

# Abuse in Later Life: Responses, Resources, Collaborations

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Administration on Aging (AoA)

Rebecca Henry, Deputy Chief Counsel, ABA Commission on  
Domestic & Sexual Violence

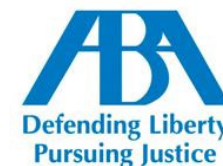
Bonnie Brandl, Director of the National Clearinghouse on  
Abuse in Later Life (NCALL), a project of the Wisconsin  
Coalition Against Domestic Violence (WCADV).

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National Consumer Law Center

National Elder Rights Training Project for the National Legal Resource Center.  
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**April 11, 2012**



# NLRC

Providing Legal Support to the  
Aging Advocacy Network

- <http://www.nlrc.aoa.gov/>
- Collaboration developed by the Administration on Aging between the National Consumer Law Center, National Senior Citizens Law Center, American Bar Association Commission on Law and Aging, Center for Elder Rights Advocacy, and the Center for Social Gerontology
- See upcoming trainings, conferences, and webinars
- Request a training
- Request consulting
- Request technical assistance
- Access articles and resources

# Presenter – Barbara Dieker

- **Director, Office of Elder Rights,  
Administration on Aging**

# Presenter – Bonnie Brandl



- Director of the National Clearinghouse on Abuse in Later Life (NCALL), a project of the Wisconsin Coalition Against Domestic Violence (WCADV).
- Brandl has worked in the battered women's movement for over 25 years and at WCADV for 20 years.
- She has written national curricula for law enforcement and victim service providers on elder abuse and facilitated trainings for thousands of professionals throughout the United States.
- She co-authored a book titled "Elder Abuse Detection and Intervention: A Collaborative Approach."

## Presenter – Rebecca Henry



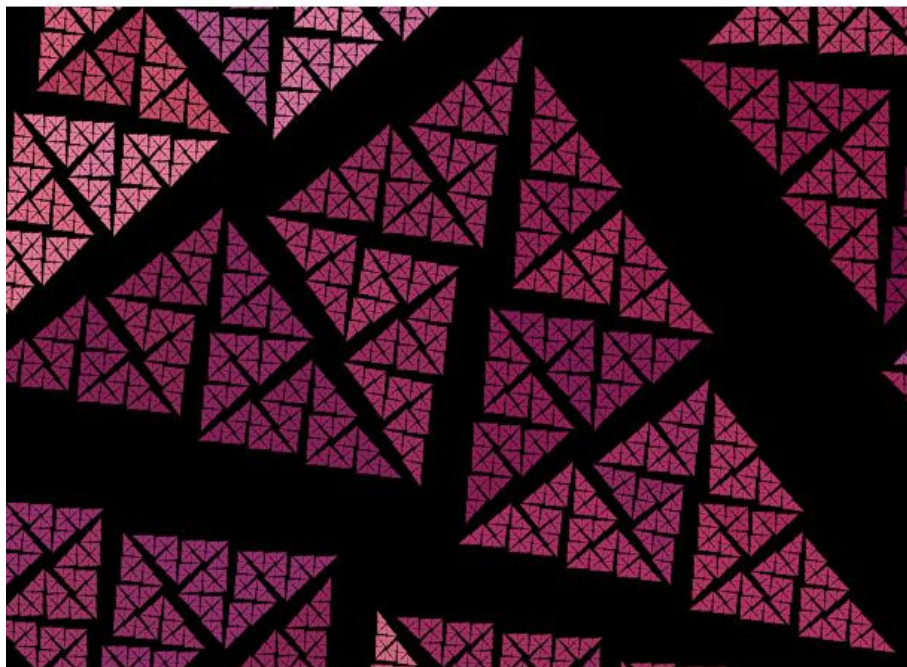
- Deputy Chief Counsel of the Commission on Domestic Violence at the American Bar Association, where she is responsible for developing and implementing technical assistance programs for civil attorneys with a victim-centered domestic violence practice.
- In that role, she conducts on-site training and consultations for state, local and national programs, oversees the National Domestic Violence Pro Bono Directory, and coordinates national policy initiatives, including the Civil Legal Assistance Committee of the National Task Force to End Sexual and Domestic Violence, supporting VAWA Reauthorization in 2010.

