

UNITED STATES DEPARTMENT OF JUSTICE

*DOJ EFFORTS TO
COMBAT ELDER ABUSE AND
FINANCIAL EXPLOITATION
AND SOME ADDITIONAL CHALLENGES
DEMENTIA PRESENTS*

APRIL 28, 2015



AGENDA

- **DOJ Efforts to Implement the EJCC Elder Abuse Prevention Recommendations**
- **Alzheimer's and Other Dementias Put Older Americans at Higher Risk of Elder Abuse**
- **Older Americans with Dementia are More Vulnerable to Financial Exploitation**
- **Alzheimer's and Other Dementias Can Make it More Challenging to Prosecute Elder Abuse Cases**
- **We Need More Research on Dementia to Support Prosecution**
- **Where to Find Existing Research About Elder Abuse and Dementia on the Elder Justice Website**

RECOMMENDATION #1: SUPPORTING THE INVESTIGATION AND PROSECUTION OF ELDER ABUSE CASES

- Prosecuting criminal schemes
 - Protecting seniors from financial, lottery, and mass marketing scams
- Pursuing civil “failure of care” cases
 - Ensuring that Medicare and Medicaid are not overbilled for substandard nursing home services
- Providing critical resources to victims, families, investigators and prosecutors
 - Launching the Elder Justice Website
 - Leveraging other Department of Justice Resources

THE ELDER JUSTICE WEBSITE: PROVIDING RESOURCES TO PROSECUTORS, VICTIMS, FAMILIES, AND PRACTITIONERS

THE COMMON LAW IS THE WILL OF *ManDed* ISSUING FROM THE *Gf* OF THE *People*

THE UNITED STATES DEPARTMENT OF JUSTICE

SEARCH THE SITE

HOME ABOUT AGENCIES BUSINESS RESOURCES NEWS CAREERS CONTACT

Home » Agencies » Elder Justice Font: A A

TO REPORT ELDER ABUSE CLICK HERE

ELDER Justice INITIATIVE

- [Elder Justice Home](#)
- [Support for Victims and Families](#)
- [Prosecutor Resources](#)
- [Researcher Resources](#)
- [Practitioner Resources](#)
- [Financial Exploitation](#)
- [Press Room](#)
- [Contact Us](#)

Resources for Researchers



WELCOME TO THE ELDER JUSTICE WEBSITE

Welcome to the United States Department of Justice Elder Justice Website, a resource for victims of elder abuse and financial exploitation and their families; practitioners who serve them; law enforcement agencies and prosecutors; and researchers seeking to understand and address this silent epidemic plaguing our nation's elders.

Here, victims and family members will find information about how to report elder abuse and financial exploitation in all 50 states and territories. Simply enter your zipcode to find local resources to assist you.

Federal, State, and local prosecutors will find three different databases containing sample pleadings and statutes.

Researchers in the elder abuse field may access a database containing bibliographic information for thousands of elder abuse and financial exploitation articles and reviews.

Practitioners – including professionals of all types who work with elder abuse and its consequences – will find information about resources available to help them prevent elder abuse and assist those who have already been abused, neglected or exploited.

QUICKLY LOCATE SUPPORT IN YOUR AREA

Search in your zipcode for agencies and places to go for help near you.

Results Within: 5 miles 10 miles
 Closest 20 Results

Zipcode:

GENERAL INFORMATION

LEADERSHIP

Andy Mao
 Coordinator, Elder Justice Initiative

CONTACT
 elder.justice@usdoj.gov

STAY CONNECTED

Sign up for E-Mail Updates
 Subscribe to News Alerts

RECOMMENDATION #1: PROVIDING TRAINING TO FEDERAL, STATE, AND LOCAL PROSECUTORS

ELDER JUSTICE STATUTES

ELI

ELDER JUSTICE STATUTES - ARIZONA

Elde

Supj

Fam

Pros

Ft

Da

St

El

Ti

Rese

Prac

Fina

ELDER JUSTICE STATUTES

FEDERAL AND STATE ELDER ABUSE STATUTES

ELDER JUSTICE STATUTES - ARIZONA

State: AZ - Arizona

Category: All

Search Clear

SEARCH RESULTS

Showing results 1 - 5 of 5

Citation	Statute
<p>Adult Protective Services A.R.S. § 14-5101 (2013)</p>	<p>Title 14 - Trusts, Estates and Protective Proceedings 14-5101. Definitions</p> <p>In this title, unless the context otherwise requires:</p> <p>1. "Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person. In cases of limited guardianship only, a person is not deemed an incapacitated person for purposes of voting if the person files a petition, has a hearing and the judge determines by clear and convincing evidence that the person retains sufficient understanding to exercise the right to vote pursuant to section 14-5304.02.</p>

