

State of Hawaii
Executive Office on Aging

Prevention of Elder Abuse



Is In Our Hands

A Guide to Identify, Report and Prevent
Abuse, Neglect or Exploitation.



July 2014

Foreword

The Executive Office on Aging (EOA) is the lead agency tasked with the development and promotion of services for the enhancement of comprehensive and coordinated home and community based systems serving the elderly, their caregivers and communities throughout the State of Hawaii.

This guide is designed to create public awareness of the increasing incidence of elder abuse, neglect, and financial exploitation. Research indicates that more than one in ten older Americans aged 60+ has experienced some type of abuse.

Elder abuse can occur anywhere and affects seniors across all socio-economic groups, cultures, and races. This is not a problem limited to older Americans. Creating more public awareness of this growing problem and its impact on the most vulnerable of our older kupuna will promote greater vigilance on the part of the community.



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Revised: July 31, 2014

Why Does Elder Abuse Remain Such an “Invisible” Problem?

Like other forms of interpersonal violence, elder abuse usually occurs behind closed doors.

Some victims are unable to speak out due to dementia or other impairments, or may not be believed when they do. Although this theory hasn't been fully researched, there are indications that a culture of ageism and a fear of growing old may keep older people marginalized and undervalued in our society, hence their problems remain invisible or are viewed as unimportant.



Many victims are reluctant to report abuse because they may:

- Feel ashamed and embarrassed, particularly if a family member is the abuser.
- Be afraid that the abuser will get “in trouble”.
- Worry that they will be forced to live in a nursing home, and this sometimes happens.
- Feel guilty or somehow to blame.
- Be in denial that the abuse is occurring, or unaware that what they are experiencing is abuse or neglect.
- Be afraid that if they report, the abuse will get worse.

Source: Administration on Aging

What is Elder Abuse?

Elder abuse can affect people of all ethnic backgrounds and social status and can affect both men and women. The following types of abuse are commonly accepted as the major categories of elder mistreatment:

Physical Abuse—Inflicting, or threatening to inflict, physical pain or injury on a vulnerable elder, or depriving them of a basic need.



RED FLAGS: Bruises, pressure marks, broken bones, abrasions, and burns may be an indication of physical abuse, neglect, or mistreatment.

Emotional Abuse—Inflicting mental pain, anguish, or distress on an elder person through verbal or nonverbal acts.



RED FLAGS: Unexplained withdrawal from normal activities, a sudden change in alertness, and unusual depression may be indicators of emotional abuse.

Sexual Abuse—Non-consensual sexual contact of any kind, coercing an elder to witness sexual behaviors, coerced nudity or sexually explicit photographing.



RED FLAGS: Bruises around the breasts or genital area can occur from sexual abuse.

Neglect—Refusal or failure by those responsible to provide food, shelter, health care or protection for a vulnerable elder.



RED FLAGS: Bedsores, unattended medical needs, poor hygiene, and unusual weight loss are indicators of possible neglect.

Abandonment—The desertion of a vulnerable elder by anyone who has assumed the responsibility for care or custody of that person.



RED FLAGS: The desertion of an older person at a hospital, a nursing care facility, shopping center or other public location.

Self-neglect—An inability to understand the consequences of one's own actions or inaction, which leads to or may lead to, harm or endangerment.



RED FLAGS: If the senior lives alone and does not have anyone providing assistance, self-neglect may become an issue. Some things to look for include:

- Senior appears confused.
- Senior is no longer able to handle meal preparation, bathing, bill paying, etc.
- Senior seems depressed.
- Senior is drinking too much or is abusing drugs.
- Senior is falling frequently.
- Senior appears undernourished, dehydrated, under-medicated, or is not getting care for problems with eyesight, hearing, dental problems, incontinence, etc.

Financial Abuse/Exploitation—Illegal taking, misuse, or concealment of funds, property, or assets of a vulnerable elder.



RED FLAGS: Sudden changes in financial situations may be the result of exploitation.