## NCLC Resources for Advocates

- NCLC Guide to Consumer Rights for Domestic Violence Survivors
- **NCLC Website:** <http://www.nclc.org/special-projects/domestic-violence-survivors.html>
- Consumer Rights Screening Tool for Domestic Violence Advocates and Lawyers

# NCLC Resources for Advocates

## **Consumer Rights Screening Tool** *for* **Domestic Violence Advocates and Lawyers**



Leah A. Plunkett, National Consumer Law Center &  
Erika A. Sussman, Center for Survivor Agency and Justice

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# Consumer Rights Litigation Conference

- Consumer Rights Litigation Conference
  - ***Consumer Rights for Domestic Violence Survivors***
  - Center for Survivor Agency and Justice
  - October 25, 2012 in Seattle
  - All day session covering
    - Credit reporting
    - Prioritizing debt
    - Federal tax advocacy
    - Debt collection
    - Foreclosure and Eviction Defense



# Consumer Rights for Domestic Violence Survivors

## Consumer Rights Litigation Conference

SAVE THE DATE

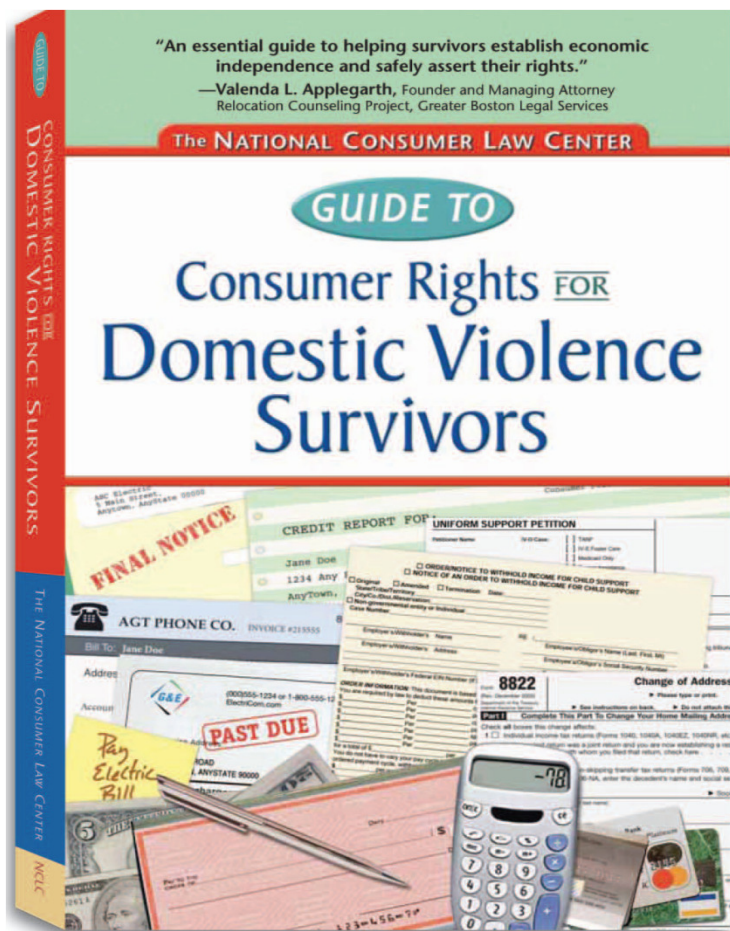
October 25-28, 2012

Seattle, WA



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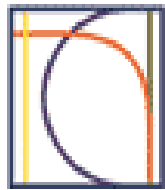
# For Practical Advice to Help Survivors Safely Establish Economic Independence, see NCLC's Handbook:



*Consumer Rights for Domestic Violence Survivors* covers the effect of the abuser's credit history, joint debts and credit cards, identity theft by the abuser, economic redress, victim compensation funds, child support, divorce scams, and much more.