RECOMMENDATION #2: ENHANCING RESOURCES FOR ELDER ABUSE VICTIMS

ELDER MISTREATMENT

SEARCH

Legal S

Legal S

Virginia

Sheriff

Alexand

Slate a

County

US Attc

Eastern

Virginia

Abandonment by Daughter and Son-in-Law

Neglect by Son and Daughter-in-Law

Neglect by Sons

Physical Abuse by Adult Grandsons

Physical Abuse by Adult Son

Physical Abuse by Spouse

Polyvictimization by Daughter

Polyvictimization by Nephew

Psychological Abuse by Daughter

RT

d

RECOMMENDATION #7: COMBAT ELDER FINANCIAL EXPLOITATION



Videos:



Banks are Mandatory Reporters! (7 min 38 sec)
Elder Financial Exploitation
This is a training video that banks use to teach their employees how to spot and respond to financial elder abuse.



Be Wise: Recognize and Report Elder Financial Abuse (2 min 49 sec)
Elder Financial Exploitation
Demo of Be Wise: Recognize and Report Elder Financial Abuse, the premier elder financial abuse prevention training program available as a video or DVD for financial institution employees.



Elder Abuse and Elder Financial Exploitation in NJ (3 min 34 sec)
Elder Financial Exploitation
Discusses the signs family members and concerned neighbors can identify to prevent and prosecute those who exploit the elderly.



Elder Financial Abuse PSA (30 sec)
Elder Financial Exploitation
This project is supported by a National Crime Victims' Rights Week Community Awareness Project subgrant awarded by the National Association of VOCA Administrators.

[Financial Exploitation by a Tax Preparer](#) [Financial Exploitation by an Adult Child](#) [Financial Exploitation by Professional Caregivers](#)

OTHER DOJ RESOURCES FOR RECOMMENDATION #4: DEVELOPING A FEDERAL RESEARCH AGENDA

Research funding from DOJ's National Institute of Justice

Office of Justice Programs
NIJ National Institute of Justice
STRENGTHEN SCIENCE. ADVANCE JUSTICE.

ELDER ABUSE
ELDER ABUSE AS A CRIMINAL PROBLEM
EXTENT OF ELDER ABUSE
IDENTIFYING CAUSES AND CHARACTERISTICS
ADDRESSING MISTREATMENT
FINANCIAL EXPLOITATION
SEXUAL ABUSE
PERPETRATORS
OTHER WEB RESOURCES

Financial Exploitation of the Elderly
Financial exploitation of elders is complex and, in some instances, accompanied by other forms of elder mistreatment. On this page find:
• Incidence of Financial Exploitation
• Characteristics of Financial Exploitation

Incidence of Financial Exploitation
The United States has no national reporting mechanism to track the financial exploitation of elders, but a 1998 study by the National Center on Elder Abuse, financial abuse accounted for about 12 percent of all elder abuse reported nationally in 1993 and 1994 and 30 percent of substantiated elder abuse reported submitted to Adult Protective Services in 1996 after excluding reports of self-neglect. (1)

A 2000 survey of the National Association of Adult Protective Services Administrators conducted for the National Center on Elder Abuse found that financial exploitation comprised 12 percent of the mistreatment allegations investigated. Many experts in the field, however, believe that the level of elder exploitation may well exceed what has been reported to authorities and documented by researchers. (2)

Characteristics of Financial Exploitation
NIJ-funded researchers examined two sets of data to determine some of the differences between:
1. Cases where an elderly person was the victim of financial exploitation, and
2. Cases where an elderly person was the victim of both financial exploitation and neglect or physical abuse.

Financial exploitation combined with neglect or abuse is referred to as hybrid financial exploitation. (3)

They found that the characteristics and dynamics of the two types of cases (pure financial exploitation and hybrid financial exploitation) vary depending on the type of exploitation involved.

The data revealed several differences between the two types of cases. Of the 34 cases studied in-depth, 28 were financial exploitation alone, and 16 were hybrid financial exploitation.

