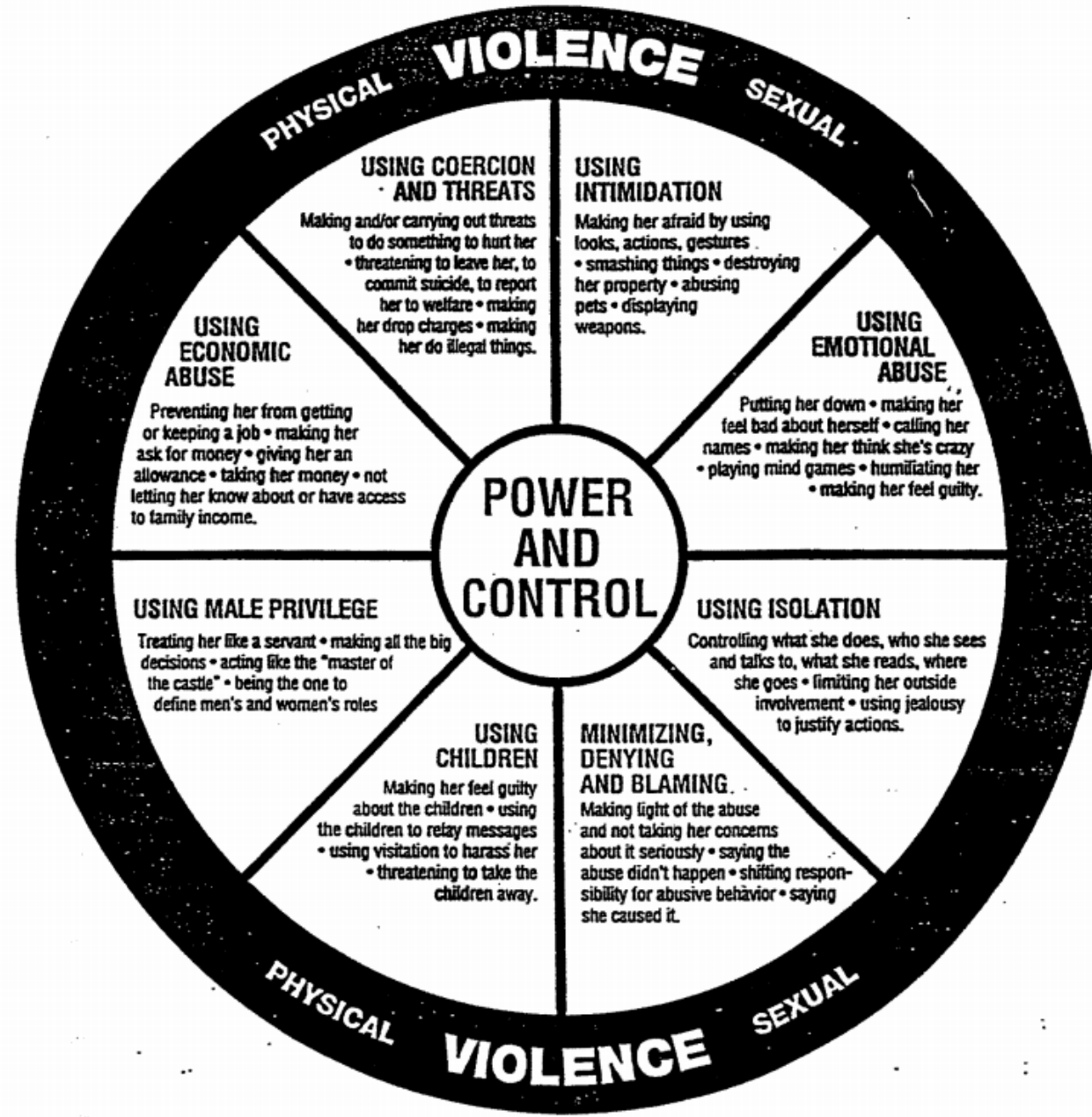


- Refusal by family or caregivers to allow the person to be alone with you
 - Explain why you need to visit alone
 - Being locked out when others are not home
- Isolation of the person by family, friends or caregivers, changes in social contacts.
 - Change in long term social interaction
 - Phone, text message, email, social media
 - Making it difficult for the person to get out



- No-shows or canceled appointments without explanation
 - Try to reschedule
 - Ask why – call to follow up
 - A person with dementia may need help getting to appointments
- Dynamics of power and control
 - Controlling behavior that appears to have no rational basis
 - Adapt the Power and Control dynamics model developed in domestic violence





