

## **Abuse, Neglect, and Financial Exploitation**

Did you know that about 1 in 10 Americans sixty years of age and older have experienced some form of elder abuse? Elder abuse is the mistreatment or harming of an older person. Younger disabled adults can fall prey to abuse as well. Abuse includes physical, emotional, or sexual abuse, neglect, and financial exploitation. In this video, you will learn how to spot elder abuse. When you spot it, we will give you five ways to respond . . . up to and including a guardianship and conservatorship.

There are physical, behavioral, and financial signs of elder abuse. Broken bones, bruises, cuts, burns, torn or stained clothing, poor living conditions or nutrition, dehydration. Lack of medical aids like walkers, eyeglasses, and medications. Fear, depression, or isolation. Unusual activity in bank accounts, sudden changes to a will or power of attorney, or unpaid bills. All of these are signs of potential elder abuse. Unfortunately, only 1 in 14 cases is ever reported to authorities. If you suspect elder abuse, here's what you can do to help.

First and foremost, if you or someone you know is in a life-threatening situation or immediate danger, call 911 or the local police or sheriff. Elder abuse is a crime in the state of Alabama, and law enforcement can investigate and charge the abuser.

Second, report the suspected abuse to the appropriate state agency. Adult Protective Services with the Alabama Department of Human Resources investigates abuse, neglect, and financial exploitation of elderly or disabled adults in the community who cannot protect themselves, and who have no one else willing or able to protect them. Adult Protective Services can arrange the services needed to help the adult, and in emergencies, get court involvement. For abuse that occurs in an institutional setting – such as an assisted living or long-term care facility – the report should be made to the Alabama Department of Public Health or state Long-Term Care Ombudsman's Office. The phone numbers for reporting to these agencies can be found under the "For the Public" section of our website.

The third option is filing a petition for a civil Elder Abuse Protection Order. These actions are filed in the Circuit Court in the county where the victim lives. Individuals aged 60 and older can file for *their own* protection order. But if the victim is mentally or physically incapable of filing for themselves, someone else can file for them. The judge can enter an emergency order to protect someone at risk of imminent harm. Beyond that, the alleged abuser will get notice of the filing and the court will schedule a hearing. At that hearing, the victim, alleged abuser, and potentially others will testify about what is happening. If the court finds there is abuse, it can order the abuser to stop the abuse, leave the house, stay away from the victim, and return the victim's money, among other things. If the abuser violates the court order, he or she can be charged criminally. The two most important things to remember about Elder Abuse Protection Orders are, one, a victim of elder abuse can go to court themselves to stop the abuser. Two, the court order may be enough to stop the abuse, and the victim can get back on their feet without needing a guardian or conservator.

The fourth and fifth options involve guardianships and conservatorships. If the victim is determined by a court to be incapacitated, a guardian or conservator can step in to provide for the health, safety, welfare, financial security, and decision-making for the victim.

Option four is filing a petition for a Temporary Guardianship or Conservatorship in the county Probate Court where the victim lives. These are done in emergency situations only . . . where there is an immediate threat of actual, substantial harm to the incapacitated person or their property. Time may be critical in emergency situations to protect the victim or preserve their property. The downside to a Temporary Guardianship or Conservatorship is that the victim -- the alleged incapacitated person -- may not receive notice of the court action, and the victim's individual rights can be taken away without them knowing about it. Therefore, temporary appointments should be for true emergencies only.

Option five is filing a petition for a permanent guardianship or conservatorship. This can be done in addition to a Temporary Guardianship or Conservatorship, or if not an emergency, as a separate filing. If the judge finds the person to be incapacitated, a guardian or conservator will be appointed. In the case of adult abuse, a guardian or conservator can be a life-saver. They will be able to make sure the victim has a safe living environment, receives needed medical and caregiving services, and the person's money is used for their benefit.

In the next video, we will outline the steps to obtain a guardianship or conservatorship.