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Elder Abuse and Child Abuse

Know the Signs and Your Role as a Clinician

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Outcomes

1. Describe possible clinical, behavioral, and physical indicators of suspected elder and child abuse and neglect
2. List possible risk factors related to elder and/or child abuse and neglect
3. Describe the reporting procedure for abuse and neglect
4. List resources that can be utilized for state-specific procedures

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Elder Abuse

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Some Statistics

- According to U.S. Government Accountability Office (GAO), elder abuse is a widespread and growing problem
- Data reporting is a challenge
- Recent studies indicate that elder abuse incidence rates are far higher than once thought

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Some Statistics

- In NYS, incidence rates nearly 24X greater than the number of cases referred to authorities who can help (Lifespan of Greater Rochester et al., 2011)
- One in five Americans older than age 65 had been defrauded (Kiplinger's Personal Finance, 2011)
- In most cases, the adult children of abused elders were unaware that their mother or father had received solicitations for money (Olson, 2011)

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A Chilling Example of Neglect

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What is Elder Abuse?

“Acts of omission or commission by a person who stands in a trust relationship that result in harm or threatened harm to the health and/or welfare of an older adult.”

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Abuse Defined

- Willful infliction of injury
- Unreasonable confinement/Involuntary seclusion
- Intimidation with resulting physical harm, or pain, or mental anguish
- Punishment with resulting physical harm, or pain, or mental anguish
- Deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, or psychosocial well-being
- Corporal punishment & any physical or chemical restraint not required
- Abuse that includes that which is facilitated or enabled through the use of technology

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Abuse Defined

- Elder abuse includes physical, emotional, or sexual harm inflicted upon an older adult, their financial exploitation, or neglect of their welfare by people who are directly responsible for their care
- Elder abuse tends to take place where the senior lives: where their abusers are often adult children, other family members such as grandchildren, or a spouse or partner. Elder abuse can also occur in institutional settings.

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Forms of Elder Abuse

- Verbal
- Physical
- Sexual
- Mental/Emotional
- Neglect
- Abandonment
- Financial exploitation
- Self-neglect

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Verbal Abuse

Oral, written, or gestured language that includes disparaging and derogatory terms to the residents or their families to describe the resident within their hearing distance, regardless of their age &/or ability to comprehend or disability

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Physical Abuse

The non-accidental use of force against an elderly person that results in physical pain, injury, or impairment. Such abuse includes not only physical assaults such as hitting or shoving but the inappropriate use of drugs, restraints, or confinement.

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Sexual Abuse

Contact with an elderly person without their consent.

Includes but is not limited to, humiliation, harassment, coercion, or sexual assault. Activities such as showing an elderly person pornographic material, forcing the person to watch sex acts, or forcing the elder to undress are also considered sexual elder abuse.

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Emotional/Mental Abuse

The treatment of an older adult in ways that cause emotional or psychological pain or distress, including:

- Intimidation through yelling or threats
- Humiliation and ridicule
- Habitual blaming or scapegoating
- Ignoring the elderly person
- Isolating an elder from friends or activities
- Terrorizing or menacing the elderly person
- Harassment
- Threats of punishment or deprivation.

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Medication Diversion

Knowingly, or intentionally, interrupting, obstructing, or altering the delivery, or administration of a prescription drug.

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Elder Neglect

Failure to provide goods and services necessary to avoid physical harm, mental anguish or mental illness. This constitutes more than half of all reported cases of elder abuse. It can be intentional or unintentional.

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Financial Exploitation

The unauthorized use of an elderly person's funds or property, either by a caregiver or an outside scam artist

- Misuse an elder's personal checks, credit cards, or accounts
- Steal cash, income checks, or household goods
- Forge the elder's signature
- Engage in identity theft
- Scams targeting elderly

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Healthcare Fraud and Abuse

- Not providing healthcare, but charging for it
- Overcharging or double-billing
- Getting kickbacks for referrals
- Overmedicating or under medicating
- Recommending fraudulent remedies for illnesses
- Medicaid fraud

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Elder Self Neglect

- Physical or mental impairment or diminished capacity can mean that an older adult is no longer able to perform essential self-care
- May lack basic personal hygiene, appear malnourished, live in dirty conditions, be unable to pay bills or manage medications
- Can be a sign of depression, grief, dementia, or other medical problem

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Physical Abuse Warning Signs

- Unexplained signs of injury, such as bruises, welts, or scars
- Broken bones, sprains, or dislocations
- A report of drug overdose or an apparent failure to take medication
- Broken eyeglasses or frames
- Signs of being restrained, such as rope marks on wrists
- Caregiver's refusal to allow you to see the elder alone