- Unexplained changes in behavior such as withdrawal.
 - Ask what is happening in the person's life
 - Ask about health
- Signs of fear (especially of a particular person)
 - Watch facial expressions
 - Physical reactions to persons or names
- Emotional discomfort with the presence of a person or when talking about a person.
 - Watch face and behavior, relaxing when a person leaves the room



- Changes in clothing that may suggest covering up injuries
 - Long sleeves, long pants, hats, scarfs that are inconsistent with changes in the weather
- For Persons with Dementia,
 - Some of these behaviors are related to dementia
 - Requiring greater attention to investigation



Hawaii: Sexual Abuse:

- Means nonconsensual sexual contact or conduct caused by another person, including but not limited to: Sexual assault, molestation, sexual fondling, incest, or prostitution; or Pornographic photographing, filming, or depiction.



No
Image

Physical Signs:

- Bruises around the breasts or genitals
 - Most likely to be observed by health care or personal care
- Bruising or abrasions in or around the mouth
- Torn or bloody clothing or bedding
 - Housekeepers are a front line of observation
- Unexplained vaginal or anal bleeding
- Sexually transmitted infections
- Pregnancy in younger adults

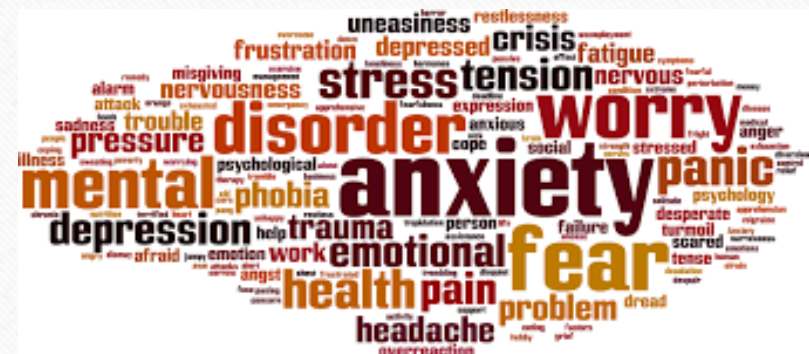
Behavioral and Emotional signs:

- Inappropriate interactions between the person and caregivers, friends, or family members.
 - Unusual signs of affection, touching, words
- Behavioral changes such as withdrawal, or fear.
 - Look for changes
- Sudden changes in emotional state, or aggression.
 - People may fight back, striking out against everyone
- Increased shyness around familiar persons
 - Hesitancy about showering or bathing
 - Hiding – covering up



Hawaii Psychological abuse

- **Psychological Abuse:** means the infliction of mental or emotional distress by use of threats, insults, harassment, humiliation, provocation, intimidation, or other means that profoundly confuse or frighten a vulnerable adult.



Emotional and Behavioral Signs of Emotional Abuse

- Changes in behavior, such as withdrawal, depression or fear
- Behaviors such as rocking, nail biting, thumb sucking, mumbling to themselves
- Nervous or fearful behavior
- Inappropriate emotional responses, or changes in emotional responses
- Withdrawal from social activities





Unexplained changes in sleep patterns

Isolation by caregiver or family members

Behavior of others that is aggressive, or demeaning, or short tempered

Unexpected or seemingly unwilling compliance

Hawaii: Financial Exploitation:

- Means the wrongful taking, withholding, appropriation, or use of a vulnerable adult's money, real property, or personal property, including but not limited to:
- The breach of a fiduciary duty, such as the misuse of a power of attorney or the misuse of guardianship privileges, resulting in the unauthorized appropriation, sale, or transfer of property;
- The unauthorized taking of personal assets;
- The misappropriation or misuse of moneys belonging to the vulnerable adult from a personal or joint account; or
- The failure to effectively use a vulnerable adult's income and assets for the necessities required for the vulnerable adult's support and maintenance, by a person with a duty to expend income and assets on behalf of the vulnerable adult for such purposes.
- Financial exploitation may be accomplished through coercion, manipulation, threats, intimidation, misrepresentation, or exertion of undue influence.

