

# Physical Abuse of the Elderly

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## Module Overview

Physical abuse of the elderly is underreported and a hidden problem. It is usually committed by someone in an ongoing, trusted relationship. Although physical abuse is not the most heavily reported type of mistreatment, it certainly can be the most dangerous. In this module we will examine the reasons this problem is so hidden and what we need to look for in the victim and the alleged abuser that might help us understand and identify it. We will identify the individual, family, helper, and belief systems that can be barriers to the victim's safety and look for ways to focus on and develop the victim's strengths. We will also examine legal and non-legal, in-home and out-of-home interventions for this difficult problem.

In this module we will examine physical abuse and the individuals who perpetrate it. We will discuss the risk factors that lead to abuse, the indicators of abuse and the barriers which may impede victims from changing their situation. We will also discuss interviewing, assessing for risk and lethality, and interventions including safety planning and legal mechanisms which may protect victims.

## Learning Objectives

By the end of this module, you will be able to

- Define physical abuse
- Explain reasons why victims do not report abuse
- Describe the risk factors for physical abuse
- Identify the indicators of physical abuse
- Discuss barriers to leaving an abusive situation that elderly victims face
- Identify lethality indicators that put victims at high risk of severe injury or death
- Describe both legal and non-legal interventions which may lessen the risk of physical abuse to the elder

## Study Steps

1. Review the content of this section.
2. Read the case examples at the end of the Indicators section and answer the questions. Discuss your responses with your supervisor.

3. Review recommended Acts, Laws and Regulations including Domestic Violence, Assault, etc.
4. Read the case study at the end of the module and answer all the questions. Discuss with your supervisor.
5. Complete the self-evaluation quiz and use the answer key to review your answers.
6. Review the content of any of the questions you answered incorrectly.
7. Plan with your supervisor to complete transfer of learning activities.

**Content**

Read the module, Physical Abuse of the Elderly.

## Physical Abuse

### Definition of Physical Abuse

According to the National Center on Elder Abuse, physical abuse includes the inflicting, or threatening to inflict, physical pain or injury on a vulnerable elder, or depriving them of a basic need.

### Definition: Older Adult Protective Services Act

35 P.S. § 10225.103 defines elder physical abuse as the occurrence of one or more of the following acts:

**"Abuse."**

(1) The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.

**"Serious bodily injury."** Injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ. (Def. added June 9, 1997, P.L.160, No.13)

**"Serious physical injury."** An injury that:

- (1) causes a person severe pain; or
- (2) significantly impairs a person's physical functioning, either temporarily or permanently.

### Types of Physical Abuse

- Acts of violence
- Inappropriate use of physical restraints
- Force-feeding
- Physical punishment

### Why Elders Do Not Report

- Shame
  - Of being in situation
    - How can my own child do this to me?
    - Needing so much care
    - Imposing/depending on others
  - Of others finding out about situation
    - Law enforcement
    - Neighbors
    - Government entities
    - Adult children
  - Of not being in control of situation
- Fear
  - Of being removed from the home

- Of being placed in a nursing home
- Of going into a hospital
- Of becoming involved with police or government agencies
- Of being alone
- Of retaliation
- Of getting abuser in trouble
- Guilt
  - For not being a better parent or spouse
  - For not being able to manage the situation or protect self
- Loyalty
  - To abuser
- Ignorance
  - Unaware of laws that might help
  - Unaware of programs that can provide services
  - Mentally ill or cognitively impaired

### **Risk Factors for Physical Abuse**

- Sense of entitlement by caregiver: power and control issues
  - Domestic violence grown old
  - New relationship (new marriage or life partnership beginning in later life)
  - Late onset domestic violence
    - Physical or mental conditions manifesting in violent behavior
    - “Pay-back time”- former victims of domestic violence become abusive when abuser becomes frail and no longer a threat
  - Mutual battering
    - Self-defense
    - Preemptive strike
    - Retaliation
- Individual problems of caregiver (*see Mental Health module for more information*)
- Retaliation: Intergenerational abuse
- Stress/Burden
  - No desire or inclination to be caregiver
  - Lack of knowledge/information about nature of caregiving responsibilities
  - Lack of knowledge/information about available services and how to access them
  - Lack of understanding of illness/disability of client
  - Unrealistic expectations
  - Financial hardship
- High dependency issues
  - Financial
    - Caregiver dependent on elder due to unemployment/underemployment or disability
    - Elder dependent on caregiver due to low or lack of income
    - Neither elder nor caregiver able to survive financially alone
  - Emotional

- Lifestyle
- History
- Physical
  - Bedbound
  - Needs assistance in and out of wheelchair
  - Needs total care with bathing and feeding
- General Issues around dependency
  - Caregiver dependent on client: results in feelings of powerlessness
  - Client dependent on caregiver: results in resentment
  - Codependency issues: can't live together, can't survive alone

