

Signs of Abuse, Neglect, and Exploitation: The Checklist

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American Bar Association Commission on Law and Aging

The mission of the American Bar Association Commission on Law and Aging (ABA Commission) is to serve as the collaborative, interdisciplinary leader of the Association's work to strengthen and secure the legal rights, dignity, autonomy, quality of life, and quality of care of aging persons, particularly low-income and vulnerable elders. Since 1979, the ABA Commission has carried out this mission through research, policy development, technical assistance, advocacy, education, and training.

Key Lessons

1. Lawyers and others who work with older adults should be aware of signs of physical, emotional, and behavioral abuse, neglect, or exploitation.
2. Unexplained changes in behavior, such as fear, nervousness, or changes in emotional stability can be an indicator of a wide array of issues.
3. Financial exploitation is the unauthorized theft of money or property of a person, however, not all exploitation leaves a person unable to meet basic needs.
4. Always be observant. If something is concerning, extend the conversation and ask questions.
5. Know when to consult with Adult Protective Services, law enforcement, a social worker, or other professionals.

Definitions: Abuse, Neglect, and Exploitation

Many state statutes have state-specific definitions of abuse. Elder abuse statutes generally cover adults who have a limited ability to protect themselves, and in some states, people of advanced age.¹ Spotting abuse, neglect, and exploitation is the first step to intervening and helping to restore dignity to a person.

First, lawyers need to understand elder abuse. The National Center on Elder Abuse defines abuse as:

Physical Abuse

Inflicting, or threatening to inflict, physical pain or injury on a vulnerable elder, or depriving them of a basic need.

1 "Age: Threshold Eligibility for Adult Protective Services: Comparison Chart of Criteria, By State," Lori Stiegel and Ellen Klem, American Bar Association Commission on Law and Aging, americanbar.org/content/dam/aba/administrative/law_aging/Age_Threshold_Eligibility_Criteria_for_Adult_Protective_Services_by_State.authcheckdam.pdf; "Condition: Threshold Eligibility for Adult Protective Services: Comparison Chart of Criteria by State," Lori Stiegel and Ellen Klem, American Bar Association Commission on Law and Aging, americanbar.org/content/dam/aba/administrative/law_aging/Condition_Threshold_Eligibility_Criteria_for_Adult_Protective_Services_by_State.authcheckdam.pdf.

Emotional Abuse

Inflicting mental pain, anguish, or distress on an elder person through verbal or nonverbal acts.

Sexual Abuse

Non-consensual sexual contact of any kind, or coercing an elder to witness sexual behaviors.

Exploitation

Illegal taking, misuse, or concealment of funds, property, or assets of a vulnerable elder.

Neglect

Refusal or failure by those responsible to provide food, shelter, health care, or protection for a vulnerable elder.

Abandonment

The desertion of a vulnerable elder by anyone who has assumed the responsibility of care or custody of that person.²

Spotting and Reporting Signs of Abuse, Neglect, or Exploitation

This section will discuss potential signs of abuse, neglect, or exploitation. It is important to note these do not necessarily indicate proof of abuse, as there may be other causes. Lawyers are privy to information other professions may not have access to, and should be aware of elder abuse signs and signals in their clients. When signs are spotted, lawyers should take appropriate action of reporting, inquiring, and offering support and help. It is important to take any self-report of abuse seriously.

States vary in the reporting requirements that they place on lawyers who suspect elder abuse. All states have a mandatory reporting statute for elder abuse, however, states vary significantly in areas like: 1) who is a mandated reporter; 2) what activities require reporting; and 3) reporting when the victim resides at home or in facility.³ In a forthcoming presentation, NCLER will dive in to mandatory reporting laws for suspected elder abuse. This Chapter Summary is intended to help lawyers understand and spot signs of abuse. Please contact NCLER for a case consultation (ConsultNCLER@acl.hhs.gov) if you have questions about reporting responsibilities in your state.

² National Center on Elder Abuse, Frequently Asked Questions, ncea.acl.gov/faq/index.html.

³ Center for Excellent in Elder Law, Stetson Law, "Mandatory Reporting Law Statutes," stetson.edu/law/academics/elder/ecpp/media/Mandatory%20Reporting%20Statutes%20for%20Elder%20Abuse%202016.pdf.

Signs of Physical or Sexual Abuse

Lawyers and others working with older adults should be observant and look for signs of abuse. The checklist below details signals, such as injuries, emotional states, or changes in behavior, that lawyers should watch out for. Items in italics indicate the signs that attorneys are well-positioned to observe. Keep this checklist in mind, and if anything raises a doubt, ask more questions, or report the suspicion to adult protective services or other professionals.

