



Center for Elders and the Courts
www.eldersandcourts.org



Elder Abuse & Neglect

Module One:

The Physiology of Aging

The National Center for State Courts developed this curriculum in collaboration with the Center of Excellence on Elder Abuse and Neglect at the University of California, Irvine School of Medicine with support from the Retirement Research Foundation of Chicago (grant number 2008-056).



Center for Elders and the Courts

Module One Goal

Goal

Judicial officers will understand the physical, emotional, and cognitive effects of aging and their impact on the vulnerability of older persons.



Module One Objectives

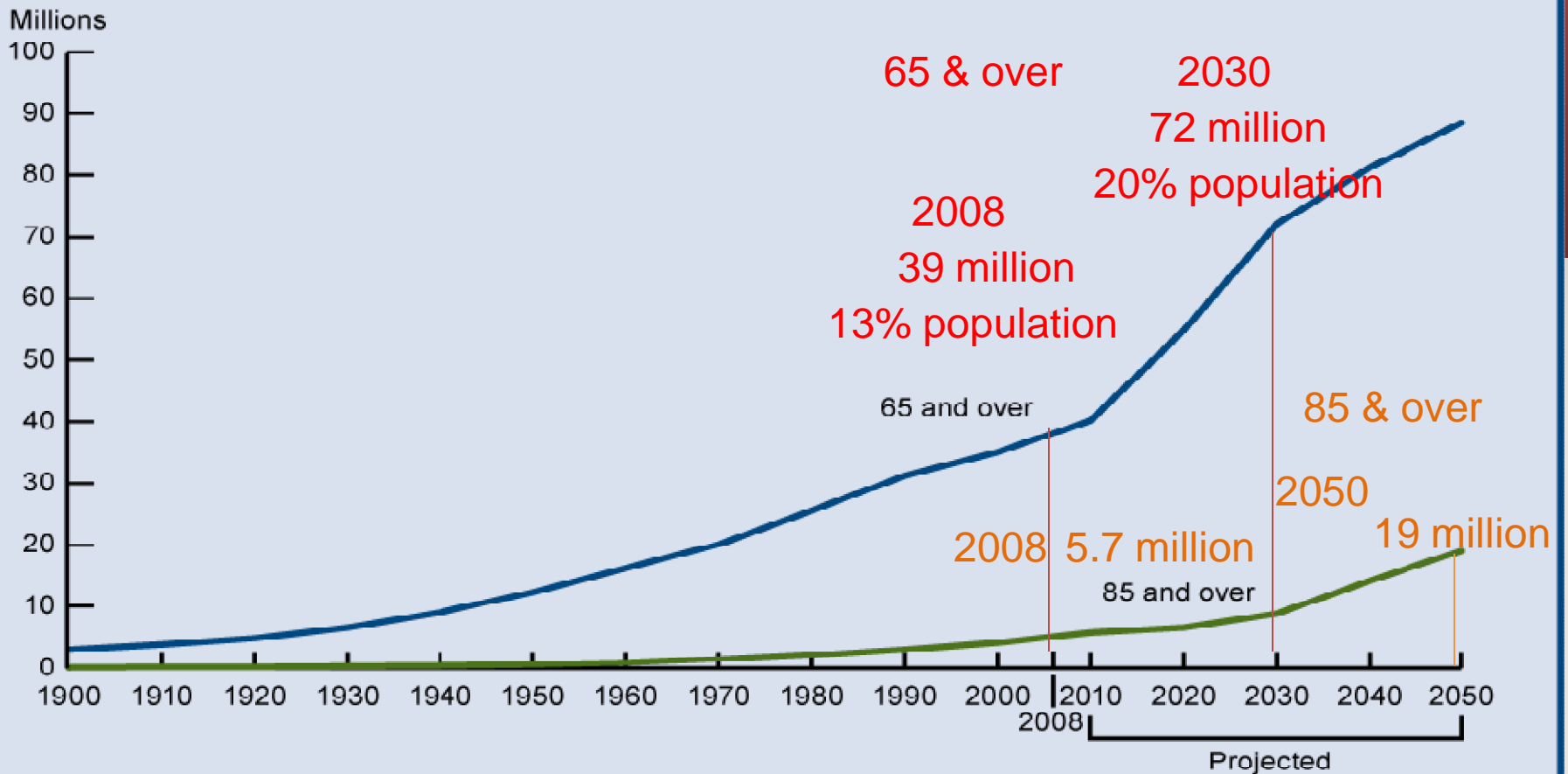
At the conclusion of Module One, judges should be knowledgeable about

