

ELDER ABUSE IN NEVADA COUNTY

REASON FOR INVESTIGATION

Statistics uncover a frightening picture of elder abuse in California. One of every 20 elderly people will be a victim of neglect or physical, psychological or financial abuse this year. By the year 2020, the number of elderly in California is expected to double to 6.6 million.

As the elderly population multiplies, so will the incidence of elder abuse if action is not taken. The seriousness of the problem must be recognized and the services available to combat the problem must be understood by all county residents.

The Grand Jury believes that it is important for all residents of Nevada County to understand what constitutes elder abuse, how elder abuse affects both victims and the community as a whole, and what resources are available from governmental, business and non-profit groups to detect and prevent such abuse.

BACKGROUND

The California Legislature has recognized that the state has a special responsibility to protect elders because they are more subject to risks of abuse, neglect and abandonment and are all too frequently unable to obtain help and protection. Therefore elder abuse has been designated a criminal as well as a civil matter for which there are special protections under California law.

A large portion of the population of Nevada County is in the category of elderly or dependent adult as defined in State law. More residents will enter this category in the next few years.

Many governmental entities are involved in protecting elders from abuse including Adult Protective Services, local and state law enforcement, and the Nevada/Sierra Counties Ombudsman/Advocate group. There are many non-profit groups dedicated to assisting elders in living a productive and fulfilling life without being victimized by abuse. Many private companies, including banks and hospitals, have internal programs to train their employees to recognize and deal with suspected elder abuse.

PROCEDURE FOLLOWED

The Grand Jury interviewed representatives of Adult Protective Services, Behavioral Health, the Victim/Witness Assistance Center and the Nevada County Elder Abuse Advocacy and Outreach Program. Interviews were also conducted with a retired FBI Agent who specialized in investigating white collar crime, a Supervising Special Agent with the California Department of Justice who specializes in investigating medical fraud and elder abuse in long term care facilities, and a member of the Nevada/Sierra Counties Ombudsman/Advocate group. The Grand Jury also reviewed documents from the Nevada

County District Attorney's office, Adult Protective Services, the California Department of Social Services, the California Department of Finance and the Nevada County Economic Resource Council.

FINDINGS

1. Elder abuse laws cover seniors 65 years of age or older and dependent adults 18 through 64 years of age who have a physical or developmental disability.
2. California's Elder Abuse and Dependent Adult Civil Protection Act provides protection for elders from financial abuse, physical abuse and neglect. Under the Act, elder abuse is defined as:
 - a. Physical abuse
 - b. Neglect
 - c. Financial abuse
 - d. Abandonment
 - e. Isolation
 - f. Abduction
 - g. Other treatment of an elder which results in physical harm or pain or mental suffering
 - h. A caregiver depriving an elder of goods or services necessary to prevent physical harm or mental suffering
3. Physical abuse includes assault, battery, unreasonable physical constraint, deprivation of food or water, sexual assault or inappropriate use of physical or chemical restraint.
4. Neglect includes failure by a caregiver to provide food, clothing or shelter, failure to assist in personal hygiene, failure to provide medical care, failure to protect the elder from safety hazards, or failure to prevent malnutrition/dehydration.
5. Financial abuse includes situations where one or both of the following apply: (1) a person, including a caregiver or other trusted person, takes an elder's money or property for wrongful use, or with intent to defraud; (2) a person gets property from an elder who lacks mental capacity and refuses in bad faith to return the property when the elder or his/her representative requests it.
6. The U.S. Census Bureau projects that California's elderly population will nearly double within the next 20 years from 3.7 million to more than 6.6 million.
7. Nevada County has the 7th highest proportion of elder population per county in California. Nearly 30% of Nevada County residents were over 55 years of age as of the 2000 census.

8. One of every 20 elderly people will be a victim of neglect or physical, psychological or financial abuse this year.
9. Elders control 70% of the wealth in our country making them obvious targets of financial abuse.
10. Abusers are most often family members or care givers.
11. Adult Protective Services is the primary contact for suspected elder abuse that does not immediately jeopardize the life or well being of the victim and occurs outside a licensed care facility.
12. The Office of the Ombudsman is the primary contact for suspected elder abuse that occurs in a licensed care facility.
13. Law enforcement is the primary contact for suspected elder abuse that immediately jeopardizes the life or well being of the victim.
14. Under California law, certain individuals are legally mandated to report known or suspected instances of elder abuse. Mandated reporters include physicians and medical professionals, clergy, employees of health care facilities, law enforcement and any individual who assumes responsibility for the care or custody of an elderly person.

CONCLUSIONS

1. Recognizing and reporting incidents of suspected elder abuse is critical to protecting our senior citizens.
2. Education aids seniors in ascertaining risk of abuse and how to avoid or counter it. Information is available regarding health and financial questions, investment fraud prevention and scams involving home improvements.
3. Law enforcement and the courts can aid in preventing elder abuse through effective enforcement when acts of abuse do occur.
4. Senior services can help deter abuse through education and assistance programs.

RECOMMENDATIONS

1. Any person who suspects that abuse of an elder has occurred can and should report it immediately. Another's assets, health, dignity and/or life may depend on the courage to act.

2. Suspected elder abuse outside of a licensed care facility should be immediately reported to Nevada County Adult Protective Services at (530) 265-1639 or (888) 339-7248. These numbers are available 24-hours per day seven days per week.
3. Suspected elder abuse inside a licensed care facility in Nevada County should be immediately reported to the Long Term Care Ombudsman at (530) 274-2825 or (916) 376-8910.
4. All member agencies in the criminal justice system should ensure that effective programs and polices are in place and that laws and ordinances are enforced to guarantee prosecution of family or other offenders who commit crimes and acts of abuse against elders.
5. Social services programs, both governmental and private, affecting seniors at risk should be supported and strengthened. The areas include housing, nutrition, health and transportation. These programs provide for a healthy constructive life environment, offsetting opportunities for abuse to occur, identifying where abuse does occur, and implementing effective remedial action.

RESPONSES

No Response Required