

Family Violence and Abuse in Later Life

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Housekeeping

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems getting on the webinar? Send an e-mail to NCLER@acl.hhs.gov.
- Written materials and a recording will be available at NCLER.acl.gov. See also the chat box for this web address.

About NCLER

The National Center on Law and Elder Rights (NCLER) provides the legal services and aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social needs. A centralized, one-stop shop for legal assistance, NCLER provides Legal Training, Case Consultations, and Technical Assistance on Legal Systems Development. Justice in Aging administers the NCLER through a contract with the Administration for Community Living's Administration on Aging.

About ABA COLA

The ABA Commission on Law and Aging is a collaborative and interdisciplinary leader of the American Bar Association's work to strengthen and secure the legal rights, dignity, autonomy, quality of life, and quality of care of older adults.

The Commission accomplishes its work through research, policy development, advocacy, education, training, and through assistance to lawyers, bar associations, and other groups working on aging issues.

About NCALL

NCALL, a national project of [End Domestic Abuse Wisconsin: The Wisconsin Coalition Against Domestic Violence](#), is committed to creating a world that respects the dignity of older adults and enhances the safety and quality of life of older victims and survivors of abuse.

Learning Objectives:

1. Participants will be able to identify 3-5 types of abuse affecting older adults.
2. Participants will learn about common tactics used by perpetrators to assert power and control over older adults.
3. Participants will be provided with information and resources for working with older survivors of abuse, which includes the benefits of collaborating with local service providers and community organizations.

Audience Poll: Who is in our Audience?

- What best describes your role?
 - Attorney
 - APS
 - Aging and Disability Advocate
 - Aging and Disability Service Provider
 - Case Manager
 - Other

Key Topics

- Understanding Family Violence and Abuse in Later Life
- Working with Older Survivors of Abuse
- Case Examples
- Questions

Elder Abuse Defined



“Elder abuse includes physical, sexual or psychological abuse, as well as neglect, abandonment, and financial exploitation of an older person by another person or entity, that occurs in any setting, either in a relationship where there is an expectation of trust and/or when an older person is targeted based on age or disability.”

Department of Justice, 2014. Elder Justice Roadmap

NCALL, 2022

Abuse in Later Life Defined

- The willful abuse, neglect, abandonment, or financial exploitation of an older adult who is age 50+ by someone in an ongoing, trust-based relationship (i.e., spouse, partner, family member, or caregiver) with the person.
- NCALL also considers sexual abuse and stalking of an older adult by anyone (including strangers) to be abuse in later life.

NCALL, 2022

Abuse in Later Life (Cont.)

- Abuse in later life exists at the nexus of domestic violence, sexual assault, and elder abuse.

Who Commits Abuse in Later Life:

- Intimate Partner (Spouse or Dating Partner)
- Family
- Friend
- Caregiver
- Trusted Others
- Fiduciaries

Those Who Commit Acts of Elder Abuse



...spouses, partners, family members, caregivers, and other persons in a relationship where the victim and society expects compassion and caring.

Acierno, R. Hernandez-Tejada, M., Muzzy, W., Steve, K. (2009).

NCALL, 2020

Spouses

- Studies have consistently shown that the majority of elder abuse cases involve females who experience harm committed by spouses.
 - United Nations (2013).
 - NCALL, 2020

Intimate Partner Violence in Later Life



Research demonstrates that emotional and psychological forms of IPV are as prevalent among older women as younger women—but health-related trauma associated with non-physical abuse is more severe for older women.

Mezey, Post and Mazwell (2002); Mouton (2003).