## Indicators of Physical Abuse

- Injuries
  - Bruises and welts
  - Bilateral bruises
  - Multiple areas
  - Various stages of healing
  - Shape of familiar object
  - Burns
  - Scalding
  - Abrasions
  - Cuts, lacerations, puncture wounds
  - Sprains, dislocations, fractures, broken bones
  - Internal injuries
  - Sexual abuse, e.g.: genital pain or itching, irritation, bleeding or bruises to external genitalia, vaginal or anal areas, difficulty walking or sitting; torn, stained, bloody underclothing
- Questionable Explanations
  - Explanation does not fit with injuries observed
  - Conflicting accounts of injuries
  - History of similar injuries/ multiple hospitalizations
  - Behavior rationalized as “discipline”
  - Admission of previous abuse/ neglect
  - Minimization of seriousness of injuries by caregiver or elder
- Behavior of Caregiver/Abuser
  - Fears losing control
  - Blames victim for being clumsy or difficult
  - Ridicules victim's values, spirituality
    - Denies access to church/ place of worship
    - Makes fun of personal values
    - Ignores or ridicules religious/cultural traditions
  - Is overly charming and helpful to worker
  - Is abusive towards worker, threatening to sue or call supervisor
  - Acts loving and compassionate to victim in front of worker
  - Agrees to a plan but does not follow through

- Threatens or intimidates elder
  - Threatens to leave, divorce, commit suicide, or institutionalize
  - Destroys property
  - Displays or threatens with weapons
  - Abuses or kills pets
- Speaks for elder, dominates interview, refuses to let elder be interviewed alone
- Denies or minimizes the problem
- Has poor self control, impulsivity
- States that victim is incompetent, sick, or crazy
- Overreacts, is defensive
- Uses system to his/her advantage
- Has emotional or financial dependence on elder
- Conflicts with others in the community, family members, service providers
- Shows negative attitude toward aging
- Refuses or resists outside help
- Has unrealistic expectations of elder/others
- Has psychiatric or substance abuse history
- Is overly concerned about finances and how money is spent
- Was abused as a child
- Threatens suicide
- Behavior of Elder
  - Protects abuser
  - Remains silent
  - Refuses visit
  - Refuses services
  - Minimizes or denies abuse
  - Recants story
  - Blames self for abuse
  - Waits for abuser to answer questions
  - Asks for help and then will not accept it
  - Cancels or misses appointments
  - Does not follow through
  - Has symptoms of depression: appears hopeless, exhibits suicidal ideation
  - Has unrealistic expectations, magical thinking
  - Denies problem despite evidence
  - Has stress-related illnesses, rapid progression of physical deterioration
  - Exhibits fear in front of abuser
  - Is anxious about own performance; fears displeasing caregiver
  - Is dependent on alcohol
  - Distrusts others
  - Speaks of caregiver in glowing terms, despite apparent mistreatment
  - Appears emotionally numb, withdrawn, detached

**Case Examples:**

- Mr. J. and his wife have been married for 50 years. They have always enjoyed good health, had a good income, and looked forward to playing golf in their retirement. They live far from family supports and were always independent and private about their business. Mrs. J. developed diabetes and did not comply with her dietary restrictions. She needed to have one foot amputated and now needs help with getting around the house. Mr. J felt angry and frustrated that she was sick. Once, when he felt at his wits end from watching her eat a box of candy, he tried to shake her into seeing how she was making both their lives worse. This left severe bruising on her arms.
- Mr. B. is an active 78-year-old retiree. He was the breadwinner, taking care of the executive financial responsibilities of the home. He was a controlling figure, expecting his wife to tend to all household chores and meet all his emotional needs. This arrangement worked for the couple until Mrs. B developed Alzheimer's disease. Now she no longer is able to do the household chores, is confused, has stopped bathing. Mr. B. believes his wife is using her illness as an excuse not to take care of him. He slaps her to get her to understand his needs.
- Laura, the adult daughter of Mr. R., was expected to move into her elderly widowed father's home to care for him, since she was the only sibling without other responsibilities. Once in the home, Laura stayed out of the home for much of the day, and refused to assist her father with his activities of daily living. His health deteriorated and he was hospitalized with major bedsores. History revealed that as a child Laura had been sexually abused by her father.

***Answer the following questions regarding these case examples:***

- What are the risk factors in these cases?
- What are the physical and behavioral indicators?