**Definitive Legal Guides  
from National Consumer  
Law Center**

For more details, visit the NCLC Bookstore  
[www.nclc.org](http://www.nclc.org)



ncall



AMERICAN BAR ASSOCIATION

Commission on  
Domestic & Sexual Violence

# ABUSE IN LATER LIFE: NEW RESOURCES AND COLLABORATIONS

BONNIE BRANDL (NCALL)

REBECCA HENRY (ABA)

National Clearinghouse on Abuse in Later Life (NCALL)  
Wisconsin Coalition Against Domestic Violence (WCADV)  
American Bar Association, Commission on Domestic & Sexual Violence (ABA CDSV)

# Learning Objectives

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- Understand abuse in later life as a subset of elder abuse
- Learn how to effectively screen and safety plan with every client
- Recognize services available to victims of domestic violence and sexual assault in later life
- Identify potentially new community partners for collaboration and referral

# Overview



ABA and NCALL



April 2012



# Elder Abuse

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- 1 in 10 community-residing, cognitively intact older adults reported experiencing elder abuse in the past year (Acierno et al, 2009)
- Perpetrators: family members, not just spouses (Acierno et al, 2009)
- These victims are three times more likely to die prematurely than non-abused age elders (Lachs, et al 1998)



# Elder Abuse: Under the Radar

**For every one case of elder abuse  
that comes to the attention of a  
responsible entity. . .**

**1**

**another twenty three cases  
never come to light.**

**23**

Source: NYS Elder Abuse Prevalence Study; Weill Cornell Medical College, NYC Department for the Aging; Lifespan; (2011)



# Elder Abuse/Abuse in Later Life

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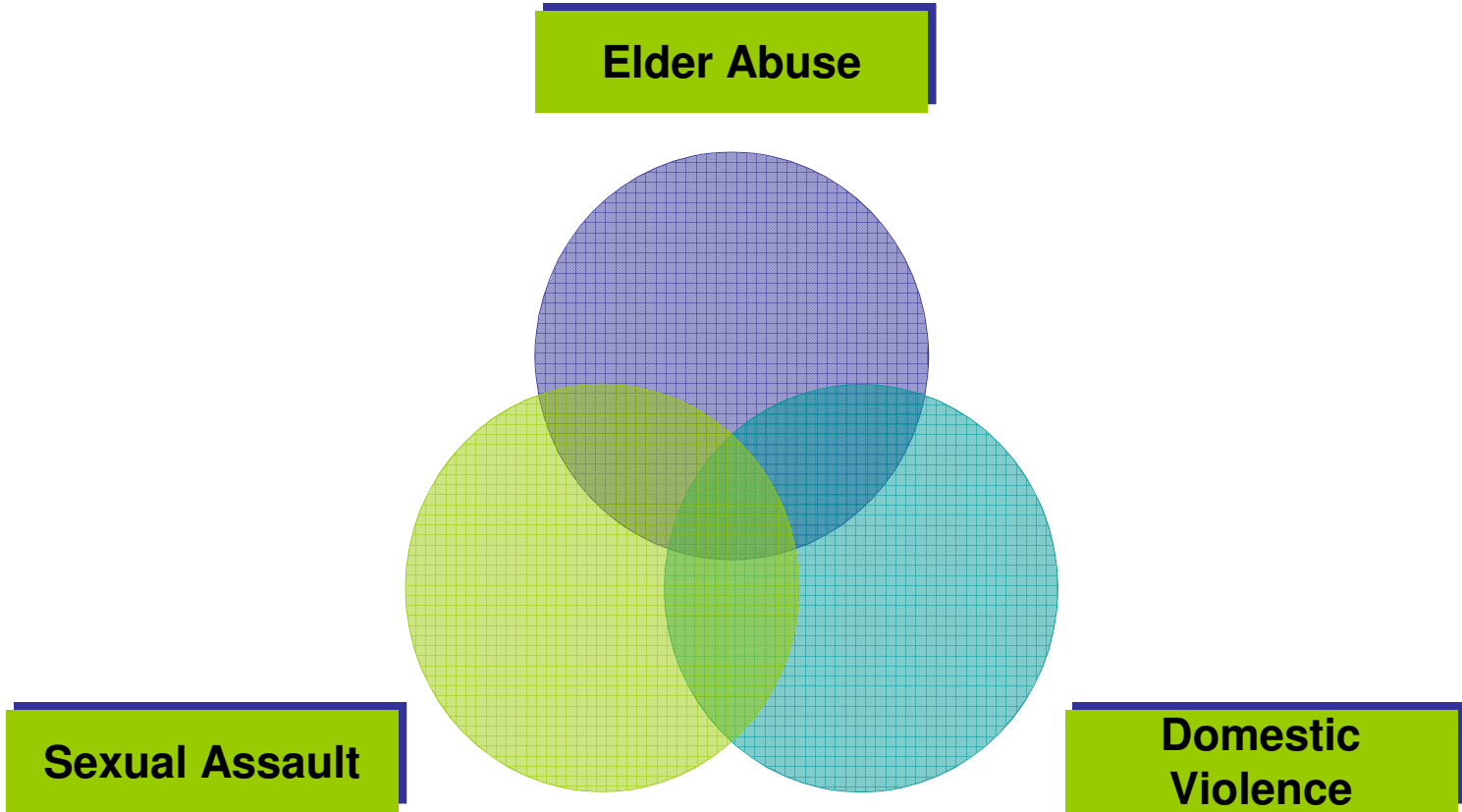
- **Age:** 60+ (50+ for many service providers)
- **Gender:** Female and male
- **Relationship:** *Ongoing with expectation of trust*
- **Forms:** Physical, emotional and sexual abuse, neglect, and financial exploitation