- Presence of “new best friend” who is willing to care for the senior for little or no cost.
- Recent changes in banking or spending patterns.
- Older person is isolated from friends and family.
- Caregiver has control of elder’s money but is failing to provide for elder’s needs.

Source: National Center on Elder Abuse

ncea.aoa.gov

Protect Yourself from Abuse, Neglect and Exploitation!

Unfortunately, it is estimated that millions of U.S. elders, from all walks of life, face abuse and neglect every year. Anyone can be victimized. However, there are things you can do to help protect yourself from abuse and neglect...

Talk with family members, friends, and professionals that you trust and plan for your future. Consider doing the following:

- Have your income (e.g. retirement, Social Security, SSI, disability income) directly deposited into your checking account. Contact your bank for help.
- If managing your daily finances becomes difficult, consider utilizing a daily money manager. Only allow someone you trust to manage your finances.

Get your estate plan in place. Talk with an attorney about helping you create the following as appropriate:

- a living will.
- a revocable trust.
- durable power of attorney for healthcare and/or asset management. Name a person you trust to make healthcare and asset management decisions for you when you are incapable. Designating co-powers of attorney can ensure that no one agent can act unilaterally.
- If you have to go to a long term care facility, learn about your options! Visit **www.medicare.gov/quality-care-finder/** for more info on long term care facility quality.

Source: National Center on Elder Abuse

ncea.aoa.gov

Health Care Directives Websites

www.kokuamau.org

www.myhealthdirective.com

Fraud Prevention

Avoid These Popular Scams:

PHISHING SCHEMES Do not respond to emails, texts or calls claiming to be from your bank, reputable business or government agency that ask for your personal information, PIN and credit card, social security or Medicare numbers.

CARD FRAUD Store your credit, debit and ATM cards in a secure place, memorize your PIN instead of writing it down, and shield the keypad when entering your PIN.

FORCED CASH WITHDRAWALS Tell someone if you are being coerced into paying money.

FRAUDULENT LOANS Avoid solicitors offering “easy financing” or “get out of debt” schemes.

INVESTMENT FRAUD Watch out for Ponzi schemes and/or phony investment offers. **(Page 22)**

CAREGIVER FRAUD Avoid those who try to isolate you from your family and friends, ask you about your will and investments, ask to be given

power of attorney or try to dominate or influence you.

CONTRACTOR FRAUD Use only licensed and reputable companies that you contact directly.

CHARITY SCAMS Before you donate money, check to see if a charity is legitimate. **(page 23)**

WORK AT HOME SCHEMES Beware of employment ads seeking payment processors or secret shoppers. Your bank account or good credit may be at risk.

If an offer or opportunity appears too good to be true, it probably is. If you're not sure about a company or offer, contact Hawaii's Better Business Bureau.

Oahu (808) 628-3950

Neighbor Islands (888) 333-1593
(toll-free)

Source: Hawaii Partnership Against Fraud
bbb.org/hawaii/hawaii-partnership-against-fraud/

Reporting Abuse: Adult Protective Services (APS)

Adult Protective Services provides crisis intervention, without regard to income, including investigation and emergency services for vulnerable adults who are reported to be abused, neglected or financially exploited by others or seriously endangered due to self-neglect.

State law (HRS Chapter 346, Part X) requires certain professionals to report vulnerable adult abuse; all others are encouraged to report. The reporter may remain anonymous and is immune from liability for making the report.

WHO IS A VULNERABLE ADULT?

A vulnerable adult is a person 18 years of age or older who, because of mental, developmental or physical impairment, is unable to:

- communicate or make responsible decisions to manage one's own care or resources; or
- carry out or arrange for essential activities of daily living.

WHAT STEPS ARE RECOMMENDED FOR PREVENTION?

- Reduce stress by asking for assistance. Physicians, nurses, health care providers, and social workers can provide information on where to go for help.
- Join community support groups which deal with the problems associated with caring for individuals (support groups such as Alzheimer's disease, mental illness, developmental disabilities, or alcoholism).
- Provide nursing and care home staff with information on how to meet your family's needs.
- Visit a facility before your family enters it and call the long-term care ombudsman with any concerns about the care: (808) 586-0100.
- Obtain information about available resources in your community.