**Barriers to Change: Evaluate for Risk or Resiliency**

- Look for strengths as well as risk factors
- Individual level/personal history
  - Awareness that abuse is taking place
  - Physical disability
  - Vision or hearing impairment
  - Mental illness
  - Cognitive impairment
  - Language barrier
  - Communication impairment
  - Immigrant status
  - Mobility or transportation issues
  - Medication management issues
  - Dependency issues

- Financial
  - Physical
  - Emotional
- Personal family beliefs
- Substance abuse
- Socio-economic status
- Experience of trauma across lifespan
- Beliefs about ability to make change
- Abuser tactics
  - Type of violence
    - One time only
    - Episodic stress due to overwhelmedness
    - Pattern of coercive control
  - Level of dangerousness or lethality
- Family support
  - Who is involved and how
  - Who is not involved and why
    - Fear
    - Burned out due to previous failed helping attempts
    - Anger at victim for staying in situation
- Helper systems
  - Medical
    - Doctor
    - Nurses/VNA
    - Home health agency
  - Clergy
  - Domestic Violence/Sexual Assault Programs
    - Availability of services for elderly
    - Emergency shelter options
  - Police
    - Awareness of laws
    - Implementation of laws
  - Legal services
  - Court
    - Awareness and understanding of laws
    - Willingness to prosecute
- Belief systems
  - Cultural belief systems
    - Individualism vs. collectivism
    - Ageism
    - Racism
  - Religious belief systems
    - Prayer
    - Forgiveness
    - Divorce

- Gender belief systems
  - Traditional roles
  - Entitlement thinking

## **Interviewing and Engagement Skills**

- Interviewing the victim
  - Victim may drop hints or “test the waters” for safety
  - Listen without judging
  - Bring your L.O.A.F. (*See Self Neglect module*)
    - Interview elder alone first
    - Show concern
    - Stay positive
      - Do not “badmouth” caregiver
      - Reflect the feelings expressed
      - Use open-ended questions
    - Share observations about injuries
      - Use reality testing
    - Ask victim to describe what happened (document verbatim)
- Interviewing the alleged abuser
  - Planning/Timing
    - Interview victim first and alone whenever possible
    - Interview caregiver/perpetrator as soon as possible after the victim
    - Try not to allow time for coaching, consultation, or collusion between interviews
  - Introduction
    - Prepare your tactics.
      - Have proper identification
      - Know what resources may be available to assist in the situation
      - Know your legal responsibilities
      - Become familiar with criminal and civil statutes
      - Prepare introductory statement
      - Have photo ID/business card
    - Use tact
      - Do not confront or be accusatory
      - Stress your desire to assist the entire family
      - Be diplomatic but perseverant
    - Be friendly. Stay friendly.
    - Speak in a calm manner
    - Use L.O.A.F. techniques to make caregiver comfortable
  - Perspective
    - Ask about a typical day
      - Demands placed on the caregiver
      - His/her response to these demands
      - Coping abilities

- Manage your own feelings
  - Watch your body language
  - Don't be judgmental
- Provide reality testing
  - Is his/her description consistent with the injuries?
  - Be prepared with facts and your own observations
- Look for strengths in the caregiver
- Assess for pathology, depression, entitlement thinking, and suicidal-homicidal ideation
- Save difficult and delicate questions for last
- Sample Questions:
  - "Do you know those bruises on your mother? How do you suppose she got them?" (Document response verbatim)
  - "Can you show me how this injury occurred?"
  - "Is there a reason you haven't taken her to the doctor?"
  - Caring for someone as impaired as your mother (wife) is a difficult task. Have you ever felt so frustrated with her that you have pushed her a little harder than you expected?"
- Support
  - Pay attention to the caregiver as a person
  - Take an educational approach
  - Provide resources
  - Reduce social isolation of caregiver
  - Support the ability of the caregiver to control his/her own behavior
    - Do not collude with intentional behavior
    - Do not accept excuses
    - Give caregiver tools to keep elder safe
  - Assess for entitlement thinking
  - Follow your legal mandate when indicated

## Assessment

- Functional (*See Self Neglect module*)
  - How dependent is victim on abuser for ADLs?
  - Are any ADLs being withheld as punishment?
  - Are any ADLs being done by force?
- Cognitive (*See Mental Health Issues Module for further information*)
  - Does victim have a cognitive impairment or mental health issue?
  - How does this influence her/his ability to self-protect?
  - Does caregiver have a cognitive impairment or mental illness?
  - How does that impact or influence the abuse?
- Risk
  - Description
    - How does elder see situation?
    - What does elder want done about it?
    - Does elder have the capacity to make that decision?

- What are your observations?
  - What did you see?
  - Were there other witnesses?
  - Do you have statements of other professionals or witnesses?
- Who else is involved?
  - Other family members
  - Home health agency/VNA/ Physician
  - Community agency
  - Agency that supervises paid caregiver
- History
  - Length of time situation has existed
  - Why was it referred at this point in time?
  - Has law enforcement been involved in the past?
  - Are there previous restraining orders?
  - Have other family members/friends tried to intervene in the past?
  - What were the results of past attempts to assist?
- Ability of elder to protect self
  - Physical impairments
  - Cognitive impairments
  - Mental Illness/depression
- Future progression
  - Elder's wishes and ability to make decisions
  - Impact if no action taken
- Questions to ask:
  - "What have you tried in the past and what happened?"
  - "What do you want for yourself at this time?"
  - "What are you willing to do about your safety and what are you unable to do at this time?"