# Not included in this training

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- Self-neglect
- Persons ages 18–49
- Victims of crimes by strangers such as scams, identity theft, or muggings
- Abuse in facilities

# Abuse in Later Life as a Subset of Elder Abuse, Domestic Violence, and Sexual Assault



# Elder abuse (VAWA 2012)

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The term “elder abuse” means any action against a person who is 50 years of age or older that constitutes the willful—

(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.

# Sexual assault (VAWA 2012)

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The terms “sexual assault” means any non-consensual sexual act proscribed by Federal, Tribal or State law, including when the victim lacks capacity to consent.

# Sexual Abuse in Later Life

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- “Hands-On”
- “Hands-Off”
- Harmful genital practices

# Domestic violence (VAWA 2012)

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The term “domestic violence” includes felony or misdemeanor crimes of violence committed

- by a current or former spouse or intimate partner of the victim,
- by a person with whom the victim shares a child in common,
- by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

# How Are Older People Harmed?

1.24

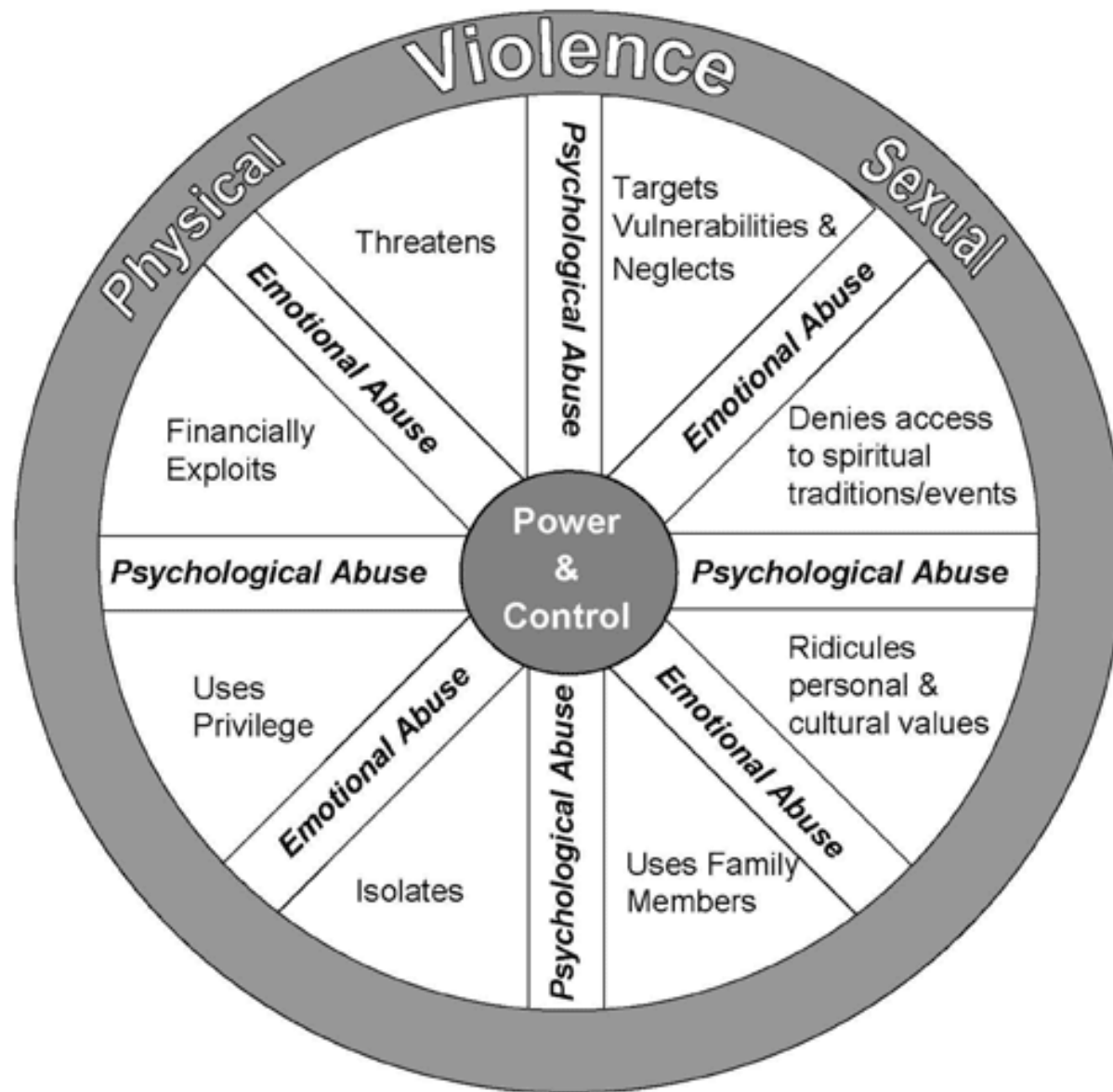
- Accidents
- Well-intended caregivers
- By persons with physical/mental health conditions who can't control aggressive behavior
- Elder abuse (intent)



