



Elder Abuse and Protection

Information for Eucharistic Ministers and Volunteers
Who Assist Vulnerable Adults

Office of Child and Youth Protection
Diocese of Springfield MA

2018

Even to your old age I am he,
Even when your hair is gray I will carry you;
I have done this, and I will lift you up,
I will carry you to safety.

[Isaiah 46:4](#)

As adults grow older they may become more physically frail, may not see or hear as well as they used to, and may develop cognitive problems. As a result, elders may become increasingly vulnerable to abuse and neglect. Massachusetts Law defines elder abuse as acts or omission resulting in serious physical, sexual or emotional injury, or financial loss to an elder. According to the National Center on Elder Abuse, the number of older adults who are mistreated each year is close to 5 million, and incidents of abuse often go unreported.

Victims of elder abuse and neglect may not report abuse because they feel ashamed. In some cases, the abuse is caused by a family member, loved one, or trusted caregiver. It can be extremely difficult to tell others that someone you trust and love is abusing or neglecting you. Sometimes a family member caring for an elderly relative may be exhausted and overwhelmed and lack needed support, skills, and respite. Some abusers will blame their victims, telling them that the abuse is their fault and threatening them if they reveal this harm. If the older person is dependent on the abuser for care, they may feel as if they have no option but to live in fear and pain.

An older person new to this country or who has difficulty speaking English may not know how to get help. A person experiencing dementia may have a hard time communicating or may not be believed. No one should be exploited or subjected to harm or abuse by another. It is against the law, and immediate and long-term help is available to victims.

If you are unsure if an adult in your ministry is being neglected or abused by a caregiver or family member, but suspect that this might be the case, it is essential to speak up. Trained experts who investigate charges of abuse and neglect will examine the situation carefully and then take action to protect the safety of the older adult.

Definitions of Abuse

PHYSICAL ABUSE: The non-accidental infliction of serious physical injury to an elder or the threat of serious physical injury in which there is 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. It is considered abuse when there is 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.

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.I

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 in which 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 elder*
- *The elder's age*
- *The type of abuse*
- *The medical treatment the elder 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 elder or caregiver will not be told your name.

For nursing home abuse, 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 may 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. Elders 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 address 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:

- *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.

Reporting Abuse of “Vulnerable Adults” to the Diocese

The USCCB’s *Charter for the Protection of Children and Youth* concerns the abuse and exploitation of minors. Attention to “vulnerable adults” is included in diocesan policies following the Code of Canon Law 2010 “Norms on *delicta graviora*.” These state that “a person who habitually lacks the use of reason is to be considered equivalent to a minor” with regard to allegations of clerical sexual abuse.

We consider these “vulnerable adults” to be persons over the age of 18 whose ability to perform normal activities of daily living is impaired due to a mental, emotional, long-term physical or developmental disability or dysfunction; certain conditions of brain damage; or the infirmities of aging. Such physical, mental, or emotional conditions render them unable to consent to sexual activity, to defend or protect themselves, or to get help when at risk of harm.

Such incidents must be reported to the Office of Child and Youth Protection at the Diocese of Springfield, in addition to contacting Elder Protective Services.

Remember that ANY sexual assault against a non-consenting adult is a criminal act. For more information regarding Massachusetts law about rape and sexual assault, consult <https://www.mass.gov/info-details/massachusetts-law-about-rape-and-sexual-assault>.

Contact Information



Elder Abuse Hotline

800-922-2275

MA Executive Office of Elder Affairs

800-882-2003

617-727-7750

www.800ageinfo.com

Diocese of Springfield

Office of Child and Youth Protection

413 452-0624

www.diospringfield.org

Additional Resources

Elder Guide Directory

<https://www.gsssi.org/documents/GSSSI-Eldercare-Directory-2015-final-links-additions.pdf>

Warning Signs of Abuse

<https://www.helpguide.org/articles/abuse/elder-abuse-and-neglect.htm>

Information on Reporting Elder Abuse

<https://www.mass.gov/report-elder-abuse>

BERKSHIRE COUNTY

Elder services of Berkshire County

<http://www.esbci.org/>

FRANKLIN COUNTY

Life Path

<https://lifepathma.org/services/services-for-elders>
<https://lifepathma.org/services/services-for-elders>

HAMPDEN COUNTY

Chicopee Elder Care Resources

<http://masshealthhelp.com/towns/chicopee.html>

Holyoke Eldercare resources

<https://www.gssi.org>

Greater Springfield Senior Services

<https://www.wmeldercare.org/>

HAMPSHIRE COUNTY

Hampshire County Elder Services

<http://www.highlandvalley.org/>