

### Physical/ Sexual Abuse Indicators:

- Bruises and discoloration on inner arm/thigh, thumb/finger prints, choke marks, presence of old and new bruises in the same place, different colored bruises, and suspicious shapes caused by coins, cords or belts used as restraints.
- Scratches, cuts, pinch marks, cigarette burns, rope burns, and fractures, Physical injury on head, scalp or face, e.g. black eye.
- Bruises around breast or genital areas, unexplained vaginal or anal bleeding, or torn, stained and bloody under clothing.
- Physical restraint use not ordered by a doctor and used for the convenience of care provider, e.g., persons tied in bed, strapped into wheelchairs while slumping over or sitting out of alignment, etc.
- Drowsiness, dry and cracked lips, drooling, vacant state from overmedication.

### Neglect Indicators:

- Poor hygiene, e.g. poor dental hygiene, unkempt appearance, stained or torn clothes.
- Dirty or uncut finger or toe nails.
- Inadequate dental hygiene.
- Signs of feces on elder or in bathroom and smell of urine.
- Person lying in urine or feces.
- Unexplained weight loss, malnutrition and dehydration.
- Persons left unattended on toilet.
- Bruising or fractures from rough handling or frequent falls due to lack of attention.
- Bedsores on buttocks, heels, elbows, shoulder blades, etc.
- Missed medical appointments, expired medications.

### Emotional Abuse Indicators:

- Fear, Anger, Withdrawal
- Helplessness/Resignation
- Implausible Stories
- Hesitation to Talk Openly
- Confusion or Disorientation
- Denial, Depression
- Anxiety, agitation
- Non-Responsiveness

### FINANCIAL EXPLOITATION INDICATORS

- Unusual activity in bank accounts.
- Numerous unpaid bills or utilities shut off.
- New charge cards in elder's name.
- Recent change of title of house in favor of a "friend" when the elder is incapable of understanding the nature of the transaction.
- Checks and documents signed over to third parties when the older person cannot write.
- Missing, loss or theft of personal belongings such as art, silverware, jewelry, or other valuable property.
- The inclusion of additional names on a bank signature card.

### BE SUSPICIOUS IF:

- The elder is not given the opportunity to speak for him/herself.
- Family or care providers restrict activity, outside contacts.
- Family or care providers do not allow the elder to be alone with anyone.
- Family and/or care providers provide conflicting reports on condition of the elder.
- Does caregiver have access the finances

**All of these issues should be reported to the ELDER ABUSE HOTLINE Greater Springfield Senior Services and or Code Enforcement;**

**In EMERGENCY cases such as no, food, heat, water, unsafe, unhealthy living conditions someone from GSSS will respond and attempt to resolve the emergency**

### WHO TO NOTIFY

**Mandated report form must be completed, orally reported, and mailed or faxed to FAX # 781-0632**

**Monday- Friday 8am- 5pm  
Greater Springfield Senior Services  
781-8800**

**Code Enforcement; 787:6730  
After Hours, Elder Abuse Hotline  
1-800-922-2275**

## SPRINGFIELD POLICE DEPARTMENT

### Office of the Police Superintendent



### ELDER ABUSE

## A GUIDELINE FOR THE ELDERLY



*James J. Garmally*

## ELDER ABUSE DEFINITIONS

Massachusetts General Laws Chapter 265

Section 13K defines the following;

**Elder:** a person sixty years of age or older.

**Abuse:** physical contact which either harms or creates a substantial likelihood of harm.

**Bodily Injury:** substantial impairment of the physical condition, including, but not limited to, any burn, fracture of any bone, subdural hematoma, injury to any internal organ, or any injury which occurs as the result of repeated harm to any bodily function or organ, including human skin.

**Serious Bodily Injury:** bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

**Mistreatment:** the use of medications or treatments, isolation, or physical or chemical restraints which harms or creates a substantial likelihood of harm.

**Neglect:** the failure to provide treatment or services necessary to maintain health and safety and which either harms or creates a substantial likelihood of harm.