- ü Demographics of aging
- ü Myths and facts of aging
- ü Common aspects of aging
- ü Age-associated vulnerabilities



Demographics of Aging

Population age 65 and over and age 85 and over, selected years 1900–2008 and projected 2010–2050



NOTE: Data for 2010–2050 are projections of the population.
Reference population: These data refer to the resident population.
SOURCE: U.S. Census Bureau, Decennial Census, Population Estimates and Projections.

State-Specific Demographics

- Add a slide referring to your state's aging population

Demographics of Aging



There will be more older Americans than at any other time in history, living longer lives.



All sectors of society will be increasingly strained to meet the needs of older Americans.

Gender and Aging



Vulnerability

- Living Longer
- Single
- Living Alone
- Poverty



Women's longer life expectancies mean that a disproportionate number of elders are women.



Elderly women are more likely than men to be widowed or divorced and living alone.



Women's incomes are significantly lower than men's for every age group over 50.

Interactive Exercise

Meet AGNES

Age
Gain
Now
Empathy
System



Photo by Nathan Fried Lipski. Used with permission from MIT AgeLab.

Myths and Facts of Aging

Myth: Due to failing memories and confusion, older people make poor witnesses

Fact: Age alone does not affect a person's credibility

ISSUE: Will judges and jurors accept an older person's testimony as truthful and accurate?

Myths and Facts of Aging

Myth: As people age, they will eventually be fully incapacitated

Fact: Incapacity is not part of the normal aging process and fluctuates when it does occur

ISSUES: How does age influence judicial determination of incapacity?
How can the court accommodate fluctuating levels of capacity?

Vulnerability

What makes elders more vulnerable?



Physical
Impairments



Emotional
Issues



Cognitive
Impairments



The Case of "Marva"



Common Aspects of Aging

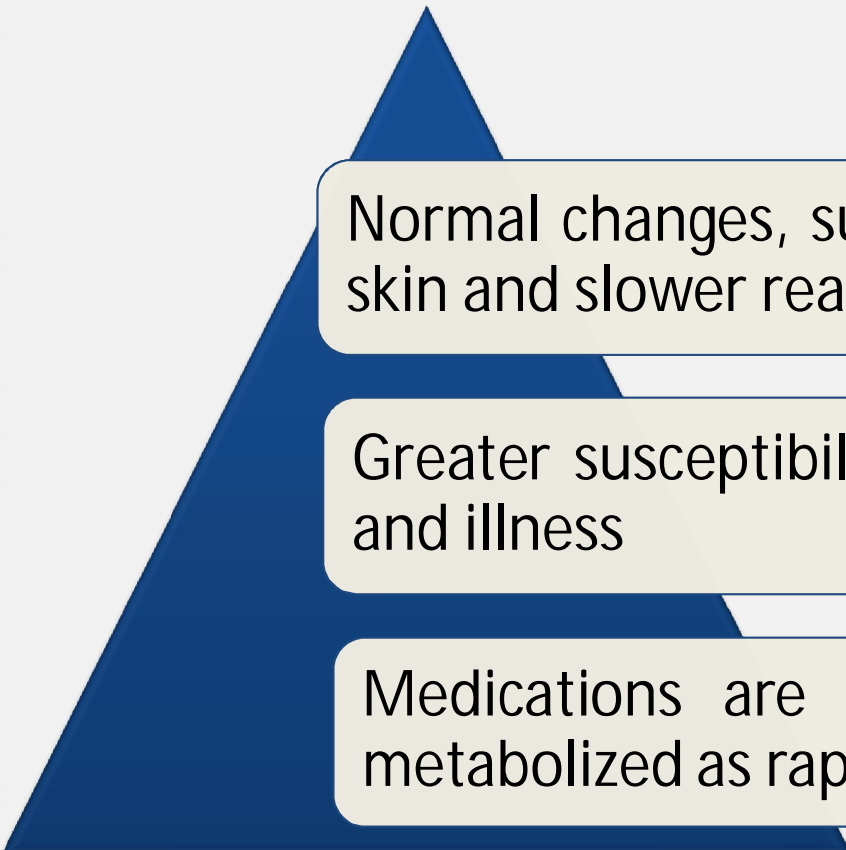
Sensory changes—hearing loss, vision disorders

