

Elder Abuse

California's Elder Abuse and Dependent Civil Protection Act protects adults 65 years of age and older, dependent adults aged 18-64, and any adult admitted as an inpatient to a 24-hour health facility.

TYPES OF ELDER ABUSE

Physical & Sexual Abuse	Emotional	Neglect	Financial
<p>Physical force may include, but is not limited to, hitting, shaking, pushing, slapping, pinching, unreasonable restraints, & lack of medical care.</p> <p>Sexual abuse is non-consensual acts, sexual assault, and sexual exploitation.</p>	<p>Emotional and psychological suffering can include, but is not limited to, threatening, criticizing, yelling, ignoring, and socially isolating.</p>	<p>Neglect can occur when a person who has a responsibility to provide care provides inadequate food, water, clothing, shelter, medical care, personal hygiene, or other basic needs to an older adult.</p>	<p>Financial abuse can occur when someone wrongfully takes property, real estate, or money from an older adult. Financial abuse can include fraud, forgery, identity theft, scams, and embezzlement.</p>

COMMON SIGNS OF ELDER ABUSE

May have repeated "accidental injuries" that are suspicious	May visit the doctor for vague complaints or acute anxiety, appears agitated	May avoid seeking medical attention for injuries until days or weeks after an injury occurs	Older adult may refer to a family member or caregiver's "anger" or "temper"
Have a history of alcohol or drug abuse or suicide attempts	Express a sense of isolation - no access to friends, family or community	Older adult may refer to a sudden inability to afford basic needs	Older adult may appear dirty, gaunt, or dehydrated

QUESTIONS CLINICIANS CAN ASK TO HELP IDENTIFY ELDER ABUSE

- Do you feel safe where you live?
- Is there someone who helps you with your finances?
- Is there someone who helps with medication?
- Who prepares your food?
- Does anyone at home hurt you?
- Does anyone scold or threaten you?
- Have you signed any documents you did not understand?
- Are you alone a lot? Do you ever feel alone?
- Have you felt pressured to give someone money?
- How do you get help if you need it?
- Are you afraid of anyone at home?
- Has anyone taken your things without asking?

EXAMPLES OF LEGAL REMEDIES FOR ELDER ABUSE

Civil Elder Abuse Restraining Order	Civil Financial Elder Abuse Restraining Order
<ul style="list-style-type: none"> • Initiated by a victim • Relatively easy to obtain because it has a lower standard of evidence than criminal cases • If a person does not have capacity to initiate a court case, a petition for a restraining order may be brought by a conservator, trustee, an attorney-in-fact acting within the authority of a power of attorney, a guardian ad litem, or other person legally authorized 	<ul style="list-style-type: none"> • More involved than a restraining order • Good for complicated cases, including scams • Primary objective is to obtain financial restitution

WHERE TO REFER A PATIENT WHO IS EXPERIENCING ELDER ABUSE

- Local civil legal services
 - LawHelpCA.org
- Adult protective services
- Law enforcement

This handout was created as part of Dementia Care Aware in partnership with Elder Law & Advocacy. It is not intended to provide or substitute for legal advice in specific patient cases. Last updated: 04/2023

EXAMPLES OF
COMMON SCAMS
TARGETING
OLDER ADULTS

Home Repair Fraud/Contractor Fraud:

A “contractor” cold calls a person and charges in advance for home improvements they never install.

Government Scams:

A person claims to be from the government (ex. IRS or Medicare) and threatens to arrest someone or deport someone until they pay money, often through gift cards or wire transfer.

Fake Lotteries:

A person calls an older adult and tells them they won the lottery and to claim the winnings, the person needs to send money upfront to cover taxes and processing fees. No prize is ever delivered.

Grandparent Scams:

Scammers call an older adult and impersonate a grandchild, who then asks for money for an urgent financial issue like late rent, car issues, or a jail bond.

Fake Charities:

Scammers pretend to be a charity and request donations.

Romance Scams:

A scammer creates an online profile and exploits an older adult's isolation or loneliness to get money. Often, the person is pretending to be overseas.

Tech Support:

A pop-up on a phone or computer says that the device is broken and needs to be fixed. They tell the person to call a number and send money or they request access to the device.