

What constitutes Elder/Adult at Risk (formerly known as Elder Abuse/Neglect)?

Definitions are from the Wisconsin State Statutes 46.90 and 55.01.

“**Abuse**” means any of the following:

- Physical abuse
- Emotional abuse
- Sexual abuse
- Treatment without consent
- Unreasonable confinement or restraint.
- “Physical abuse” means the intentional or reckless infliction of bodily harm.

Special Considerations on Physical Abuse: Physical abuse may take the form of partner abuse but may also be perpetrated by friends, caregivers and other family members. Often emotional and/or financial dependence plays a role in this cycle of violence. If you witness any form of violence an emergency call to the police should occur immediately. The police may notify the ADRC or Adult Protective Services (APS) when there have been reports of physical abuse towards elders/adults at risk.

Any witness or concerned individual should contact the ADRC because the victim commonly requires support as they may be in a situation where they do not have knowledge of the resources nor the power to end the violence.

“**Bodily harm**” means physical pain or injury, illness, or any impairment of physical condition.

“**Emotional abuse**” means language or behavior that serves no legitimate purpose and is intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing, and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise harass the individual to whom the conduct or language is directed.

“**Sexual abuse**” means a violation as defined in s.940.225 (1), (2), (3), or (3m) of the Criminal Code.

“**Treatment without consent**” means the administration of medication to an individual who has not provide informed consent, or the performance of psychosurgery, electroconvulsive therapy, or experimental research of an individual who has not provided informed consent, with the knowledge that no lawful authority exists for the administration or performance.

“Unreasonable confinement or restraint” includes the intentional and unreasonable confinement of an individual in a locked room, involuntary separation of an individual from his or her living area, use on an individual of physical restraining devices, or the provision of unnecessary or excessive medication to an individual, but does not include the use of these methods or devices in entities regulated by the department if the methods or devices are employed in conformance with state and federal standards governing confinement and restraint.

“Financial exploitation” (formerly material abuse) means any of the following:

- Obtaining an individual’s money or property by deceiving or enticing the individual, or by forcing, compelling, or coercing the individual to give, sell at less than fair market value, or in other ways convey money or property against his or her will without his or her informed consent.
- Theft, as prohibited in s. 943.20 of the Criminal Code.
- The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities.
- Unauthorized use of an individual’s personal identity information or documents as prohibited in s.943.201 of the Criminal Code.
- Unauthorized use of an entity’s identifying information or documents, as prohibited in s.943.203 of the Criminal Code.
- Forgery, as prohibited in s.943.38 of the Criminal Code.
- Financial transaction card crimes, as prohibited in s.943.41 of the Criminal Code.

Special Considerations on Financial Exploitation: Financial exploitation is a serious and delicate issue. Usually this crime is perpetrated by a family member or trusted friend. Quite often the victim would like compensation for the crime but due to loyalty they do not want to see the perpetrator charged in a court of law. Additionally, the victim may not wish to lose their relationship with the perpetrator because that person may fulfill other important roles in the older adult’s life (i.e. caregiver, social support, only family member, etc.). An Elder/Adult at Risk investigator will work with the victim to help them understand the dynamics of the situation. The goal is to empower the victim to protect assets while reducing the risk for future abuse.

“Neglect” means the failure of a caregiver, as evidenced by an act, omission, or course of conduct, to endeavor to secure or maintain adequate care, services, or supervision for an individual, including food, clothing, shelter, or physical or mental health care, and creating the significant risk or danger to the individual’s physical or mental health.

Special Considerations on Neglect: Neglect cases are often complex and are not likely to be resolved without professional intervention. Some neglect cases involve caregivers that are trying to meet both the needs and preferences of the older adult, however, these needs and

preferences are conflicting and/or the resources to meet these demands are not present. Other neglect cases involve caregivers that, for a variety of reasons, cannot or will not provide the level of care necessary for the older adult. The challenge for the potential reporter of these cases is that often the caregiver is a family member or friend and feelings of loyalty or a fear of retaliation interfere with reporting. If neglect is suspected you are encouraged to report the case to the ADRC for investigation. Anyone who reports in good faith can have his or her identity held in confidence.

“Self-neglect” means a significant danger to an individual’s physical or mental health because the individual is responsible for his or her own care but fails to obtain adequate care, including food, shelter, clothing, or medical or dental care for themselves.

Special Considerations on Self-Neglect: Self-neglect cases often arise when an individual's ability to care for themselves in their home environment is compromised by disease, illness or injury. In these cases, there is often a conflict between an individual's desire for autonomy versus the need for assistance. This is a challenging situation for individuals, families and friends. When these situations persist, it is advisable to seek professional outside assistance. When self-neglect exists or is suspected, an Elder/Adult at Risk investigator will assist in seeking a resolution that provides for the older adult's well-being in the least restrictive manner.

What happens when Elder/Adult at Risk is reported?

Upon receiving a report of abuse, financial exploitation, neglect or self-neglect or other concern about an Elder/Adult at Risk, a referral will be made to Adult Protective Services to follow up with an investigation of the concerns addressed. The initial goal of an investigation is to verify the safety of the Elder/Adult at Risk and to inform them of their rights under the State Statutes. The scope of the investigation may include the following:

- A visit to the Elder/Adult at Risk
- Observation of the Elder/Adult at Risk
- An interview with the Elder/Adult at Risk
- An interview with the guardian or agent under an activated power of attorney for health care
- A review of the treatment and patient health care records of the Elder/Adult at Risk
- A review of the financial records of the Elder/Adult at Risk

Once the goal is met, Adult Protective Services and/or the ADRC may work with the individual(s) to identify additional resources that may be of assistance.

Important things to know about reporting

Given the sensitive nature of Abuse/Neglect situations and the impact a report has on individuals and families, the ADRC will attempt to establish communications in the least intrusive manner possible,

The reporter of Elder/Adult at Risk of Abuse/Neglect can request to remain anonymous and Wisconsin Law, Chapter 46.90 and Chapter 55.043 protects their identity and protects them from civil or criminal liability for reporting in good faith.

The Adult/Elder Adult at risk who is the subject of the report may refuse the investigation or services, as long as he or she is competent. The investigation ceases at the moment they express a refusal to continue. Competency refers to the individual's capacity to make informed decisions and does not refer to the quality of the decision being made.

A commitment to protecting the Adult/Elder Adult's right of self-determination is the guiding principal during the investigation process.