## Lethality Indicators

- Depression or mental illness in abuser
- Extended history of domestic or other violence
  - Many police calls
  - Needs for medical attention
- Escalation of violence or risk taking
- Threats or fantasies of homicide or suicide
- Rigid beliefs about partner roles which may be reinforced by religious beliefs
- Centrality of the victim, meaning the victim is isolated and the abuser depends on the victim to meet all or most of his or her needs
- Weapons
  - Access
  - History of previous use
- Animal cruelty
- Substance abuse

- Violence in family of origin

### **Ethical Considerations** (see *Self-Neglect module*)

- **Autonomy/Self-Determination**
  - Respect elder's wishes unless he/she lacks capacity to make a decision
  - Include elder in plan of intervention
- **Beneficence/ Protection**
  - Develop safety plan
  - Assist with/file charges against abuser
  - Advocate for removal of abuser
- **Non-Maleficence: Evaluation consequences of actions to make sure you are not doing more harm than good**
  - Filing a restraining order
  - Referring alleged perpetrator to police for investigation
  - Contacting other family members (if victim is reluctant)
  - Removing victim
    - To shelter
    - To hospital
    - To home of relative or friend

### **Interventions: Non-legal**

- **In-home services** such as home health, respite, meal delivery
  - Care to victim
  - Education, skills, and respite to alleged abuser
  - Vigilance (eyes and ears) to report further abuse or escalation
- **Outside services**
  - Mental health/substance abuse treatment for abuser
  - Employment counseling for abuser
- **Reduction of isolation for victim**
  - Involvement of family, friends, church
  - Adult day program/senior center
- **Safety planning: done with victim**
  - What information should victim have?
    - Hot line numbers
    - Police numbers
    - Services available through domestic violence and protective services
    - Willingness of family or friends to take her/him in if necessary
  - Where can victim go?
    - Another room in house?
    - To a neighbor's?
    - To a family member?
    - To a domestic violence shelter?
  - How will she get money if needed?
  - What will she take?

- Medications
- Pets
- Important papers
- Personal belongings

## Interventions: Legal

There are several legal avenues a protective services worker may explore as needed to protect the older adult. Some of these are listed below, but more information is available in the Legal Proceedings module of this study guide.

- Domestic Violence Law
  - Domestic Relations Law allows for protection from abuse if the alleged abuse meets the definitional criteria listed in the statute, 23 Pa.C.S.A. § 6102:
    - Abuse - The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:
      - (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
      - (2) Placing another in reasonable fear of imminent serious bodily injury.
      - (3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
      - (4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
      - (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).
  - Protective service workers should consult with their supervisor and contact the appropriate county domestic violence agency as needed.
- Laws Pertaining to Assault
  - See Appendix A in this module for the legal definitions of the various assault charges.
  - Immediate and Mandatory Reporting - An employee or an administrator who has reasonable cause to suspect that a recipient is the victim of sexual abuse, serious physical injury or serious bodily injury or that a death is suspicious shall, in addition to contacting the agency and the department, immediately contact law enforcement officials to make an oral report (§

- 10225.701 (b)(1)). (See Appendix A of this module for the complete mandatory reporting requirements as listed in 35 P.S. § 10225.701).
- Protective Orders – In accordance with 23 Pa.C.S.A § 6108, the Court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. (See Appendix A of this module for complete text relative to protective orders).
  - Obtaining Guardianship of the Elder
    - Highlights of the Guardianship Law:
      - Right to Counsel: Provisions found at 20 Pa.C.S.A. §5511(A)(2).
      - Attendance at Hearing Required Except When There Is Evidence to Excuse: Provisions found at 20 Pa. C.S.A. §5511(a)(1).
      - Evidence Required to Establish Incapacity: Provisions found at 20 Pa.C.S.A. §5518.
      - Limited Guardianship: Provisions found at 20 Pa.C.S.A. §5512.1(b) & (d).
      - Review Hearing (Who Has Burden of Producing Evidence): Provisions found at 20 Pa.C.S.A. §5512.2(a) & (b).
      - Annual Reports: Provisions found at 20 Pa.C.S.A. §5521(c).
      - Guardianship Support Agencies: Provisions found at 20 Pa. C.S.A. §5551 to §5555.

Review the following case study and discuss your answers with your supervisor.