- Unmet needs, or unpaid expenses, despite seemingly adequate income and assets.
 - Utility disconnects, or asking for help with basics
- Missing financial statements.
- Missing personal property.
 - Is there anything you can't find?
- Unusual banking activity.
 - Moving accounts, new accounts, transfers
- Unusual debit or ATM card usage.
 - Homebound person using the ATM



- Unusual or unauthorized credit card use.
 - Review statements
- Paying for goods or services that are not provided.
 - Ask, and people will tell you
- Checks payable to cash.
- Unexplained purchases of “gift cards” or stored value cards.
 - Frauds and scams; thefts by exploiters
- Wire transfers.
 - Especially outside the country



- Phone calls, taken in private.
 - Scams, frauds
- Unusual deliveries of mail, UPS or express delivery services.
 - Scams and frauds will send documents
- Unusual emails, phone calls, and other communications with persons outside of the country.



- The person suddenly expecting a windfall.
 - My money problems will go away soon.
- Frequent or rapid turnover of investments.
- Inappropriate investments
- New friend, or advisor in the person's life, followed by changes in behavior.
- Adding names to financial accounts.
- Changing agent on a power of attorney, or documents missing.
- Sudden or unexplained changes in estate plans.



Hawaii: Caregiver Neglect:

- Means the failure of a caregiver to exercise that degree of care for a vulnerable adult that a reasonable person with the responsibility of a caregiver would exercise within the scope of the caregiver's assumed, legal or contractual duties, including but not limited to the failure to: Assist with personal hygiene; Protect the vulnerable adult from abandonment; Provide, in a timely manner, necessary food, shelter, or clothing; Provide, in a timely manner, necessary health care, access to health care, prescribed medication, psychological care, physical care, or supervision; Protect the vulnerable adult from dangerous, harmful, or detrimental drugs, as defined in section 712-1240; provided that this paragraph shall not apply to drugs that are provided to the vulnerable adult pursuant to the direction or prescription of a practitioner, as defined in section 712-1240; protect the vulnerable adult from health and safety hazards; or protect the vulnerable adult from abuse by third parties.

Hawaii: Caregiver

- "Caregiver" means any person who has knowingly and willingly assumed, on a part-time or full-time basis, the care, supervision, or physical control of, or who has a legal or contractual duty to care for the health, safety, and welfare of a vulnerable adult. §346-222



A person with a caregiver who has unmet basic needs, that should be met

- Lack of appropriate
- Food
- Shelter
- Clothing
- Medical Care
- Basic utilities
- That reasonably should have been provided for by a caregiver



Hawaii: Self-neglect:

- A vulnerable adult's inability or failure, due to physical or mental impairment, or both, to perform tasks essential to caring for oneself, including but not limited to: Obtaining essential food, clothing, shelter, and medical care; Obtaining goods and services reasonably necessary to maintain minimum standards of physical health, mental health, emotional well-being, and general safety; or Management of one's financial assets and obligations to accomplish the activities. The vulnerable adult appears to lack sufficient understanding or capacity to make or communicate responsible decisions and appears to be exposed to a situation or condition that poses an immediate risk of death or serious physical harm. Abuse does not include, and a determination of abuse shall not be based solely on, physical, psychological, or financial conditions that result when a vulnerable adult seeks, or when a caregiver provides or permits to be provided, treatment with the express consent of the vulnerable adult or in accordance with the vulnerable adult's religious or spiritual practices.

Review of Questions

1. Isolation is a risk factor for elder abuse.
2. Most public programing on elder abuse focusses on prevention.
3. Age alone creates vulnerability for elder abuse.
4. Sexual abuse never happens to older persons.
5. Hawaii recognizes psychological or emotional abuse as a form of abuse of a vulnerable adult.

Dementia and Self Neglect

- Unpaid bills
- Unfilled prescriptions
- Missed medical appointments
- Empty refrigerators
- Forgetting to eat – or to eat properly
- Forgetting to bathe, change clothes,
- Not taking out the trash
- New neglect in housekeeping



Absence of essentials of life

- Food
 - Appropriate nutrition and hydration
 - Unsafe food in the home
- Shelter
 - Homeless
 - Unsafe housing
- Clothing
 - Inappropriately dressed for the weather
 - Clothing that is dirty or worn to the point of being unsafe
- Medical care
 - Failure to seek basic health care – consistent with the persons values or history.



Self-Neglect – Legal or Social Issue?

- The definition in the Hawaii statute narrows self neglect to those who are unable to understand the imminent risk to health and safety, allowing a legal intervention without consent.
- Most self neglect occurs long before the person gets to the point of being unable to discern the risk.
- Self Neglect with understanding – is a social issue
 - Family, and community resources to encourage better self care, programs and services to meet unmet needs.



Thank You! David.Godfrey@Americanbar.org

