

Information for Eucharistic Ministers and Others Who Assist Vulnerable Adults

Elder Abuse and Protective Services

Unfortunately our elderly population is not immune to physical, sexual and emotional abuse, or neglect and financial exploitation, by family members, caregivers and friends, both in their own homes as well as within institutions.

What Is Elder Abuse?

Elder abuse is when a caregiver seriously harms an elderly person physically or emotionally, or steals or misuses the money or property of an elderly person. Elder abuse can also be self-inflicted if an elderly person living alone doesn't take care of his or her own basic needs.

Massachusetts Law defines elder abuse as acts or omission resulting in serious physical, sexual or emotional injury, or financial loss to an elder. Elder abuse includes physical, sexual and emotional abuse, caretaker neglect, and financial exploitation and self-neglect.

Definitions of Abuse

Abuse: An act or omission which results in serious physical or emotional injury of an elder or financial exploitation of an elder; provided, however, that no person shall be considered to be abused for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.

Physical Abuse: The non-accidental infliction of serious physical injury to an elder or the threat of serious physical injury in which the Protective Services Agency has reasonable cause to believe that an individual may have the intent and the capacity to carry out the threatened serious physical injury.

Sexual Abuse: Sexual assault, rape, sexual misuse, or sexual exploitation of an elder or threats of sexual abuse where the individual has the intent and capacity to carry out the threatened sexual abuse.

Emotional Abuse: The non-accidental infliction of serious emotional injury to an elder. Abuse must establish a *relationship* between abusive action, behaviors, or language *and* a resulting effect on the emotional state or functioning of the elder.

Neglect: The failure or refusal by a caregiver to provide one or more of the necessities essential for physical well-being, such as food, clothing, shelter, personal care, and medical care, which has resulted in or where there is substantial reason to believe that such failure or refusal will immediately result in serious physical harm to an elder.

Self Neglect: The failure or refusal of an elder to provide one or more of the necessities essential for physical well-being, such as food, clothing, shelter, personal care, and medical care, which has resulted in or where there is substantial reason to believe that such failure or refusal will immediately result in serious physical harm to himself/herself as the elder.

Financial Exploitation: The non-accidental act or omission by another person without the consent of the elder causing substantial monetary or property loss to the elder or substantial monetary or property gain to the other person which gain would otherwise benefit the elder, but for the act or omission of the other person.

Financial exploitation may result from consent obtained as a result of misrepresentation, undue influence, coercion or threat of force by the other person. Financial exploitation may not result from a *bona fide gift* or from any act or practice by another person in the conduct of a trade or commerce prohibited by M.G. L. c. 93A sec 2.

The Massachusetts laws that apply to abuse of elderly persons are given in [M.G.L. Chapter 19A](#), Sections 14-26. Special laws apply to residents of nursing homes. These are included in [M.G.L. Chapter 111](#), Sections 72F - 72L.

Who Is protected?

Anyone age 60 or older is protected by elder abuse laws. Separate laws apply to seniors living at home, and seniors living in nursing homes. There are no income limits for protective services.

Who Can Report Elder Abuse?

Anyone who has reasonable cause to believe an elder has been abused or neglected may report elder abuse. If you, or a senior you know, is being abused or in danger of being abused, you should report it. Some people are required by law to report elder abuse, but anyone who believes an elder is suffering or has died as a result of abuse can and should report the abuse. Seniors can even report self-abuse, if they are living alone and unable to care for themselves.

Who Must Report Elder Abuse?

You are a mandated reporter of elder abuse if you are a physician, physician assistant, nurse, or medical intern; coroner; dentist, podiatrist or osteopath; social worker, occupational or physical therapist; psychologist or family counselor; police, probation officer, EMT or firefighter; director of a home health aide agency, homemaker agency or assisted living residence; case manager, health aide, or homemaker; or Council on Aging director or outreach worker. If any of these mandated reporters knows of elder abuse and doesn't report it, that person can be fined. A mandated reporter must call to report the abuse right away, and must file a written report within 48 hours.

How do I report elder abuse?

In an emergency where there is immediate danger, call 911.

You can make a report to the Elder Abuse Hotline 24 hours a day, seven days a week. The Hotline will contact one of the local Elder Protective Services agencies to respond to appropriate reports.

ELDER ABUSE HOTLINE

800-922-2275

What Information Should Be Included in the Report?

When you call, you should give as much of the following information as possible:

- the name and address of the senior
- the senior's age
- the type of abuse
- any medical treatment the senior is receiving
- the name of the caregiver, if any
- how you became aware of the exploitation or neglect.
- Information about any prior incidents involving the elder
- Information about any corrective action taken or treatment given to the elder.

You may give your name and address if you choose, but you do not have to give this information. Your report will remain confidential, and the senior or caregiver will not be told your name.

For nursing home abuse, you should call the Long Term Care Ombudsman serving your area. For contact information, call the Massachusetts Department of Elder Affairs toll-free at 1-800-882-2003.

Will My Report Remain Confidential?

Yes. The protective service workers will never confirm or deny who made a report. The only time a referral source can be identified is to the District Attorney when a case has been substantiated for extreme abuse, neglect or financial exploitation.

What About Liability?

Mandated reporters are not liable in any civil or criminal action by reason of submitting a report to Protective Services; and, others who make reports are not liable in such matters if the report is made in good faith and without malicious intent.

What Happens After a Report Is Made?

A Protective Services caseworker will investigate the report to determine the type and extent of abuse. When needed, the caseworker will work with the senior and caregivers to develop a protective service care plan. Services may include counseling, legal services, home health care, transportation, housing, and safety planning.

For seniors living alone and not willing and/or able to care for themselves, a caseworker will meet with the senior to develop a plan to improve self-care and get support services.

Seniors must consent to protective services. If a senior is not competent to give consent, the caseworker may petition the courts for a temporary guardianship.

Protective services are free of charge.

What Are Protective Services?

Protective Services are services designed to eliminate or alleviate the abuse of an elder. Caseworkers work with family and community agencies to provide medical, mental health, legal and social services. Protective Services casework may include services such as:

Counseling	Transportation
Homemaker/health aide services	Legal assistance
Safety planning, Family intervention	Housing

The Massachusetts Executive Office of Elder Affairs oversees the Protective Service program. The program does not cover abuse and neglect in a nursing home except if there is an Against Medical Advice (AMA) discharge or if the abuse occurred off site during a visit. The Massachusetts Department of Public Health (DPH)-Division of Health Care Quality takes reports of elder abuse that occur in nursing homes, rest homes, convalescent homes, charitable homes for the aged, town infirmaries or community based intermediate care facilities for the mentally retarded. Random crimes of violence against elders are the responsibility of the Criminal Justice System.

Elder Abuse Hotline
Massachusetts Executive Office of Elder Affairs
One Ashburton Place, 5th Floor, Boston, MA 02108
www.800ageinfo.com

800-922-2275
800-882-2003
617-727-7750