**Case Study: Mrs. R**

*Mrs. R is a 75-year-old Catholic woman who came to this country from Italy when she was 14 years old. She went to school through the 5<sup>th</sup> grade, since her father did not believe that girls needed to be educated. Her father, who worked in construction, was a rough individual, often verbally and physically abusive to her mother as well. The children feared his rages, especially when he drank.*

*Mrs. R was a strong-willed young woman, often challenging her father. She married to get out of the house at age 17. Her husband, who was a handsome and strong, was a police officer in the town where they lived. They had 5 children in a 6-year period. Their early years were rocky. Mrs. R managed the house and the children. Her husband worked shifts and often spent his off hours with buddies at the local bar. He had unrealistic expectations of the children and often blamed her for their misbehavior. She nagged him because he was never home. He would hit her and she would fight back, but he was stronger and often hurt her badly, once breaking her nose. When things got tough, she would run home to her mother, but father always sent her back, saying that she probably provoked her husband. Her mother also told her to calm down and remember the vows she made on her wedding day. Her mother also seemed not to believe her, since a police officer “would never break the law.”*

*Mrs. R. was a good seamstress and wanted to work in a factory, but her husband felt she should be at home taking care of the children. She tried doing some alterations and sewing at home to earn a little money but her husband told her that he was the provider and she did not need to make any extra money. There were arguments over this as well, often resulting in abusive incidents. In spite of this tumultuous history, every Sunday the family would attend mass together and show a positive face to the community.*

*Their 5 children observed the violence and the yelling, often angry at their father for his physical abuse towards their mother, often angry at their mother for her response – sometimes lashing back, sometimes playing the martyr. Two of the daughters went to college out of state and never returned home. Two other daughters married and stayed in the same town, living within walking distance of their parents. The son became a police officer and lives in a neighboring town with his wife and family.*

*Mrs. R has been diabetic for many years. She doesn't watch her diet, refusing to give up the foods that she loves. She is non-compliant with her medication as well. She is losing her vision and recently had to have 2 toes amputated. Her doctor is afraid she might lose her leg if she does not comply with treatment. She is ornery and demanding with everyone but also has bouts of crying.*

*Mr. R is still physically strong in spite of his age, although he has lost some of his hearing. He gets angry and frustrated with his increasing impairment, often blaming his wife and her history of yelling. He continues to push her and hit her. She has a harder time getting out of his way, due to her own vision problems and instability on her feet. She minimizes/denies problems to her doctor. The doctor attributes the bruises to the diabetes.*

*Their priest encourages her to have compassion for husband, since he has been a “long time church-goer and public servant.” She sees her grandchildren almost every day, but her daughters are reluctant to leave them in the home because of the constant battles between Mr. and Mrs. R.*

*The daughters resent their father’s violent behavior towards their mother, but are frustrated due to this long history. They have been encouraging their mother to leave him for many years, and now that both parents have impairments, the daughters feel that there is no point in making any changes now. Neither daughter seems to be willing to take Mrs. R. in. The son does not get too involved, as he is having problems in his own marriage.*

*After the 3<sup>rd</sup> ER visit in 2 months due to suspected abuse, Mrs. R. is referred to APS.*

**Answer the following questions regarding this case study:**

- What are the factors that influence the outcome of this situation?
  - Individual/personal history
  - Type of abuse
  - Family support
  - Helper systems
  - Cultural and belief systems
- Of these factors, which are barriers and which are strengths?
- How would you approach this situation – interviewing and assessment?
- What intervention strategies might you try?

<b>Self-Evaluation Quiz</b>
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Answer the following questions.

1. Elders will report physical abuse by adult children to demonstrate their anger at being treated so badly.  

T	F
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2. An elder who is being abused must sign a restraining order or be removed from the home for her/his own safety.  

T	F
---	---
  
3. Entitlement thinking is linked to the abuser's need to exert power and control.  

T	F
---	---
  
4. An elder states that she fell down the stairs. Bruises are found on both her upper arms. This explanation is questionable.  

T	F
---	---
  
5. Abusing or killing a pet is a red flag that the elder may be at risk.  

T	F
---	---
  
6. Abusers don't want to be bothered and often leave the room when the elder is being interviewed.  

T	F
---	---
  
7. Marriage as a sacred vow is a belief that can be a barrier to safety.  

T	F
---	---
  
8. When interviewing the alleged abuser, it is necessary to get to the most delicate questions as soon as possible.  

T	F
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9. If the alleged abuser has access to weapons, we should be concerned about lethality.  

T	F
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10. The worker should have a safety plan in mind for the elder and expect her to follow it.  

T	F
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Review your answers with the answer key at the end of this section.

### Transfer of Learning Activities

- Read the case examples (after the **Indicators** section) and answer the questions. Discuss your responses with your supervisor.
- The case study at the end of the module addresses all of the content areas and is good to do in a small group. Read and discuss the case in a small group. Come up with answers to the questions and discuss with your supervisor.
- Accompany a more experienced worker on a home visit where there is alleged physical abuse. Observe the interview and listen carefully to the explanations given by both the elder and the alleged abuser. What were the tactics used by the abuser? What might be some of the barriers facing the victim: individual factors, belief systems, and helper systems? Share with the worker and discuss some possible interventions, both legal and non-legal.

