

MISSION STATEMENT

● Elder Abuse is a pervasive, but often hidden problem, affecting all levels of society. An elderly victim may appear in front of the court as a respondent, defendant, witness, juror, or victim. Courts have an obligation to craft responses that provide fair and equitable solutions to elderly victims of abuse, neglect, and financial exploitation.

ELDER ABUSE DEFINED

● The National Center on Elder Abuse defines Elder Abuse broadly as a term referring to any knowing, intentional, or negligent act by a caregiver, or any other person, that causes harm, or a serious risk of harm, to a vulnerable adult (age 60 or over). Implicit within these definitions are the important concepts of undue influence and capacity. Elder Abuse often occurs as a result of an abusive caregiver, coupled with an elder of marginal capacity. Undue influence is defined as an “improper use of power or trust in a way that deprives a person of free will and substitutes another’s objective.” Capacity is defined as the “ability or power to do or experience something” including physical and mental capabilities. Vulnerable elders are often people of minimal physical stature and mental ability who have a dominating person in their life exerting extensive control.

PHYSICAL ABUSE	● Inflicting, or threatening to inflict, physical pain or injury to a vulnerable elder, depriving them of a basic need.
EMOTIONAL ABUSE	● Inflicting mental pain, anguish, or distress on an elder person through verbal or nonverbal acts.
SEXUAL ABUSE	● Non-consensual sexual contact of any kind.
EXPLOITATION	● Illegal taking, misuse, or concealment of funds, property, or assets of a vulnerable elder. This includes financial exploitation, which can be broadly categorized as 1) misuse of assets, 2) consumer fraud, 3) theft, and 4) negligent management of an elder’s financial accounting.
NEGLECT	● Refusal or failure to provide: food, shelter, health care or protection for a vulnerable elder.
ABANDONMENT	● The desertion of a vulnerable elder by anyone who has assumed the responsibility for care or custody of that person.

HOW TO RECOGNIZE ABUSE OR NEGLECT

PHYSICAL ABUSE	● Unexplained injuries: bruises, scars, welts, wounds, cuts, burns, broken bones, sudden inexplicable weight loss, specific complaints of discomfort made by the elder.
EMOTIONAL ABUSE	● Controlling behavior you may witness from a caregiver, such as threatening, rude, humiliating or derogatory comments; ● Display of fear, agitation, hesitancy, depression, withdrawal, sudden behavior changes, unwillingness to communicate, disorientation, confusion, unjustified isolation on part of the elder or any specific complaints by the elder.
NEGLECT BY CAREGIVERS OR SELF-NEGLECT	● Smells of urine and/or feces ● Untreated physical conditions, such as bed sores ● Unsuitable clothing for the weather conditions ● Desertion of the elder at a public place ● Complaints by the elder
FINANCIAL EXPLOITATION	● Sudden changes in the elder’s financial condition ● Missing/stolen money or property or sudden unjustified selling of property ● Significant withdrawals from the elder’s accounts ● Suspicious changes in wills, power of attorney, titles, and policies ● Addition of names to the elder’s signature card

RELEVANT STATUTES

- Fla. Stat. Ann. §§ 825.101-106. This section makes abuse, neglect, exploitation, and/or lewd or lascivious acts toward an elder a felony offense. “A person who knowingly or willfully abuses an elderly person or disabled adult without causing great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the third degree.”
- Fla. Stat. Ann. §§ 415.101-113. This statutory section is Florida’s *Adult Protective Services Act*, which maintains a central abuse hotline, and requires mandatory reporting for any “state, county, or municipal criminal justice employee or law enforcement officer.”

IF ELDER ABUSE IS SUSPECTED THE FOLLOWING ACTION IS REQUIRED

- In compliance with *Florida’s Adult Protective Services Act*, any mandatory reporter that suspects Elder Abuse must report it by calling the Elder Abuse Hotline **1-800-96ABUSE (1-800-962-2873)**. **If preferred this report may be faxed to 1-800-914-0004 using the fax form available at <http://www.dcf.state.fl.us/as/reporting.shtml>**. Abuse may also be reported online at <http://www.dcf.state.fl.us/abuse/report/>. If abuse is suspected and you are uncertain whether to report it, contact the **Elder Justice Center (EJC) at (813) 276-2726** for a consultation. EJC can assist with alerting all relevant prosecutorial and/or law enforcement personnel.
- For **Dementia**: *If someone appears to be a danger to themselves or others, utilize the **Baker Act** or contact the **Hillsborough Mental Health Care Mobile Crisis Response Team at (813) 272-2958**. **If not in imminent danger use *Adult Protective Services***, accessed through Elder Abuse Hotline.*

REMEDICATION & CASE MANAGEMENT TOOLS

- Issue a restraining or “no contact” order that is tailored to individual circumstances.
- Schedule review hearings to ensure compliance with court orders, including treatment programs and restitution.
- Ensure plea agreements meet the needs of the older victims of abuse.
- Encourage the use of victim/witness advocates throughout the judicial process.
- Ensure the courtroom is accessible and accommodates physical and/or cognitive impairments.
- Expedite cases in which elder abuse is an underlying factor, including avoiding unnecessary continuances or delays.
- If possible, consolidate ancillary cases involving the same family or victim to create a consistent, efficient, and therapeutic outcome.
- Understand gradations in diminished capacity and calendar cases to accommodate medical needs and fluctuations in capacity and alertness.
- While preserving the defendant’s right of confrontation, consider procedures that assure the elder victim’s testimony is memorialized, such as videotaped examinations and conditional exams.

ADDITIONAL RESOURCES

CENTER FOR ELDERS AND THE COURTS	http://eldersandcourts.org
NATIONAL CENTER FOR STATE COURTS	http://www.ncsc.org/Topics/Children-Families-and-Elders/Elder-Abuse/Resource-Guide.aspx
NATIONAL CENTER ON ELDER ABUSE	http://www.ncea.aoa.gov
FLORIDA DEPT. OF ELDER AFFAIRS- HOTLINES	http://elderaffairs.state.fl.us/
ELDER ABUSE FOUNDATION	http://www.elder-abuse-foundation.com

OTHER LOCAL RESOURCES WILLING TO ASSIST

FLORIDA ABUSE HOTLINE	(800) 96ABUSE
FLORIDA DOMESTIC ABUSE HOTLINE	(800) 500-1119
BAY AREA LEGAL SERVICES	(813) 232-1343
HELP DESK – HEARING IMPAIRED DEVICES	(813) 272-6513