**Person with disability:** a person with a permanent or long-term physical or mental impairment that prevents or restricts the individual's ability to provide for his or her own care or protection.

**Caretaker:** a person with responsibility for the care of an elder or person with a disability, from a family relationship, or by a fiduciary duty imposed by law, or by a voluntary or contractual duty undertaken on behalf of such elder or person with a disability. A person may be found to be a caretaker under this section only if a reasonable person would believe that such person's failure to fulfill such responsibility would adversely affect the physical health of such elder or person with a disability.

**Wanton or reckless behavior** occurs when a person is aware of and consciously disregards a substantial and unjustifiable risk that his acts, or omissions where there is a duty to act, would result in serious bodily injury or sexual abuse to an elder.

## ELDER ABUSE LAWS

### THESE CRIMES IN CHAPTER 265 PERTAIN TO AN ELDER OR A PERSON WITH A DISABILITY

#### Chapter 265 13K A1/2 (A- H FELONIES)

Whoever commits an assault and battery (NO PHYSICAL INJURY) upon an elder or person **with a disability** shall be punished by imprisonment in the state prison for not more than 3 yrs (Felony)

**Section 13K-B** Causing Bodily Injury (5yr F)

**Section 13K-C** Serious Bodily Injury(10yr F)

**Section 13K-D** Whoever being a caretaker of an elder or a person with a disability Wantonly or Recklessly permits or permits another to cause bodily injury. (5 yr F)

**Section 13K-D 1/2** Whoever being a caretaker of an elder or a person with a disability, wantonly or recklessly commits or permits another to commit abuse or neglect or mistreatment. (3yr F)

**Section 13K-E** Whoever being a caretaker of an elder or a person with a disability wantonly or recklessly commits or permits another to commit an assault and battery upon such elder or person with a disability, causes serious bodily injury. (10 yr F)

**Section 13H** Indecent Assault & Battery:

Whoever commits an indecent A+B on an elder or a person with a disability (10yr F)

### FINANCIAL EXPLOITATION LAWS

#### Chapter 266Section 25(A)**ANY LARCENY FROM THE PERSON OF A PERSON AGE 65 OR OLDER IS A FELONY**

: Whoever commits larceny by stealing from the person of a person sixty-five years or older shall be punished by imprisonment in the state prison for not more than five years or in jail for not more than two and one-half years.

#### Chapter 265 Section19A. **Robbery by unarmed person; victim sixty or older**

Whoever, not being armed with a dangerous weapon, by force and violence, or by assault and putting in fear, robs, steals or takes from the person of a person sixty years or older, or from his immediate control, money or other property which may be the subject of larceny. (F)

#### Chapter 266: Section 30(5). **Larceny;**

Whoever steals or with intent to defraud obtains by a false pretense, with intent to steal or embezzle, converts, or secretes with intent to convert, the property of another, sixty years of age or older, or of a person with a disability, whether such property is or is not in his possession at the time of such conversion or secreting, shall be guilty of larceny, Over \$250 (F) -\$250 (M)

**Financial Exploitation:** A non-accidental act or omission by another, without the elder's consent, that causes substantial monetary or property loss to the elder, or a gain that should have benefited the elder.

## MANDATED REPORTING



## ELDER ABUSE HOTLINE

**1-800-922-2275**

**Mandated Reporting:** Requires reporting by specific professional or licensed groups, such as physicians, dentists, nurses, **police**, or social workers. Failure to report can result in a fine of up to \$1,000. Any person who makes a report is neither civilly nor criminally liable so long as the report was made in "good faith" and the reporter is not the perpetrator of the abuse.

**Reasonable Cause Standard:** The standard for reporting is based on specific facts that were either directly observed or obtained from reliable sources that support a belief that the event took place or the conditions still exist.

**Mandated Reporting Process:** A verbal report must be made through the statewide Elder Abuse Hotline at **1-800-922-2275** or to the local protective services agency that covers the geographical area where the abuse or neglect is alleged to have occurred. A written report must follow within 48 hours of the oral report to the department's designee.