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**ANSWER KEY**  
**Physical Abuse of the Elderly**

1. Elders will report physical abuse by adult children to demonstrate their anger at being treated so badly. **False.** *Elders rarely report abuse because they are ashamed to admit that their adult children would treat them badly.*
2. An elder who is being abused must sign a restraining order or be removed from the home for her/his own safety. **False.** *An elder with capacity is not mandated to follow through with a restraining order and cannot be removed from the home against her/his will.*
3. Entitlement thinking is linked to the abuser's need to exert power and control. **True.**
4. An elder states that she fell down the stairs. Bruises are found on both her upper arms. This explanation is questionable. **True.**
5. Abusing or killing a pet is a red flag that the elder may be at risk. **True.**
6. Abusers don't want to be bothered and often leave the room when the elder is being interviewed. **False.** *Abusers usually want to be in control of the victim as well as the interview. Usually the abuser will dominate the interview and not allow elder to speak.*
7. Marriage as a sacred vow is a belief that can be a barrier to safety. **True.**
8. When interviewing the alleged abuser, it is necessary to get to the most delicate questions as soon as possible. **False.** *Even if the worker believes that abuse has taken place, engagement techniques should be used in the beginning and the more delicate and difficult questions saved for later.*
9. If the alleged abuser has access to weapons, we should be concerned about lethality. **True.**
10. The worker should have a safety plan in mind for the elder and expect her to follow it. **False.** *The safety plan should be developed in collaboration and cooperation with the client.*

## **Appendix A Physical Abuse-Related PA Statutes**

### **Reporting of Elder Abuse by Employees of Covered Caregiving Facilities**

#### **35 P.S. § 10225.701**

(a) Mandatory reporting to agency.--

- (1) An employee or an administrator who has reasonable cause to suspect that a recipient is a victim of abuse shall immediately make an oral report to the agency. If applicable, the agency shall advise the employee or administrator of additional reporting requirements that may pertain under subsection (b). An employee shall notify the administrator immediately following the report to the agency.
- (2) Within 48 hours of making the oral report, the employee or administrator shall make a written report to the agency. The agency shall notify the administrator that a report of abuse has been made with the agency.
- (3) The employee may request the administrator to make or to assist the employee to make the oral and written reports required by this subsection.

(b) Mandatory reports to law enforcement officials.--

- (1) An employee or an administrator who has reasonable cause to suspect that a recipient is the victim of sexual abuse, serious physical injury or serious bodily injury or that a death is suspicious shall, in addition to contacting the agency and the department, immediately contact law enforcement officials to make an oral report. An employee shall notify the administrator immediately following the report to law enforcement officials.
- (2) Within 48 hours of making the oral report, the employee and an administrator shall make a written report to appropriate law enforcement officials.
- (3) The law enforcement officials shall notify the administrator that a report has been made with the law enforcement officials.
- (4) The employee may request the administrator to make or to assist the employee to make the oral and written reports to law enforcement required by this subsection.

(c) Contents of report.--A written report under this section shall be in a manner and on forms prescribed by the department. The report shall include, at a minimum, the following information:

- (1) Name, age and address of the recipient.
- (2) Name and address of the recipient's guardian or next of kin.
- (3) Name and address of the facility.
- (4) Nature of the alleged offense.
- (5) Any specific comments or observations that are directly related to the alleged incident and the individual involved.

### **Simple Assault – 18 PA.C.S.A § 2701, Crimes Code**

(a) Offense defined--A person is guilty of assault if he:

- (1) attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another;
  - (2) negligently causes bodily injury to another with a deadly weapon;
  - (3) attempts by physical menace to put another in fear of imminent serious bodily injury; or
  - (4) conceals or attempts to conceal a hypodermic needle on his person and intentionally or knowingly penetrates a law enforcement officer or an officer or an employee of a correctional institution, county jail or prison, detention facility or mental hospital during the course of an arrest or any search of the person.
- (b) Grading.--Simple assault is a misdemeanor of the second degree unless committed:
- (1) in a fight or scuffle entered into by mutual consent, in which case it is a misdemeanor of the third degree; or
  - (2) against a child under 12 years of age by an adult 21 years of age or older, in which case it is a misdemeanor of the first degree.

**Aggravated Assault - 18 PA.C.S.A § 2702, Crimes Code**

- (a) Offense defined--A person is guilty of aggravated assault if he:
- (1) attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;
  - (2) attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to any of the officers, agents, employees or other persons enumerated in subsection (c) or to an employee of an agency, company or other entity engaged in public transportation, while in the performance of duty;
  - (3) attempts to cause or intentionally or knowingly causes bodily injury to any of the officers, agents, employees or other persons enumerated in subsection (c), in the performance of duty;
  - (4) attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon;
  - (5) attempts to cause or intentionally or knowingly causes bodily injury to a teaching staff member, school board member or other employee, including a student employee, of any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school while acting in the scope of his or her employment or because of his or her employment relationship to the school;
  - (6) attempts by physical menace to put any of the officers, agents, employees or other persons enumerated in subsection (c), while in the performance of duty, in fear of imminent serious bodily injury; or
  - (7) uses tear or noxious gas as defined in section 2708(b) (relating to use of tear or noxious gas in labor disputes) or uses an electric or electronic incapacitation device against any officer, employee or other person enumerated in subsection (c) while acting in the scope of his employment.
- (b) Grading.--Aggravated assault under subsection (a)(1) and (2) is a felony of the first degree. Aggravated assault under subsection (a)(3), (4), (5), (6) and (7) is a felony of

the second degree.

