

Elder Abuse



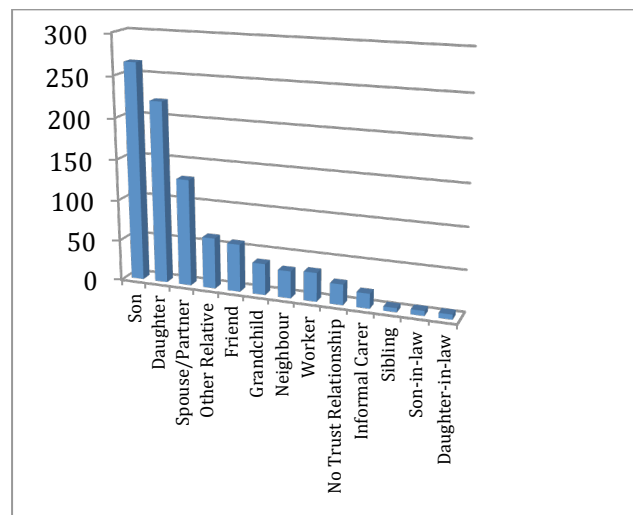
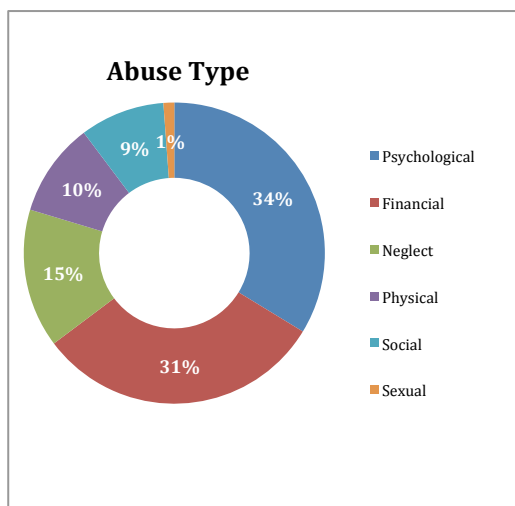
This fact sheet summarises the Ask LOIS webinar on this topic, presented by Michael Franklin, Coordinator, NSW Elder Abuse Helpline and Resource Unit, on 19 August 2014. This webinar can be viewed for free at www.asklois.org.au/webinars/past-webinars.

This fact sheet covers:

- What is elder abuse
- Elder abuse case studies
- How to recognise elder abuse
- Duty of care and responsibilities

What is elder abuse?

- Elder abuse can be defined as “...a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an **expectation of trust** which causes harm or distress to an older person”.¹
- Elder abuse can be physical, psychological, emotional, sexual, financial or the result of intentional or unintentional neglect
- Financial abuse is the illegal or improper use of an older person’s property or finances. This includes misuse of a power of attorney, forcing or coercing an older person to change their will, taking control of a person’s finances against their wishes and denying them access to their own money.²



Elder Abuse: case studies

Case Example: Please refer to the webinar recording for a discussion of this case study

Sally is 79 and has been diagnosed with early signs of dementia. She lives in her own home with her dog. She has 3 daughters and 1 son (Jeff). Jeff has an undiagnosed mental health problem and moved back in with Sally 14 years ago (after his divorce). Jeff is a drug user. He also keeps American pit bulls in cages in Sally’s backyard. Jeff pays no rent, is unemployed, and is estranged from his sisters (with a history of violence and verbal abuse against them). On a recent visit to one of her daughters, Sally revealed that she can no longer afford to support Jeff anymore and is afraid of his behaviour and his dogs. Sally’s daughter agreed to let Sally move in with her. Sally’s daughter is now the Power of Attorney. Sally no longer has the burden or stress of financially supporting Jeff. Problem solved... right?

¹ World Health Organisation (2002)

² Family and Community Services Preventing and Responding to Abuse of Older People NSW Interagency Policy (2014)



Case Example: Please refer to the webinar recording for a discussion of this case study

Xiao is 88. He moved to Australia 9 years ago from China and speaks no English. Xiao sold all of his property and assets and came to Australia with a Contributory Parent Visa (CPV). His daughter (Australian permanent resident) is his visa sponsor and under the terms of the visa has signed an “assurance of support”. After paying the \$50,000 visa fee, Xiao entered Australia with the balance of his money from the sale of his home and assets (approx. \$650,000).

