

**Richard A. Courtney, CELA**  
**Certified Elder Law Attorney**  
**4400 Old Canton Road, Suite 220**  
**Jackson, Mississippi 39211**  
**601-987-3000 or 1-866-ELDERLAW**  
**For more Articles, go to: [www.elderlawms.com](http://www.elderlawms.com)**



## **Physical & Financial Elder Abuse: What You Can Do**

For many people, the term “elder abuse” brings to mind a scam artist selling a bogus financial investment to older people. You may have seen ads from the local district attorney’s office showing bruised faces of elderly people who have suffered abuse. But what does the term really mean?

The National Committee for the Prevention of Elder Abuse defines elder abuse as “any form of mistreatment that results in harm or loss to an older person.” It is usually categorized according to the specific type of abuse: physical abuse, sexual abuse, domestic violence, psychological abuse, financial abuse, and neglect or self-neglect.

This article focuses on physical abuse and financial abuse.

### **Physical Elder Abuse**

Physical abuse can occur in just about any setting, from the elder’s own home, to nursing homes, or anywhere the elder resides. With seniors being the fastest growing segment of our population, elder abuse is a problem across the country, in part because seniors are vulnerable. With families often scattered across the state, if not the country, it’s common for adult children to live far away from their elderly parents. When they assume responsibility for the care of their parents, they must rely on caregivers who work in the facility their loved one lives in, or homecare workers who care for the elder at home. Taking care of elders in declining health can be difficult and frustrating, sometimes causing the caregivers to lose patience and take their frustrations out on the elder.

Family members are not exempt from these frustrations. In fact, family caregivers constitute a large percentage of elder abusers. Any physical abuse is inexcusable, but there have even been cases of abuse resulting in death, the most extreme and tragic consequence of the overwhelming burden of caring for an elder. When a family caregiver feels trapped with this long-term responsibility, especially when faced with the financial strain of paying for the care of a dependent parent or relative, the elder may be at risk for physical abuse.

Unqualified caregivers are another problem, as the work is physically demanding, the jobs hard to fill, and the pay may be low compared with other occupations. Also, the states generally do not license homecare workers, and there is no standard for training them—except for certified nursing assistants, many of whom work in long-term care

institutions rather than in private homes. All of these factors contribute to a large number of unqualified, unskilled caregivers taking care of elders at home. Because home caregivers may work largely unsupervised, especially when the adult children live afar, there is ample opportunity to mistreat elderly clients.

### **Financial Elder Abuse**

Financial abuse is a different kind of problem. The opportunity for abuse arises when an elder loses the ability to effectively manage his or her own finances. The decline may be gradual; that is, often there is no clear line of demarcation between the point when one can pay his or her own bills and handle money, and the point at which it is clear that the senior is no longer able to manage finances. People in positions of trust, such as adult children, grandchildren, and even unrelated caregivers can take advantage of the declining mental capacity of a vulnerable elder and prey upon this incapacity.

Greed is the common denominator in financial elder abuse, no matter who commits it. The ruthless taking of finances from a person who does not realize that he or she is being “ripped off” is the manifestation of greed. It is sad to witness, and sad to hear about. Caregivers from faraway places may believe that they can get away with this form of theft, as they can return to another state or country and not get caught. A family member with a drug problem might be able to persuade Grandma, who trusts him, to let him go to the bank and withdraw money, using a credible explanation without arousing her suspicion. I have seen family members persuade the elder to give them a “loan” of thousands of dollars, never intending to pay it back, or never able to do so. When the elder eventually really needs the money, and there is nothing, it is the elder who suffers.

### **What You Can Do if You Suspect Abuse**

Elder abuse is a crime both in its physical and financial forms. Hitting, yelling, depriving the elder of assistance, threatening harm, and other forms of physical abuse must be dealt with immediately. A person who is suspected of wrongly taking the elder’s money must also be dealt with immediately. Many counties across the country have some form of Adult Protective Services agency. If you believe or have evidence that an elder is being abused, call APS immediately. Other counties have similar services which should be utilized. Your local Area Agency on Aging is another resource to turn to if you suspect elder abuse. The district attorney’s office will prosecute these abusers when sufficient evidence exists to get a conviction. The criminal court can order the abuser to make restitution in the form of money, but the court itself does not give money to the victim in a criminal case of financial elder abuse.

Victims of abuse also have what is called a “civil remedy,” which is filing a lawsuit in court seeking a monetary judgment. The same law which protects elders against financial abuse protects against physical abuse and neglect. In some states the law gives lawyers incentives to accept cases of elder abuse and neglect by providing for attorneys’ fees and other things which are generally not allowed in other kinds of civil cases. Such cases can be lengthy and difficult, but it may be the only recourse available.

Carolyn L. Rosenblatt, Attorney at Law, R.N., is a founder of [AgingParents.com](http://AgingParents.com) and [HelpWithElders.com](http://HelpWithElders.com). She is a consultant and mediator, teaming with a psychologist, providing direct services and informational products for those caring for aging loved ones. She can be reached at [carolyn@agingparents.com](mailto:carolyn@agingparents.com) or at (866) 962-4464.

**For information and help regarding the Mississippi Vulnerable Adults Act and its protections of seniors from abuse, neglect and exploitation, call Richard Courtney today at 601.987.3000 or toll-free at 866.ELDERLAW (353.3752).**