*Source: Hawaii Department of Human Services,
Adult Protective Services*

Mandated Reporters

Certain professionals and personnel in health care, social services, law enforcement, and financial assistance are required to report suspected abuse or neglect to APS. The law (HRS Chapter 346, Part X) mandates reporting when there is reason to believe abuse has occurred or the vulnerable adult is in danger of abuse if immediate action is not taken.

- Licensed or registered professionals of the healing arts and any health-related occupation who examine, attend, treat, or provide other professional or specialized services including, but not limited to, physicians, physicians in training, psychologists, dentists, nurses, osteopathic physicians and surgeons, optometrists, chiropractors, podiatrists, pharmacists and other health-related professionals.
- Employees or officers of any public or private agency or institution providing social, medical, hospital or mental health services, including financial assistance.
- Employees or officers of any law enforcement agency including, the courts, police

departments, correctional institutions, and parole or probation offices.

- Employees or officers of adult residential care homes, adult day care centers, or similar institutions such as community care foster family homes.
- Medical examiners or coroners.
- Licensed social workers or non-licensed persons employed in a social worker position.
- Persons who are not mandated reporters are encouraged to report. Any person who has reason to believe that a vulnerable adult has been abused or is in danger of abuse if immediate action is not taken may report the concern to Adult Protective Services.
- Financial institutions are required to dual report suspected financial abuse that is directed towards, targets, or is committed against an elder to the Department of Human Services and the appropriate county police department.

*Source: Hawaii Department of Human Services,
Adult Protective Services*

Resources

REPORTING ELDER ABUSE

Adult Protective Services

Oahu	(808) 832-5115
Kauai	(808) 241-3337
Maui/Molokai/Lanai	(808) 243-5151
East Hawaii (Hilo/Hamakua/Puna)	(808) 933-8820
West Hawaii (Kau/Kona/Kohala/Kamuela)	(808) 327-6280

***In an emergency or after business hours
call 911***

ELDER JUSTICE

The Office of the Prosecuting Attorney is committed to fighting elder abuse and improving the quality of life for all seniors:

- Insuring that crimes against persons over the age of 60 are properly and effectively reported, investigated and prosecuted,
- Increasing awareness of crimes against persons age 60 and over and
- Enhancing communication and cooperation between law enforcement, agencies providing services to persons over the age of 60, and the Office of the Prosecuting Attorney.

Honolulu County (808) 768-6452
Elder Abuse Justice Unit
elderjusticehonolulu.com

Hawaii County (808) 934-3461
Elder Abuse Prosecution & Prevention Unit

Office of the Prosecuting Attorney

Maui County (808) 270-7777
Kauai County (808) 241-1888

ELDER CARE SERVICES

Area Agencies on Aging/Aging and Disability Resource Centers

For information and referral for social, health, financial, and legal services to help prevent elder abuse, neglect, or exploitation, call the Area Agency on Aging/Aging and Disability Resource Center in your county.

Statewide	(808) 643-2372
Honolulu County	(808) 768-7700
Hawaii County	(808) 961-8600
Maui County	(808) 270-7774
Kauai County	(808) 241-4470

**Long Term Care
Ombudsman Program**

(808) 586-0100

This program provides information, outreach, and advocacy for residents of long-term care facilities. If you have a problem, complaint, or question regarding services provided at a long-term care facility, please call the LTC Ombudsman.

Senior Medicare Patrol (SMP Hawaii)

A volunteer-based program to ensure Medicare is not billed for health care services, medical supplies, and equipment not received. If you suspect fraud or errors when reviewing your Medicare statement, please contact SMP Hawaii.

