

Commentary... Be alert to elder abuse – Part II

By **Betsy Leight-Johnson**
Correspondent

This is Part 2 of a multi-part series on Elder Abuse Awareness, intended to raise community awareness and to provide resources for individuals who are themselves vulnerable or are caregivers, family or friends of vulnerable people.

The Oregon Department of Human Services (DHS) has Adult Protective Service (APS) offices statewide to coordinate and conduct abuse investigations and provide services to reports of neglect and abuse of vulnerable adults, including: adults over the age of 65, adults with physical and/or developmental disabilities, adults with mental illness, and children receiving residential treatment services.

Abuse, as it applies to the elderly or disabled, means any of the following: physical abuse, neglect, verbal or emotional abuse, financial exploitation, sexual abuse, involuntary seclusion, and wrongful use of physical or chemical restraint of an adult.

Investigators look for evidence of fraud, undue influence, bullying, and/or a secretive or confidential relationship as factors in elder abuse. Marion County’s Court Visitor Manual provides that these factors, in combination with one or more of the following suspect circumstances, are to be included in a court visitor’s report when discovered:

- Haste or secrecy in the preparation of documents or plan
- Seclusion of or restricted access to the person
- An unexplained change in the person’s attitude toward those he had previously expressed affection for
- Lack of independent or objective advice
- Participation by the alleged perpetrator in the preparation of the document
- A discrepancy or lack of continuity from prior plan
- Unnatural or unjust gift or grant of authority
- The mental or physical condition of the person making him/her susceptible to influence.

Verbal and emotional abuse are often underlying aspects of other types of abuse. For example, a victim of financial or physical abuse may be threatened or bullied not to report “or else” there will be consequences (i.e., more abuse, being “sent to a home,” never seeing a loved one again, or making someone “miserable for the rest of

their lives”).

Oregon law lists a number of occupations/individuals who are mandatory reporters for elder abuse, which includes various medical providers (physicians, dentists, audiologists, optometrists, chiropractors, therapists, nursing staff, etc.), peace officers, clergy, firefighters and EMTs. However, it does not include bank employees.

Oregon’s DHS works with the Oregon Bankers Association to provide a training kit for bank employees. The most recent 2018 kit includes some of the following patterns for financial abuse: Women were twice as likely to fall victim of elder financial abuse as were men with most victims between ages 80 and 89, living alone, and requiring some level of help with either health care or home maintenance. Financial abuse often goes hand in hand with other types of abuse such as verbal/emotional and neglect of care. Family members are the most common perpetrators of financial exploitation (59 percent of the time in 2013 Oregon cases). One in every six cases of substantiated financial abuse in Oregon is perpetrated by someone improperly using power of attorney or other form of fiduciary responsibility.

Beyond a power of attorney, vulnerable individuals can have a court-appointed

conservator (for financial matters) or guardian (for all matters) to protect and assist them in managing themselves and their assets. It is highly recommended to seek legal advice in sorting out the most appropriate legal tools to use and when to use them.

If you become aware of signs that a person over 65 (or a person with disabilities of any age) is being abused, report it and let the authorities investigate. Protect any evidence you may have and call the toll-free abuse hotline at 800-503-SAFE or by calling local law enforcement in the county where the abuse occurred. If you report elder abuse in good faith, the law will protect you from being sued by the alleged abuser if you are mistaken.

Dr. Betsy Leighty-Johnson has a PhD in Human Services with a specialization in Social and Community Services. In September 2014, the author and her husband discovered his (then) 96-year-old mother had been the victim of financial elder abuse. They were very involved in the collection of evidence assisting in the felony prosecution of the victim’s daughter for the crime. Since that time, the author has become an elder abuse advocate, currently assisting the Deschutes County District Attorney’s office with elder abuse cases.

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