

Tip Sheet: Elder Exploitation

Report: Elder Abuse in Montana hits record numbers

According to a 2021 press statement from Montana Department of Public Health and Human Services, cases of elder abuse in Montana are increasing. In 2020 a record number -- 4,500 Montanans -- were victims of elder abuse, an increase of nearly 30% since 2018.

While neglect and self-neglect are investigated most often, financial exploitation is also on the rise nationally and in Montana. The average victim nationally loses \$120,000 through financial exploitation. In many cases, the person abusing, neglecting or exploiting the elderly is a person in a trust relationship to the older person such as spouse, child, or friend.

The problem of elder abuse needs the attention of all Montanans because we share in the responsibility to help protect the elderly. We can act together by being aware of the problems and learning ways to prevent them.

In an effort to continue fighting elder abuse and exploitation, Governor Gianforte signed an Executive Order in November of 2021 expanding the Montana Elder Justice Council from one region to four regions. The four regions of the new Montana Elder Justice Council now cover the entire state.

What is elder abuse?

Elder abuse includes physical abuse, emotional abuse, sexual abuse, exploitation, neglect, and abandonment. Perpetrators include children, other family members, and spouses—as well as staff at nursing homes, assisted living, and other facilities.

- **Emotional abuse** means verbal assaults, threats of abuse, harassment, or intimidation.
- **Physical abuse** means inflicting physical pain or injury upon an older adult and can include inappropriate touching or even sexual abuse.
- **Confinement** means restraining or isolating an older adult, other than for medical reasons.
- **Passive neglect** is a caregiver's failure to provide an older adult with life's necessities, including, but not limited to, food, clothing, shelter, or medical care.
- **Willful deprivation** means denying an older adult medication, medical care, shelter, food, a therapeutic device, or other physical assistance, and exposing that person to the risk of physical, mental, or emotional harm—except when the older, competent adult has expressed a desire to go without such care.
- **Financial exploitation** means the misuse or withholding of an older adult's resources by another. Financial exploitation is often committed by a family member or caregiver who tries to control the funds of an elderly person.

How many older Americans are abused?

Approximately 1 in 10 Americans aged 60+ have experienced some form of elder abuse. Some estimates range as high as 5 million elders who are abused each year. One study estimated for every case of elder abuse that comes to the attention of authorities, it is estimated that 23 cases are never brought to light.

How has the pandemic affected rates of Elder Abuse?

Elder abuse appears to have climbed during the pandemic, experts say.

The pandemic, which fundamentally already disproportionately impacts older people, has an added layer of making older populations extra vulnerable to neglect, abandonment and abuse financially, emotionally and physically.

The National Center on Elder Abuse says **social isolation is one of the greatest risk factors for elder abuse** and since it is reported far and wide, the coronavirus pandemic is a breeding ground for social isolation.

We also know that the pandemic has created greater dependency of older adults on others, which might be exploited by abusers. The nationwide economic downturn, too, can incentivize abusers to target older people who, in many families, have resources saved or receive Social Security income. Though hard statistics don't yet exist in the United States, Canada has reported a **tenfold increase in elder abuse**.

Who are the abusers of older adults?

Abusers are both women and men. In almost 60% of elder abuse and neglect incidents, the perpetrator is a family member. Two thirds of perpetrators are adult children or spouses.

What makes an older adult vulnerable to abuse?

Social isolation and mental impairment (such as dementia or Alzheimer's disease) are two factors. Recent studies show that nearly half of those with dementia experienced abuse or neglect. Interpersonal violence also occurs at disproportionately higher rates among adults with disabilities.

What are the warning signs of elder abuse?

- **Physical abuse, neglect, or mistreatment:** Bruises, pressure marks, broken bones, abrasions, burns
- **Emotional abuse:** Unexplained withdrawal from normal activities, a sudden change in alertness, or unusual depression; strained or tense relationships; frequent arguments between the caregiver and older adult
- **Financial abuse:** Sudden changes in financial situations
- **Neglect:** Bedsores, unattended medical needs, poor hygiene, unusual weight loss
- **Verbal or emotional abuse:** Belittling, threats, or other uses of power and control by individuals

Are there criminal penalties for the abusers?

Montana has strict penalties for those who victimize older adults. Increasingly, across the state, law enforcement officers and prosecutors are trained on elder abuse and ways to use criminal and civil laws to bring abusers to justice.

What are the effects of elder abuse?

Elders who have been abused have a 300% higher risk of death when compared to those who have not been mistreated. While likely under-reported, estimates of elder financial abuse and fraud costs to older Americans range from \$2.9 billion to \$36.5 billion annually. Yet, financial exploitation is self-reported at rates higher than emotional, physical, and sexual abuse or neglect.