Signs of Physical or Sexual Abuse

PHYSICAL SIGNS

- Bruises
- Scratches – abrasions
- Broken bones or sprains
- Circular or round burns
- Redness or scalding of the skin, especially on the back, bottom of the legs, buttocks, back of the arms
- Ligature marks on the wrists, ankles, or around the waist
- Signs of malnutrition or dehydration
- Repeated injuries
- Over or undermedication
- Broken or missing eyeglasses or dentures

BEHAVIORAL OR EMOTIONAL SIGNS

- Refusal by family or caregivers to allow the person to be alone with you*
- Dynamics of power and control⁴*
- Emotional discomfort with the presence of a person or when talking about a person*
- Frequent emergency room visits
- Reluctance to seek medical care for injuries
- Dismissive explanation of injuries, such as: “I must have bumped into the table” or “he must have walked into the wall”
- Isolation of the person by family, friends or caregivers, changes in social contacts
- Unexplained changes in behavior such as withdrawal
- Signs of fear (especially of a particular person)
- Changes in clothing that may suggest covering up injuries (suddenly wearing long sleeve shirts in the middle of summer)
- Living in a setting that limits the person’s ability to move about or communicate

⁴ See National Coalition Against Domestic Violence, Dynamics of Abuse, ncadv.org/dynamics-of-abuse.

Sexual Abuse

PHYSICAL SIGNS (Talk with caregivers who may observe these signs.)

- Bruises around the breasts or genitals
- Torn or bloody clothing or bedding
- Unexplained vaginal or anal bleeding
- Sexually transmitted infections

BEHAVIORAL OR EMOTIONAL SIGNS

- Inappropriate interactions between the person and caregivers, friends, or family members
- Behavioral changes such as withdrawal, or fear, sudden changes in emotional state, or aggression

Emotional Abuse

ALL BEHAVIORAL OR EMOTIONAL SIGNS

- Isolation by caregiver or family members*
- Nervous or fearful behavior (especially around specific persons)*
- Changes in behavior, such as withdrawal or fear
- Behaviors such as rocking, biting, thumb sucking, mumbling to themselves
- Inappropriate emotional responses, or changes in emotional responses
- Withdrawal from social activities
- Depression, changes in sleep patterns
- Behavior of others that is aggressive, or demeaning, or short tempered
- Unexpected or seemingly unwilling compliance, or behavior

Signs of Neglect

The signs of self-neglect and caregiver-neglect are largely the same. Caregiver-neglect is neglect by someone who has a legal or moral obligation to meet the needs of a person who is dependent on the caregiver, and it is a legal issue with social work solutions. Self-neglect is a social services issue, unless the person lacks the ability to understand their actions, or the self-neglect behavior results in code violations or hoarding. Code violations and hoarding become legal issues that also require social service and mental health interventions. Items in italics indicate the signs that attorneys are well-positioned to observe.

Signs of Neglect

BEHAVIORAL AND EMOTIONAL SIGNS

- Dirty or unkempt appearance*
- Missing or broken eyeglasses, dentures, or hearing aids*
- Complaints to or citations from code enforcement about living conditions*
- Utility disconnects*
- Unsafe or inappropriate housing*
- Missed appointments*
- Dirty, excessively worn or seasonally inappropriate clothing
- Sudden unexplained weight loss, loss of appetite, dehydration
- No or inappropriate food in the home
- Unable to prepare food – lack of access to appropriate nutrition
- Untreated illness, chronic condition or injury
- Needed or missing durable medical equipment such as canes, walkers, wheelchairs
- Lack of appropriate heating or air-conditioning
- Frostbite or heat exhaustion
- Bedsores
- Soiled diapers
- Unusually dirty or cluttered living environment (look for a major change in cleanliness or clutter)
- Insect infestation, rodent infestation
- Mold, mildew, or other environmental hazards
- Person in need of care, left alone for extended periods of time, or left alone in a public place

Signs of Financial Exploitation

A lot of financial abuse appears at first as an unmet need, or a request for assistance. When responding to requests for help, it is important to ask questions beyond the immediate need. **Not all exploitation results in leaving the person unable to meet their basic needs.** Nothing replaces a kind and thoughtful review of the person's income and spending. A close review of bank records, credit card statements, and investment statements can reveal unusual or unexplained activity. If a caregiver or third party is shopping for the person, they should keep detailed receipts of expenditures, and these receipts should be carefully reviewed by other caregivers or advocates. Online shopping should be reviewed to assure that the items purchased are for the use or benefit of the person. Advocates should ask the older adult how their money is managed. If the older adult is surprised by running out of money, or if they regret any recent financial decisions, the advocate should further scrutinize the older adult's financial records. Start by asking if anyone else has access to their money or property, and if they have noticed anything unusual or anything missing.

