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

**ELDER JUSTICE STATUTES**

**FEDERAL AND STATE ELDER ABUSE STATUTES**

**ELDER JUSTICE STATUTES - ARIZONA**

**SEARCH RESULTS**

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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.

**RECOMMENDATION #2:**
ENHANCING RESOURCES FOR ELDER ABUSE VICTIMS

**ELDER MISTREATMENT**

- Abandonment by Daughter and Son-In-Law
- Neglect by Son and Daughter-in-Law
- Neglect by Sons
- Physical Abuse by Adult Grandparents
- Physical Abuse by Adult Son
- Physical Abuse by Spouse
- Polyvictimization by Daughter
- Polyvictimization by Nephew
- Psychological Abuse by Daughter
RECOMMENDATION #7: COMBAT ELDER FINANCIAL EXPLOITATION

FINANCIAL EXPLOITATION SCENARIOS

FINANCIAL EXPLOITATION TRAINING

Videos:

- Banks are Mandatory Reporters' (7 min 38 sec)
- Be Wiser: Recognize and Report Elder Financial Abuse (2 min 49 sec)
- Elder Abuse and Elder Financial Exploitation in NJ (3 min 34 sec)
- Elder Financial Exploitation in Florida
- Elder Financial Exploitation
- Elder Financial Exploitation
- Elder Financial Exploitation
- Elder Financial Exploitation
- Elder Financial Exploitation PSA (30 sec)

This project is supported by a National Crime Victims' Rights Week Community Awareness Project subgrant awarded by the National Association of VOCA Administrators.

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

Research funding from DOJ’s National Institute of Justice

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 Prevalence, Risk Factors, and Society's Response

Author: Shelley Jackson, Ph.D., Thomas L. Haldeman, J.D., Ph.D.

Document No.: 232013

Date Received: February 3111

Award Number: 2005-WJ-DX-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.
OTHER DOJ RESOURCES FOR RECOMMENDATION #6: TRAINING FOR LAW ENFORCEMENT

Bureau of Justice Assistance pocket guide:

Legal Issues Related to Elder Abuse
A Pocket Guide for Law Enforcement

How to Use this Pocket Guide

Content Overview
This national guide provides brief explanations of:
- Legal concepts, documents, and tools that may be misused by
  perpetrators to commit elder abuse or used improperly 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

Purple Tabs: Consent, Capacity, and Undue Influence
- Considerations for Community Corrections Officers

Multi-Colored Tabs: Legal Documents and Tools
- Deeds and Trusts
- Guardians/Conservators
- How to Access
- Health Care Advance Directives
- Joint Owners/Joint Accounts
- Medicaid Planning
- Powers of Attorney

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 comprehensive, legal-focused training series helps to prepare attorneys to work with victims of elder abuse.
- It is designed to enhance your knowledge and skills in handling legal matters related to elder abuse.
- It offers practical tips and strategies for helping clients who have been financially exploited.
- It provides valuable resources and tools to assist clients in recovering losses and preventing future exploitation.

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.


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.

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.


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

<table>
<thead>
<tr>
<th>Search Results</th>
<th>Showing results 1 - 10 of 815</th>
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