Cardiovascular changes—higher blood pressure

Musculoskeletal changes—bone density, arthritis

Neurological changes—decreased reaction time

Physical Vulnerabilities



Normal changes, such as thinner skin and slower reaction times

Greater susceptibility to disease and illness

Medications are generally not metabolized as rapidly



Effects of Common Medications

Treatments for high blood pressure, allergies, and anxiety



Side effects may include confusion, drowsiness, dizziness, and falls

IADLs and ADLs

Instrumental Activities of Daily Living

Activities needed for independence in the community

- Handling finances
- Use of telephone
- Transportation
- Medication management
- Meal preparation
- Shopping

Activities of Daily Living

Activities needed for independence in the home

- Mobility
- Bathing
- Dressing
- Feeding oneself
- Toileting
- Contenance

Functional Limitations

39% of elders have some type of functional limitation

14% experience IADL limitations

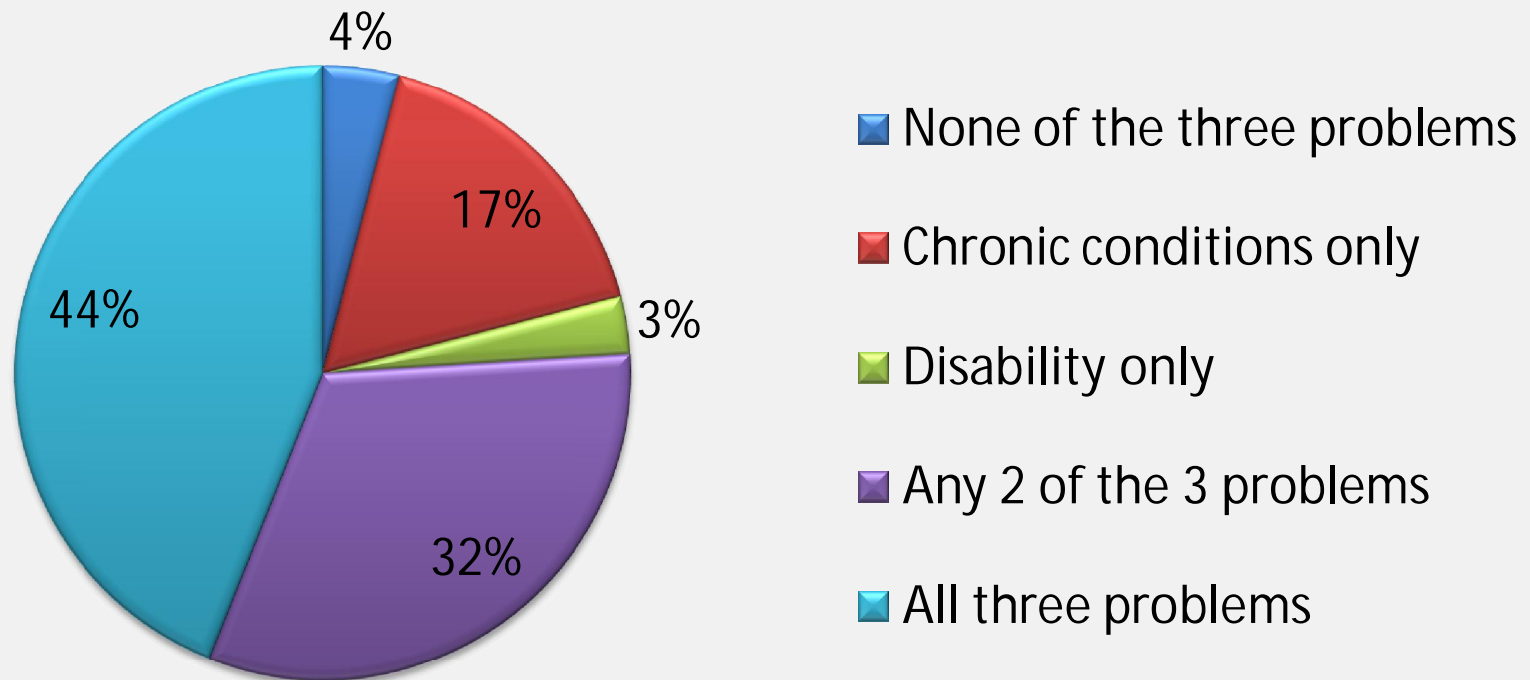
e.g., shopping, managing money

25% experience IADL and at least one ADL limitation

e.g., bathing, dressing, using the toilet

Health Issues for People Age 85+

Prevalence of Chronic Conditions, Disability, and Functional Limitations



Interactive Exercise



Marva's Physical Impairments

How might Marva's physical condition make her more vulnerable to abuse, neglect, or financial exploitation?

What issues might bring Marva to the attention of the court?

Emotional Vulnerabilities



Issues:

- Depression & anxiety
- Coping with multiple losses

Fear of losing independence
can make older people more vulnerable to threats

Emotional Vulnerabilities

Why do depression & anxiety often go undiagnosed and untreated in older adults?

Physicians

Don't ask/listen

Normalize depression

Older Adults

Subject is taboo

Depression is a part of aging

Afraid to "become a burden"

Interactive Exercise



Ed's
Emotional
Issues

How might Ed's emotional state make him more vulnerable to abuse, neglect, or financial exploitation?

What issues might bring Ed to the attention of the court?

Cognitive Vulnerabilities



Cognitive changes may be subtle or obvious

Cognition may vary by time of day

Cognition may vary by circumstance

