



CRIMES AGAINST DISABLED ADULTS AND THE ELDERLY

Elderly and disabled persons are especially vulnerable to becoming victims of crime and abuse because they are often dependent on others for their care. Elder and dependent adult abuse is the mistreatment or neglect of an elderly person or disabled adult. These abuse victims include adults 65 years of age and over and dependent adults 18 to 64 years of age who are physically, developmentally, or cognitively disabled. The Texas Penal Code and the Human Resource Code address the criminal and civil investigations of these types of crime and mistreatment.

As adults, elderly and dependent adults can be victims of several crimes. Such crimes include the assaultive offense of Injury to an Elderly or Disabled Person which involves intentionally or recklessly causing bodily injury, serious mental deficiency, or impairment to the person. They are also at risk to become victims of Sexual Assault.

As is the case with children, elder and dependent adult abuse is not always a *criminal* offense, but is nevertheless serious and potentially deadly. We as a community must take elder and dependent adult abuse and neglect seriously and work to stop it.

Possible Indicators of Abuse, Neglect, or Exploitation

The following descriptions are not necessarily proof of abuse, neglect, or exploitation. But they may be clues that a problem exists, and that a report needs to be made to law enforcement or Adult Protective Services.

Physical Signs

- Injury that has not been cared for properly
- Injury that is inconsistent with explanation for its cause
- Pain from touching
- Cuts, puncture wounds, burns, bruises, welts
- Dehydration or malnutrition without illness-related cause
- Poor coloration
- Sunken eyes or cheeks
- Inappropriate administration of medication
- Soiled clothing or bed
- Frequent use of hospital or health care/doctor-shopping
- Lack of necessities such as food, water, or utilities
- Lack of personal effects, pleasant living environment, personal items
- Forced isolation

Behavioral Signs

- Fear
- Anxiety, agitation
- Anger

- Isolation, withdrawal
- Depression
- Non-responsiveness, resignation, ambivalence
- Contradictory statements, implausible stories
- Hesitation to talk openly
- Confusion or disorientation

Signs by Caregiver

- Prevents elder from speaking to or seeing visitors
- Anger, indifference, aggressive behavior toward elder
- History of substance abuse, mental illness, criminal behavior, or family violence
- Lack of affection toward elder
- Flirtation or coyness as possible indicator of inappropriate sexual relationship
- Conflicting accounts of incidents
- Withholds affection
- Talks of elder as a burden

Signs of Financial Abuse

- Sudden changes in bank account or banking practice.
- Unexplained withdrawal of a lot of money by a person accompanying the victim.
- Adding additional names on a bank signature card.
- Unapproved withdrawal of funds using an ATM card.
- Sudden changes in a will or other financial documents.
- Unexplained missing funds or valuables.
- Providing substandard care.
- Unpaid bills despite having enough money.
- Forged signature for financial transactions or for the titles of property.
- Sudden appearance of previously uninvolved relatives claiming their rights to a person's affairs and possessions.
- Unexplained sudden transfer of assets.
- Providing unnecessary services.
- A complaint of financial exploitation.

Factors Contributing to Abuse, Neglect, and Exploitation:

- Aging population
- Growing number of adults with disabilities
- Alcohol and drug dependency
- Unemployment
- Lack of affordable housing and high costs of utility bills
- De-institutionalization of persons who are mentally ill and/or mentally retarded when community support is not adequate
- Inadequate access to health care and costly medications
- Pathological family relationships/violence as a coping mechanism in society
- Physical and mental stress of caregiving in traditionally non-violent, caring households
- Denial of benefits, such as SSI and Medicaid, to some elderly and disabled immigrants

- Waiting lists and other limitations in the availability of in-home care and home health care
- Shortage of resources to serve persons denied long-term care and other benefits under welfare reform
- Lack of access to affordable health care and prescription drugs
- Inadequate community services for persons discharged from state hospitals and schools
- Lack of statewide access to preventative or early intervention services such as case management for elderly persons and adults with disabilities who are at risk but not yet experiencing abuse, neglect, or exploitation

How to Report Abuse, Neglect, Exploitation or Fraud

If you suspect abuse of an elderly or disabled person, you are required by law to report it.

Contact law enforcement and the appropriate abuse reporting agency:

If the person lives in a residence or a state-managed facility:

Contact the Texas Department of Family and Protective Services (DFPS):
1-800-252-5400 toll-free 24 hours a day, 7 days a week, nationwide.

For non-emergencies: you may make your report through the secure web site and you will receive a response within 24 hours. www.txabusehotline.org

If the person lives in a licensed home or other institution:

Contact the Department of Aging and Disability services toll free: 1-800-458-9858.

Report instances of fraud (home equity fraud, telemarketing fraud, mail fraud, health fraud) to the Consumer Protection Division of the Attorney General's office at: 1-800-621-0508.

What does the law say?

See: <http://www.statutes.legis.state.tx.us>

Select:

<u>Code:</u>	Penal Code
<u>Article/Chapter:</u>	Chapter 22. Assaultive Offenses
<u>Art. /Sec.:</u>	Sec. 22.04. Injury to a child, elderly, or disabled person

Also

Select:

<u>Code:</u>	Human Resource Code
<u>Article/Chapter:</u>	Chapter 48. Investigations and Protective Services for Elderly and Disabled Persons
<u>Art. /Sec.:</u>	Sec. 48.002. Definitions

Available Resources

Adult Protective Services – Travis County Office: (512) 834-3195

www.dfps.state.tx.us/Adult_Protection/About_Adult_Protective_Services/default.asp

Texas Dept of Aging and Disability Services – Austin Headquarters: (512) 438-3011

www.dads.state.tx.us

Area Agency on Aging of The Capital Area – Travis County: 1 (888) 622-9111

www.aacap.org/main.html

Family Eldercare: (512) 450-0844

www.familyeldercare.org/home

Office of the Attorney General – Crime Victims Compensation: 1 (800) 983-9933

www.oag.state.tx.us/victims/about_comp.shtml

"Possible Indicators of Abuse, Neglect, or Exploitation" through "Factors Contributing to Abuse, Neglect, and Exploitation" copied on 12/30/10 from the Texas Department of Family and Protective Services website:
<http://www.dfps.state.tx.us/everyonesbusiness/Facts.asp>

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