How the Research Was Done
Researchers examined data from all adult protective services cases in Virginia from 2005 to 2007 with victims aged 60 and older. They also conducted an in-depth assessment of 34 cases. The in-depth assessment included interviews with adult protective services caseworkers, victims, and a third party who knew the victim but was not involved in the case.

The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:

Document Title: Financial Abuse of Elderly People vs. Other Forms of Elder Abuse: Assessing Their Dynamics, Risk Factors, and Society's Response
Author: Shelly L. Jackson, Ph.D., Thomas L. Hafemeister, J.D., Ph.D.
Document No.: 233613
Date Received: February 2011
Award Number: 2006-WG-BX-0010

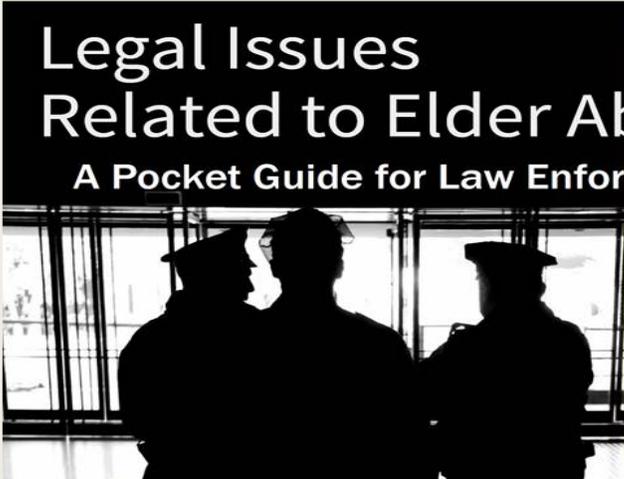
This report has not been published by the U.S. Department of Justice. To provide better customer service, NCJRS has made this Federally-funded grant final report available electronically in addition to traditional paper copies.

Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

Financial Exploitation, Neglect, and Abuse of Seniors, U.S. Government Accountability Office (GAO), September 2010.

OTHER DOJ RESOURCES FOR RECOMMENDATION #6: TRAINING FOR LAW ENFORCEMENT

Bureau of Justice Assistance pocket guide:



How to Use this Pocket Guide

Content Overview

This national guide provides brief explanations of:

- Legal concepts, documents, and tools that may be misused to commit elder abuse or used properly to remedy it.
- Issues and actions that justice system professionals should consider if they suspect elder abuse has occurred.

Blue Tabs: Background Information

- Types of Elder Abuse
- Abusers and Risk Factors
- Adult Protective Services
- Mandatory Reporting
- Consent, Capacity, and Undue Influence
- Considerations for Community Corrections Officers

Multi-Colored Tabs: Legal Documents and Tools

- Deeds and Life Estates
- Guardians/Conservators
- Health Care Advance Directives
- Joint Owners/Joint Accounts
- Medicaid Planning
- Powers of Attorney
- Nursing Homes and Assisted Living
- Representative Payees and VA Fiduciaries
- Trusts
- Reverse Mortgages
- Wills

OTHER DOJ RESOURCES FOR RECOMMENDATION #6: TRAINING FOR LEGAL AID PROVIDERS

Office for Victims of Crime online training:



Information you need to know. The Financial Exploitation module will help strengthen your knowledge and skills to assist elder abuse victims, including:

- ▶ Identifying and responding to financial exploitation being experienced by older clients
- ▶ Helping older clients avoid financial exploitation by identifying their risk factors and providing information about how they can protect themselves
- ▶ Determining the extent of financial exploitation that has occurred or is occurring
- ▶ Taking legal action to try to recover your client's funds or other assets
- ▶ Addressing collateral effects of financial exploitation on your client

Benefits of completing the training

This interactive web-based training program offers a variety of information, tools, and resources, from interactive client scenarios to printable resources for your office.

