

Elder Abuse and Exploitation

Elder abuse and exploitation are horrible problems and blots on our society. Researchers agree that these crimes are vastly underreported, but disagree about how widespread they really are. The best estimates are that somewhere between one-sixth and one-half of all older adults have been or will be victims of financial exploitation.

Both prevention and remediation are critical. There are many different types of preventive actions. First let us consider financial protection. You can learn to become a savvier consumer. It is unlikely that the daughter of a late African dictator needs your help to get money out of her country and you probably didn't win that foreign lottery you have no memory of entering.

Another approach is to hire experts to help you in managing your property. It costs something to hire a bill paying service or to use a bank trust department, but misdeeds by such people are rare and they almost always have insurance to protect you against any losses. Solid planning documents drafted by a qualified elder law attorney can also be helpful in managing your property. You should choose your agents carefully. Monitoring by others you choose is often critically important. Research indicates that many people will be tempted to take advantage of access to your finances if there is no one who looks over the books. You can have one person act as your agent and others act as monitors. This actually is good for your agent, because it reduces the risk that your agent will be falsely accused of misdeeds, since a clear paper trail will be available to prove what was done.

Preventing physical and emotional abuse is problematic. It is important to do the best you can to hire people who have no background of abuse or physical violence. Unfortunately, these jobs are very low-paying and require hard work, which makes it difficult to recruit and retain qualified workers. It may be worth your while to deal only with agencies with excellent reputations. One of the worst things persons can do for their health is to become a caretaker of someone else. Relatives who take on that task often undergo serious stress and some of them snap under the strain. If at all possible, encourage any family caretakers to participate in respite programs to get some relief. The majority of caretakers have reported that they have become tempted to act inappropriately on one occasion or another, so some steps ought to be taken to prevent falling into temptation. The best protections are (i) to have someone else check up on your care and (ii) to let the caretakers have some time off to unwind.

If you or a loved one becomes a victim, there are criminal, administrative, and private (civil) remedies available. One of the first things to consider is to call adult protective services. There is a toll-free number to call. 1-800-99NOABUSE / 1-800 996-6228. Crimes can be reported to the police. Recently, the laws have been strengthened in this area. Attitudes differ considerably from one law enforcement agency and prosecutor's office to the next, so you may have to push a bit harder with some. There are various private rights of action that can also be brought. One unfortunate fact is that persons who steal money don't always retain it. For example, there might not be much that can be done if a nephew spent all of your money on gambling or drugs.

It is critically important not to blame the victim of elder abuse. If a person has been victimized, it often only makes matters worse to try to take away that person's fundamental rights through a guardianship or conservatorship petition. Many victims have felt that it is better not to report the crime than to run a risk of being put in a nursing home or having someone else be put in charge of all decisions.

Elder abuse and exploitation is a major concern of mine. I have conducted training programs for attorneys, law enforcement, adult protective service workers, victims' advocates, and other groups. In addition, I was Special Advisor to the Governor's Task Force on Elder Abuse.

We need to stop elder abuse and exploitation.