Oahu

(808) 586-7281

Neighbor Islands

(800) 269-9422

Website: smphawaii.org

PROTECTING YOUR INVESTMENTS

Department of Commerce and Consumer Affairs
Office of the Securities Commissioner
335 Merchant Street, Room 203
Honolulu, Hawaii 96813
Fax: 808-586-3977
Email: seb@dcca.hawaii.gov

Compliance Branch (808) 586-2722

Call to check if your financial adviser or agent is properly registered.

Enforcement Branch (808) 586-2740
toll free 1-877-447-2267

Call to report investment fraud or file a complaint.

Investor Education Program (808) 587-7400

Call us for free materials, to schedule a presentation or request a community exhibit. The Investor Education Program provides the public with information on wise choices when investing, how to detect financial fraud like Ponzi schemes or Affinity fraud plus information on investments (mutual funds, stocks, bonds).

Website: investing.hawaii.gov

Connect with us: facebook.com/hisecurities
twitter.com/hisecurities | instagram.com/hisecurities

HAWAII'S CHARITY REGISTRY

Department of the Attorney General

Tax & Charities Division

The Tax and Charities division of the Department of the Attorney General provides oversight and enforcement of laws pertaining to charitable trusts, public charities, public benefit corporations, and private foundations. The division is also responsible for overseeing charitable organizations that solicit contributions in Hawaii and professional solicitors and professional fundraising counsels that solicit donations in Hawaii on behalf of a charitable organization.

If you have a question about a charitable organization, please call or email the Attorney General's Tax and Charities Division at:

Phone: (808) 586-1480

Email: ATG.Charities@Hawaii.gov

All charitable organizations must register in the State of Hawaii with the Attorney General's office if they solicit funds and are not covered by an exemption in the law. The search component gives access to registration & other information about registered charitable organizations.

Search Charity Registry: ag.ehawaii.gov/charity

LEGAL ADVICE

Legal Aid Society of Hawaii

legalaidthawaii.org/

Legal Aid offers help with senior citizen legal issues, housing discrimination, IRS tax issues, and issues affecting the homeless.

Legal Aid does **NOT** help with criminal or personal injury matters.

Oahu	(808) 536-4302
Kauai	(808) 245-7580
Maui	(808) 242-0734
Molokai	(808) 553-3251
Lanai	(808) 565-6089
Hilo	(808) 934-0678
Kona	(808) 329-8331

University of Hawaii
Elder Law Program
hawaii.edu/uhelp/

(808) 956-6544

Elder law attorneys focus on the legal needs of the elderly, and work with a variety of legal tools and techniques to meet the goals and objectives of the older client.

The legal needs of the elderly are many and diverse:

- Age Discrimination
- Durable Powers of Attorney
- Elder Abuse, Neglect and Exploitation
- Estate Planning and Probate
- Financing Long-Term Care
- Guardianship and Conservatorship
- Health Care Decisions, including end-of-life decisions.
- Health Care Quality Issues
- Independent Living Options
- Medicare, Medicaid and Other Public Benefits
- Trusts and Wills

Hawaii State Bar Association (808) 537-9140

Lawyer Referral Service

hawaiilawyerreferral.com/

The LRIS is a public service provided by the Hawaii State Bar Association, a 501(c)(6) non-profit organization. Our panel member attorneys are able to assist clients with all types of legal problems: bankruptcy, child custody & support, divorce, foreclosures, employment & labor, criminal, traffic, wills, social security, discrimination, and patent to name a few. The referrals are free and clients are encouraged to contact the attorneys referred to find out whether they are able to assist with the legal issue, and the terms and costs for doing so.

Volunteer Legal Services (808) 528-7046

Hawaii

vlsh.org

Mediation Center of the Pacific (808) 521-6767

mediatehawaii.org/



*"E Loa Ke Ola"
May Life Be Long*

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Executive Office on Aging
No. 1 Capitol District
250 S. Hotel Street. Suite 406
Honolulu, HI 96813-2831

Phone: (808) 586-0100

Fax: (808) 586-0185

Email: eo@doh.hawaii.gov

Website: health.hawaii.gov/eoa