- ▶ **No costs.** This is a free training you can take at your own pace.
- ▶ **Engaging Interactions.** We've developed engaging, online interactions to help reinforce the content, including real-life scenarios.
- ▶ **Information you need to know.** The Financial Exploitation module will help strengthen your knowledge and skills to assist elder abuse victims, including:
 - ▶ Identifying and responding to financial exploitation being experienced by older clients
 - ▶ Helping older clients avoid financial exploitation by identifying their risk factors and providing information about how they can protect themselves
 - ▶ Determining the extent of financial exploitation that has occurred or is occurring
 - ▶ Taking legal action to try to recover your client's funds or other assets
 - ▶ Addressing collateral effects of financial exploitation on your client

Here's how to get the most out of the training:

- ▶ Visit the [Financial Exploitation module](#) to learn more about the training.
- ▶ Once registered, access the training in less than 5 minutes.
- ▶ Let your colleagues know you're taking the training. Help us build a network of legal aid providers who work with victims of all ages.

[Learn More](#)

ALZHEIMER'S AND OTHER DEMENTIAS PUT OLDER AMERICANS AT HIGHER RISK OF ELDER ABUSE

- In a U.S. study, caregiver abuse and neglect of people with dementia by their caregivers was detected in 47% of caregivers surveyed
- One study shows 60% of caregivers had been verbally abusive to the person for whom they were providing care.
- 5 to 10% of caregivers reported that they were physically abusive toward their care recipients.

A. Wiglesworth, A. Mosqueda, L. Mulnard, R, et al. (2010), Screening for Abuse and Neglect of People with Dementia. *Journal of the American Geriatrics Society*, Volume 58, Issue 3, 493-500.

VandeWeerd, C. V., & Paveza, G. J. (2005). Verbal mistreatment in older adults: A look at persons with Alzheimer's disease and their caregivers in the State of Florida. *Journal of Elder Abuse*, 17(4), 11-30.

Paveza, G. J., Cohen, D., Eisdorfer, C., Freels, S., Semla, T., Ashford, J. W., et al. (1992). Severe family violence and Alzheimer's disease: Prevalence and risk factors. *The Gerontologist*, 32(4), 493-97.

ALZHEIMER'S AND OTHER DEMENTIAS PUT OLDER AMERICANS AT HIGHER RISK OF ELDER ABUSE

- Characteristics associated with mistreatment of people with dementia include:
 - The caregiver's anxiety, depressive symptoms, perceived burden, emotional status, and role limitations due to emotional problems.
 - The care recipient's psychological aggression and physical assault behaviors. These behaviors were the best indicators for elder mistreatment as defined by the expert panel convened for this research study.

A. Wiglesworth, A. Mosqueda, L. Mulnard, R, et al. (2010), Screening for Abuse and Neglect of People with Dementia. *Journal of the American Geriatrics Society*, Volume 58, Issue 3, 493-500.

OLDER AMERICANS WITH DEMENTIA ARE MORE VULNERABLE TO FINANCIAL EXPLOITATION

- **Cognitive Deficits including Dementia - Studies have found that financial exploitation is related to cognitive deficits.**

Acierno, R., Hernandez, M. A., Amstadter A. B., Resnick, H. S., Steve, K., Muzzy, W., & Kilpatrick, D. G. (2010). Prevalence and correlates of emotional, physical, sexual, and financial abuse and potential neglect in the United States: The National Elder Mistreatment Study. *American Journal of Public Health, 100*(2), 292-297.

ALZHEIMER'S AND OTHER DEMENTIAS CAN MAKE IT MORE CHALLENGING TO PROSECUTE ELDER ABUSE CASES

- **Individuals with Dementia can make less credible witnesses**
- **Cognitive Capacity can be used by the defense to discredit allegations**
- **More research is needed to support expert testimony on issues of elder abuse and capacity**

WE NEED MORE RESEARCH ON DEMENTIA TO SUPPORT PROSECUTION AND ELDER ABUSE INTERVENTIONS

- Event-based studies to examine contexts and situations that create a high risk for abuse
- Longitudinal research with a primary focus on elder mistreatment

WHERE TO FIND EXISTING RESEARCH ABOUT ELDER ABUSE AND DEMENTIA ON THE ELDER JUSTICE WEBSITE



ELDER JUSTICE INITIATIVE

- [Elder Justice Home](#)
- [Support for Victims and Families](#)
- [Prosecutor Resources](#)
- [Researcher Resources](#)
- [Database](#)
- [Financial Exploitation](#)
- [Elder Justice Roadmap](#)
- [Practitioner Resources](#)
- [Financial Exploitation](#)
- [Press Room](#)
- [Contact Us](#)



RESEARCH DATABASE

The objective of the Database section is to provide a comprehensive catalog of literature relevant to the area of elder mistreatment. This section makes available published research and other thinking on aspects of elder mistreatment for a broad audience. The majority of the publications included here are journal articles. Also included are publications spanning a range of materials, including books and government reports, all related to elder mistreatment. It is anticipated that practitioners, researchers and the interested public can access and explore the range of publications catalogued here.