# Why Does Elder Abuse Occur & Persist?

1.25

- Greed
- Power and control



Created by the National Clearinghouse on Abuse in Later Life (NCALL)

A project of the Wisconsin Coalition Against Domestic Violence (WCADV)

307 S. Paterson St., Suite 1, Madison, WI 53703 • (608) 255-0539 / FAX/TTY: (608) 255-3560 • [www.ncall.us](http://www.ncall.us) • [www.wcadv.org](http://www.wcadv.org)

This diagram adapted from the Power and Control/Equality wheels developed by the Domestic Abuse Intervention Project, Duluth, MN. Permission to Adapt 2006

# Common Abuser Justifications

1.27

## Abuser Excuses

- “I have a problem with my temper.” (anger)
- “I was drunk or high.” (substance abuse problem)
- “I’m sick. It’s not my fault.” (physical or mental health issue)
- “In my culture, elders share their resources.” (culture)
- “He is too difficult to care for.” (caregiver stress)

# Questions?

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# Screening, Response and Safety Planning



# Who Should I Screen?

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**Everyone!**

There's no consistent profile:

Anyone can be a victim;

Anyone can be a perpetrator

# How Do I Screen?

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- Incorporate standard questions about abuse and safety upon intake of every case.
  - ▣ If the questions are automatic and formalized, it will minimize the stigma and encourage dialogue and disclosure.
- Interview your client alone.
  - ▣ If your client requires assistance, try to provide an independent aide from your organization for the interview.
- Advise the client whether confidentiality or privilege apply to your conversation, and whether you are a mandated reporter.

# Questions You Can Ask

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- ❑ Are you getting out with your friends?
- ❑ Are you afraid of anyone?
- ❑ Who makes decisions about your life, such as how or where you should live?
- ❑ Who controls your finances and makes financial decisions? How is that working out?
- ❑ Have you ever been touched by someone in a way that makes you feel uncomfortable? Is this going on now?



# Response: Compassion and Referral

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- Listen with empathy and without judgment.
- Affirm the victim's right to safety. Affirm that safety is your first concern.
- Reassure the victim that the abuse is NOT their fault.
- If your conversation is confidential or privileged, remind your client of that fact, and that you will not act without their permission.
- Help the victim connect to a domestic violence, sexual assault, or elder abuse advocate, or Adult Protective Services.

# Safety Plan

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An individualized set of strategies designed to maximize the safety of a person who may be in danger of further harm from a perpetrator.

