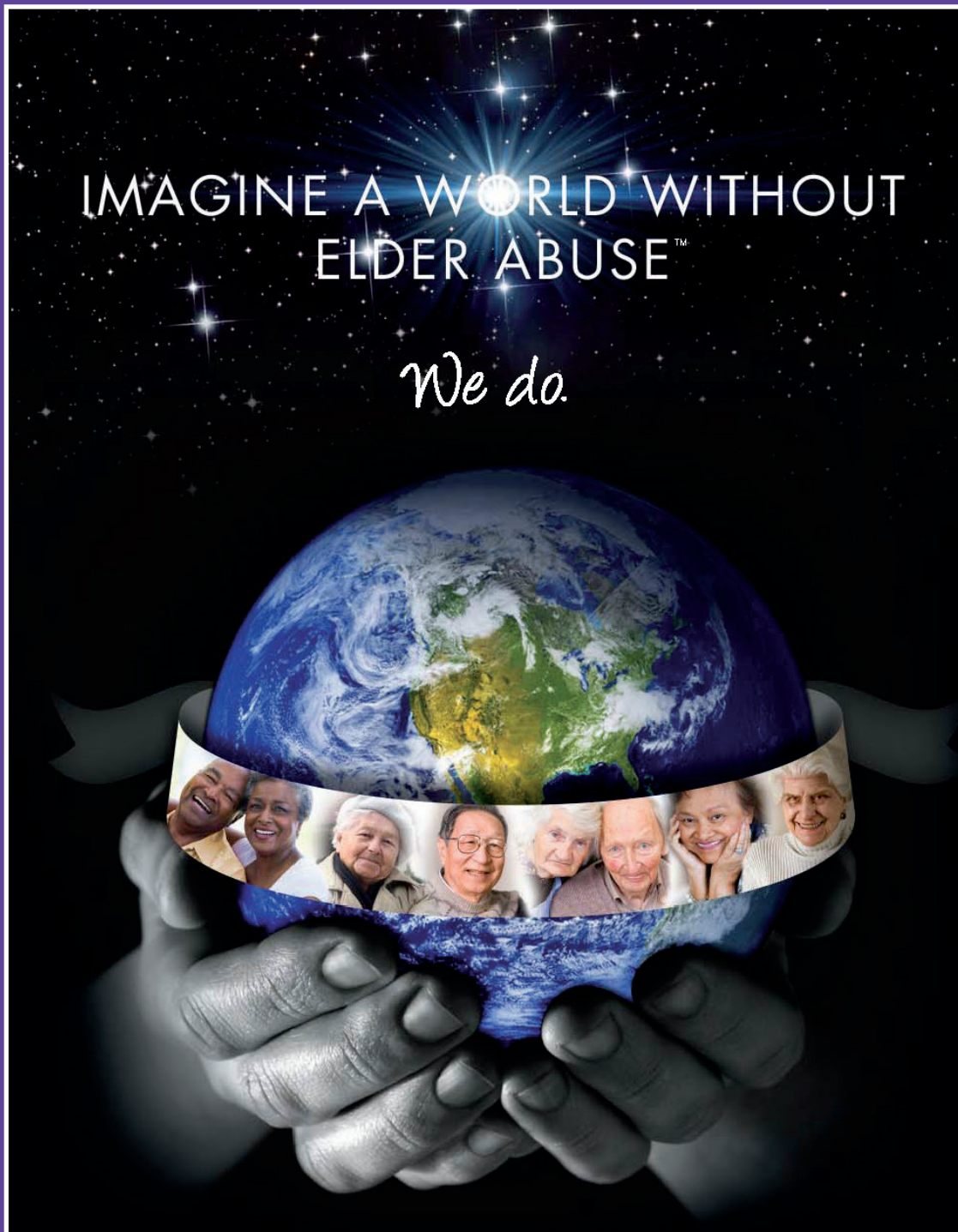


Elder Abuse Prevention Toolkit



Elder Abuse Hotline
1-800-458-7214

Get the Facts

Elder abuse can occur anywhere. Elder abuse affects elders of all socio-economic groups, cultures, and races. Data shows that elders are most often abused by family members or persons in positions of trust. Most victims know their abusers. Elders who have the highest risk of abuse are women, “older elders” and individuals with dementia.