How can elder abuse be prevented?

Educating older adults, professionals, caregivers, and the public on abuse is critical to prevention. If you're an older adult, these tips from experts can help you stay safe by:

- Planning for your own future. With a power of attorney, will and a living will, you can address health care decisions now to avoid confusion and family problems later. Seek independent advice from someone you trust before signing any documents.
- Knowing your rights. If you use the services of a paid or family caregiver, you have the right to voice your preferences and concerns. If you live in a nursing home, call your Long Term Care Ombudsman. The ombudsman is your advocate and has power to intervene.
- Staying active in the community and connected with friends and family. This will decrease social isolation, which has been connected to elder abuse.
- Posting and opening your own mail.
- Not giving personal information over the phone.
- Using direct deposit for all checks.
- Having your own phone.
- Reviewing your will periodically and making necessary adjustments.
- Seeking professional help for depression, drug and alcohol abuse and other mental health concerns and urging family members to get help if these problems exist.
- Attending support groups for spouses and learning about domestic violence services.

How do I Report Elder Abuse or Exploitation?

If an older adult is in immediate, life-threatening danger, call 911. Anyone who suspects that an older adult is being mistreated should contact a local Adult Protective Services office, Long-Term Care Ombudsman, or police. There are various ways to get help. More information is available from the National Council on Aging Eldercare Locator online or by calling 1-800-677-1116.

Local resources in Montana include:

- Your local Police or Sheriff's Office
- Adult Protective Services: Website: www.aps.mt.gov / Phone: (844) 277-9300
- Montana Legal Services Association: Website: mtlsa.org / Phone: (800) 666-6899
- Area Agencies on Aging: Website: <https://dphhs.mt.gov/sltc/aging/areaagenciesonaging/> / Phone (800) 551-3191
- Local Ombudsman: Website: <https://dphhs.mt.gov/sltc/aging/longtermcareombudsman/> / Phone (800) 332-2272
- Office of Consumer Protection Website: doj.mt.gov/consumer / Phone: (800) 481-6896

What Kind of Help Can I Get in Montana?

Only local law enforcement and prosecutors can investigate and charge crimes. There are different kinds of help for victims of elder abuse, neglect, and financial exploitation provided by state agencies and non-profit organizations.

What Services does Montana DPHHS Provide?

- **Adult Protective Services** protects vulnerable adults from abuse, neglect and exploitation by investigating and referring victims to resources and community partners. You can call APS at 1-844-277-9300, or visit their website at: <http://dphhs.mt.gov/SLTC/APS>.
- **The Legal Services Developer**, in the Office on Aging, provides elder law training and resources to older Montanans, family members, and social outreach workers. The program also provides pro bono and local legal services referrals, training materials and telephone assistance. Call 1-800- 332-2272 (normal business hours). You can also visit <http://dphhs.mt.gov/sltc/aging/legalservicesdeveloper>.

What Services Does Montana Legal Services Association Provide?

- **Montana Legal Services Association (MLSA)** can provide free legal information, advice, and representation in civil, non-criminal, cases to persons over the age of 60 years who have been abused, neglected, or exploited. MLSA can also provide assistance finding resources for non-legal problems; provide referrals to volunteer attorneys and other resource providers. MLSA also provides self-help clinics and materials. Call MLSA at 1-800-666-6899 or apply online at: www.mtlsa.org.

What Services Does A Local or State Ombudsman Provide?

- **Local Ombudsman** can help residents in long-term care facilities to exercise their rights. Ombudsman can investigate reports of abuse or neglect made by the victim, family, or other persons. You can call the state Ombudsman at 1-800-332-2272, or reach your local Ombudsman at 1-800-551-3191, or visit <https://dphhs.mt.gov/sltc/aging/longtermcareombudsman>

What Services Does the Office of Consumer Protection Provide?

- **Office of Consumer Protection (OCP)** enforces consumer laws designed to protect customers from deceptive business practices. OCP can file claims on behalf of the financially exploited victim. You can call OCP at 1-800-481-6896 or visit <https://dojmt.gov/consumer/>

What Services Do Area Agencies on Aging Provide?

- **Area Agencies on Aging (AAAs)** provide a network of organizations that serve the elderly population (60+) of their local area. There are 10 AAAs addressing health care, retirement, housing, employment, and community services. You can call AAA at 1-800-551-3191, or visit their webpage at: <http://dphhs.mt.gov/sltc/aging/areaagenciesonaging>