- Includes physical, emotional and financial safety
- Does not require a victim to leave
- Should be constantly evolving

# Safety Planning Resources

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- ▣ [www.ncall.us/content/tips-and-tools-older-adults](http://www.ncall.us/content/tips-and-tools-older-adults)
- ▣ [www.womenslaw.org](http://www.womenslaw.org)
- ▣ National Domestic Violence Hotline
  - 1-800-799-SAFE
  - 1-800-787-3224 (TTY)
  - [www.ndvh.org](http://www.ndvh.org)

# Questions?

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# Services and Community Partners



ABA and NCALL

# Domestic & Sexual Violence Programs

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- 24 hour crisis lines
- Emergency housing
- Individual, peer and group counseling
- Legal advocacy
- Community education

**\*Determine services available for older adults  
in your community**

# Adult Protective Services

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**Investigate reports of abuse, neglect or exploitation of older adults and/or persons who are unable to protect themselves from abuse, neglect or exploitation**

- Arrange services to make adults safe and to allow the most personal freedom possible
- Seek guardianship &/or conservatorship of adults who are unable to make decisions for themselves and have no family or friends to help them

*\*Most states have some form of mandatory reporting to APS*

# Aging Network

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- Transportation
- Meals
- Home health
- Social programs
- Assistance with benefits



# Legal Services

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- Any civil legal services organization can assist an eligible victim regardless of age
  - ▣ However, many communities also have elder-specific legal services programs
  - ▣ Elder Law expertise may or may not be necessary
  
- Some civil remedies:
  - ▣ Civil protection order
  - ▣ Divorce
  - ▣ Power of Attorney
  
- Some criminal charges:
  - ▣ Assault
  - ▣ Fraud
  - ▣ Confinement

# Coordination

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# Collaboration

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- Interdisciplinary teams (m-teams)
- Coordinated community response teams
- FAST
- Elder fatality review teams

# Questions?

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# Federal legislation and programs



# Federal Legislation and Programs

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- Violence Against Women Act
  - ▣ Abuse in Later Life Program
  - ▣ Legal Assistance to Victims
  - ▣ Many others!
  
- Elder Justice Act
  
- Older Americans Act
  
- Elder Victim Services Act

# OVW Abuse in Later Life Program

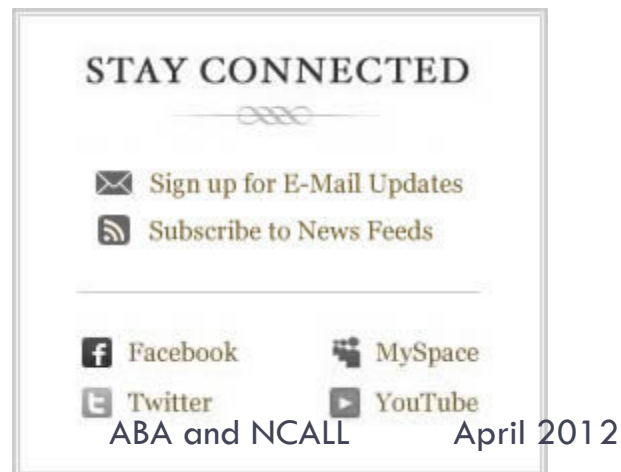
47

- 3 years/\$400,000
- 9 – 10 projects funded each year
- 4 partners: law enforcement, prosecutor, victim services, aging network/APS
  - ▣ Direct training
  - ▣ Cross-training
  - ▣ Coordinated Community Response
  - ▣ Victim Services

# Find a VAWA grantee in your area— or become one!

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- [www.ovw.usdoj.gov/grantactivities.htm](http://www.ovw.usdoj.gov/grantactivities.htm)
- Call Bonnie!
- Subscribe to updates on new grant programs, solicitations, and OVW events: [www.justice.gov](http://www.justice.gov)





# Resources

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- National Center on Elder Abuse  
[www.ncea.aoa.gov](http://www.ncea.aoa.gov)
- National Clearinghouse on Abuse in Later Life  
[www.ncall.us](http://www.ncall.us)
- National Adult Protective Services Association  
[www.apsnetwork.org](http://www.apsnetwork.org)
- ABA [www.americanbar.org](http://www.americanbar.org)
  - ▣ Commission on Domestic & Sexual Violence
  - ▣ Commission on Law & Aging



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[www.americanbar.org/cdsv](http://www.americanbar.org/cdsv)

[www.probono.net/dv](http://www.probono.net/dv)

# Questions?

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