Definitions

- Emotional Abuse** The intentional or reckless infliction of emotional or mental anguish or the use of a physical or chemical restraint, medication, or isolation as punishment or as a substitute for treatment or care of any elderly person.
- Financial Exploitation** The use of deception, intimidation, undue influence, force, or threat of force to obtain or exert unauthorized control over an elderly person’s property with the intent to deprive the elderly person of his or her property or the breach of a fiduciary duty to an elderly person by the person’s guardian, conservator, or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of the elderly person’s property.
- Neglect** The failure of a caregiver to provide food, shelter, clothing, medical services, medication, or health care for an elderly person.
- Physical Abuse** The intentional use of physical pain, injury, or the willful deprivation by a caregiver or other person of services necessary to maintain mental and physical health. Examples: assault involving physical injury or serious physical injury which may be evident by hitting, striking, cutting, burning, pushing or shoving, excessively restraining, and physical punishment.
- Sexual Offenses** Any conduct that is a crime as defined in Sections 13A-6-60 to 13A-6-70, inclusive. (Which may include rape, sodomy, or sexual abuse by forcible compulsion or incapacity of the victim.)

Definitions above are from the Protecting Alabama’s Elders Act.
Definitions from Alabama’s Adult Protective Services Act of 1976 are on the back.

Get the Facts

Definitions from the Alabama Adult Protective Services Act of 1976

Abuse	The infliction of physical pain, injury, or the willful deprivation by a caregiver or other person of services necessary to maintain mental and physical health.
Emotional Abuse	The willful or reckless infliction of emotional or mental anguish or the use of a physical or chemical restraint, medication, or isolation as punishment or as a substitute for treatment or care of any protected person.
Exploitation	The expenditure, diminution, or use of the property, assets, or resources of a protected person without the express voluntary consent of that person or his or her legally authorized representative.
Neglect	The failure of a caregiver to provide food, shelter, clothing, medical services, or health care for the person unable to care for himself or herself; or the failure of the person to provide these basic needs for himself or herself when the failure is a result of the person's mental or physical inability.
Sexual Abuse	Any conduct that is a crime as defined in Sections 13A-6-60 to 13A-6-70, inclusive. (Which may include rape, sodomy, or sexual abuse by forcible compulsion or incapacity of the victim or indecent exposure.)

Additional Information

Other acts of abuse or exploitation may come within other provisions of law, such as: sexually explicit photographing, theft by deception, forgery of documents, sexual servitude, etc.

Questions to Ask

Elder abuse is any form of mistreatment that results in harm or loss to an older person. Elder abuse can happen to anyone. It is important to learn how to identify elder abuse and report it. Ask yourself these important questions to identify if you or someone you know is a victim of abuse.

Emotional Abuse

Is someone physically restraining or overmedicating you or another elder as punishment or as a substitute for treatment or care? YES NO

Is someone causing you or another elder emotional distress by name-calling, threats or insults? YES NO

Is someone giving you the “silent treatment” by ignoring your comments and opinions or discussing you and your care as though you are not present? YES NO

Is someone isolating you or another elder from family, friends, or regular activities? YES NO

Financial Exploitation

Is someone pressuring you to make a quick decision? YES NO

Are you afraid of being harmed, neglected, or abandoned if you do not agree to financial arrangements made by someone with the power to harm you? YES NO

Have you or another elder signed a power of attorney, will, or other legal document that you think is not in your or the other elder’s best interest? YES NO

Has a caretaker or family member directly involved with managing your finances (Power of Attorney, Guardian or Conservator) isolated you from other family and/or friends? YES NO

Has your money been used to make purchases without your consent? YES NO

Are you pressured to give more than you are comfortable giving as gifts or donations?

Have you noticed valuable items missing from your home? YES NO

Have you noticed money missing from your bank account? YES NO

Do you have charges on your credit card(s) that you did not make? YES NO

Has an unauthorized person accessed or attempted to gain access to your financial accounts? YES NO

Questions to Ask

Neglect

Do you or another elder routinely lack enough food to eat and liquids to drink? YES NO

Do you believe the place you or another elder lives is unsafe or unsanitary? YES NO

Are you or another elder left in soiled clothing for long periods of time? YES NO

Do you or another elder have untreated medical conditions or injuries? YES NO

Is your caregiver failing to provide you or another elder with food, clothing, medicine, medical care, or other needs? YES NO

Have you or another elder been left alone for long periods of time without needed supervision, treatment, or care? YES NO

Physical Abuse

Has your caregiver or another elder withheld services needed for your mental or physical health? YES NO

Have you or another elder been hit, slapped, kicked, or physically harmed? YES NO

Sexual Abuse

Has anyone touched you or another elder in a sexual or inappropriate way without your permission? YES NO

Answering “yes” to any of these questions may indicate abuse. If you think you or someone you know is being abused, call [1-800-458-7214](tel:1-800-458-7214). The hotline is available 24 hours, 7 days a week. The hotline is operated by the Department of Human Resources (DHR) Adult Protective Services Division. You may leave a message during high volume call times or after normal business hours. You can report elder abuse anonymously. If you have an emergency, call 911 or your local law enforcement agency.