**Relief (Relating to Protection from Abuse)**

**23 Pa.C.S.A. § 6108, Protection from Abuse Act**

(a) General rule.--The court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:

- (1) Directing the defendant to refrain from abusing the plaintiff or minor children.
- (2) Granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff if the residence or household is jointly owned or leased by the parties, is owned or leased by the entireties or is owned or leased solely by the plaintiff.
- (3) If the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is the sole owner or lessee, granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff or, with the consent of the plaintiff, ordering the defendant to provide suitable alternate housing.
- (4) Awarding temporary custody of or establishing temporary visitation rights with regard to minor children. In determining whether to award temporary custody or establish temporary visitation rights pursuant to this paragraph, the court shall consider any risk posed by the defendant to the children as well as risk to the plaintiff. The following shall apply:
  - (i) A defendant shall not be granted custody, partial custody or unsupervised visitation where it is alleged in the petition, and the court finds after a hearing under this chapter, that the defendant:
    - (A) abused the minor children of the parties or poses a risk of abuse toward the minor children of the parties; or
    - (B) has been convicted of violating [18 Pa.C.S. § 2904](#) (relating to interference with custody of children) within two calendar years prior to the filing of the petition for protection order or that the defendant poses a risk of violating [18 Pa.C.S. § 2904](#).
  - (ii) Where the court finds after a hearing under this chapter that the defendant has inflicted abuse upon the plaintiff or a child, the court may require supervised custodial access by a third party. The third party must agree to be accountable to the court for supervision and execute an affidavit of accountability.
  - (iii) Where the court finds after a hearing under this chapter that the defendant has inflicted serious abuse upon the plaintiff or a child or poses a risk of abuse toward the plaintiff or a child, the court may:
    - (A) award supervised visitation in a secure visitation facility; or
    - (B) deny the defendant custodial access to a child.
  - (iv) If a plaintiff petitions for a temporary order under [section 6107\(b\)](#) (relating to hearings) and the defendant has partial, shared or full custody

of the minor children of the parties by order of court or written agreement of the parties, the custody shall not be disturbed or changed unless the court finds that the defendant is likely to inflict abuse upon the children or to remove the children from the jurisdiction of the court prior to the hearing under [section 6107\(a\)](#). Where the defendant has forcibly or fraudulently removed any minor child from the care and custody of a plaintiff, the court shall order the return of the child to the plaintiff unless the child would be endangered by restoration to the plaintiff.

(v) Nothing in this paragraph shall bar either party from filing a petition for custody under Chapter 53 (relating to custody) or under the Pennsylvania Rules of Civil Procedure.

(vi) In order to prevent further abuse during periods of access to the plaintiff and child during the exercise of custodial rights, the court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children from abuse.

- (5) After a hearing in accordance with [section 6107\(a\)](#), directing the defendant to pay financial support to those persons the defendant has a duty to support, requiring the defendant, under [sections 4324](#) (relating to inclusion of medical support) and 4326 (relating to mandatory inclusion of child medical support), to provide health coverage for the minor child and spouse, directing the defendant to pay all of the unreimbursed medical expenses of a spouse or minor child of the defendant to the provider or to the plaintiff when he or she has paid for the medical treatment, and directing the defendant to make or continue to make rent or mortgage payments on the residence of the plaintiff to the extent that the defendant has a duty to support the plaintiff or other dependent household members. The support order shall be temporary, and any beneficiary of the order must file a complaint for support under the provisions of Chapters 43 (relating to support matters generally) and 45 (relating to reciprocal enforcement of support orders) within two weeks of the date of the issuance of the protection order. If a complaint for support is not filed, that portion of the protection order requiring the defendant to pay support is void. When there is a subsequent ruling on a complaint for support, the portion of the protection order requiring the defendant to pay support expires.
- (6) Prohibiting the defendant from having any contact with the plaintiff or minor children, including, but not limited to, restraining the defendant from entering the place of employment or business or school of the plaintiff or minor children and from harassing the plaintiff or plaintiff's relatives or minor children.
- (7) Ordering the defendant to temporarily relinquish to the sheriff the defendant's other weapons and ammunition which have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children and the defendant's firearms and prohibiting the defendant from acquiring or possessing any firearm for the duration of the order and requiring the defendant to relinquish to the sheriff any firearm license, issued under [section](#)