To search the database by author, keyword or year, simply enter the author's last name, the keyword(s), and/or the years in which you are interested in the appropriate search boxes provided and hit return. If you wish to search by publication type, use the drop down menu to the right of the search box labelled Pub Type.

We have also provided an advanced search option. Publications included in the database have been read and coded using standardized categories. These categories are intended to be a comprehensive taxonomy covering as much of the field of elder mistreatment as possible, and they should facilitate an examination of the field's literature. The categories are available by clicking on "Advanced search options (+)" at the bottom of the page. The categories can be used individually or in combination with one another. For example, if you are interested in physical abuse in institutional settings, select "Physical" from "Type of elder mistreatment considered" and "Institutional" from "Location of abuse."

The output of each search is a list of the relevant full bibliographic citations. Citations for journal articles include the Digital Object Identifier (DOI) for access to the abstract or full article, if it is available. To access the abstract or in some cases the complete article if the publisher has made it available online, copy the DOI and plug it into a Google search box.

The Database section consists of a compilation of publications reviewed for their potential relevance to elder mistreatment. The scientific merit and accuracy of the primary materials used in the Database section depends upon prior peer review. USDJCI does not evaluate the merit or accuracy of the published materials used. The Department of Justice has attempted to provide as comprehensive a bibliography as possible. However, literature is always being added in this field; we will continue to accrue new materials. If you are aware of literature that is not included, please contact elder.justice@usdoj.gov so that USDJCI can evaluate it for relevance to the database and possibly include it here. The above email address should also be contacted if you find discrepancies in the categorization or identification of specific materials.

Please note that because of the growing literature in the field, this section is constantly under development with additions to the literature.

Author:

Keyword:

Year: to

Pub Type:

WHERE TO FIND EXISTING RESEARCH ABOUT ELDER ABUSE AND DEMENTIA ON THE ELDER JUSTICE WEBSITE

SEARCH RESULTS

Showing results 1 – 10 of 285

Crocco, E. A., & Eisdorfer, C. (2014). Research in Caregiving. In R. C. Talley, G. L. Frichione, & B. G. Druss (Eds.), *The Challenges of Mental Health Caregiving: Research-Practice-Policy* (pp. 205-221). Berlin: Springer. doi:10.1007/978-1-4614-8791-3_11

James, B. D., Boyle, P. A., & Bennett, D. A. (2014). Correlates of Susceptibility to Scams in Older Adults Without **Dementia**. *Journal of Elder Abuse & Neglect*, 26(2), 107-122. DOI:10.1080/08946566.2013.821809

Cacchione, P. (2013). Geropsychiatric Educational Resources for Nurse Practitioners. *International Journal of Nurse Practitioner Educators*, 2(1).

Cohen-Mansfield, J. (2013). Advances in Alzheimer's Disease Research: Implications for Family Caregiving. In *Caregiving for Alzheimer's Disease and Related Disorders* (pp. 181-202). New York: Springer. doi: 10.1007/978-1-4614-5335-2_12

Cooper, C., Dow, B., Hay, S., Livingston, D., & Livingston, G. (2013). Care workers' abusive behavior to residents in care homes: a qualitative study of types of abuse, barriers, and facilitators to good care and development of an instrument for reporting of abuse anonymously. *International Psychogeriatrics/IPA*, 25(5), 733-741. DOI: 10.1017/S104161021200227X

Corvin, J. (2013). Physical Mistreatment in Persons with Alzheimer's Disease. *Journal of Aging Research*, 2013, 920324. doi: 10.1155/2013/920324

De Bellis, A., Mosel, K., Curren, D., Prendergast, J., Harrington, A., & Muir-Cochrane, E. (2013). Education on physical restraint reduction in **dementia** care: A review of the literature. *Dementia*, 12(1), 93-110. doi: 10.1177/1471301211421858

Downes, C., Fealy, G., Phelan, A., Donnelly, N. A., & Lafferty, A. (2013). Abuse of older people with **dementia**: a review. Dublin: National Centre for the Protection of Older People, University College Dublin.