If you feel that you are being abused or neglected but are scared to report it, ask to see someone you trust. Tell them what’s going on and they can report it. You have a right to be protected and free from abuse, neglect and exploitation.

The Red Flags

Emotional Abuse



Unexplained or uncharacteristic changes in behavior, such as withdrawal from normal activities, or unexplained changes in alertness



Social isolation



Caregiver is verbally aggressive or demeaning, controlling, overly concerned about spending money, or uncaring

Exploitation



Person with a caregiver, guardian/conservator whose personal needs are not being met



Elder giving excessive financial reimbursement/gifts for needed care and companionship



Caregiver has control of elder's finances but fails to provide for elder's needs



Elder has signed property transfers (Power of Attorney, new will, etc.) but is unable to comprehend the transaction or what it means

Neglect



Lack of basic hygiene, adequate food, or clean and appropriate clothing



Lack of medical aids (glasses, walker, dentures, hearing aid, medications)



Person with dementia left unsupervised



Person confined to a bed left without care



Home cluttered, filthy, in state of disrepair, or with fire and safety hazards



Home without adequate facilities (stove, refrigerator, heating, cooling, working plumbing, and electricity)



Untreated pressure "bed" sores (pressure ulcers)

Physical Abuse



Unexplained fractures, bruises, welts, cuts, sores, burns, torn or bloody undergarments

Be Aware of Scams

Elders are the #1 target for financial scams. Scam operators use four primary methods to target elders - the telephone, the internet, the mail, and in-person. Scam operators use high-pressure sales tactics, scare tactics, and false claims to deceive you and take your money.

TELEPHONE - Telephone scams are big business. If a stranger asks for your private information, hang up. Do not give your bank account or credit card information or your Medicare or Social Security Number to strangers (even if they claim to be law enforcement) over the telephone.

Beware of:

- Grandparent Scam – You receive a call from someone claiming to be the “police” saying your grandchild is in jail and needs a certain amount of money to be released.
- Bank Scam – You receive a call from “your bank” saying there is an issue with your account, and they need to verify your account number.
- Government Imposter Scams – You receive a call from someone claiming to be with the Social Security Administration, Medicare, the Internal Revenue Service (IRS) or other government agency, and the caller states there is an issue with or a change to your record. Do not give your Medicare, Social Security Number, or other personal information to them.

INTERNET - Internet scams targeted at elders are on the rise faster than any other age group, and elders need to be cautious when using the internet. When you use the internet, take these necessary precautions:

- Use passwords, secure browsers, fire walls and virus protection. Avoid pop-ups.
- Check the site’s privacy policy before you order anything.
- Not all websites are secure. Look for https in the web address.
- Do not use public wi-fi if your action requires you to provide private information (such as personal information or credit card number, expiration date, and Card Verification Value (CVV) number on back of card).
- Keep your personal information private.
- Review all monthly credit card, bank, and other financial statements.

MAIL – Do not send money to people or businesses you do not know. Examples of mail scams are:

- You receive a letter from someone stating you have won money or will receive a free gift. The letter has your name and address and appears to be written just for you. However, the letter states you must send money or pay a fee to receive the prize or gift. This is a scam. Do not respond or send money.
- Other mail scams include illegal foreign lotteries and sweepstakes. Do not send money or pay fees. Do not cash the check or deposit it into your account. If you do, once the check is determined to be fraudulent, you will be responsible for any of the money you have spent.
- Keep your money and your personal information safe. If you have any doubt about whether or not the mailing you have received is real, verify with a trusted source before taking any other action.

Be Aware of Scams (cont'd)

IN-PERSON – Do not let anyone in your home whom you do not know or did not initiate the contact.

Beware of the following:

- Anyone you do not know or did not contact who offers to sell you something or provide a service.
- Anyone you do not know or did not contact who offers a great deal on home repairs.
- Anyone you do not know or did not contact who wants to discuss your finances.
- Anyone who says he/she is from a utility company and needs to check your meters, appliances, or other items in your house. Contact the company to verify that they have sent someone to your home.

Always use caution before letting someone you do not know enter your home.