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Emotional Abuse Warning Signs

- Threatening, belittling, or controlling caregiver behavior
- Behavior from the elder that mimics dementia
- Depression, sleep and appetite disturbances
- Decreased social contact
- Evasiveness, anxiety, hostility

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Sexual Abuse Warning Signs

- Bruises around breasts or genitals
- Unexplained vaginal or anal bleeding
- Torn, stained, or bloody underclothing
- Fear of being touched
- Inappropriate modesty on evaluation

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continued

Neglect Warning Signs

- Unusual weight loss, malnutrition, dehydration
- Untreated physical problems, such as bed sores
- Unsanitary living conditions
- Being left dirty or unbathed
- Unsuitable clothing or covering for the weather
- Unsafe living conditions
- Desertion of the elder at a public place
- Eccentric or idiosyncratic behavior, self-imposed isolation, marked indifference

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Financial Abuse Warning Signs

- Significant withdrawals from the elder's accounts
- Sudden changes in the elder's financial condition
- Items or cash missing from the senior's household
- Suspicious changes in wills, power of attorney, titles, and policies
- Addition of names to the senior's signature card
- Financial activity the senior couldn't have undertaken
- Unnecessary services, goods, or subscriptions
- Disparity between assets and appearance and general condition

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Healthcare Fraud/Abuse Warning Signs

- Duplicate billings for the same medical service or device
- Evidence of overmedication or under-medication
- Evidence of inadequate care when bills are paid in full
- Problems with the care facility

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Risk Factors

- Caregiver stress
- Depression in the caregiver
- Lack of support from other potential caregivers
- Substance abuse by the caregiver
- The intensity of the elderly person's illness or dementia
- Social isolation
- The elder's role, at an earlier time, as an abusive parent or spouse
- A history of domestic violence in the home
- The elder's own tendency toward verbal or physical aggression

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Federal Reporting Requirements

Elder Justice Act (EJA): designed to address crimes committed against older persons, raise national awareness of elder justice issues, and apply resources to the efforts of those confronting elder abuse and neglect on the front lines in healthcare settings

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Federal Reporting Requirements

- Section 1150B of the Social Security Act (the Act), as established by section 6703(b)(3) of the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), requires specific individuals in applicable long-term care facilities to report any reasonable suspicion of crimes committed against a resident of that facility
- Facilities are required to conspicuously post, in an appropriate location, a notice for its employees specifying the employees' rights, including the right to file a complaint under this statute. The notice must include a statement that an employee may file a complaint with the SA against a LTC facility that retaliates against an employee.

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Federal Reporting Requirements

- You have a duty to report any suspected acts involving mistreatment, neglect, abuse, etc.
- Facilities must report any reasonable suspicion of a crime against a resident or patient to:
 - The Secretary of the U.S. Department of Health and Human Services (HHS), and
 - The law enforcement authorities in the political subdivision where the facility is located.

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Federal Reporting Requirements

- Two time limits for the reporting of reasonable suspicion of a crime
 - Serious Bodily Injury – 2 Hour Limit
 - Shall report the suspicion immediately, but not later than 2 hours after forming the suspicion
 - All Others – Within 24 Hours
 - If no serious bodily injury, shall report the suspicion not later than 24 hours after forming the suspicion
- “Serious bodily injury” is one involving extreme physical pain or substantial risk of death; or an injury involving protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or an injury requiring medical intervention such as surgery, hospitalization, or physical rehabilitation.

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State Reporting Requirements

- Each state may have specific reporting requirements related to abuse
- It is important that you familiarize yourself with the requirements for the state in which you work/ provide services
- Report as required by state law

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Resources

State Adult Protection Statutes:

<https://www.stetson.edu/law/academics/elder/home/adult-protection-statutes.php>

State Mandatory reporting Statutes:

<https://www.stetson.edu/law/academics/elder/home/media/Mandatory-reporting-Statutes-for-elder-abuse-2016.pdf>

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Child Abuse

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Federal Definition of Child Abuse

- Federal Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C.A. § 5106g) defines child abuse and neglect as, at minimum:
 - "Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation"; or
 - "An act or failure to act which presents an imminent risk of serious harm."

