

**RESPECT YOUR ELDERS:  
FAMILIES, ELDER ABUSE AND EXPLOITATION  
AND ELDERCARE COORDINATION**

**"I JUST WANT MY FAMILY TO GET ALONG!"**

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ACR / FLAFCC ELDER JUSTICE INITIATIVE ON ELDERCARE COORDINATION  
FLORIDA DISPUTE RESOLUTION CONFERENCE 2019

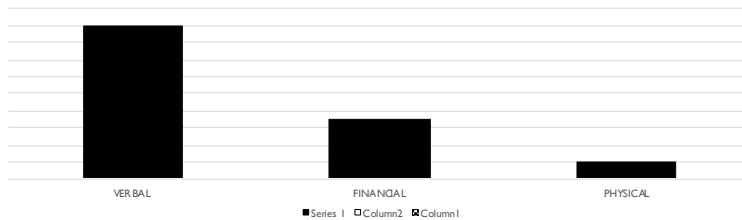
**Learning Objectives:**

- Identify types of elder abuse:  
*emotional, physical, neglect, sexual, and exploitation*
- Detail risk factors that could lead to elder abuse
- Recognize warning signs of elder abuse
- Explain strategies, approaches, and referral sources, including eldercare coordination, to identify and address possible abuse

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**PREVALENCE OF ELDER ABUSE  
COMMITTED BY FAMILY MEMBER**

FORMS OF ABUSE



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**WHICH ELDERS ARE AT RISK?**

- Low social support
- Dementia
- Prior Traumatic Events (Interpersonal and Domestic Violence)
- Functional Impairment and Poor Physical Health
- Women more likely to be abused than men
- Living in large family households
- LGBTQ

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## FREQUENCY OF ABUSE

- 1 in 10 seniors will experience elder abuse in their lifetime.
- Only about 7 percent of elder abuse gets reported to authorities.
- Two-thirds of elder abuse cases involve family members.
- Victims of elder abuse have a 300 percent higher mortality rate than seniors living in safe environments.
- Elder abuse costs Americans billions of dollars annually.

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## TYPES OF ABUSE

- **PHYSICAL ABUSE:**  
An action to an older person that results in bodily harm or injury
- **SEXUAL ABUSE:**  
Forcing an older person to engage in sexual activity
- **FINANCIAL EXPLOITATION:**  
Unauthorized use of older person's financial resources
- **CAREGIVER NEGLECT:**  
Failure to provide an older person with necessary care and needs

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## KNOW THE SIGNS - WHAT TO LOOK FOR: PHYSICAL ABUSE

- **Actions:**  
hitting, shoving, kicking, burning, restraining person
- **Signs to watch for:**  
bruises, welts, cuts, burns, broken bones

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## KNOW THE SIGNS - WHAT TO LOOK FOR: SEXUAL ABUSE

- Forcing the older person to look at pornography
- Taking photos of the person undressed
- Forcing the person to engage in sexual activity

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KNOW THE SIGNS -  
WHAT TO LOOK FOR:

### FINANCIAL EXPLOITATION

- Forging the older person's signature
- Misusing cash, credit cards, checks, etc.
- Identity theft
- Scams

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KNOW THE SIGNS - WHAT TO LOOK FOR:  
**CAREGIVING NEGLECT**

### CAREGIVING NEGLECT

- Foul body odor
- Poor Hygiene
- Inappropriate clothing for the season
- Inadequate food, shelter

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KNOW THE SIGNS - WHAT TO LOOK FOR:  
**EMOTIONAL/PSYCHOLOGICAL ABUSE**

- Yelling
- Overly critical
- Belittling language
- Threats
- Isolation of elder from others

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**IN ABUSE CONFLICTS, ELDERS...**

May reject interventions because they:

- Do not want family members to be in trouble
- Don't want to admit being taken advantage of
- Fear the loss of their independence
- Fear losing dependence upon the abuser

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## TRADITIONAL RESPONSES TO ELDER ABUSE