If you suspect that you have been scammed, report it. If you are not sure whom to contact, call the Office of the Attorney General, the Alabama Securities Commission, your local Area Agency on Aging, or one of the other agencies listed in the Resources section of this booklet.

Financial Scam Awareness Questions

Take time to make a decision about your money. Do not be pressured to make a fast decision.

Is someone pressuring you to make a quick decision? YES NO

Did you talk with someone you trust and get a second opinion BEFORE you parted with your money? YES NO

Be careful if you are told you won a prize or lottery. Be cautious if you receive an unexpected check in the mail.

Did you receive a check saying you won money or money is owed to you? YES NO

Did you show the check to a banker or someone you trust to see if it is fake? YES NO

Do you know if the check is fake and you deposit it in your bank, you are responsible for paying back the money to the bank? YES NO

Get all information in writing before you agree to purchase insurance, financial or investment products. Be sure to verify the information! Do not purchase until you have all of the information and you understand it.

Have you received proper documentation AND verified the information? YES NO

Do you understand the product, or is it confusing to you? YES NO

Protect your credit card, checking account, Social Security and Medicare cards. Do not give your numbers to anyone you do not know or trust.

Is someone you do not know asking you for personal information? YES NO

Use common sense. Remember, if something sounds too good to be true, it probably is!

Are you sure what someone is asking of you is in your best interest? YES NO

If you have been deceived once, be VERY careful. You will probably receive scam offerings again.

Have you been getting more phone calls, visits, junk mailings, or emails than usual? YES NO

If you think you are a victim of financial fraud, contact the Alabama Securities Commission at 1-800-222-1253.

Power of Attorney

There is a lot of power in having a Power of Attorney when you need it. Just make sure you give that power to someone you absolutely trust!

THE POWER OF A POWER OF ATTORNEY

It is important for elders and their family members to make sure all financial and legal affairs are in order to protect their finances, their home, and their assets. It is essential to learn how important these legal documents are and how to be protected from being financially exploited before they sign on the bottom line and give someone complete control of their assets.

WHAT IS A POWER OF ATTORNEY?

Financial Power of Attorney

This document gives another person (your agent) the authority to manage your finances and property and to transact business on your behalf. An agent may not override your wishes and must make decisions that are in your best interest. A financial Power of Attorney normally goes into effect as soon as you sign it allowing your agent to conduct your financial affairs immediately. A financial Power of Attorney can also be made for the future only if you are incapacitated.

Limited Power of Attorney

This document gives the agent legal authority to perform only limited tasks on your behalf, but does not give him or her complete control over your financial matters. For example, you can give your agent the authority to cash your checks, but limit him or her to other powers over your assets.

Healthcare Power of Attorney

With a Healthcare Power of Attorney, you appoint an agent to make medical decisions on your behalf. It goes into effect only if you become incapacitated. By preparing this document in advance, you can decide who will make your medical decisions.

THINGS TO CONSIDER TO PROTECT YOURSELF

Choose your Agent carefully

Only appoint someone as your agent if you know that you can absolutely trust him or her to make good decisions about your finances, health, and assets.

Consider getting legal advice first

An attorney can counsel you on the different ways the documents can be set up to meet your needs, and perhaps avoid financial exploitation.

Consider establishing oversight

For example, you may want to include a statement of your agent's fiduciary duty in your legal document and require your agent to sign the document which acknowledges his or her acceptance of the fiduciary duty. Also, you may want to require your agent to send regular accountings to another person or persons.

Understand you can change your mind

If you decide to change who you appointed as your agent, you can revoke the document as long as you are mentally capable of understanding your decision.

Resources

Alabama Better Business Bureau

Offers a variety of consumer services, including consumer education materials; business reports; mediation and arbitration services; and information about charities and organizations that are seeking public donations.

Toll Free 1-800-824-5274
www.bbb.org

Alabama Department of Human Resources (Adult Abuse Hotline)

Protects elderly and disabled adults from abuse, neglect, and exploitation and prevents unnecessary institutionalization.

Toll Free 1-800-458-7214
www.dhr.alabama.gov

Alabama Department of Insurance

Regulates the insurance industry, providing consumer protection, promoting market stability, and enforcing fire safety standards and laws.

Toll Free 1-800-433-3966
www.aldoi.gov

Alabama Department of Mental Health

Serves Alabamians with intellectual disabilities, mental illnesses, and substance use disorders.