NCALL, 2020

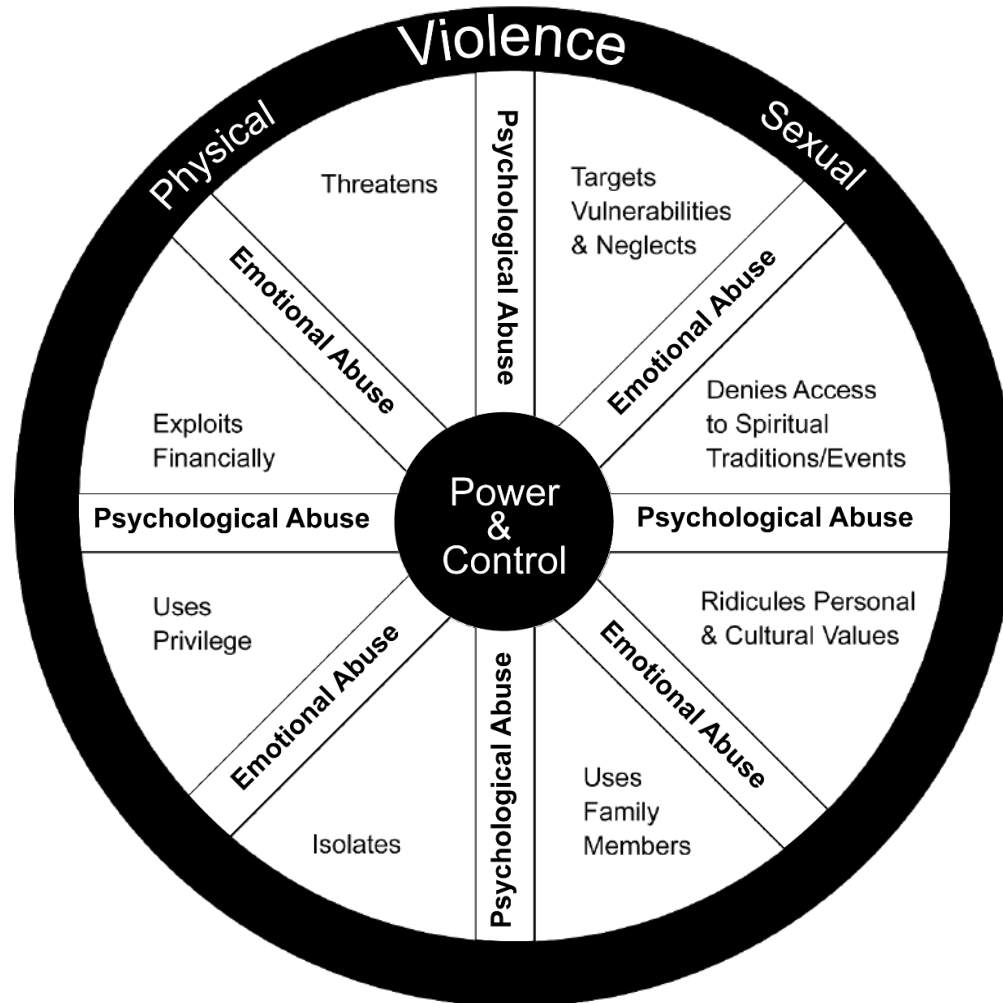
Types of Abuse (Often Co-Occur)

- Physical Violence
- Sexual Violence
- Stalking
- Psychological Abuse
- Trafficking

Also Includes...

- Abuse
- Neglect
- Financial Exploitation
- Abandonment
- Isolation

NCALL Abuse in Later Life Wheel, 2006



Common Tactics Used

- Physical Violence
- Sexual Violence
- Psychological Violence
- Emotional Abuse
- Targeting vulnerabilities or neglect
- Denying access to spiritual or traditional events

Common Tactics (Cont.)

- Ridiculing personal or cultural values
- Using family members
- Isolation
- Using privilege
- Financially exploiting
- Threatening
- Coercive Control

Working with Older Survivors of Abuse



Use a Person Centered Approach

- Maintain the client's trust and confidentiality
- Engage in active listening
- Do not make assumptions about what your client wants
- Do not judge your client's decisions
- Listen for "coded disclosures"
- Work on resolving any barriers or challenges

Safety Planning

- Work collaboratively with your client
- Identify and discuss possible risk factors and interventions
- Provide information on how to stay safe should your client choose to remain or leave an abusive situation
- Address any barriers or challenges to seeking help or taking action
- Aging Safely/LawHelp Interactive [Safety Planning Form](#)