Technology and financial services industry advances are making it easier to spot potential signs of financial exploitation. With online access to financial records, and permission from the older adult to obtain these records, the advocate can easily review information. Many financial institutions have established "review only" access for accounts, which allow trusted third parties oversight. Some state statutes also allow for law enforcement or APS to access financial records in some circumstances.

Items in italics indicate the signs that attorneys are well-positioned to observe.

Signs of Financial Exploitation

- Unmet needs, or unpaid expenses, despite seemingly adequate income and assets*
- Seeking help with meeting basic needs such as food, shelter, clothing*
- Missing financial statements*
- Unusual banking activity*
- Unusual or unauthorized credit card use*
- Wire transfers*
- Adding names to financial accounts*
- Changing agent on a power of attorney, or documents missing*
- Sudden or unexplained changes in estate plans*
- Missing personal property
- Unusual debit or ATM card usage
- Paying for services or goods that do not get provided or received
- Checks payable to cash

- Giving cash to others for shopping
- Unexplained purchases of “gift cards” or stored value cards
- Phone calls, taken in private
- Unusual deliveries of mail, UPS, or express service deliveries
- Unusual emails, phone calls, and other communications with persons outside of the country
- The person suddenly expecting a windfall
- Frequent or rapid turnover of investments
- New friend, or advisor in the person’s life, followed by changes in behavior

Attorneys who are concerned these signs may indicate financial exploitation should ask the older adult some questions to learn more (see below). If financial exploitation is indeed suspected, the attorney should take steps to prevent exploitation and protect the older adult, and if necessary, seek remedies to rectify the exploitation. Attorneys can [consult with NCLER](#) and review the [NCLER Legal Basics: Elder Financial Exploitation](#) materials.

Screening Questions for the Older Adult

When neglect, abuse, or exploitation are indicated through the signs above, here are screening questions to assess the situation. The screening questions are crafted to help the older adult feel comfortable answering, and can be seamlessly integrated into other initial intake or early client interview questions:

1. How often do you see or talk with family or friends? (This question is looking for signs of isolation. Abusers look for persons who are isolated and isolate their victims).
2. Is there anyone you don't trust or who makes you feel uncomfortable?
3. Have you received any paperwork, in the mail or delivered to the door, that you don't understand or that frightens you?
4. Has anyone hurt you, called you names, or treated you poorly? (Questions 2-4 look for signs of mistreatment).
5. Have you noticed anything missing? (This question is exploring any potential missing property or funds).
6. Tell me about your finances. (This question gives the attorney insight into the older adult's ability to monitor finances. If it appears that the older adult does not have capacity or ability to monitor finance, they may be vulnerable to potential financial exploitation).
7. Does anyone help you with your money? (This question opens a conversation about whether other people have access to the older adult's money.)
8. Is there anything I can bring you? Or, is there anything you need? (This question is geared toward assessing the level of neglect or exploitation. If the person is asking for assistance with basic living needs, the attorney should assess whether this is a result of neglect or exploitation, or a lack of resources and benefits. If it is the later, the attorney can take steps to connect the older adult with necessary benefits and assistance).⁵
9. Have you created or changed a power of attorney or estate plan recently? (This question is exploring information on exploitation, power and control by a third party).
10. Is there anyone new in your life or living with you? (A large percentage of abusers are new to a person's life.)

Troubling answers to any of these questions should be followed up on with further conversation, investigation, or referral.

⁵ Attorneys and aging professionals can help older adults access benefits through the National Council on Aging's Benefits CheckUp. The Benefits CheckUp provides information on medication, health care, income, food, disaster assistance and more: benefitscheckup.org.

Conclusion

Keep these lists in mind, be observant, and if something does not look right, smell right, or sound right, extend the conversation, or consult with Adult Protective Services, law enforcement, a social worker, or health care professional.

Additional Resources:

- Administration for Community Living: [Elder Abuse Prevention](#)
- Caring.com: [Five Signs of Elder Abuse](#)
- Center for Elder Law and Justice: [Legal Risk Detector App Information](#) and [The Legal Risk Detector App](#)
- Federal Trade Commission: [Frauds and Scams](#)
- HelpGuide.org: [Elder Abuse and Neglect, Spotting the Signs and Getting Help](#)
- Investor Protection Trust: [Investment Fraud and Financial Exploitation](#)
- Journal of the American Psychiatric Nurses Association, Vol. 12, No. 6: [Abuse in Later Life: Power and Control Dynamics and a Victim-Centered Response by Deb Spangler and Bonnie Brandl](#)
- [National Center on Elder Abuse: Dynamics of Abuse](#)

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