

ELDER ABUSE AWARENESS GUIDE

Elder Abuse Is a Serious Problem

Each year hundreds of thousands of older persons are abused, neglected and exploited by nursing homes, healthcare facilities, family members and others. Many of these elderly victims are people who are frail, vulnerable, cannot help themselves and depend on others to meet their most basic needs.

A National Elder Abuse Incidence Study conducted in 1996 found the following:

- 551,011 persons, aged 60 and over, experienced abuse, neglect, and/or self-neglect in a one-year period;
- Almost four times as many new incidents of abuse, neglect, and/or self-neglect were not reported as those that were reported to and substantiated by adult protective services agencies;
- Persons, aged 80 years and older, suffered abuse and neglect two to three times their proportion of the older population;
- Female elders are abused at a higher rate than males, after accounting for their larger proportion in the aging population.

Types of Elder Abuse

There are several types of Elder Abuse. The most prevalent types include the following:

1. [Physical abuse](#)
2. [Sexual abuse](#)
3. Psychological abuse
4. Neglect
5. Abandonment
6. [Financial or Fiduciary Abuse](#)

Signs of Elder Abuse

It is important to be aware of the signs that indicate that Elder Abuse may be occurring. Signs of the first five (5) types of Elder Abuse listed above include the following:

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- Open wounds, cuts, bruises or welts
- Elder is emotionally upset or agitated
- Dehydration, malnutrition
- Caretaker cannot adequately explain condition
- Extremely withdrawn & non-communicative
- Elder's sudden change in behavior
- Unclean conditions
- Loss of weight
- Burns caused by cigarettes, caustics, acids

- Missing undergarments
- Fecal or urine odor

Signs of Financial or Fiduciary Elder Abuse include the following:

- unexplained disappearance of funds or valuables
- changes in bank accounts, including additional names on an elder's signature card
- significant sudden changes in ownership of elders' real property
- significant sudden changes in a will or other financial documents
- appearance and claims of previously uninvolved relatives
- unexplained transfers of assets to a family member or others

After reviewing these lists, do you believe that you or any loved ones may be a victim of elder abuse by a care provider or others?

How to Choose a Nursing Home and Prevent Elder Abuse in Nursing Homes

Given the statistics that more than 30% of the country's nursing homes have been cited for nursing home abuse causing "actual harm to residents or put them in immediate jeopardy", it is becoming increasingly important to make sure the nursing home facility chosen meets certain guidelines and regulations.

Good points to ask/observe at nursing homes to prevent nursing home abuse include:

- If the nursing home is certified by Medicare and Medicaid then these facilities are required by law to let you see the surveys conducted by the agencies that regulate them.

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- Reviewing the latest state inspection report, noting the date it was made.
- If other nursing home residents show signs of visible elder abuse, such as bruises etc.
- If nursing home residents receive immediate attention.
- If nursing home residents receive privacy.
- Talk to other nursing home residents and observe their reactions and answers closely.
- Observe the cleanliness of the nursing home facility, not just on surface appearances which can be deceiving.
- Visit the nursing home facility at different times to observe different staff and if the treatment of nursing home residents remain consistent.
- Visit nursing home facilities unannounced so nursing home staff is unable to prepare their reactions.
- Eat a meal at the cafeteria to sample the food.
- Observe if any social or recreational activities are planned and how they are conducted.
- Observe if the residents appear to enjoy being with the nursing home staff.
- If the nursing home staff knows the nursing home residents by name.
- Even after picking a nursing home facility continue to observe in the future.

Compare nursing home facilities and try to include the potential nursing home resident in the selection if possible. By taking your time during the nursing home search it can better prevent more instances of nursing home abuse from occurring.

There is a wealth of information in print and online to aid in the selection and comparison of nursing homes and alternatives thereto. A good starting point for California seniors and those caring for them is the California Nursing Home Search website [<http://www.calnhs.org/>]. This site is a free service for California seniors, caregivers, family members, providers and consumers. It provides comprehensive information about the quality of nursing and intermediate care facilities in the state. You can obtain information specific to any licensed facility in California including results from the most recent on site inspections from state monitoring agencies. This includes, complaints, quality indicators, staffing and the

like. Also provided is advice on how to select a nursing or comprehensive care facility, a list of questions to ask and a list of resident and family rights under the law.

Protections Under Law

Elders are recognized as particularly vulnerable segment of society deserving of special protections under the law. Legislatures in all fifty (50) states have passed some form of elder abuse prevention laws. Laws and definitions of terms vary considerably from one state to another, but all states have set up reporting systems. Generally, adult protective services (APS) agencies receive and investigate reports of suspected elder abuse.

The California Legislature has recognized that elders and dependent adults may be subjected to abuse, neglect, or abandonment and that this state has a responsibility to protect these persons by passing the [Elder Abuse and Dependent Adult Civil Protection Act](#) (EADACPA). [See Welfare & Institutions Code, Section 15600 et seq.] This body of law provides heightened duties to those interacting with seniors and provides specific remedies to seniors subjected to abuse.

The law also provides legal recourse for any unlawful, unfair or fraudulent business act or practice and any unfair, deceptive, untrue or misleading advertising. [See [Business & Professions Code, Section 17200 et seq.](#)]

In short, there are significant protections under the law for elder abuse. Civil lawsuits may be filed and can include causes of action under the above mentioned provisions of law. Through these lawsuits, victims of elder abuse may receive large monetary recoveries for what they have endured. In the case where an elder dies from the abuse, the cause of action upon which a lawsuit can be based for their emotional distress survive their death and may be brought by certain family members. The law, however, limits the time in which such lawsuits may be brought – so protect your rights.