Toll Free 1-800-367-0955
www.mh.alabama.gov

Alabama Department of Public Health Nursing Home Complaint Assisted Living Complaint

Provides caring, high quality, and professional services for the improvement and protection of the public's health.

Toll Free 1-800-356-9596
Toll Free 1-800-873-0366
www.adph.org

Alabama Department of Senior Services (ADSS)

Provides a wide array of services and programs to seniors and persons with disabilities of any age.

Toll Free 1-877-425-2243
www.AlabamaAgeline.gov

Alabama Disabilities Advocacy Program (ADAP)

Provides quality, legally based advocacy services to Alabamians with disabilities in order to protect, promote and expand their rights.

Toll Free 1-800-826-1675
www.adap.ua.edu

Alabama Securities Commission

Provides for licensing and regulation of securities broker-dealers, agents, investment advisors, investment advisor representatives, and financial planners. Call to verify proper registration of financial investments.

Toll Free 1-800-222-1253
www.asc.alabama.gov

Area Agency on Aging

Serves as the focal point on aging to coordinate public and private resources to help foster independence and enhance the quality of life for seniors.

Toll Free 1-800-243-5463
www.alabamaageline.gov

Attorney General's Office - Consumer Protection Victim Assistance

Serves as legal counsel to Alabama's state agencies, departments, and officers.

Toll Free 1-800-392-5658
Toll Free 1-800-626-7676
www.alabamaag.gov

"Do Not Call" Registry

Register phone numbers to reduce telemarketing.

Toll Free 1-888-382-1222
TTY 1-866-290-4236
www.donotcall.gov

Resources

Legal Services Alabama

Statewide, non-profit organization that provides free legal aid and assistance to educate and empower Alabama's low-income population.

Toll Free 1-866-456-4995
334-262-8326
www.legalservicesalabama.org

Housing and Urban Development (HUD)

Provides strong, sustainable, inclusive communities and quality, affordable homes for all Americans.

Toll Free 1-800-225-5342
TTY 1-800-877-8339
www.hud.gov

National Center on Elder Abuse (NCEA) Eldercare Locator Service

Provides information and links to services on crimes against the elderly, including financial exploitation.

Toll Free 1-800-677-1116
www.elderabusecenter.org
www.eldercare.acl.gov

National Foundation for Credit Counseling

Assists with credit problems and creditors.

Toll Free 1-800-388-2227
www.nfcc.org

National Suicide Prevention Lifeline

Provides confidential suicide prevention to anyone in suicidal crisis or emotional distress.

Toll Free 1-800-273-8255
www.suicidepreventionlifeline.org

The National Center for Victims of Crime

Provides national advocacy for victims of all crimes.

Toll Free 1-800-394-2255
www.victimsofcrime.org

U.S. Federal Trade Commission (FTC)

Provides consumer protection related to abusive lending, truth in lending, credit cards, identity theft, franchises, businesses, telemarketing, funerals, and cemeteries.

1-877-FTC-HELP
Toll Free 1-888-382-1222
www.ftc.gov

U.S. Postal Service (USPS) Inspector General

Investigates identity theft involving the U.S. mail: if mail was stolen, mailing address was fraudulently changed, or mail was used in an identity theft scheme.

Toll Free 1-800-654-8896
www.usps.gov

Senior Legal Assistance Program

Provides a statewide system of legal professionals who provide services for older adults with personal legal problems.

Toll Free 1-800-243-5463
www.alabamaageline.gov

Notes

Notes

FOR MORE INFORMATION ON THE TOOLKIT

**Alabama Department of Senior Services
RSA Tower, Suite 350
201 Monroe Street
Montgomery, AL 36104
www.AlabamaAgeline.gov
E-MAIL: elderjustice@adss.alabama.gov
1-877-425-2243**

Acknowledgments

This protection toolkit would not have been made possible without the leadership and participation of the Alabama Interagency Council for the Prevention of Elder Abuse, which includes 30 public and private agencies and advocacy organizations. A special thanks goes to the Prevention Council's Community and Professional outreach Committee which developed this toolkit to better serve and protect Alabama's elders.

This project is supported by a grant from the Alabama Law Foundation.

DISCLAIMER

This document contains generalized legal information for instructional purposes only. The law in this area is changing on an ongoing basis. For this reason, the information cited in this document should not be acted upon in any particular case without legal consultation with law enforcement, a state prosecutor, Department of Human Resources or other professional entities charged with the responsibility of protecting the elderly and enforcing the provisions of law referenced in this document. This document is not intended to provide legal advice. Should you feel you need legal advice, you should consult an attorney of your choosing.