[6108.3](#) (relating to relinquishment to third party for safekeeping) or [18 Pa.C.S. § 6106](#) (relating to firearms not to be carried without a license) or 6109 (relating to licenses) the defendant may possess. A copy of the court's order shall be transmitted to the chief or head of the police force or police department of the municipality and to the sheriff of the county of which the defendant is a resident. When relinquishment is ordered, the following shall apply:

(i) (A) The court's order shall require the defendant to relinquish such firearms, other weapons, ammunition and any firearm license pursuant to the provisions of this chapter within 24 hours of service of a temporary order or the entry of a final order or the close of the next business day as necessary by closure of the sheriffs' offices, except for cause shown at the hearing, in which case the court shall specify the time for relinquishment of any or all of the defendant's firearms.

(B) A defendant subject to a temporary order requiring the relinquishment of firearms, other weapons or ammunition shall, in lieu of relinquishing specific firearms, other weapons or ammunition which cannot reasonably be retrieved within the time for relinquishment in clause (A) due to their current location, provide the sheriff with an affidavit listing the firearms, other weapons or ammunition and their current location. If the defendant, within the time for relinquishment in clause (A), fails to provide the affidavit or fails to relinquish, pursuant to this chapter, any firearms, other weapons or ammunition ordered to be relinquished which are not specified in the affidavit, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement authorities. The defendant shall not possess any firearms, other weapons or ammunition specifically listed in the affidavit provided to the sheriff pursuant to this clause for the duration of the temporary order.

(C) As used in this subparagraph, the term "cause" shall be limited to facts relating to the inability of the defendant to retrieve a specific firearm within 24 hours due to the current location of the firearm.

(ii) The court's order shall contain a list of any firearm, other weapon or ammunition ordered relinquished. Upon the entry of a final order, the defendant shall inform the court in what manner the defendant is going to relinquish any firearm, other weapon or ammunition ordered relinquished. Relinquishment may occur pursuant to [section 6108.2](#) (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 or to the sheriff pursuant to this paragraph. Where the sheriff is designated, the sheriff shall secure custody of the defendant's firearms, other weapons or ammunition and any firearm license listed in the court's order for the duration of the order or until otherwise directed by court order. In securing custody of the defendant's relinquished firearms, the sheriff shall comply with [18 Pa.C.S. § 6105\(f\)\(4\)](#) (relating to persons not to

possess, use, manufacture, control, sell or transfer firearms). In securing custody of the defendant's other weapons and ammunition, the sheriff shall provide the defendant with a signed and dated written receipt which shall include a detailed description of the other weapon or ammunition and its condition.

(iii) The sheriff shall provide the plaintiff with the name of the person to which any firearm, other weapon or ammunition was relinquished.

(iv) Unless the defendant has complied with subparagraph (i)(B) or [section 6108.2](#) or [6108.3](#), if the defendant fails to relinquish any firearm, other weapon, ammunition or firearm license within 24 hours or upon the close of the next business day due to closure of sheriffs' offices or within the time ordered by the court upon cause being shown at the hearing, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies.

(v) Any portion of any order or any petition or other paper which includes a list of any firearm, other weapon or ammunition ordered relinquished shall be kept in the files of the court as a permanent record thereof and withheld from public inspection except:

(A) upon an order of the court granted upon cause shown;

(B) as necessary, by law enforcement and court personnel; or

(C) after redaction of information listing any firearm, other weapon or ammunition.

(vi) As used in this paragraph, the term "defendant's firearms" shall, if the defendant is a licensed firearms dealer, only include firearms in the defendant's personal firearms collection pursuant to [27 CFR § 478.125a](#) (relating to personal firearms collection).

(7.1) If the defendant is a licensed firearms dealer, ordering the defendant to follow such restrictions as the court may require concerning the conduct of his business, which may include ordering the defendant to relinquish any Federal or State license for the sale, manufacture or importation of firearms as well as firearms in the defendant's business inventory. In restricting the defendant pursuant to this paragraph, the court shall make a reasonable effort to preserve the financial assets of the defendant's business while fulfilling the goals of this chapter.

(8) Directing the defendant to pay the plaintiff for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; costs of repair or replacement of real or personal property damaged, destroyed or taken by the defendant or at the direction of the defendant; and other out-of-pocket losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the defendant to pay reasonable attorney fees. An award under this chapter shall not constitute a bar to litigation for civil damages for injuries sustained from the acts of abuse giving rise to the award or a finding of contempt under this chapter.

- (9) Directing the defendant to refrain from stalking or harassing the plaintiff and other designated persons as defined in [18 Pa.C.S. §§ 2709](#) (relating to harassment) and 2709.1 (relating to stalking).
- (10) Granting any other appropriate relief sought by the plaintiff.