His daughter first organised a power of attorney (PoA) to help her father who was struggling to organise his financial affairs due to the language barrier. During the 9 years that Xiao has lived in Australia his health has declined. He suffered a stroke and needed community aged care services. The PoA allowed the daughter to access Xiao’s funds to pay for these services because he was not eligible to receive them at a reduced rate or via Medicare due to visa restrictions. Problem solved... right?

Elder Abuse: recognise the signs

Financial Abuse

Behaviours

- Threatening, coercing re: assets or wills
- Abusing Powers of Attorney
- Stealing goods e.g. jewellery, credit cards, cash, food
- Unauthorised use of banking and financial documents

Signs

- Missing belongings
- Inability of an older person to access bank accounts or statements
- Stockpiling of unpaid bills
- No money to pay for daily essentials for the home including food, clothing, utilities

Psychological Abuse

Behaviours

- Pressuring, intimidating or bullying
- Name calling, verbal abuse
- Treating an older person like a child
- Threatening to harm the person, other people or pets
- Threatening to withdraw access to grandchildren

Signs

- Resignation, shame
- Depression, tearfulness
- Confusion and social isolation
- Feelings of helplessness
- Unexplained paranoia or excessive fear
- Insomnia
- Unusual passivity or anger

Neglect

Behaviours

- Failure to provide basic needs i.e. food, adequate or clean clothing, heating, and medical needs
- Leaving the older adult in an unsafe place or in isolation
- Failure to provide or allow the required community/medical services

Signs

- Inadequate clothing, complaints of being cold or too hot
- Poor personal hygiene or skin condition
- Lack of medical or dental care or injuries that have not been properly cared for
- Exposure to unsafe, unhealthy, unsanitary conditions
- Unexplained weight loss



Physical Abuse

Behaviours

- Pushing, shoving, rough handling
- Kicking, punching, slapping, biting, burning
- Restraining: physical or medical
- Locking the person in a room or home
- Intentional injury with a weapon or object

Signs

- Internal or external injuries, unexplained bruises or marks, pain on touching
- Evidence of hitting, punching, shaking (i.e. bruises, lacerations, choke marks or welts)
- Burns (i.e. ropes, cigarettes, matches, iron, hot water)
- Broken or healing bones

Sexual Abuse

Behaviours

- Non consensual sexual contact, language or exploitative behaviour
- Rape (including digital rape)
- Cleaning or treating the older person's genital area roughly or inappropriately
- Enforced nudity of an older person against their consent

Signs

- Unexplained STD or incontinence (bladder or bowel)
- Injury (scratches, bruises etc) to face, neck, chest, abdomen, thighs or buttocks
- Trauma including bleeding around the genitals, chest, rectum or mouth
- Torn or bloody underclothing or bedding

Duty of Care and Responsibilities regarding elder abuse

Privacy, confidentiality and information sharing

- In responding to abuse of older people it is important that workers are aware of and respect the right of older people to privacy
- However, the promise of complete confidentiality cannot be given to any person who raises a concern about the abuse of an older person (unless protected by client/lawyer privilege)
- When information about abuse is provided to Police and other key NSW Government agencies, these agencies will act, even if consent has not been given, when:
 - The vulnerable older person is believed to lack capacity to make an informed choice; or
 - A criminal investigation by the Police may be required; or
 - There is a wider public interest

Duty of care

- Duty of care is a legal obligation to avoid causing harm and arises where harm is 'reasonably foreseeable' if care is not taken
- When abuse is identified, it could be argued that agencies have a duty of care to provide information and support for the older person to assist them to prevent further abuse

Referrals & Resources

- For information and advice on elder abuse call the **NSW Elder Abuse Helpline**, Monday – Friday (8:30am – 5:00pm) **1800 628 221** – Anyone can make the call: www.elderabusehelpline.com.au
- For toolkits on making a will, making a power of attorney or appointing an enduring guardian, visit: www.planningaheadtools.com.au
- For legal advice, call the **Older Persons Legal Service: 1800 424 079**; or (02) 9281 3600 or **Women's Legal Services Domestic Violence Legal Advice Line: (02) 8745 6999**; or 1800 810 784
- For general information for older persons contact the **Seniors Information Service: 13 77 88**