Characteristics of Dementia

Dementia must include decline in memory and at least one of the following cognitive abilities

Ability to generate coherent speech or understand spoken or written language

Ability to recognize or identify objects

Ability to execute motor activities

Ability to think abstractly, make sound judgments and plan and carry out complex tasks

The decline in cognitive abilities must be severe enough to interfere with daily life

Alzheimer's Disease

Most common type of dementia that accounts for 60-80 percent of cases

The greatest risk factor is advancing age; 43% of people over 85 have Alzheimer's Disease

Alzheimer's Disease

More women than men have Alzheimer's Disease

The number of people 65+ with Alzheimer's disease is estimated to reach 7.7 million in 2030

Early Alzheimer's Disease

VULNERABILITY TO FINANCIAL ABUSE

SYMPTOMS

Short term
memory

Words

Judgment

Common Issues

- Should the individual continue to drive?
- Can the person continue to manage his or her finances?

Moderate Alzheimer's Disease

VULNERABILITY TO PHYSICAL ABUSE

SYMPTOMS

Behavior

Dressing

Insight

Common Issues

- Is the person safe at home?
- Can the person continue to function independently?

Severe Alzheimer's Disease

VULNERABILITY TO NEGLECT

SYMPTOMS

Communication

Mobility

Swallowing

Common Issues

- What are the risks and benefits of medical intervention?
- What measures should be taken to ensure proper nutrition?

Interactive Exercise



Clara's Cognitive Impairments

What issues might bring Clara to the attention of the court?

Implications for the Court

- More elders will come before the court
- More cases will involve medical & psychological terminology
- Accommodations for elders will be imperative
- More cases will require assessments by medical professionals





“...Elder abuse and financial exploitation will appear in increasing numbers on the civil and criminal dockets. ...Every court needs to take a close look at their preparedness, because the numbers are coming whether they’re prepared or not.”
—Sally Hurme, AARP

Additional Resources

Visit the National Center for State Courts'
Center for Elders and the Courts at

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