Common Barriers or Challenges

- Lack of financial resources
- Lack of information about available resources
- Physical or cognitive limitations
- Fear of not being taken seriously or believed
- Perceptions, beliefs, or experiences that resources are not tailored to the needs of older adults
- Lack of trust in government entities, including justice systems
- Social isolation and other types of isolation
- Housing and transportation

Shelters/Transitional Housing

- Available in few communities
- Accessible for older adults
- Some DV shelters have also updated their facilities
- Very limited—all service providers should be intentional about ensuring that their facilities and services are appropriate and welcoming for survivors across the life span
- Learn More: [Spring Alliance](#)

Case Example #1: Rita

Rita is a 75-year-old female who is seeking legal advice to set up a trust account for her nephew, Dave. She arrived at your office with a wheelchair and has a noticeable hearing impairment. During your initial client consultation, Rita discloses that her nephew often calls her names and has taken her money to support his drug habit. You also notice bruising on Rita's arms.

How Can You Help Rita?

- Listen to Rita's fears and concerns.
- Ask her questions about what she would like to do.
- Discuss safety planning options with Rita.
- Work with Rita on addressing any possible barriers or challenges to seeking help (i.e., using a wheelchair, hearing impairment, etc.)
- Discuss possible strategies involving local service providers and other community organizations with Rita (i.e., local domestic violence program, APS, aging network, etc.)
- Assist Rita with obtaining a protective order and other legal remedies.

Address Trauma



Types of Trauma

Acute Trauma

- One time incident where the individual felt in danger or threatened with harm



Complex Trauma

- Repeated traumatic events experienced by an individual.

Trauma-Informed Interviewing Tips

- Do not expect that the older person will be able to describe incidents in chronological order or recall all details at once.
- If they are struggling to recall events, ask them to recall a sensory memory (i.e., a smell, item of clothing, what they were thinking at the time, etc.) and build out from there.
- Learn More: [Trauma-Informed Lawyering](#)

Interviewing Tips (Cont.)

- Pace your questions.
- Allow the older adult the opportunity to start their narrative.
- Conduct the interview with them alone and without the pressure of outside influences.

Identify and Discuss Person-Centered Strategies



Civil Legal Remedies May Include...

- Obtaining a civil or criminal protective order
- Creating or revoking a POA
- Establishing or terminating a guardianship.
- Evicting an abusive household member
- Freezing bank accounts and/or obtaining financial restitution
- Identifying less restrictive alternatives, including supported decision-making

Collaborating and Connecting with Local Services or Community Organizations

Adult Protective
Services

Domestic Violence
and/or Sexual
Assault Programs

Family Justice
Centers

Aging Networks

Faith
Community/Cultural
Centers

Criminal Justice
Systems

Protection and
Advocacy Systems
(P&As)

Case Example #2: Harold

Harold is 65-year-old male who lives in an apartment. He is seeking legal advice about a recent eviction notice that he received from his apartment complex. During your initial consultation, he discloses that he was sexually assaulted by his next-door neighbor, John, a few weeks ago. Harold becomes nervous and cries when talking about the assault. He expresses that he is fearful about going outside of the apartment building but does not know where he can go.

How Can You Help Harold?

- Listen to Harold's fears and concerns.
- Ask him questions about what he would like to do.
- Provide Harold with alternate housing options to consider.
- Discuss safety planning options with Harold.
- Discuss possible strategies involving local service providers and other community organizations with Rita (i.e., local sexual assault program, APS, law enforcement, senior housing, etc.).
- Work with Harold on obtaining a protective order and other legal remedies, which may include protections against the eviction.

Resources

- [National Clearinghouse on Abuse in Later Life \(NCALL\)](#)
- [National Center for Law and Elder Rights](#)
- [ABA Commission on Law and Aging](#)
- [ABA Commission on Domestic Violence and Sexual Assault](#)
- [National Adult Protective Services Association](#)
- [United States Department of Justice](#)

Questions?

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Case Consultations

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.