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Definitions

- A "child" generally means a person who is younger than age 18 or who is not an emancipated minor
- CAPTA does not provide specific definitions for types of maltreatment such as physical abuse, neglect, or emotional abuse
- Federal legislation sets minimum standards for States that accept CAPTA funding, each State provides its own definitions of maltreatment within civil and criminal statutes

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State Statutes

- Definitions of child abuse and neglect are typically located in two places within each State's statutory code:
 - Civil statutes provide definitions of child maltreatment for mandated reporters
 - Criminal statutes define those forms of child maltreatment subject to arrest and prosecution

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Types of Abuse

- Many States recognize four major types of maltreatment
 - Neglect
 - Physical abuse
 - Sexual abuse
 - Emotional abuse or neglect

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Recognizing Child Abuse

The Child:

- Shows sudden changes in behavior or school performance
- Has not received help for physical or medical problems
- Has learning problems that cannot be attributed to specific causes
- Is always watchful
- Lacks adult supervision
- Is overly compliant, passive, or withdrawn
- Comes to school or other activities early, stays late, and does not want to go home

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Recognizing Child Abuse

The Parent:

- Shows little concern for the child
- Denies the existence of—or blames the child for—the child's problems in school or at home
- Asks teachers to use harsh physical discipline
- Sees the child as entirely bad, worthless, or burdensome
- Demands a level of physical or academic performance the child cannot achieve
- Looks primarily to the child for care, attention, and satisfaction of emotional needs

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Recognizing Child Abuse

The Parent and Child:

- Rarely touch or look at each other
- Consider their relationship entirely negative
- State that they do not like each other

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Physical Child Abuse

- Has unexplained burns, bites, bruises, broken bones, or black eyes
- Has fading bruises or other marks noticeable after an absence from school
- Seems frightened of the parents and protests or cries when it is time to go home
- Shrinks at the approach of adults
- Reports injury by a parent or another adult caregiver

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Physical Child Abuse

Consider physical abuse when the adult:

- Offers conflicting, unconvincing, or no explanation for the child's injury
- Describes the child as "evil," or in some other very negative way
- Uses harsh physical discipline with the child
- Has a history of abuse as a child

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Neglect

- Child is frequently absent from school
- Begs or steals food or money
- Lacks needed medical or dental care
- Is consistently dirty
- Lacks sufficient clothing for the weather
- Abuses alcohol/drugs
- States that there is no one at home to provide care

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Neglect

Consider neglect when the adult:

- Appears to be indifferent to the child
- Seems apathetic or depressed
- Behaves irrationally or in a bizarre manner
- Is abusing alcohol or other drugs

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Sexual Child Abuse

- Has difficulty walking or sitting
- Suddenly refuses to change for gym
- Reports nightmares or bedwetting
- Experiences a sudden change in appetite
- Demonstrates bizarre, sophisticated, or unusual sexual knowledge
- Becomes pregnant or contracts a venereal disease
- Runs away
- Reports sexual abuse by a parent or another adult caregiver

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Sexual Child Abuse

Consider sexual abuse when the adult:

- Is unduly protective of the child or severely limits the child's contact with other children, especially of the opposite sex
- Is secretive and isolated
- Is jealous or controlling with family members

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Emotional Maltreatment

- Shows extremes in behavior
- Is either inappropriately adult or inappropriately infantile
- Is delayed in physical or emotional development
- Has attempted suicide
- Reports a lack of attachment to the parent

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continued

Emotional Maltreatment

Consider emotional maltreatment when the adult:

- Constantly blames, belittles, or berates the child
- Is unconcerned about the child and refuses to consider offers of help for the child's problems
- Overtly rejects the child

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How to Report Suspicions

- Suspected Child Maltreatment
 - If in serious danger, call 911
 - National and local resources are available to provide assistance and information about reporting suspected maltreatment.
- Suspected child abuse or neglect?
 - Contact your local child protective services office or law enforcement agency
 - Know the statutes if you are a mandatory reporter

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Who Can Report?

- Anyone can report suspected child abuse or neglect
- All U.S. States and territories have laws identifying mandatory reporters
- Mandatory reporters may include social workers, teachers and other school personnel, childcare providers, physicians and other health-care workers, mental health professionals, and law enforcement officers

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What Happens Next?

- Report a complete, honest account of what you observed that led you to your suspicion. Any reasonable suspicion is sufficient.
- Reports are sent to child protective services (CPS) for review
- If an investigation is deemed needed, CPS may talk with the family, the child, or others to help determine what is making the child unsafe

For more information about where and how to file a report, contact your local child protective services agency or police department

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Resources

- Childhelp National Child Abuse
 - Call or text 1.800.4.A.CHILD (1.800.422.4453). Professional crisis counselors are available 24 hours a day, 7 days a week, in over 170 languages.
- National Center for Missing and Exploited Children's Cyber
 - Report online sexual exploitation of a child or if you suspect that a child has been inappropriately contacted online

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Resources

State Statutes for Child Protective Services:

- <https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

State reporting Phone Numbers:

- https://www.childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dspList&rolType=custom&rs_id=5

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Thank You!

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