- Adult Protective Services
- Law Enforcement
- Court System

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## SCREENING FOR ABUSE OR NEGLECT

- Safety of the Elder is Paramount
- ABA Elder Mediation Screening Tool for Evaluating Risk
- Safety Precautions
- Tension between legal duty and ethical duty: Model Rules of Professional Conduct, Rule 1.2

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## RESPONSIBILITY TO REPORT: FLORIDA STATUTES AND RULES

- **Duty to the Elder:** FS 415.1034 Mandatory Reporting of Abuse, Neglect or Exploitation of Vulnerable Adults
  - Elder Justice Act, 2010
  - DCF Abuse Report Hotline – Guidelines for Professionals (link)
- **Mediator's Responsibilities:** FS 44.405 Confidentiality: privilege; exceptions---
- Rules for Certified and Court Appointed Mediators: Rule 10.420(a)(3)(b) Adjournment or Termination
  - Mandatory versus Discretionary Reporting: MEAC Opinions

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## MULTIDISCIPLINARY STRATEGIES WORK BEST

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## STRATEGIES SPECIFIC TO MEDIATION

- Private Caucus
- Participation of Third Party
- Representation by Counsel
- Security
- Referral for Services
- Adjournment or Impasse

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## ELDER JUSTICE INITIATIVE ON ELDERCARE COORDINATION

...helps families reduce conflict, minimizes risks and abuse, and respects and preserves the dignity, and quality of life of aging persons

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## An Eldercare Coordinator (EC):

### Provides benefit to:

- Elders
- Legally authorized decision-makers
- Others who participate by court order or invitation

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- Resolves high conflict disputes in a manner that respects the elder's need for autonomy and safety...
- in a manner that respects the elder's need for autonomy and safety...

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### EC ROLE VIA COURT ORDER

- Enables more effective communication, negotiation and problem-solving skills
- Offers education about elder care resources;
- Facilitates creation, modification, or implementation of eldercaring plan;
- Makes recommendations for resolutions; and
- Makes decisions within scope of court order or with parties' prior approval.

***Transforming Intractable Conflict***

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### EC QUALIFICATIONS

- Master's degree
- Licensure or Certification
- Extensive practical experience in a profession related to high conflict families
- Required training:  
Family mediation, Elder mediation,  
AND Eldercaring coordination

**Next Florida EC Training:  
November 12-14, 2019**

Stetson U College of Law Center  
for Excellence in Elder Law ,  
Tampa Campus

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### GATEKEEPING AFFECTS ALL THE GENERATIONS

**Is family facilitative or restrictive?  
Are protections warranted or unjustified?**



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### FAMILY SECRETS AND SAFETY ISSUES UNCOVERED THROUGH ELDERCARING COORDINATION

- Abuse/Neglect
- Coercion
- Vulnerability
- Isolation
- Unsafe environment
- Physical challenges
- Caregiver capacity
- Substance abuse/Mismedication

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## HOW ELDERCARING COORDINATORS COMBAT EFFECTS OF ELDER ABUSE

- Address non-legal issues
- Free judicial time
- Foster self-determination
- Identify risks/mandated reporters
- Prepare elder/family to work with others
- Increase the safety of elder and family
- Create intergenerational support system

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## HOW ELDERCARING COORDINATION EMPOWERS THE OLDER PERSON

- Allows more time to resolve disputes
- Parties decide relevant information/issues, not parameters of law
- Promotes consideration of viable options
- Parties can contribute to decision-making
- Facilitates effective communication

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## ELDERCARING COORDINATION PILOT SITES

One judge, or judges, in a specific county or province,  
who refers at least six families who participate in  
eldercaring coordination.

... Or group of attorneys who refer at least 6 cases through agreed orders.

ECs trained in California, Florida, Idaho, Indiana, Maryland, Minnesota,  
Ohio and Toronto

**8 Circuits in Florida!**

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## MORE INFORMATION:

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